HOUSE OF REPRESENTATIVES—*Thursday, September 18, 1997*

The House met at 10 a.m.

The Reverend Betty McWhorter, St. Patrick's Episcopal Church, Washington, DC, offered the following prayer:

Almighty God, You are the creator and lover of all life. We give You thanks for bringing us safely through the night into the glory of this new day. As a nation, You have honored and blessed us with great resources both in the land and in the people. From these blessings come those who are called to serve in the ways of leadership. We ask You to bless and endow these men and women who serve in the House of Representatives with Your holy wisdom, with the strength of Your powerful courage, and with Your all embracing compassion so that people everywhere may some day live in the world You intended, a world of peace, equality, and justice for all. In Your most holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

Mr. DOGGETT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

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

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

Mr. DOGGETT. 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. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of order is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama [Mr. ADERHOLT] come forward and lead the House in the Pledge of Allegiance.

Mr. ADERHOLT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 134. Concurrent resolution authorizing the use of the rotunda of the Capitol to allow Members of Congress to greet and receive His All Holiness Patriarch Bartholomew.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2264. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes, and

H.R. 2378. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2264) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. BOND, Mr. GREGG, Mr. FAIRCLOTH, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. HARKIN, Mr. HOLLINS, Mr. INOUYE, Mr. BUMPERS, Mr. REID, Mr. KOHL, Mrs. MURRAY, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2378) "An Act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAMPBELL, Mr. SHELBY, Mr. FAIRCLOTH, Mr. KOHL, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that pursuant to Public Law 101–445, the Chair, on behalf of the President pro tempore, appoints Charles H. White, of Mississippi, to the National Nutrition Monitoring Advisory Council.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize ten 1-minutes on each side after recognizing the gentleman from West Virginia.

INTRODUCING GUEST CHAPLAIN REV. BETTY McWHORTER

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, it gives me great pleasure and it is a great privilege to introduce to the House the Reverend Betty McWhorter of St. Patrick's Episcopal Church here in Washington, DC.

Betty grew up in Birmingham, AL, and graduated from Auburn University with a degree in mathematics. Early in her marriage to Jim, the family grew to include three children as they lived in Tennessee, Michigan, Georgia, California, New York, North Carolina, Texas, and now Virginia.

She received her masters of divinity degree from the Roman Catholic University of St. Thomas in Houston, TX. Ordained now for 10 years, she has served churches in Texas and Virginia before becoming rector of St. Patrick's Episcopal Church in Washington in 1995.

Betty has been a spiritual leader in every sense for the St. Patrick's community, greatly strengthing the parish and its successful day school. Outreach is important to Betty both in the church and the community. We are fortunate to have her with us today.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

I also want to welcome Reverend McWhorter to the House. My children also attend St. Patrick's Episcopal Day School. Also, Reverend McWhorter and I share an affinity in that we share the alma mater of the University of St. Thomas in Houston.

So I congratulate her on her appearance here today. I thank the gentleman from West Virginia [Mr. WISE] for yielding.

Mr. WISE. As one who went to the University of Houston, I also have some affinity but also, most importantly of all, attend Reverend McWhorter's church and feel privileged to do so.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

MEXICO'S PERFORMANCE FIGHTING DRUGS

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, recent news reports out of Mexico indicate that a counter-drug radar surveillance site in southern Mexico monitoring drug-laden flights from Colombia into Mexico may have actually been a nest of drug support, not drug suppression. All the Mexican officials at the site were arrested for drug trafficking related offenses.

The Mexican radar base was part of the Mexican attorney general's antidrug operations to stem the flow of more than 70 percent of the drugs entering the United States, much of it from Colombia. Our DEA's concern about no one to deal with in confidence in Mexico was more fully illustrated by these latest arrests. Mexico's own DEA leader himself was arrested earlier this year.

The Clinton administration reported to Congress this week on Mexico's, and I quote, "improved" performance fighting drugs, a promised report used to respond to congressional efforts to decertify last March. Congress did not buy the administration's earlier "fully cooperating" drug rating given Mexico, and will not buy more fluff this time either.

The contrast last March was especially vivid in light of the decertification of Colombia, whose real, incorruptible antidrug cops, fighting and dying in the war on drugs, actually took down the powerful Cali and Medellín cartels, and are not helping move drugs north.

PREVENT BOB DORNAN FROM RETURNING TO HOUSE FLOOR

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, the Republican majority in this House has done a disservice to the country in its continual effort to go after the gentlewoman from California [Ms. SANCHEZ], who was duly elected and certified by the State of California.

But one of the saddest consequences of the Republican witch hunt of this Hispanic Member has been to encourage former Congressman Bob Dornan into believing that he is still a Member of this body. Mr. Dornan has no business being on the floor of this House. I know the rules currently allow it, but he has violated that privilege by his conduct most recently when he accosted my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

I urge all my colleagues to support the motion of the gentleman from New Jersey [Mr. MENENDEZ] to prevent Bob Dornan from returning to the House floor. But I fault the Republican leadership even more than Mr. Dornan that we have come to this sad state of affairs. They are to blame for encouraging Mr. Dornan, who has clearly lost the election but persists in thinking otherwise.

NATIONAL MAMMOGRAPHY DAY

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today I am introducing a House resolution in support of the goals of National Mammography Day. National Mammography Day was founded by breast cancer and health care organizations to increase awareness about the critical importance of regular mammography screening and to make available education and low-cost mammograms to underserved women.

The resolution complements those efforts to help increase awareness about the importance of regular mammography screening. It also recognizes the significant contributions of community organizations to women's health and urges all women to take an active role in the fight against breast cancer by all means available to them, including regular mammograms.

Mr. Speaker, 180,200 women in America will be diagnosed with breast cancer this year; 43,900 will die because of the disease. We do know that early detection and prompt treatment of breast cancer could result in a third fewer breast cancer deaths each year. Mammograms are the single best method of detecting breast cancer in its earliest stages.

I urge my colleagues to join me in cosponsoring this resolution which I will introduce today.

THEY DID NOTHING WRONG

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, when it comes to Chinese money, nobody did anything wrong. Manlin Foung and Joseph Landon said, "I did nothing wrong." David Wang and Xiping Wang said, "I did nothing wrong." Yufang Chu said, "I did nothing wrong." Charlie Trie said, "I did nothing wrong." John Huang said, "I did nothing wrong." Even three Buddhist nuns said, "I did nothing wrong."

Tell me, Mr. Speaker, if all these people did nothing wrong, why are they all demanding immunity? Beam me up, Mr. Speaker. With Chinese trade surpluses now over $50 billion, something stinks. And I guarantee one thing, these people were not just sleeping in the Lincoln bedroom. I suspect they were playing monopoly in the Oval Office. Tell it the way it is. They look guilty, guilty, guilty. Congress should get to the bottom of this Chinese money business.

□ 1015

IN MEMORY OF CONGRESSMAN ALBERT LEE SMITH

(Mr. RILEY asked and was given permission to address the House for 1 minute.)

Mr. RILEY. Mr. Speaker, I rise today filled with both grief and gratitude over the death of former Congressman Albert Lee Smith.

Congressman Smith was a man with an incredible strength of character, enormous integrity, and a rock solid dedication to his convictions. He exemplified what a leader should be. He, along with his wife Eunie, have fought for years for conservative ideals, strong family values, and the moral beliefs this country was founded on. Congressman Smith could always be counted on to do what he believed to be right, regardless of the political consequences.

Although his death is a cause of sadness, I am very grateful for Albert Lee Smith, for his life, his leadership, and his friendship. Alabama and America have truly lost one of their finest sons.

CAMPAIGN FINANCE REFORM AND TOBACCO

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, yesterday, like every day in America, 3,000 more young Americans began the path on their addiction to nicotine.

And three other significant things happened concerning the plague of nicotine addiction, the most significant cause of preventable death in this country. The first was a positive one. President Clinton called for a comprehensive strategy to address youth smoking as we evaluate this tobacco settlement.

The second was also positive in a way. This House, which, along with the Senate, had snuck into the balanced budget agreement a $50 billion tax break for the tobacco industry under the claim of small business protection, quickly repealed that when it became known to the public at large.

And the third thing that happened was that this House adjourned at the end of the day and a private jet from a U.S. tobacco company came over and took a plane-load of our colleagues to a Republican fund-raiser in New York. We need to address the campaign finance issue at the same time we address tobacco usage.

SUPPORT TAXPAYER DIVIDEND ACT

(Mr. GIBBONS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the Republican Congress has done what many of our liberal colleagues have thought impossible. We balanced the Federal budget while at the same time providing much-needed tax relief for hard-working families of this country. To top it off, the Congressional Budget Office says that we will actually show a surplus as a result of this historic agreement.

Mr. Speaker, I urge my colleagues not to take their eye off that ball. Any tax surplus generated represents too much money the Federal Government has taken from the hard working American people. This money must be used either to reduce the national debt or return to the people in the form of additional tax benefits.

I would like to commend the gentleman from Ohio [Mr. BOEHNER] for introducing the Taxpayer Dividend Act, which will ensure that this very important goal is met. I urge my colleagues to join me in cosponsoring this important bill.

PRIVILEGED RESOLUTION REGARDING FORMER MEMBER

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. I come before the House today to urge my colleagues to do what they know is right.

As many of my colleagues personally witnessed, Robert Dornan, a former Member of this House, verbally assaulted me on the House floor yesterday. He used profane language, accused me of religious bigotry, called my integrity into question, and by tone of voice and the context of his remarks clearly attempted to lure me off the floor into a physical altercation.

I offered a privileged resolution to make clear that behavior like Mr. Dornan's is never acceptable on the House floor. Now there is some talk that some may seek to table the resolution when it comes to the floor today. With the American people watching us on C-SPAN, what kind of message does that send to the public about this institution? What kind of standards does that set for this House? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion?

Mr. Speaker, I hope and trust that, as a body, we truly are above that and that my colleagues will vote against any motion to table. Vote for the resolution and for maintaining the highest standard of conduct and decorum in the House.

ONE YEAR ANNIVERSARY: UTAH'S SCHOOLS SHOULD NOT CONTINUE TO PAY FOR CREATION OF NATIONAL MONUMENT

(Mr. CANNON asked and was given permission to address the House for 1 minute.)

Mr. CANNON. Mr. Speaker, today is the 1-year anniversary of President Clinton's declaration of the massive Utah monument in my district. Within the monument are 175,000 acres of school trust lands. They contain vast deposits of coal, large quantities of oil, gas, and hard rock minerals. The total value is in the billions of dollars.

A year ago, the President stood in Arizona and promised that creating this national monument should not and will not come at the expense of Utah's children and vowed to create a working group, including Utah's congressional delegation, to find equivalent lands for exchange. A year later, no working group exists, no member of the Utah delegation has been contacted, and the Utah School Trust has been unable to open negotiations.

Mr. President, I ask for your help. With 48 of my colleagues, I am sending you today a letter asking for the creation of the promised working group. The burden of your decision to create the monument should not, and it must not, fall on Utah's schoolchildren.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HEFLEY). The Chair would remind the gentleman that Members should address the Chair and not the President.

BRING UP THE MENENDEZ RESOLUTION

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK. Mr. Speaker, I come today as a member of the Committee on House Oversight who, for 9 months, has been looking into scheduling special meetings for the investigation of the gentlewoman from California [Ms. SANCHEZ].

I come to Members today to ask that the integrity of the House be maintained, that we bring up today the Menendez resolution, and that we put this 9-month investigation to rest. It is imperative, Mr. Speaker, and I call on the gentleman from California [Mr. THOMAS], the chairman of our Committee on House Oversight, who has scheduled a meeting next Wednesday to discuss the Sanchez investigation, come to a close.

The results show that the gentlewoman from California won the election favorably. It is very unfortunate that a former colleague would come on this floor and insult the integrity of this House. I urge the Speaker and Members of the Congress, bring up the Menendez resolution today. Do not table it. Let us get on with the business of the American people.

INTRODUCTION OF MARRIAGE TAX ELIMINATION ACT

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise today to ask bipartisan support for a new legislative initiative called the Marriage Tax Elimination Act, legislation which will bring substantial tax relief to over 21 million American working couples who have been penalized with higher taxes just because they are married.

Let me ask this question of my colleagues on both sides of the aisle. Is it fair that the tradition of our most basic institution in society, marriage, is punished under our current Tax Code? And is it fair, is it right, that it is really to a married couple's advantage to divorce and to live together because they would save money on taxes?

That is the current situation, Mr. Speaker. Twenty-one million American couples pay about $1,400 a year in higher taxes just because they are married. That is approximately equal to 6 months' worth of car payments, tuition for a child's education in parochial school, or for mom or dad to go back to a community college and pursue education. It is unfair. It is wrong. Let me share an editorial in the Kankakee Daily Journal, a paper in my district. "The marriage tax is an unfair imposition. The Code should be rewritten to eliminate it."

I ask bipartisan support, and I ask my colleagues to join with the 180 cosponsors of the Marriage Tax Elimination Act.

SUPPORT THE MENENDEZ RESOLUTION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the purpose of our democracy is to debate our differences in an open and civil manner. Without respectful disagreement, there can be no freedom. When we lose elections or when we lose battles in this Chamber, we understand that this is the will of the people. These are the hallmarks of our society, and they are the reason that our democratic system has survived for over 200 years.

Mr. Speaker, these principles are under attack. A former Member of this body has chosen to violate the principles that have governed this House for so long. He has used his floor privileges to advance his personal agenda.

He has verbally attacked a Member of this Congress, and he has disrupted the democratic process.

I rise today to support the privileged resolution being offered by the gentleman from New Jersey [Mr. MENENDEZ]. We must not allow any former Member of Congress, of any party, to set foot in this Chamber if it discredits and violates the integrity of this House.

EDUCATION SAVINGS ACCOUNTS

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute.)

Mr. ADERHOLT. Mr. Speaker, some education reforms weaken the control of parents over their children's education while others strengthen them. For those interested in increasing the control of the Federal Government over the education of children, A-plus accounts will be something you will want to attack.

A-plus accounts put more power in the hands of parents to ensure what is best for their kids. And what is best for their kids always includes a school where kids can feel safe, where teachers are dedicated to giving students the best education possible, and, most of all, where children are surrounded by an environment that inspires hope and confidence that a bright future belongs to them. This is not the case for millions of children across America today.

A-plus accounts are education savings accounts that will give hope and a better education for many of those children who are trapped in schools that rob them of a bright future. If letting more children share in the American dream is more than a slogan, then A-plus accounts should be supported by Republicans and by Democrats alike.

IN SUPPORT OF MENENDEZ RESOLUTION

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise in support of the privileged resolution being offered this afternoon by the gentleman from New Jersey [Mr. MENENDEZ].

Yesterday, I stood on the floor of this House and I listened to my colleague be verbally accosted by a former Member of this body. This former Member has pressing business pending before this House, and he should not even be allowed on this floor while the matter is being considered. This is the U.S. Congress, the people's House. This is no place for this sort of language and for this sort of behavior.

If this body is to retain any integrity, we must bar all former Members from the floor when they have any matter pending before this body. The American people have lost so much faith and confidence in this body over the course of the last several years. Let us not give them another reason to lose any more.

KEEP THE HOUSE FLOOR FREE OF INTIMIDATION

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I wanted to come to this side of the Chamber because I wanted to speak especially to my Republican colleagues.

Later today, the House will consider a privileged resolution regarding the conduct of a former Member of this House. I do not want to get into the particulars of what the former Member said and did during his visit on the House floor yesterday. What I want to do is to appeal to my Republican friends to stand up for the integrity, order, and decorum of this House when a vote is taken on this resolution.

No Member of this House should be subjected to verbal abuse, harassment, or intimidation by anyone, not on the floor of the House of Representatives. This vote goes to the heart of this beloved democratic institution. I appeal to my Republican colleagues to stand up and later vote for the privileged resolution. Send a message that offensive language, threats, and intimidation will not be tolerated on the floor of the House of Representatives.

□ 1030

COVERING UP FOR THE WHITE HOUSE AND THE DNC

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Mr. Speaker, as always, I was inspired by the talk of the gentleman from Georgia [Mr. LEWIS]. He was a leader in the sixties. I think he still is a leader here. I want to come to this side of the aisle to impress upon my friends on the Democratic side to start moving forward and doing things to clean up their own house on campaign finance before they go to the other side and talk about how we need to reform laws that they are not even obeying.

Today, Bob Woodward writes, "New documents provide stark new evidence that the party advertising in the Democratic scheme was illegal." On the front page of the New York Times, not regularly a Republican supporter, it says in one instance, "blatant improper lobbying of the President's security council, Ms. Heslin, told of her amazement that the chairman of the Democratic National Committee, Donald L. Fowler, dared to call in October 1995 to say that a CIA agent would be telephoning" to lobby to let this dangerous international criminal into the White House. Of course, we know the rest of this shady scheme.

What this is amounting to on the side of the Democrats is covering up for the White House and the Democratic National Committee. Do your job. Do the American people's job. Clean up this mess.

SUPPORT PRIVILEGED RESOLUTION TO BAR FORMER MEMBER FROM FLOOR

(Mr. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS. Mr. Speaker, if there is any principle that Republican-Democratic Members of Congress should be able to agree upon, it is that no outside person should be allowed to walk onto this floor and verbally attack in crude vulgar language any Member of this House. For that reason, I want to urge all Members, from both parties, to support today the privileged resolution to bar former Member Robert Dornan from floor privileges.

Mr. Speaker, if I used in this statement the crude language used by Mr. Dornan against our colleague yesterday, my words would be struck from the House RECORD and I would be denied the right to speak, even though I am a sitting Member.

Why should an outside member, someone not an elected Member of this body, be treated any differently?

Mr. Speaker, this historic House should be a sanctuary of democracy, where all elected Members from both parties should be able to exercise their constitutional obligations to be the voice of their constituents. No Member should exercise that authority and that right with fear of being attacked by an outside member of this body. Vote for this privileged resolution today.

DO NOT LOSE SIGHT OF EDUCATION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, as much as I appreciate my colleagues on the other side of the aisle putting so much energy into debate over an alleged slight against a Member, I prefer to expend my energies talking about things that are of national importance.

One of the most important things Congress ought to be addressing is the issue of education, because we are denying our children throughout this country the opportunity to get a decent education in many schools that are substandard, and are in such sorry State that no Member of this House

would ever dare to send their own children there.

Every Member of this House will have an opportunity soon to cast a vote that will count for the future. There is a bill by the gentleman from Pennsylvania [Mr. PITTS] to ensure that 90 cents on every education dollar goes directly into the classroom. The time has come for us to say no more to teachers having to pay for pencils and paper and basic supplies out of their own pocket because we feed a bureaucracy stealing money from our children and classrooms. If we would spend more time focusing on that issue today, our time would be better spent.

PUT ELECTION CONTEST BEHIND

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I would like to thank my colleague for mentioning education. It sounds like a pretty good idea. If they would quit trying to cut education funding, then maybe we could get 90 cents of every dollar to there. My kids did go to public schools, and I am proud that they did, and they had a great education.

But today I am concerned about what happened yesterday. We had an incident yesterday in the House that brought ridicule to this House. We had a former Member confront a current elected Member of Congress on this floor while the House was in session.

The election challenge to the gentlewoman from California [Ms. SANCHEZ] must be completed and put to rest now. We have more important things to address, like they said, like education, like campaign finance reform, instead of letting something like that get in the way of the action of this House. That is why it needs to be put to rest.

We should never allow something like this to disrupt what Congress has to do in dealing with enforcing the Balanced Budget Act and providing educational opportunity. Yet, what we see is just continuing festering of that election contest. Let us put it to rest.

THE CONSTITUTION, A UNIQUE DOCUMENT

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, this week we celebrated the 210th anniversary of the Constitution. The Constitution is different than any other document that was ever devised as a framework for Government on this continent or any other, and the difference in the Constitution is found in the first three words, "We the people."

No other document ever purported to be the framework for Government and get its right to govern from the people. The Magna Carta started, "We the Barons of England." The Articles of Confederation started, "We the States."

This document has been the framework that has lasted longer than any other document that has been the framework for Government. It has been copied by country after country.

One of the major tenets of the Constitution is the importance of State governments, the importance of communities, the importance of a Federal Government that acts appropriately in this Federal system we have.

We will be bringing bills to the House later this year, as the gentleman from California [Mr. ROGAN] has pointed out, that I am a cosponsor of, that we have cosponsors of from both sides of the aisle, that talk about giving more decisionmaking back to States, back to communities, and education. I look forward to that debate.

PASS MEANINGFUL CAMPAIGN FINANCE REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, the American people are talking about the Republican leadership, and the Republican leadership just is not listening.

The people are telling this Congress that they are sick and tired of big money flooding the Halls of their government. They are fed up with special interests taking priority over the national interests. Most of all, Mr. Speaker, they are fed up that the Republican leadership still refuses to act.

Mr. Speaker, let us hold hearings, review all of the good bills that have already been drafted, and pass meaningful campaign finance reform legislation.

Mr. Speaker, they say that "if it ain't broke, don't fix it." But, Mr. Speaker, I say that our campaign finance system is broke and it needs fixing.

MOTION TO ADJOURN

Mr. DOGGETT. Mr. Speaker, I have a privileged motion at the desk.

The SPEAKER pro tempore (Mr. HEFLEY). The Clerk will report the motion.

The Clerk read as follows:

Mr. DOGGETT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DOGGETT].

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

Mr. DOGGETT. 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 41, nays 370, not voting 22, as follows:

[Roll No. 405]

YEAS—41

Allen
Berry
Bonior
Clyburn
Conyers
Coyne
DeFazio
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Eshoo
Evans
Filner
Ford
Frank (MA)
Gejdenson
Hastings (FL)
Kaptur
Lewis (GA)
Lowey
Martinez
McCarthy (NY)
McDermott
McNulty
Miller (CA)
Mink
Olver
Pallone
Pelosi
Slaughter
Stark
Stupak
Tierney
Torres
Towns
Vento
Waters
Waxman
Woolsey

NAYS—370

Abercrombie
Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeGette
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood

Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Owens
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Becerra
Bonilla
Burr
Clayton
Davis (FL)
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hinchey
Hunter
Largent
Meek
Moran (VA)
Oberstar
Oxley
Rangel
Ros-Lehtinen
Schiff
Yates

□ 1056

Messrs. GUTKNECHT, BONO, FORBES, LEWIS of California, BOEHLERT, and BOYD changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 337, noes 78, not voting 18, as follows:

[Roll No. 406]

AYES—337

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boswell
Boucher
Boyd
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Chenoweth
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fawell
Flake
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Turner
Upton
Vento
Walsh
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—78

Abercrombie
Becerra
Borski
Brady
Brown (CA)
Canady
Chabot
Chambliss
Clay
Clyburn
Costello
DeFazio
Doggett
English
Ensign
Everett
Fattah
Filner
Fox
Frank (MA)
Franks (NJ)
Gejdenson
Gibbons
Gillmor
Gutknecht
Hall (OH)
Hefley
Hilleary
Hilliard
Hulshof
Kilpatrick
Kucinich
LaHood
Levin
Lewis (GA)
LoBiondo
Maloney (NY)
Manzullo
Markey
McDermott
McIntosh
McNulty
Menendez
Metcalf
Miller (CA)
Moran (KS)
Nussle
Pallone
Pickett
Pitts
Pombo
Poshard
Quinn
Ramstad
Roukema
Ryun
Sabo
Salmon
Sanford
Schaffer, Bob
Shadegg
Snowbarger
Souder
Stenholm
Strickland
Stupak
Sununu
Taylor (MS)
Thompson
Thune
Traficant
Velázquez
Visclosky
Wamp
Waters
Watts (OK)
Weller
Yates

NOT VOTING—18

Andrews
Bonilla
Burr
Fazio
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hunter
Meek
Oberstar
Paxon
Peterson (MN)
Rangel
Roybal-Allard
Rush
Schiff

□ 1113

Mr. BRADY changed his vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. RES. 168, IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 230 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 230

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The first reading of the resolution shall be dispensed with. General debate shall be confined to the resolution and shall not exceed one hour equally divided and controlled by Representative Livingston of Louisiana and Representative Cardin of Maryland or their designees. After general debate the resolution shall be considered for amendment under the five-minute rule. The resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the resolution for amendment the Committee shall rise and report the resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the resolution and amendments thereto to final adoption without intervening motion or demand for division of the question except one motion to recommit.

The SPEAKER pro tempore (Mr. HEFLEY). 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 Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I want to begin by commending the two cochairmen of the bipartisan Task Force on House Ethics Reform, both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], two of the most respected Members of this body, who have put in an enormous amount of time and effort into producing the proposal that is before us today.

They have negotiated at length over every single word and phrase in this recommendation of the task force. It has been a difficult job. It has been an extremely thankless job, as the two of them can tell, and myself as a member of that committee knows, from all the abuse that we have taken from Members who are not satisfied with our final product.

This Ethics Reform Task Force was bipartisan, consisting of six Republicans and six Democrats, and those of us who did serve on the task force, including four members of the Committee on Rules, can attest that all the task force members put in long hours of hearings and markup sessions over a period going back all the way to last February.

The House established this task force back on February 12 of this year in order to recommend reforms in the House standards process to try to take the politics out of the issues that we have before us. There are many of us who feel the existing process did not function in the last Congress and needs substantial improvement and, in my opinion, the bill before us is substantial improvement.

At the same time this task force was established, the House also approved a moratorium on the filing of new ethics complaints which, as a result of a number of extensions, remained in effect until, I think, September 10 of last year.

This resolution provides for the consideration of the recommendations of the bipartisan House Ethics Reform Task Force, providing 1 hour of general debate equally divided between the two highly respected cochairmen of the Ethics Reform Task Force, and then makes in order the consideration of four bipartisan amendments.

The first is a bipartisan manager's amendment offered by the two cochairmen of the task force. It clarifies that any complaints filed after the September 10 expiration of the moratorium on filing of ethics complaints will be considered under the new procedures in this resolution rather than under the old procedures that did not work.

The manager's amendment will be debatable for just 10 minutes, since it is noncontroversial, and that is all the time that was requested by the two cochairs.

This rule then provides for the consideration of three additional amendments to be debatable for 30 minutes each. These amendments respond to the three major concerns which have been raised about this package from Members from both sides of the aisle.

The first concern is the filing of complaints by nonmembers of the House. That will be the first amendment. The second concern is over what happens in case of a tie vote, and that is always contentious and we are trying to work out a workable system that will make it work. And the third concern is over the power of an investigative subcommittee to expand the scope of the investigation and issue subpoenas without approval of the full committee.

These are all legitimate issues which deserve consideration by this House. When the package was taken to the Republican Conference and to the Democrat Conference, these were the three issues that raised more concern than all of the others, and believe me, there were a lot of concerns about a lot of other areas in the package.

So, in order to be as fair as we could, we have taken only those bipartisan amendments, and there were a number of partisan amendments requested but we did not make any of those in order. We only made in order the bipartisan amendments that had substantial support on both sides of the aisle, and those are what will be voted on here today.

So as we begin this debate, there are a couple of points that should be made about the functions of the Committee on Standards of Official Conduct, the so-called ethics committee.

First, the committee, my colleagues, is not a court of law. Members of Congress, like any other citizens, are already answerable in the courts for any violations of law. Any Member of Congress is answerable for any violation of the law and especially since we convened the 104th Congress, when we brought this Congress and its Members under the same laws, all of the laws, that the rest of the American public have to live under, and that was a great accomplishment in my estimation.

The Committee on Standards of Official Conduct is a peer review mechanism. Let me just say this. The U.S. Constitution in article I provides, and I would hope that all of those that are listening either here in the Chamber or off the Chamber would pay attention to this, article I of the Constitution says, "Each House may punish its Members for disorderly behavior and, with the concurrence of two-thirds of its Members, they may even expel a Member of Congress." And we have done that in the years past.

I would like to emphasize that the Constitution says that each House may punish its Members. That is right, each House may punish its Members. It does not say that some outside group will have the authority to punish Members of Congress.

It should also be noted that the House of Representatives' Code of Official Conduct sets a much higher standard than just conforming to the laws. Take a look at all of the rules of the House that we live under and then the ethics rules that are placed even on top of those House rules.

For example, under the code of conduct a Member, an officer, an employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect credibility on this House of Representatives.

My colleagues, it is a privilege for us to be able to serve here, and at all times we should hold ourselves as high as we possibly can in order to establish credibility for each and every one of us in the eyes of not only just the people that each of us represent but all of the American people.

The Committee on Standards of Official Conduct is the mechanism by which Members should hold themselves

to that higher standard, and that is why this bill before us today is so terribly, terribly important.

The resolution which is before the House today is a controversial matter. Members have different opinions and hold those opinions very strongly. Many of my colleagues are very opinionated. I know I am and my colleagues all know I am, and that is why every Member ought to have the opportunity to work his will on the floor of this House.

I recall saying back in the beginning of the 104th Congress, 3 years ago, that this committee, under the jurisdiction of myself as the chairman of the Committee on Rules, would at all times be as fair to the Democrat minority as they were to us when we Republicans were in the minority, and more often than not even more fair. And that is exactly what we are doing here today. We are taking those amendments that had truly bipartisan support by truly respected and credible Members of this House and making those in order so that the House could work its will today.

So having said all that, we need to remember to respect the opinions of other Members, even though we disagree. So, in order to permit the House to consider this bill and these amendments, I would urge support for the rule and support for the bill when it comes to the floor.

I would just say this; that even though I did not get my way in the committee, none of us did, we all had to give a little, that whether or not these three amendments, which are controversial, pass, I will be voting for the package no matter what because it was put together, I think, after due diligence by all members of the committee. So I hope the amendments do pass, I will vote for them, but if they do not, I will support the final package.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague and my dear friend from New York [Mr. SOLOMON], for yielding me the customary half-hour.

Mr. Speaker, what began as a sincere bipartisan effort to improve the House ethics process has disintegrated into one more political sham. On February 12 Democrats and Republicans agreed to a moratorium on ethics complaints and they stuck to it. Neither side filed any new charges until a bipartisan task force had the chance to examine the ethics process and suggest improvements. But like other truly bipartisan efforts before it, this agreement has been destroyed and the ethics moratorium seems to have served only to bolster the image of a few besieged Members.

For 9 months, 10 Members of this House, myself included, met and negotiated on every single aspect of the House ethics process. For 9 months we worked, buoyed by the promise that long hours and tiresome negotiations would eventually amount to something and that no amendments would be allowed, I repeat, no amendments would be allowed unless they were approved by the Democratic and Republican cochairs.

Let me repeat that, Mr. Speaker. During the task force negotiations, there was no talk whatsoever about bipartisan amendments. So let us not at this date try to rewrite history. The leadership on the task force agreed that only amendments approved by the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] would be allowed, but only one of the four amendments we will vote on today has been approved by those two gentlemen and the rest have not.

Democratic Members kept their word by agreeing not to file ethics complaints, and Republican Members went back on their word by allowing Members to make serious changes in our work. So, Mr. Speaker, after 9 months of hard labor, the only thing the House ethics task force is giving birth to is some very bad feelings and some very destructive amendments.

Today, this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Once again, Mr. Speaker, it is the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. The Republican leadership has put political expediency before all else, and that, Mr. Speaker, is a shame.

Let me remind my colleagues, Mr. Speaker, we are talking about an ethics task force, not a task force on education, not a task force on transportation, not a task force on defense, but a task force on ethics.

□ 1130

We are talking about a task force created ostensibly to improve the way the House of Representatives governs itself. And I think we did a pretty good job. We came up with recommendations with which 11 of the 12 members of the task force agreed. We came up with ways to make our ethics process quicker. We came up with a way too make our ethics process more efficient. We came up with a way to make our ethics process more fair.

But there was something about our improvements that the Republican leadership did not like. There was something about our improvements that scared someone. So here we stand, 3 months after the Republican leadership refused to consider the recommendations, to find that they have exposed very fragile agreements to some particularly significant and particularly dangerous amendments.

Mr. Speaker, make no mistake about it, these amendments will not make this institution more respected in anyone's eyes. These amendments will make our ethics process much more partisan, more decentralized and more suspect in the eyes of every single American citizen.

I cannot believe that that is what we want, Mr. Speaker, because the recommendations as adopted by the task force would pass the House overwhelmingly if given the chance for an up-or-down vote. Mr. Solomon himself said if these amendments are not adopted he would absolutely vote for the package. So if nearly every Member of the House would vote to pass the recommendations, why on earth are we at this time changing them?

Mr. Speaker, I strongly urge this House, leave well enough alone. The task force worked long and hard to come up with these recommendations that would improve the ethics process of the House and repair the reputation of the House, and those recommendations at this time should not be altered.

So I urge my colleagues to join me in opposing the previous question in order to uphold the agreement of the ethics task force. Mr. Speaker, if the previous question is defeated, we will replace this rule with a rule to provide for an up-or-down vote on the task force recommendations and make in order only amendments agreed to by the cochairs, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. Speaker, it was a pleasure to be a member of that task force. It was a pleasure to see the way that Chairman LIVINGSTON and Cochairman CARDIN worked together, coming from opposite poles and really working hard to make something work. They took politics out of this process, and it is a shame at this stage to put it back in.

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

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

Mr. Speaker, the ranking member of the Committee on Rules knows how fond I am of him. He is truly a respected member of this body. But I am just somewhat taken aback by his taking the floor today and saying that we should not be open and we should not allow the House to work its will.

The last count had this year alone, the gentleman has taken the well 21 times and said we must keep these rules open, we must let the House work its will. If there are meaningful, credible amendments they ought to be allowed on the floor. So this is exactly what I have been heeding, his advice. After 21 times, I am going to take the gentleman's advice.

Having said that, let me yield to a gentleman who I equally respect because he and another respected Member on the other side of the aisle headed up the task force to reform this House of Representatives. He did a magnificent job, and he is the vice chairman of my Committee on Rules.

Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend the gentleman from New York [Mr. SOLOMON] for yielding me this time frame.

I rise in strong support of this rule, and I do so to say that it is not with a great deal of enthusiasm that I strongly support it, because of the fact that we were not able to make an amendment in order that the gentleman from Indiana [Mr. HAMILTON] and I offered.

But having said that, I think in further defense of the gentleman from New York's [Mr. SOLOMON] position, the amendments that are moving forward we have addressed in a bipartisan way, which is one of those guidelines that he set forth. We obviously need to reform the ethics process. The confidence in this institution by our colleagues, people in the media, and more important, the American people is higher than it has been in the past, but clearly there is a credibility problem and I think that is what led to the formation of this task force.

The gentleman from Glens Falls, NY [Mr. SOLOMON], the chairman of the Committee on Rules, just mentioned the fact that the gentleman from Indiana [Mr. HAMILTON] and I co-chaired the Joint Committee on the Organization of Congress back during the 103d Congress in 1993. We spent time looking at this issue of ethics reform and a wide range of other reforms, many of which were introduced and passed in a bipartisan way on the opening day of the 104th Congress.

But we still were not able to bring about the kind of reform that this bipartisan panel has successfully come to an agreement on. So while this may not be exactly what everybody wants, I think that it will take very, very strong and positive steps in the direction of bringing about a level of credibility that is, I think, needed.

So I am going to urge my colleagues to vote "yes" in favor of the rule, and I will join with the gentleman from New York [Mr. SOLOMON] in saying that when we come to the end, regardless of how the amendments come out on this, I will join in supporting the package because of the regard I have for the gentleman from Alabama [Mr. LIVINGSTON] and the gentleman from Massachusetts [Mr. MOAKLEY] and others who labored long and hard and even suffered through testimony that I gave before their task force.

So I want to say that I join and am happy to be here, of course, with the chairman of the Committee on Standards of Official Conduct [Mr. HANSEN] who has spent a long time addressing this issue, and I look forward to finally seeing us pass a very positive measure.

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

Mr. MOAKLEY. Mr. Speaker, I yield 8 minutes to the gentleman from Maryland, Mr. CARDIN, the task force cochair, who really did an outstanding job in working so closely with Chairman LIVINGSTON.

I am very, very proud to have served on that task force just for the opportunity to observe these two gentlemen, and especially the gentleman from Maryland [Mr. CARDIN] in action, and how they came from one extreme and met in the middle to fashion a bill that would really do this House well.

Mr. CARDIN. Mr. Speaker, I want to thank my friend, the gentleman from Massachusetts [Mr. MOAKLEY], for not only yielding me this time but for the kind comments that he made about my service on this joint committee. The gentleman from Massachusetts [Mr. MOAKLEY] served that task force with distinction, as did the gentleman from New York [Mr. SOLOMON], and we thank both of them for their help and leadership on these ethics issues.

I think this body should understand that we had the services of leaders in this House on this bipartisan task force: The gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware [Mr. CASTLE], the gentleman from Utah [Mr. HANSEN], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], and the gentleman from California [Mr. BERMAN], in addition to the gentleman from Louisiana [Mr. LIVINGSTON] and myself. It was a task force that took its work seriously. I am I proud of the work of our task force.

I also want to compliment Mr. Leong and Mr. Laufman, our staff, for the excellent work that they did. We have a good product. I am pleased that we have a rule before the House that will allow us to vote on that package. And I am hopeful that if this rule is adopted, that the package from the task force will be approved, the three amendments that the rule makes in order will be rejected.

I agree with the comments of the gentleman from Massachusetts [Mr. MOAKLEY] that these three amendments would do violence to the bipartisan spirit in which this package was developed.

Every Member of this House had an opportunity to appear before our task force. Many Members took that opportunity to work with us, to submit their ideas and to work with the task force. It is interesting to point out that the three controversial amendments that would be made in order by this rule, each of those amendments were discussed in full by the task force and rejected by the task force.

We did not take that lightly. We tried to bring out a package that makes sense, that moves forward the ethics process, that deals with the bipartisan nature in which the committee needs to operate, that deals with a more efficient committee, that adds time limits so that the Members are not hanging out there with complaints against them, that gives the chairman and ranking member more power in order to manage the workload, involves more Members of the House in the process. We went through each of these points and we had different views.

The leadership of the gentleman from Louisiana [Mr. LIVINGSTON] was critical in bringing Democrats and Republicans together and focusing us on our final product. I said yesterday in the Committee on Rules, and I will repeat here, there are not many fringe benefits for serving on the Committee on Standards of Official Conduct or the task force, but one that I enjoyed was getting to know and respect the gentleman from Louisiana [Mr. LIVINGSTON] and his leadership and love for this institution. The two of us worked together so that we could come forward with a package that makes sense.

And what we asked the membership to do, we had 3 months to read the report, these amendments will do violence to the ethics recommendations. We have always worked in a bipartisan manner. We need to continue to work in a bipartisan manner.

Let me just, if I might, in the time that has been allotted to me, talk about one of the amendments that would be made in order. It would prohibit any direct filing by any outside individual. Since we adopted ethics rules in this house in 1968, we have allowed outsiders to file complaints with our Committee on Standards of Official Conduct. If that amendment were to be adopted, it would be the first time that we would shut out outsiders from bringing matters before us.

The current rule is one that I particularly do not like, where you need to get three Members to refuse to file a complaint for an outsider to be able to file directly. Our task force said that does not make a lot of sense; let us come up with a better way to do it.

So we looked to the other body and we developed their procedure, where we require a person not a Member to have personal knowledge before that person can file a matter with us, or they must have information directly from another source. We make it specific that a person cannot use a newspaper article to file a complaint if they are not a Member of this house. Then we give the chairman and ranking member, any

one of them can stop the matter from being considered as a complaint if it does not meet the standards. We are mindful of the concern about abuse of the process, so we put those provisions in our package.

Mr. Speaker, I am concerned that in the time that the Members have today to consider these issues with this rule making that amendment in order, some Members, well-intended, may cast their votes for that amendment not realizing the history of this institution, not realizing what is in the body of our report. It is for those reasons that we are concerned that this rule makes in order amendments that may sound like they improve the process, but will do violence to the process.

Let me just give you an example. Let us say that one of our staff people alleges that a Member asks sexual favors in order for that staff person to get a promotion. How does that staff person bring that matter to our attention? How does that staff person bring that matter forward, if that amendment that is made in order were to be adopted? Does she have to shop to get another Member of the House to certify it is being filed in good faith? Do we really want to put that requirement on that staff person? That is what that amendment would do that was made in order by this rule.

That is wrong. We should allow for direct filing of complaints if the person has personal knowledge. We are saying, yes, that we want to be able to judge our own Members; we want to represent to the American public that we can police ourselves. But should we shut everybody else out of the process? No that is why we get concerned about the amendments that were made in order under this rule. I am not so sure that we are going to have enough time to articulate those changes.

I could go on to another amendment, I will, I guess, in the 1½ minutes that remains; an amendment that would call for automatic dismissal for matters pending 180 days after a vote in the committee. That is just going to encourage partisan action in this House.

It is very easy to delay when we have a matter that has gotten divided on a partisan basis. It would not be difficult for a committee that has equal membership of Democrats and Republicans to delay a matter 180 days in order to get a dismissal. We are not doing a favor to this institution or to this Member if we allow the ethics process to have an automatic dismissal on a tie vote.

Let me remind my colleagues, on the most difficult days of the Committee on Standards of Official Conduct, the most difficult days, we were able to resolve every matter that was brought before us because we went back and worked together. If we had a time limit it would have been dismissed and there would be a cloud hanging over a Member. That is not right.

□ 1145

Mr. Speaker, I urge the Members of the House, we have a historic opportunity to improve the ethics process today. I hope we will take advantage of that opportunity and approve the work of our task force without the amendments that would be made in order by this rule.

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

The time will come when the amendment the gentleman was just talking about will come for debate. I have some concerns about the present system. I was a victim of the present system. It seems that a year or two ago that the chairman of a State conservation committee, a pretty powerful position, he happened to be a Democrat, was using his clout as a chairman of this committee to come into my congressional district, where we already have practically no jobs, we never have recovered from the recession that this country has been in, and he was literally threatening a major manufacturer in my district and threatening those jobs.

I am of Scottish background. My grandfather used to tell me and his father before him that, "Son, you ought to be horsewhipped if you do something wrong." I wrote this chairman of this committee and I said, "Mr. Chairman, you ought to be horsewhipped for coming into my district and threatening these jobs." I went on to say to him, "Suppose I used my clout as chairman of the Committee on Rules and I went into your district?"

Lo and behold, this gentleman thought that I was physically threatening him by saying, "You ought to be horsewhipped." I do not know about the rest of my colleagues, but that is an old saying. You can go back, and I will be glad to show you all of our Scottish mores and writings to show that that is true.

But to get to the point here, he went to three Members of this Congress. Under the old system, it is called the three blind mice. I think one of them was the gentleman from California [Mr. MILLER], one of them might have been the gentleman from Massachusetts [Mr. FRANK], and I forget who the other one was. But under the rule, they have to refuse to file the complaint against JERRY SOLOMON.

So once they did that, this is the subterfuge that exists in the system, then that complaint from the outsider was automatically laid against JERRY SOLOMON. That was wrong, but yet that was the system we were under.

Under the proposed amendment, and I am sure that the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Pennsylvania [Mr. MURTHA] will come over, bipartisan, and argue that if that chairman of that committee wanted to file a complaint, that he ought to come to a Member of Congress.

I am sure that the gentleman from California [Mr. MILLER] or the gentleman from Massachusetts [Mr. FRANK] or someone would say, "All right, I'll file that amendment on your behalf." And that is exactly what the amendment before us does. I will let them defend their amendment when it comes up.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON], perhaps one of the most respected Members of this body. He has one of the toughest jobs, being chairman of the Committee on Appropriations, and yet he took on the assignment. He was dragged, kicking and screaming, to accept this position and did such an admirable job along with the gentleman from Maryland [Mr. CARDIN].

Mr. LIVINGSTON. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to commend the Committee on Rules for carefully deliberating on this issue and reaching what I think is a fair conclusion.

There were several amendments, I think 11, 12, or 13 amendments offered. As a matter of fact, the Committee on Rules has only accepted four amendments, one of which is offered in bipartisan fashion by the gentleman from Maryland [Mr. CARDIN], the chairman of the task force, and myself as cochair. Then there are three other amendments, all offered in bipartisan fashion.

I think it is a good rule. It allows serious amendments to be deliberated by this body in a bipartisan fashion to a package which was confected in superlative fashion and in bipartisan fashion as well.

I want to pay special tribute to the incredibly gifted and hard work and talent of the gentleman from Maryland [Mr. CARDIN], my counterpart, my cochair in this effort. There was no majority-minority in this task force. We worked together. I cannot say we were always in agreement. The gentleman from Maryland [Mr. CARDIN] is a gifted lawyer and a tough person to deal with in terms of a hard negotiator, but he is also a fine and valued Member of the House. He stuck by his beliefs. I stuck by mine. The rest of the members of the committee likewise spoke up in valiant fashion.

I think we have an excellent product. Whether or not amendments are ultimately adopted to this package, we have a magnificent improvement on the last bipartisan revision of the ethics rules.

The fact is that all of the members of the task force, the gentleman from New York [Mr. SOLOMON], the gentleman from California [Mr. THOMAS], the gentleman from Florida [Mr. GOSS], the gentleman from Delaware

[Mr. CASTLE], the gentleman from Ohio [Mr. STOKES], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Texas [Mr. FROST], the gentlewoman from California [Ms. PELOSI], the gentleman from Utah [Mr. HANSEN], the gentleman from California [Mr. BERMAN], who, unfortunately for them, have to take over as the new chair and cochair of the Committee on Standards of Official Conduct.

All of us worked very hard, together with the gentleman from Maryland and myself, to pound out from February through June a bill and a report which reaped, I think, a product that is a significant improvement over previous rules.

Mr. Speaker, there was great disenchantment over the administration of the rules of procedure governing standards of official conduct in the last Congress. I think everybody recognizes it. Regardless of party or political affiliation, there were grave misgivings over the net product and performance under those rules as they were administered. They were revised in 1989.

In fact, the whole process actually began in the aftermath of Watergate and has been improved from time to time since then. But they broke down, and they broke down on partisan grounds. The whole purpose of this task force was to try to rid partisanship from this issue and return to the days when we could judge our own Members and have peer review of our own Members without political influence, without political causes, from outside influences coming in and interacting for sheerly partisan reasons. I think we have got a package that does that.

But I have to say that there are deeply held feelings by certain Members on both sides of the aisle that we did not present a perfect package. The fact is, we will never present a perfect package. In fact, I have to say that most witnesses that testified before the task force said that no rules will be perfect if, in fact, the people who administer the rules are going to use those rules for their own partisan or personal purposes. In fact, the whole process would break down under those circumstances. So we have to hope that that does not take place.

Mr. Speaker, we have given a package that, hopefully, will result in no future partisan breakdowns. But there are Members who believe that partisan breakdown is enhanced or actually the chances of such a breakdown are increased if, in fact, these other amendments are not adopted. I do not know whether they are right or wrong.

I will say that there is strong sentiment among Members of both sides that we ought to go back to the pre-1989 rules, when outside personnel could not file by simply getting press reports and submitting their names on them and sending in to the Committee on Standards of Official Conduct complaints against Members of Congress. That will be debated.

I think there is a strong argument on behalf of those who believe that we ought to go back to the original rule, before 1989, when we adopted that "three blind mice" rule that says three Members refuse and anything can come in.

There is another amendment that prevents deadlock. Never before in the ethics process has there ever been a rule that says if there is deadlock, it is automatically kicked out. I happen to think that that practice is questionable, because if in fact you have very strong, well-motivated, highly documented charges that are kicked out simply because there is a partisan breakdown, I do not think that that serves the interest of the House.

And then there is another amendment that kind of complicates the procedure by defusing the power of subpoena and expansion of the investigative powers. I think that that can easily be debated and fall either way.

My point is that these are real issues. They should be debated in the House. It is not a partisan move to simply ask that they be debated. I commend the Committee on Rules for entertaining these amendments, and I look forward to the debate on these issues as they go forward. I urge the adoption of the rule, and I urge the adoption of the bill.

Mr. MOAKLEY. Mr. Speaker, I have great respect for the gentleman who just took a seat. He did a great job in being Chair of the task force. But I have to correct him. The three-Member refusal, the "three blind mice," has been in place since 1968. It was part of the original Ethics Committee.

Mr. Speaker, I yield 9 minutes to the gentlewoman from California [Ms. PELOSI], the gentlewoman who made a wonderful contribution to the bipartisan task force.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Massachusetts, ranking member on the Committee on Rules, for yielding me this time and commend him for his service on the Committee on Rules.

But apropos of today on the task force, I want to join him in commending the gentleman from Louisiana [Mr. LIVINGSTON], our distinguished chairman, and the gentleman from Maryland [Mr. CARDIN] for their service as chairs, for their balance, for the respect they had for Members, for listening to us, and for producing a consensus document that has as one of its virtues the balance that we were all striving to have to produce a bipartisan consensus.

I am disappointed this morning that we have this rule before us which has within it the potential to unravel the work of the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN]. For 4 months, the task force worked together to iron out our differences, to carefully review the options before us. When you put a package like this together, it has a oneness, an integrity, a comprehensiveness. If you take this piece out, you lose balance.

That is why I was hoping that the Committee on Rules would afford to the task force, in light of the work that was invested and the careful attention to all the considerations that was given, that we would be able to have a rule that would call for a vote up or down on the comprehensive package. That was what was appropriate in 1989 when the ethics package came before the House.

This is the proposal, not this, cannibalized by taking chunks out of it, because we have to compare this to the status quo, and this product of the task force is better than the status quo. But if amended as allowed under this rule, we will be making a step backward.

Why is this package so worthy of the consideration, without amendment, of this body? First of all, because of the responsibility that is attached to it. The Constitution requires and the American people expect Congress to uphold a high ethical standard. The public expects us, again, and the Constitution requires us to be able to judge our own Members. We have a responsibility to uphold the highest ethical standards to protect the integrity of the House of Representatives.

This Chamber, in which we serve, should be a sacred room. We also have a responsibility to protect our Members from the kinds of assaults without foundation that they are susceptible to, as we are all susceptible to as public figures. That balance between upholding the integrity of the House and respecting the rights and the reputations of our Members is exactly what this task force proposal does.

In the report that is sent to the House in this rule, there is the potential to, as I say, go backward in this debate and once again incur the unhappiness of the American people about how Congress judges itself. The time limit that is allowed to be voted up or down here would be an invitation to no action taken on legitimate complaints that are placed before the committee.

I oppose the consideration of the subpoena being kicked up to the full committee, because the ethics process is based on a bifurcated process: Part of the committee investigates; the other part of the committee adjudicates. The investigative committee does its investigation confidentially, and then it presents its report to the other members of the adjudicatory committee for its adjudication, as the word says, for its judgment.

But if the full committee is participating in the debate on subpoenas,

then the confidentiality that Members should be entitled to in the investigative committee, of course, is blown to the wind, completely undermined, and, as has been said, does violence to the system.

□ 1200

Let me just address one of the other amendments, which talks about who can file a complaint.

I think the bill strikes a balance in that regard. Many people on the outside are disappointed that our bill places a higher threshold on outside complaints instead of keeping the status quo as it was before or being similar to the Senate, where anyone can file a complaint.

We add the threshold that that person, an outside person, must have personal knowledge. I think that that is appropriate in the interests of the Members and the integrity of the House.

It also affords the opportunity, as the amendment to this bill does not, for staff members in the House to be able to bring complaints. I thank my colleague from Maryland [Mr. CARDIN]. I praised both chairmen before. Particularly I want to praise the gentleman from Maryland [Mr. CARDIN] for his sensitivity to the issue of sexual harassment, which would be affected by the raised threshold, for further raising the threshold for nonmember complaints.

In any event, for these reasons, any one of these amendments, if they pass, would not chip away, but undermine the integrity of the project that we are bringing forward. Any one of these would undermine the proposal that we are bringing here today. The three of them would call for a no vote on the package, the final package, if those amendments were to pass.

Once again, in conclusion, I would like to commend the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their leadership and all that that word implies. This was a difficult task. They brought us to consensus. I think out of respect for their hard work, Members should support the package that they are presenting.

I am disappointed that this Committee on Rules did not regard their work product in a way that honored the tradition of the ethics process of giving an up or down vote to the proposals that are put forth on an ethics package.

I urge my colleagues to vote "no" on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from California [Mr. BERMAN], the ranking member of the Committee on Standards of Official Conduct, who has made a wonderful contribution to the task force.

Mr. BERMAN. Mr. Speaker, I rise in support of the ethics task force report that my distinguished colleagues, the gentleman from Louisiana [Mr. LIVINGSTON], and the gentleman from Maryland [Mr. CARDIN], have chaired, a panel on which I have served, an effort that took a great deal of time, that raised my esteem for both of these gentleman tremendously by the sincerity with which they approach the issue, by the difficulty and complexity of the questions that were raised.

What they have come up with is a proposal that in every aspect of the process makes the process better. It does more to promote the due-process rights of people who are accused in this process; it does more to promote the confidentiality of the process; it does more to promote the discretionary ability of the chair and the ranking member and their flexibility to deal with the issues that come before this committee in a fair and sensible fashion; it does more to be honest with the American people. Getting rid of this three-refusal rule, that is a disingenuous measure by which people who want to see a complaint come before the committee are forced to write a letter refusing to file the complaint in order to allow outsiders to do it. That is scrapped, and a limited-outside-complaint provision is substituted for that decision.

It does more to enhance the bifurcation of the process, so that the people who are investigating a complaint where a complaint should be investigated are different and separate from the people who will be deciding whether or not in fact there were violations of ethical standards of conduct and what the sanctions for those violations should be.

In every aspect of the process, this task force made sensible, relatively modest, but important changes to enhance, I think, both what will ultimately be, I hope, the public regard for the process, the credibility of the process, and the protection of the Members who are brought into this process.

There are three amendments that this rule allows that are being proposed that were rejected by the task force. I would urge my colleagues to oppose those three amendments, because in each case they weaken what the task force was trying to do.

In one particular case, that is the effort that mandates a dismissal after 180 days of any complaint on which there is a tie vote, it works directly against everything that the gentleman from Utah [Mr. HANSEN], the chair of this committee, and I are trying to do.

We want to restore nonpartisanship to this committee. We want to have judgments based on facts. We want to operate in collegial fashion, that allows sensible and correct decisions to be made.

The 180-day automatic dismissal process, I think not because of the intent of the authors, their intent is a noble intent, but the mechanism they have chosen to achieve their intent is wrong, because it incentivizes partisanship. It tells people of the party, of the person who is accused to hang in there, stall, delay, because after a certain number of days a complaint will automatically be dismissed.

Trust me. What the intent of the people who are offering this amendment is is to not let a Member hang on with great damage to his reputation, with great cost, with great personal suffering, while a committee sits around and dawdles and refuses to come to a decision.

I deeply understand the desire to not have that happen. I feel that very strongly. It is my notion we should proceed expeditiously and be very sensitive to Members' protections and how much they can be damaged and unfairly damaged by this process. But the moment you try to institutionalize a result that has an automatic dismissal, you are incentivizing everything you do not want to happen.

Let me just give you a hypothetical, if I may. You have a close question that is before the committee. A difficult complaint has been filed, the answer has been received, the chair and ranking member have investigated, and it is coming before the full committee now to decide whether to create the investigative subcommittee.

There is debate, there is discussion, there is a motion, and it happens to break down to a tie vote. The clock starts ticking under this amendment. If 180 days pass, it is automatically dismissed.

I am telling you, if the Members are operating in good faith, if they are not taking direction from their leadership on both sides, but seriously trying to deal with this issue, if the question is close and I am on the side of those who want to create an investigative subcommittee and proceed with this complaint, but I see that this deadlock is sincere, it has not promoted bipartisanship on either side, I personally would switch my vote for dismissal, rather than leave a Member hanging, forget 180 days, but for 60 or 90 days, if that is what it takes to get a clean result so that a Member does not have to live through the entire term of this Congress or future Congresses with this hanging over him because the deadlock cannot be broken.

But leave it to the good faith of the members of the committee, and I believe it will be there. I know who is being talked about for this committee. I believe that this committee will approach this with that kind of an attitude. Leave it for the informal processes of the committee to protect that right, because, I guarantee you, the moment we institutionalize a time certain for a dismissal, we promote the likelihood of deadlocks, partisan bickering, and we lose the confidence of the Members and the public in this process.

Mr. Speaker, I strongly urge opposition to that amendment.

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

Mr. Speaker, let me say to my good friend the gentleman from California [Mr. BERMAN] before he sits down, I hope everyone was listening, because if they were, they will know why the gentleman from California [Mr. BERMAN] is one of the most respected Members of this House and why we on this side have no concern at all about his becoming the cochairman or the ranking member on the Committee on Standards of Official Conduct, because he is perceived as being a very fair person, and I am sure he will be.

The gentleman drives the point home that as long as he is that ranking member, he would see to it that these complaints were not laid out there for an indefinite period of time, and I believe the gentleman and respect him for that.

Unfortunately, we are not talking about just placing the trust in the gentleman from California [Mr. BERMAN] for these 2 years. We are talking about changing the rules of the ethics of this House.

Just to use a hypothetical suggestion, the gentleman from California [Mr. BERMAN] may just very well run for the Senate in the other body from the State of California. Should that happen, he no longer would be the ranking member, and then we might just be put into a position where I believe personally in the past we have had partisan politics played in the Committee on Standards of Official Conduct, and we are trying to prevent that. That is the reason for this amendment.

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

Mr. SOLOMON. I would be more than glad to yield to the person I respect highly.

Mr. BERMAN. I thank my friend for yielding.

Mr. SOLOMON. Do not tell me you are not going to run for the Senate.

Mr. BERMAN. No, I was wondering whether I should disclose the fact that I gave you those inauguration tickets for President Reagan's second inauguration as the initiator for those kind remarks?

Mr. SOLOMON. Now you know why I really respect you.

Mr. BERMAN. But I deeply appreciate the gentleman's comments.

My point is when you create institutionally a reason for a deadlock, it does not matter what the motivations of the leadership or the Members are. We are human beings. We have a very difficult process. We are judging our peers, our friends, our colleagues, about matters that may be very serious, or may not seem so serious to us. None of us have the ability to overcome the institutional problems that this time certain creates.

I do not know that I want to be part of a process which incentivizes the breakdown of it. The only reason I said yes to the request from my own leadership to take this position was because the challenge of seeing if this process could work on a bipartisan, nonpartisan basis. This one amendment really eviscerates our ability to do that. That is why I feel so very strongly about this particular unit.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, the gentleman's points are well taken. I was glad to yield him the time.

I would say to the gentleman from Massachusetts [Mr. MOAKLEY], I intend to close with a short statement, if the gentleman would like to yield back his time.

Mr. MOAKLEY. Mr. Speaker, would you please inform my dear friend the gentleman from New York [Mr. SOLOMON] and myself how much time is remaining?

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman from Massachusetts [Mr. MOAKLEY] has 2 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 5 minutes remaining.

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

Mr. Speaker, I urge Members to defeat the previous question. If the previous question is defeated, I will offer an amendment to provide that House Resolution 168, the recommendation of the Bipartisan Task Force on Ethics, will be considered under a modified closed rule that allows only one amendment, only if authored by the cochairs of the task force, the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN].

Mr. Speaker, in my opening statement I said, and I want to repeat, today this Republican leadership becomes the only leadership in the history of the House of Representatives to ignore the work of a bipartisan ethics task force. Those are very strong words, Mr. Speaker, but they happen to be the truth.

This task force met nearly every day for over 3 months to reach a genuinely bipartisan agreement on a very extreme, sensitive, and difficult issue. During final consideration of the task force recommendations, many of us had amendments that we thought would produce a better product.

□ 1215

However, we also realized that any further changes could seriously threaten any chance for a bipartisan agreement. Therefore, we agreed not to amend the package any further unless it was agreed to and offered jointly by Cochairs LIVINGSTON and CARDIN.

Members of this House deserve an opportunity for an up-or-down vote on the work of this task force. These killer amendments made in order by the rule not only will ruin the resolution supported by the task force, they will prevent Members from having the chance to vote for a clean version of the task force recommendation.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and support the hard work of the task force. I include for the RECORD at this point the text of the previous question amendment:

TEXT OF PREVIOUS QUESTION AMENDMENT TO HOUSE RESOLUTION 168 RECOMMENDATIONS OF THE BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

Strike all after the resolving clause and insert in lieu thereof the following:

"*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force. The resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the resolution and any amendment thereto to final passage without intervening motion or demand for division of the question except: (1) one hour of debate on the resolution, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) one motion to amend by Representative Livingston of Louisiana with the concurrence of Representative Cardin of Maryland, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to commit."

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time, just to point out that we in the Committee on Rules always have a difficult time trying to be fair to all Members.

When we were approached by Members from the other side of the aisle, Democrats, liberals like the gentleman from Hawaii [Mr. ABERCROMBIE], who I have great respect for; moderates like the gentleman from Pennsylvania [Mr. MURTHA], a good former Marine who I have great respect for as well, they, representing two wings of their own party, had serious concerns about it. We were approached by the same kind of moderates on our side of the aisle, conservatives on our side of the aisle, and they asked to be heard on three important issues which were so contentious when our task force was meeting.

I at that point made a decision to ask the Committee on Rules to only make in order those amendments that were truly contentious and of a bipartisan nature. We had some 10 or 12 amendments with names attached to them filed with the Committee on Rules by very respected Members, but many of them were partisan; they did not have bipartisan cosponsors. We had about 12 other amendments that were delivered to us anonymously with no names, and those we simply took a look at but

threw in the trash basket. We did not even give them any consideration.

Mr. Speaker, what we have on the floor today is what we have promised on this side of the aisle, and that is the ability for this House to work its will when there are contentious issues, especially when they have bipartisan support. That is what we have today, and I would just hope that Members would come over now, vote for this previous question, vote for the rule, vote for all three amendments, including the manager's amendment, so four amendments, and then vote for this bill. It is a good bill that will bring back some credibility to this House.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on ordering the previous question.

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

Mr. MOAKLEY. 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.

Pursuant to clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time for any electronic vote, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 191, not voting 15, as follows:

[Roll No. 407]

YEAS—227

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fazio
Filner
Flake
Ford
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—15

Bonilla
Boswell
Fattah
Foglietta
Furse
Gephardt
Gonzalez
Goss
Johnson, Sam
Largent
Meek
Oberstar
Schiff
Stupak
Weldon (PA)

□ 1236

Mr. McNULTY and Mr. DINGELL changed their vote from "yea" to "nay."

Mr. BONO changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous-consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 168 and that I may include tabular and extraneous material.

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

There was no objection.

IMPLEMENTING THE RECOMMENDATIONS OF BIPARTISAN HOUSE ETHICS REFORM TASK FORCE

The SPEAKER pro tempore. Pursuant to House Resolution 230 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the resolution, House Resolution 168.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 168) to implement the recommendations of the bipartisan House Ethics Reform Task Force, with Mr. COMBEST in the chair.

The Clerk read the title of the resolution.

The CHAIRMAN. Pursuant to the rule, the resolution is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] and the

gentleman from Maryland [Mr. CARDIN] will each control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

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

Mr. Chairman, I am pleased to rise to recommend to the House the work product of a very hardworking task force on ethics rules reform.

Mr. Chairman, in the aftermath of Watergate, the House felt compelled to engage and apply certain rules of conduct to enforce the provisions of the Constitution that say that the Members of the House will police its own Members. They were known as the ethics rules, administered by the Committee on the Standards of Official Conduct. Those rules evolved with time, and were revised as recently as 1989, roughly 8 years ago, and have, by and large, worked pretty well over the years.

In the last Congress, it was felt by many Members on both sides of the aisle that there had been a partisan breakdown; that regardless of individual cases, the fact was that Members of the House were engaging in the war of politics by utilizing the rules of the Committee on Standards of Official Conduct to their own purposes.

If that charge is warranted or not, the fact is that the leadership of both Houses were called upon to decide whether or not that type of activity should be encouraged and continued or whether or not we should make a good-faith effort to stop that sort of conduct and encourage Members to understand that the rules of the House are sacred, they reflect on the integrity of the House, and that we, as the Members of the House of Representatives, should respect the roles which we hold and administer and that we should, indeed, police ourselves in a bipartisan fashion.

□ 1245

Pursuant to the directives of the leadership, the bipartisan leadership of the House, a task force was confected, comprised of myself and the gentleman from Maryland, Mr. BEN CARDIN, as co-chair, coequals, in charge of the task force comprised of the gentleman from New York, JERRY SOLOMON, the gentleman from California, Mr. BILL THOMAS, the gentleman from Florida, Mr. PORTER GOSS, the gentleman from Delaware, Mr. MIKE CASTLE, and the gentleman from Utah, Mr. JIM HANSEN, on the Republican side; and the gentleman from Ohio, Mr. LOU STOKES, the gentleman from Massachusetts, Mr. JOE MOAKLEY, the gentleman from Texas, Mr. MARTIN FROST, the gentlewoman from California, Ms. NANCY PELOSI, and the gentleman from California, Mr. HOWARD BERMAN, on the Democrat side.

We began our deliberations in early February. We held hearings; gained a lot of testimony from a lot of witnesses, both in public and private forums; called Members to give us their experiences, without concentrating on individual cases, but asking for their recommendations in generic form for rules of the House which could be administered without partisanship, without undo rancor, and fairly.

The task force conducted its activities throughout February, March, April, May, and into June on the substance of the bill which we have now brought to the House and on the report. Every line, every word, sometimes often syllables, were debated strenuously. It was a hard fought package, but we finally came up with a product that I think every Member has to understand is a significant improvement over previous rules.

One might say that, in part, certain segments are no greater improvement. In fact, in many instances we left intact provisions of the previous rules of the committee or of the House. But we tried to at least marginally improve those sections which we thought were in need of a change and, in many instances, such as the section on due process, we, I think, substantially, improved the product of the 1989 task force, which was also a bipartisan task force.

We could not have succeeded in reaching our conclusions without the benefit of the hard work of all of the Members, and I commend again the gentleman from Maryland, [Mr. CARDIN] and all the members of the task force for the diligent attention to our very difficult responsibilities. There were tremendous pressures on every Member, but I think we came up with a good product.

But in addition to the Members, we could not have accomplished what we did without the significant help of the staff, headed up by Richard Leon, Special Counsel to the committee; David Laufman, who is on loan to us from the staff of the Committee on Standards of Official Conduct and served as Assistant to the Special Counsel; and individual staff, my own staff member Stan Skocki; the staff member of the gentleman from Maryland, Michelle Ash; and all of the other individual staff who contributed so mightily, both from the personal staffs of the various Members and from the Committee on Standards of Official Conduct, the Committee on Rules, and the various other committees which participated in this effort.

I am pleased, very pleased with the work product. We will talk about amendments, which have just been made in order, to the work product later on at the appropriate time. I think it is proper that Members who were not on the task force have some input, and as I have already stated in the debate on the rule, that if they come to us in bipartisan fashion, their concerns should be dealt with and they will be.

But let me say that the work product that we have before the Members, before the amendments are undertaken or considered, the work product that we have before the House has been considered, debated and written about and even testified about by people on the outside. Mr. Gary Ruskin of the Congressional Accountability Project and a colleague of Ralph Nader's does not think it goes far enough, and he has attacked the work product because he thinks it makes it too tough for outside people to testify. Miss Ann McBride of Common Cause likewise has not liked our work product because she thinks it is too hard for outside people to bring complaints against individual Members.

On the other hand, David Mason of the Heritage Foundation, Norm Ornstein of American Enterprise Institute, and Thomas Mann of Brookings have written articles and testified on behalf of the package because they think in its comprehensive form that this is a significant improvement under past rules.

I would say that I am proud about the package for a number of reasons. For one thing it does, in my opinion, offer tougher standards with which to file complaints; at the same time abolishing the three blind mice rule, which I call a canard, unworkable. That is a rule which we brought into fashion or we adopted in the 1989 revision, and I have to say that I was on that task force as well, and that I thought it was a good idea at the time, whereby an outside person, not a Member of the Congress, would go to three Members of the House of Representatives and ask them if they wanted to file this complaint, he would say no; then the second one would be asked if they wanted to file, they said no; and then they would go to the third one and get the same answer, and then they could file anything they wanted before the House as a complaint against a Member of Congress.

We thought that that was absolutely inappropriate; that it was being misused and that it should actually be abandoned. In its place what we did was adopt a personal knowledge standard that said, A, that no person outside the Congress can file anything on the basis of newspaper or press clippings or press reports; but, second, that they had to have personal knowledge of the complaint or of the subject matter of the complaint in order to file information with the committee for the purposes of a complaint.

Also, they either had to be reviewing personal or business or government records and have reached conclusions on the basis of their personal review of those records, or they had to be a participant or had seen the incident in question, or they had been told by one

person who had seen or participated in the event for which they were complaining.

We thought that was a pretty good standard. There are those Members who do not believe that is strong enough and would like very much to go back to the pre-1989 rule that says a Member of Congress has to put his stamp of approval, his name, on any incoming complaint. We will debate that later on. I think those Members have some very good arguments to back their amendment up, but we will discuss that later on, but I do think that the committee did a pretty good job in establishing a threshold before complaints can be filed by people not Members of the Congress.

So nonmembers can file directly under our provision. Complaints filed directly by nonmembers cannot be exclusively based on newspaper articles. Members may sponsor nonmember complaints only if they certify that the complainant is acting in good faith; that is, they can put their stamp of approval, but at this point they have to say that the person in their opinion is acting in good faith and that the matter described in the complaint warrants review of the committee; and bipartisan support necessary for a filing to officially constitute a complaint is necessary; and there is a prohibition on frivolous filings and complaints expressly provided for in the House rules.

Let me stress on that one so that it is clearly understood. Never before have we entertained a prohibition about unfrivolous filings. And it is strongly felt by Members on both sides of the aisle that there have been frivolous attempts to misuse the rules with frivolous complaints. We have a prohibition against that that says it is within the latitude of the committee, by majority vote, to sanction Members or even disregard complaints from outside nonmembers if those complaints are frivolous.

Most importantly in this package is the fact that there is due process for Members. There is a right to review evidence prior to voting of a statement of alleged violations. There is a right to review and comment on the subcommittee and full committee reports prior to transmittal to the full committee in the House. Settlement negotiations are now confidential and not admissible as evidence, even though they had been in the past. There is a right to notice of any expansion of the investigation and/or the statement of alleged violations. There are deadlines established for determining whether information filed constitutes a complaint, and whether the complaint should be forwarded to an investigative subcommittee; and there is a right to notice of any unsuccessful vote to forward complaints to the investigative subcommittee.

The standards for charging a person used to be that the committee only had a reason to believe that a Member had committed a violation. That standard has been raised. Now the committee has to establish a substantial reason to believe, and we think that is a significant improvement.

Most importantly, the whole process is made less partisan and, in fact, nonpartisan in many respects by the changing of the rules. The committee's staff is required, with all members on the Committee on Standards of Official Conduct, to file nondisclosure oaths. The intent of that is to discourage leaks outside the committee. Nonpartisan professional staff are required by the committee rules.

There is increased latitude to the chairman and the ranking member to speak to the press if the committee is being unjustifiably attacked in their eyes, and they are entitled to go out, after consultation with their counterpart, to go out to the press and make a claim.

And there is increased confidentiality of the committee proceedings in the votes, in that in the past all meetings have been deemed open unless closed by the majority; now they are closed unless opened by the majority in the early stages of the investigation. But that is not the adjudicatory stage. In that case, if there is an adjudication or a trial of a Member on the charges, then that is always open and will continue as such.

The task force hopes that these recommendations will not be viewed in microscopic isolation but rather that the whole package, the whole fabric of the package, will be considered as part of a system to accomplish multiple objectives.

First, that they be less partisan; second, that they be more confidential; third, that they provide greater due process for the Members; and fourth, that they provide greater involvement by more Members, because we are creating a jury pool to alleviate the very difficult responsibilities entrusted upon the Members of the standards of official conduct.

We have shrunk the committee from 12 Members to 10 Members, but we have encouraged more reliance on the subcommittees to diffuse so that individual subcommittees of four or six Members can do the work on individual cases and the full committee will not be required to do all of the work on all of the cases and be chained down in the basement of the Capitol to spend all of their waking hours on matters dealing with standards of official conduct.

Mr. Chairman, our ultimate goal is that this bill and the administration of the rules of the House with respect to Members and charges of violations of conduct against them be nonpartisan. Our objective is that this be a true peer review system; that we judge our colleagues with the trust and the confidence of both the Members of the House in bipartisan fashion and the American people. I think that we have done an excellent job toward achieving those goals, and I urge the adoption of this package.

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

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

Mr. Chairman, I want to join the gentleman from Louisiana [Mr. LIVINGSTON] in the compliments he has paid to the Members of this body that have served on this joint committee on ethics reform and to the staff that helped us in order to reach this time.

I am very proud of the result of the task force. We have an opportunity today to approve that product, and I hope that this body will take that opportunity and approve the work of our task force.

The gentleman from Louisiana provided tremendous leadership in this body to bring together different people of different views. We worked very hard to compromise issues without compromising principles, and we think the end result is in the best interests of this House. The challenge that we have is to restore confidence with the public that we can carry out our constitutional responsibility to monitor the conduct of our Members. It is a difficult responsibility.

□ 1300

This body owes a debt of gratitude to those Members who are willing to serve on the committee that sits in judgment. Several are on the floor here, and I applaud their efforts, the gentleman from Ohio [Mr. SAWYER], the gentleman from Utah [Mr. HANSEN], and others who have stepped forward to carry out that awesome responsibility. Because, regardless of what rules we have, ultimately it depends upon the willingness of Members of this House to step forward, to serve this body, to judge its Members, and for us collectively to carry out that awesome responsibility.

I believe that the recommendations of our bipartisan task force will make it easier for us to carry out that awesome responsibility. It makes improvements that are important to allow us to judge the conduct of our Members. Let me just, I guess, emphasize some of the points that the gentleman from Louisiana [Mr. LIVINGSTON] has already commented on.

The recommendations, if approved, will make it easier for us to have a nonpartisan operation of the ethics process. The resolution specifically provides that the staff will be nonpartisan and cannot engage in partisan political activities. The recommendations give the chairman and ranking member equal opportunity to set the agenda of the committee.

The recommendations improve the confidentiality of the work of the committee, which is so important to maintain the integrity of the process. The

meetings of the investigative committees will be closed. All members of the committee and staff will be required to file confidentiality oaths. And for the first time, we will allow the committee to directly refer to a Federal agency, without having to come to the House floor and disclose matters, matters that should be referred to other Federal agencies that affect a Member, requiring an extraordinary vote of the committee itself.

We have improved the system for filing of complaints. I know there is going to be an amendment offered later, and I would hope that each Member would understand the current rules and how we have improved them. I agree with the gentleman from Louisiana [Mr. LIVINGSTON] that the three-Member refusal does not make sense. But the answer is not to exclude outsiders the opportunity to submit information or complaints to our Committee on Standards of Official Conduct. The answer is to make it more rational to the need that is out there, and that is what we did in a compromise.

In an appropriate compromise, we require that an outside individual, whether it be a staff person or whether it be an outside person, to bring a complaint must have personal knowledge, a higher standard. It is similar to the standard in the other body. We think that makes sense. By the way, we also raised the standard for a Member transmitting a complaint from a non-Member by requiring the Member to certify in good faith that this complaint should be reviewed by the committee.

So we were mindful of the concerns that a complaint is a very serious matter against a Member, and we have improved the manner in which legitimate matters can come before the Committee on Standards of Official Conduct by non-Members. We have improved the efficiency, the administration of the committee itself, the initial factfinding, which has been very difficult for the committee. It is now delegated to the Chair or ranking member, so they can get better control over getting information earlier to the committee and act earlier with the committee.

The subpoenas and the expansion of scope of an investigation will be handled by the subcommittee where it should be handled. We have an amendment later that tries to reverse that. But let me remind my colleagues that the bifurcated system whereby one group of Members investigate another group, by requiring those that are doing the investigation to go back to those who ultimately have to make judgment and disclose information in order to justify an expansion of scope, compromises the objectivity of the process and the fairness of the adjudicative process.

It also, by the way, compromises we think confidentiality and makes it more time consuming in order to reach conclusions, which is a major concern to the Members of this House. We improve the due process that the gentleman from Louisiana [Mr. LIVINGSTON] spoke to, many new procedures that we put in so that people get adequate due process.

A Member will have advanced notice on any statement of alleged violation that the subcommittee intends to propose. We give notice to Members at every phase of the ethics investigation or action. We have greater involvement by the Members of this House in the ethics process by having a pool of Members who can assist in investigations and by having a limit of 4-year service on the Ethics Committee. I know that the gentleman from Ohio [Mr. SAWYER] and I would have hoped that that would be retroactive. But no, it cannot be retroactive, but at least a Member's term on the committee cannot exceed 4 years, and we have rotation to assure experienced Members will always be on the committee.

And importantly, we have made the process move quicker, in a more timely way, by establishing a 14-day time limit on the initial action on a matter that is filed as a complaint by the chairman and ranking member, giving the chairman and ranking member much more discretion in managing the workload of the committee and in recommending early action on complaints that are filed and filing time limits on getting into initial factfinding.

If we take a look at the full package, I believe we will find that it addresses the concerns that have been raised by the Members of this House. I agree with the gentleman from Louisiana [Mr. LIVINGSTON], we hope that our colleagues will not use a microscope to try to look at each individual section and say "Why does this make sense?" Look at the total package. The package makes sense. It should be approved by this body.

I would hope that my colleagues would have confidence in the committee, the work that we did. Reject the three amendments that will be offered later on this debate. Those three amendments, and we will have a chance to talk about them a little bit later in general debate, each will compromise the manner in which this package was put together, and we will have a chance to talk about that a little later.

It is a good product. I am proud to be associated with it. I hope it will be approved by the House, but I hope it will not be modified by the three amendments that will be offered.

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

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the very distinguished gentleman from Utah [Mr. HANSEN], who is going to be entrusted with the responsibility of administering this new package when and if it is adopted, the forthcoming chairman of the Committee on Standards of Official Conduct, and a very valued member of this task force, as well.

Mr. HANSEN. Mr. Chairman, I am very grateful to the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for the great work they did on the task force. They worked very diligently, very hard work. It is amazing we got this far, candidly; and I am glad we are here.

I rise today as the chairman of the House Committee on Standards of Official Conduct. I previously served on this committee from 1981 to 1993. In those 12 years that I served, we handled some of the most significant and contentious cases of the Congress. My colleagues may recall, I started when Abscam was still going, and the last case I was part of was the check cashing case. Tough cases. Twenty-nine cases, all of them tough ones.

Yet, in those 12 years on the committee, we did not have one partisan vote. In those 12 years, the chairman and ranking member worked closely together to set the agenda for the committee. I cannot recall one time that the chairman and the ranking member did not bring a joint recommendation before the full committee. In those 12 years, we rarely had a leak of committee information; and when we did, we investigated and found out the source and took appropriate action.

As chairman of the committee, I intend to operate by the standards I knew then as a member of the committee when I was its ranking member and my good friend, the gentleman from Ohio [Mr. STOKES], was chairman of the committee.

I did not know the gentleman from California [Mr. BERMAN], the current ranking member. He considers himself a liberal, which I say in the finest sense of the word. I am considered a conservative. But I found that he is a good man to deal with. We have built a trust, and I think it is essential that we do that if the committee is to act in a bipartisan manner.

I have often stated that it does not matter what rules are adopted to govern the ethics process; without the right people assigned to the committee, it just does not work anyway. I asked my leadership not to appoint people who want to use the ethics process to get even with other Members, not to appoint those who cannot keep confidences, and not to appoint Members who do not have respect for this institution. They have listened to my requests and have selected four outstanding Members.

The Committee on Standards of Official Conduct will investigate aggressively those who have violated our

rules. We will seek to honor the trust that has been placed in us by our leadership and our colleagues. And that is a two-way street.

I have to say I would be terribly disappointed if Members from either side of the political aisle file complaints against other Members strictly for political purposes. I would be very disappointed if people who want to bring charges before the committee do so in a press conference rather than in a confidential manner.

We are not here for political sport or trying people in the mass media. We are here to protect the integrity of the institution and maintain the respect of the American people in our ability to rule on the conduct of our peers. We are a peer review process. If Members want to see a colleague—one of their friends—behind bars, write to the Department of Justice. If they want to nab someone for an election violation, write to the Federal Election Commission. If someone has violated the rules of the House, then write the Committee on Standards of Official Conduct.

I support the task force proposal, and I support the amendments that have been made in order. The amendments guarantee a peer review process rather than complaints by political opponents or ideological enemies. They guarantee that an issue will not linger in the committee because of a partisan deadlock, and they preserve the power of a full committee in the conduct of an investigation. I urge their adoption.

I thank those who have worked so diligently on this task force. I hope we can get this thing behind us. I hope we can get the committee together. I hope we can look at these things and do it truly in the way it was intended to be done instead of a circus that we have seen in some instances.

Mr. CARDIN. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio [Mr. STOKES] who has been a valuable member of the task force and added great expertise to the work of the product that is before us.

Mr. Chairman, I thank the gentleman from Maryland [Mr. CARDIN], my distinguished colleague and cochairman of the task force, for yielding to me.

At the outset I want to take just a moment to commend both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], who were cochairs of our task force, for the excellent manner in which they conducted the business of this ethics task force reform group.

When we started out with the tasks assigned to us, I think it was important for me to be able to see the kind of bipartisan leadership that the two of them gave this committee, because I came to this task force with the experience of having chaired the Ethics Committee of the House on two specific occasions in the past, as well as having served on a previous task force and from time to time having been called to the Ethics Committee for the purpose of serving there on special assignment.

The one thing that I know about the Committee on Standards of Official Conduct is that it is the toughest job any Member of the House can be asked to perform. I think any Member who serves there does so with the realization that they have a very special responsibility both to the public and to the Members of this institution.

I think it is better for the Members of this institution to police themselves through the Committee on Standards of Official Conduct of the House. But I also think it is important that we approach that responsibility on a bipartisan basis. Partisanship cannot be a part of that process. To the credit of both the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], they approached their task and gave the leadership to us in that manner.

Mr. STOKES. Mr. Chairman, this task force worked diligently and I think they produced an excellent product. They listened to many groups, both in closed hearings and in open hearings. I think that the committee tried to improve upon the current situation.

First, I think we should all realize that the committee is no better than the rules under which it operates. But as long as we have good rules, and I think we have provided a good package here, both in terms of improving the due process aspects of the ethics procedure as well as the provision for non-Members to be able to file complaints with the committee.

I would urge the Members of the House to accept this package that was produced by this task force report and urge them to pass it without the additional amendments.

□ 1315

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

Mr. Chairman, I mentioned that we are deeply indebted to all the staff of the various committees that contributed their hard and great efforts to this task force and all of the personal staff as well.

I neglected to point out also that we had a valiant and tremendous amount of help from Bob Weinhagen, senior counsel of the Office of Legislative Counsel, as well as from the Parliamentarian, Charlie Johnson and John Sullivan were of great, great help to all of us.

I just want to go on record as expressing my deep appreciation to them for being with us over long periods of time and being on demand at the strangest of times but always giving us conscientious, thorough, and professional advice. I appreciate their input.

I would like also to take just a moment to stress something that needs some enlargement. The gentleman from Maryland [Mr. CARDIN] and I have both touched on it in previous arguments. The fact is, one of the most significant accomplishments of this package is to provide Members of Congress with the knowledge of the charges that might be lodged against them to provide them with the opportunity to respond to those charges.

In past practices, there have been concerns that, in the rush of political fervor surrounding a particular case, that the rights of the respondent have been in times pushed aside. That is not going to be the case if and when these rules are adopted. The respondent is entitled to a copy of a draft statement of the statement of alleged violation against him. And all evidence that the committee intends to introduce against him or her prior to a vote on the statement of alleged violation must be produced, unless the committee votes by majority to withhold evidence to protect the identity of a witness for some confidential reasons.

The settlement agreement, if, in fact, there is an arrangement between a Member who wishes to dispose of the charges against him and enters into an agreement and utters comments pursuant to that settlement agreement, cannot be used against him. It is required to be in writing, unless the respondent requests otherwise. That way, he is not encouraged into discussions and all of a sudden lured into a situation that works against him in the long run.

The respondent is entitled to immediately review any new evidence which arises after a statement of alleged violation. Settlement discussions are confidential and are not admissible as evidence or includable in the subcommittee or committee reports unless the respondent agrees otherwise.

A report is required where the statement of alleged violation is voted and an adjudicatory hearing is waived. And the respondent is entitled to review and propose changes to the subcommittee report prior to its transmittal to the full committee and to have his proposals attached to the subcommittee report.

Finally, the respondent is entitled to provide additional views, to be attached to the final report along with any comments previously made regarding the subcommittee report.

These are provisions which may sound technical to the average layman, but in a court of law these would be taken for granted. These are rights afforded criminals in any criminal proceeding. It would seem proper that these sorts of protections be granted Members of Congress if they are in the dock and threatened with charges that might, ultimately, not only ruin their careers but ruin their lives.

These are basic statements of fairness which are incorporated in these rules so that no one will be run roughshod over. No one will be subject to a runaway prosecutor who seeks to deny him the basic essentials for due process.

Finally, of course, there is an incorporation of a rule in this package which specifically condemns the filing of frivolous complaints or frivolous information with the committee. If a person, either outside of the Congress or a Member of Congress, uses the rules simply for harassment purposes, without substantial evidence to ground the charges that he or she might be making against another Member of Congress, now it is codified that under these rules the committee can take note of those frivolous charges and take action against the people filing them. We think that that is a significant improvement from the former rules.

There are lots of other individual items, some arcane, some not, which improve the overall package, but I think that in the general debate it is sufficient to say that this is a good package in and of and by itself. It does not need amendment.

That is not to say that the amendments that have been offered cannot improve upon it, but I think that every Member, regardless of their party affiliation or their philosophical judgment, should examine each of these amendments carefully and determine for him or herself whether or not he or she would want those amendments to apply to him or her if, in fact, charges were lodged against that Member.

With that, Mr. Chairman, I will simply say that this package was concluded without the final unanimous vote of the task force members. We did close it to amendment by a vote of 12 to zero, and that was significant. But when the report was written and the chips were down, 11 members either formally or informally decided to put their stamp of approval on the final package and submit it.

One member, the gentleman from California [Mr. THOMAS], did not, and he, I am sure, will be free to explain his reasons. Actually, they were explained in his minority views in the report, and they were incorporated as part of the report. I urge every Member to take a look at his views, because the gentleman from California was a very significant, hardworking, contributing member to the task force and we do appreciate his effort.

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

Mr. CARDIN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

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

I would like to first compliment the work of the task force, in particular the efforts of the gentleman from Maryland and also the gentleman from Louisiana for their leadership in this regard. I think that today we have in front of us a work of a bipartisan task force made up of Members who have done an excellent job in trying to set a set of rules forward in which this House could have and conduct an appropriate peer review process, and so I rise in support of it.

I think that it is of note, even though it has been mentioned, I will mention it again, the due process additions and changes that have been made that further provide to Members of the House, I think, appropriate due process. The bifurcation of the investigative and judgmental phases of the work, I think, is also an important addition.

As we grapple with the amendments that are to follow, I do not want us to lose the point that the task force's work is work that should and could and, hopefully, will be able to stand on its own merit and that this Committee on Standards of Official Conduct will have an opportunity anew in this Congress to try to set an appropriate and, hopefully, reasoned and measured approach to looking at what are fairly difficult issues from time to time.

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

Mr. Chairman, I just wanted to again agree with the points that the gentleman from Louisiana [Mr. LIVINGSTON] has made concerning what is in the resolution before us. It contains many, many changes that we think will improve the legislative process.

I would like to spend a few minutes, if I might, on the three amendments that will be offered later, because I think if Members look at the changes that we have made, they will agree that these amendments should be rejected. The reason I say that is that we have in our task force considered each of these three issues and we rejected it.

It is also important, as has been pointed out by Members on both sides of this aisle, that changes in the ethics process be made in a bipartisan way. There is clearly, clearly, a lack of bipartisan agreement on each of the three amendments that will be offered. For that reason alone, they should be rejected.

The first, that would deny outside persons the opportunity to file an ethics complaint, would change the practice of this House since we instituted an ethics committee back in 1968. We have always allowed non-Members to file complaints. This would be the first time we would deny it.

We are charged with the constitutional responsibility to judge the conduct of our Members. Are we so afraid to allow outsiders to bring charges that we deny them access to bring those charges before our committee? I would hope not.

The resolution before Members provides a new standard for that issue. It requires that a non-Member have personal knowledge. The person must either know the information himself or herself or have received it directly from another. It is not adequate, as the gentleman from Louisiana [Mr. LIVINGSTON] has pointed out, to use a newspaper as a basis for a complaint by a non-Member. You just cannot use speculation or what might be in a newspaper article.

We have raised the bar on non-Members. It would be wrong for us to deny them complete access. We also add additional protection for unjust charges brought against a Member. The chairman and ranking member are given additional powers to be able to stop a matter from being considered a complaint that clearly does not comply with our rules.

So we have protected the institution, we have protected the Member, but we have allowed information to come forward as I hope all my colleagues would agree we should. If you adopt the amendment that is offered, you would not only be eliminating these new tests, you would not only be eliminating the current rule that allows for non-Member filing, you would also be raising the bar on a Member transmitting a complaint from a non-Member by adding an additional requirement.

Mr. Chairman, that is a bit much, and I hope the Members would agree with me that is an overkill of a situation that would really be perceived, and rightly so, as us trying to close off this process to any outside people. I could give my colleagues several examples that could come to light that would show exactly why that amendment would be ill advised.

Let us use as an example, and this is strictly an example, that suppose a staff member has been inappropriately approached by a Member asking sexual favors in exchange for promotion. What does that staff person do? Under the resolution before us, that staff person can bring that matter directly to the ethics committee. Do we want that staff member to have to shop for a Member of this House to certify that that is an appropriate complaint?

And suppose it is a Democrat or a Republican. Is this a partisan issue? Where is the dignity of the process? Do we really want to close ourselves to that type of matter being brought to our ethics committee? I would hope not.

I could give my colleagues many more examples as to why it would be wrong for us to close out legitimate problems coming to our ethics committee from non-Members. That amendment, as well intended as it may be, would do that. Reform should open up the process, not move backward. That amendment would take us backward.

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

The CHAIRMAN. The Chair would inform the Members that the gentleman from Louisiana [Mr. LIVINGSTON] has 4½ minutes remaining and the gentleman from Maryland [Mr. CARDIN] has 12½ minutes remaining.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Michigan [Mr. LEVIN].

□ 1330

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

Mr. Chairman, I would sincerely like to congratulate the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] for their work on this, and all the Members who have worked with them. I think what the gentlemen are doing is meeting the demand of the public, but also what should be our own demands.

This House needs a strong ethics structure. The public demands it, but so does our own sense of public service, of self-esteem.

We want to serve in this body, proud of our service, and part of that pride requires a system so that when ethics are violated, there is a responsible response.

This bipartisan agreement would create a strong ethics structure. The gentleman from Maryland [Mr. CARDIN] has addressed, as the gentleman from Louisiana [Mr. LIVINGSTON] has, amendments, and there will be further discussion. In my judgment, as has been explained, two of these amendments would erode a strong ethics structure. Indeed, I think it would blow holes right through the fabric.

I think it is especially regrettable they would be offered here, because there was agreement to pursue this issue in a bipartisan manner. If any area deserves a bipartisan approach, it is ethics standards of this House.

So I urge a "no" vote on those two key amendments. I also suggest if they would carry, I would vote against the bill, because I would feel that it had become instead of an adequate response, a very inadequate one.

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

Mr. Chairman, I will take the time now to talk about the two other amendments that were made in order under the rule. One, I think Mr. BERMAN covered very adequately, about the automatic dismissal if a matter pending a vote on an investigation is not carried. If the matter is still pending for another 180 days, there would be an automatic dismissal. Under one of the amendments that was made in order.

We should be aware that the current rules of the committee provide for no such action. Mr. BERMAN pointed out, and I concur, that when you put a deadline in a split vote causing a dismissal, you are encouraging that action.

It is not difficult for a committee equally divided, Democrats and Republicans, to do nothing for 6 months, particularly if there is tremendous pressure from one of the political parties.

If you have a person who is perceived to be the target of a political complaint, regardless of how meritorious that complaint might be, there will be tremendous pressure on the committee to break according to party line.

Mr. Chairman, we had some difficult times over the past couple years; some very difficult matters appeared before our committee. But we were able to resolve all those issues, because we knew we had to get a bipartisan vote, that we could not just split along partisan lines.

We resolved the issue. Should they have been done sooner? You bet they should have been done sooner, and our rule changes provide for much faster action. The chairman and ranking member must act within 14 days on a complaint. There is a limit as to when one must start in an investigation. So we provide for a more timely investigation. We deal with the problem. But if we just say it is going to be a dismissal, we have not dealt with the problem. In fact, we have done a disservice to the Member because it is likely there is going to be another complaint filed, another complaint filed, everybody is going to be yelling it is partisan. Does this institution look good in that circumstance? Does the Member look good? No.

We need to resolve our issues. We have heard from the ranking member. We have heard from the chairman of the Committee on Standards of Official Conduct. They are going to work together. Let us have a little confidence that we can do our constitutional responsibility. I would urge Members to reject that amendment.

There is a third amendment, which would take away from the subcommittee the ability to expand the scope of an investigation or to issue subpoenas. That would be a mistake.

We have gone to great lengths to protect the bifurcation of the system. The people who do the investigation should be separated from those who sit in judgment. If we had to go back to those who sit in judgment in order to explain why we want to expand the scope, we are compromising the objectivity of those that ultimately will sit in judgment.

Before we reached this point under the rules that we have, we will have passed at least three bipartisan hurdles, three bipartisan hurdles will already have been passed. First, there will be action of the chairman and ranking member that we have a legitimate complaint. Second, the chairman and ranking member will have gone through the initial factfinding and got even into an investigation through the approval of either the chairman or ranking member of the committee. And third, by a bipartisan vote of the investigative committee, we will have gone into an investigative stage.

So this is not a situation of a partisan problem. This is a situation of protecting the integrity of the process. For the reasons stated, I would urge the Members to reject all three amendments on substance. They were rejected by the task force, and, just as importantly, they open up partisan wounds. That would be a mistake on this day when we can move forward on the ethics process in a bipartisan manner.

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

Mr. LIVINGSTON. Mr. Chairman, I am pleased to yield 2 minutes to the very distinguished gentleman from Delaware [Mr. CASTLE], a member of the task force who was extremely valuable to the deliberations of our work product.

Mr. CASTLE. Mr. Chairman, I thank the distinguished gentleman from Louisiana for yielding me this time. I cannot say enough about the work that he and the gentleman from Maryland [Mr. CARDIN], did on this task force. They are tenacious, they are highly understanding of this process, and I think without their leadership, frankly, this would not have been done.

I am a supporter of the product which came from this committee. I was the only one on it who has never served on the Committee on Standards of Official Conduct, and, frankly, I hope never to serve on it, based on what I have seen. But, having said that, hopefully we have made it easier for those who will serve in the future.

While there are some areas that are contentious, such as should outsiders be allowed to do this, I realized 15 minutes into the proceedings we are not going to please everybody, it is impossible to do that, so some hard decisions had to be made.

In fact, every decision made was hard. There are many, many decisions, literally in the hundreds, that had to be made by the committee, and virtually in every case I think we improved the product, which is the rules and procedures for the Committee on Standards of Official Conduct.

We reduced the potential for partisanship, which has not been talked about too much, but the committee staff shall be nonpartisan, professional, and available to all as a resource. That is an important change.

We have standards now for timely resolution of matters before the Committee on Standards of Official Conduct by setting time limits for determining whether a complaint is properly filed or should go to subcommittee. That did not exist before and that is a very significant change.

We have dealt with providing safeguards as to providing adequate and timely information to Members who might be accused of standards violations so they have the ability to defend themselves against complaints filed against them. That is important. That has not been done in the past, and that is a significant change.

I believe this package contains many more items like that, most done on a bipartisan basis.

As far as the amendments are concerned, I hope Members, staff, and the public in general looking at the amendments would consider them very, very substantially and cautiously before casting any votes, particularly in favor of them. They are in a position to be very disruptive to the process of what this committee has done, and I think that needs to be kept in mind. But the bill should be adopted.

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

Mr. Chairman, once again I encourage Members to please review the work of our task force. I agree with the gentleman from Delaware [Mr. CASTLE], please look at these amendments carefully.

We have a bipartisan product. Ethics reform must be done in a bipartisan manner. The amendments that will be offered will not be supported in a bipartisan way. I can give you the policy reasons why the task force rejected them. I have already done that. But I think it is important for this institution, for the credibility of this institution, for us to move the ethics process as far as we can in a bipartisan manner.

As the gentleman from Louisiana [Mr. LIVINGSTON] knows, there are many provisions in this package that I would have liked to have seen differently. I did not offer amendments to change the package to meet my individual agenda. I did that because of the respect for our product and the process that was used, a fair process. It is now important for this House to ratify that process.

Today we can make major progress in improving the ethics procedures in this body by supporting the work of the task force and by resisting the amendments that will be offered.

I urge my colleagues to reject the three amendments, to support the final report, and to let us move forward to move the ethics process and improve the credibility of this institution in the eyes of the public.

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

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

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, once again I want to commend the gentleman from Maryland [Mr. CARDIN], all the members of the task force, and all the staff who have contributed so mightily to this work product. It is a fine work product, something we can be proud of.

I take issue to my friend from Maryland only to the extent that I attribute only good faith to those Members who in bipartisan fashion are proposing amendments to this task force product.

I would say that there is concern on behalf of some Members with regard to the second amendment we will consider dealing with, whether or not outside nonmembers can file complaints with the Committee on Standards of Official Conduct. I would say in response to the gentleman's concern that, a sexually harassed member of a staff could not have any avenue for response, they can still come to the Committee on Standards of Official Conduct. Even if that amendment were to pass, the Committee on Standards of Official Conduct can still entertain that complaint of sexual harassment.

Even if they did not want to do that, since Congress applied all of the laws of the Nation to ourselves, she can even go to the EEOC, or any other avenue that any other American citizen can go to, to complain of sexual harassment. I just do not buy that argument.

So Members in bipartisan fashion have to consider, do we want outsiders to come in and complain against us, or do we want to leave that responsibility to ourselves? I think that is a legitimate question and one that should be answered by the majority of the Members in bipartisan fashion.

Apart from that, I think we have a great package. I am proud of the work product and the association I have had with all of the people that contributed to it, and I urge the adoption of the package.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise today in support of House Resolution 168, a resolution that would implement the recommendations of the bipartisan House Ethics Reform Task Force. I would also like to commend the bipartisan task force for its dedication and commitment to developing new standards for the Committee on Standards of Official Conduct to follow. They have had an extremely difficult assignment to do, and I believe they have done an admirable job. Their legislation represents an important initial step toward restoring public confidence in the House of Representatives.

Unfortunately, I am committed to speaking before over 1,000 people at the African Association of Physiological Sciences [AAPS] and the African Regional Training Center/Network for the Basic Medical Sciences [AFRET] in Durban, South Africa. If I had been present, I would have voted in favor of this measure which I am confident will help repair a ethics process that has been properly criticized by both Members of Congress and the American people.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the resolution is considered read for amendment under the 5-minute rule.

The text of House Resolution 168 is as follows:

H. RES. 168

Resolved,

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 10 Members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 10 Members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced to the House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that Members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of Members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two Members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) HOUSE RULES.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) DIRECT FILING.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) PROCEDURAL REQUIREMENTS.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) TIME FOR DETERMINATION.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information

filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) DISPOSITION OF PROPERLY FILED COMPLAINTS BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME LIMIT.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) SUBPOENA POWER.—

(1) HOUSE RULES.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if

the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

The CHAIRMAN. No amendment to the resolution is in order except those printed in House Report 105–250. Those amendments may be offered only in the order printed in the report and by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 105–250.

AMENDMENT NO. 1 OFFERED BY MR. LIVINGSTON

Mr. LIVINGSTON. Mr. Chairman, I offer amendment No. 1, made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LIVINGSTON:

At the end, add the following new section:

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. LIVINGSTON] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CARDIN] be allowed to control 5 minutes, whether or not he is opposed.

The CHAIRMAN. Without objection, the gentleman from Maryland [Mr. CARDIN] will be recognized for 5 minutes.

There was no objection.

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

Mr. Chairman, actually this amendment is offered by the gentleman from Maryland [Mr. CARDIN] and myself in bipartisan fashion. Basically it serves to overcome an anomaly that might have been created were it not adopted, in that the moratorium, the ninth moratorium on the filing of complaints to the Committee on Standards of Official Conduct, expired last week, and unless we adopt this amendment, frankly, what it means is that the filings which came in to the committee between the ending of the moratorium and the time which these rules were amended might be considered under the old rules, or they might be considered under the new rules, but, frankly, nobody would really know, and especially the counsel for respondents would be in a disastrous position if they were required to respond to allegations against their clients under both sets of rules.

□ 1345

So this is an attempt to clear that up and would simply make sure that everyone knows that any complaints coming up to the point of the adoption of this new package will be considered under this new package.

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

Mr. LIVINGSTON. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would inquire of my colleague, does this amendment resolve the issue of whether or not the new rules will apply, in whole or in part, to those complaints filed in prior Congresses that may be carried over to this Congress?

Mr. LIVINGSTON. Mr. Chairman, reclaiming my time, the amendment does not specifically relate to that.

However, it is our expectation, and the understanding of all of the task force members, that in accordance with precedent the Committee will determine by majority vote which, if any, complaints filed in the previous Congress will be considered in the current term. Once accepted, it is the intent of the task force that such complaints shall be treated in all respects as if they had been accepted under the new rules, which shall then govern accordingly.

Mr. CARDIN. Mr. Chairman, if the gentleman would yield further, I agree with my cochairman's interpretation. Complaints that carry over by an affirmative vote of the committee would be considered as being in the same status as they were in the previous Congress when it adjourned. They would then proceed under the new rules in this Congress, which I believe is our understanding.

Mr. LIVINGSTON. In order to simplify that, Mr. Chairman, let me simply say that I appreciate my friend's comments, and if he has no further requests for time, I would simply say, this is a clarifying, technical amendment to make all concerned know that any further disposition of complaints will be utilized and enforced by the new rules and no preceding rules that govern Congress.

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

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] is recognized for 5 minutes.

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

Mr. Chairman, staff just pointed out, and let me just clarify again so it is clear, under the amendment that we have before us, although it does not directly deal with it, it is our understanding that if the committee votes to carry over a complaint, that that complaint would be considered properly filed. It would then proceed under the new rules in this Congress in the status it was at the adjournment of the last Congress.

Mr. LIVINGSTON. Mr. Chairman, if the gentleman will yield, that is correct, assuming that the committee votes by majority to accept the complaint previously filed.

Mr. CARDIN. Mr. Chairman, I concur with the cochairman's interpretation.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. LIVINGSTON].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 0, answered "present" 1, not voting 12, as follows:

[Roll No. 408]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—12

Bonilla
Conyers
Furse
Gephardt
Gonzalez
Goss
Granger
Meek
Neumann
Oberstar
Pickering
Schiff

□ 1405

Ms. CARSON and Mr. SUNUNU changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 105–250.

AMENDMENT NO. 2 OFFERED BY MR. MURTHA

Mr. MURTHA. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MURTHA:

Page 9, strike line 16 and all that follows thereafter through page 10, line 10, and insert the following new section:

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of Rule X of the rules of the House of Representatives is amended by striking "or submitted to", by striking "a complaint" and inserting "information offered as a complaint", and by amending clause (ii) to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee.

Page 10, strike line 12 and all that follows thereafter through page 11, line 23, and on line 24, strike "(b) TIME FOR DETERMINATION.—."

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Pennsylvania [Mr. MURTHA] and a Member opposed each will control 15 minutes.

Does the gentleman from Maryland [Mr. CARDIN] rise in opposition?

Mr. CARDIN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Maryland [Mr. CARDIN] will control 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. MURTHA].

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

Mr. Chairman, let me explain what I am trying to do, so Members will understand the thrust of the amendment that I am offering.

What I am concerned about, having been before the Ethics Committee and having been cleared by the Ethics Committee in a unanimous vote, a lot of people said they were on the Ethics Committee. I was before the Ethics Committee, and the process, I thought, worked very well. I was cleared with a bipartisan vote, overwhelming vote, that cleared my charges. I went through a long process. Naturally, anybody that is accused goes through a difficult process.

But I was also on the Ethics Committee for a period of time, and we had a number of cases. As some people have said in the past, most of those cases were handled in a bipartisan manner. It took a lot of argument, it took a lot of back and forth, but they were all handled fairly expeditiously.

What I worry about is frivolous complaints offered by outside groups. I am not talking about responsible outside groups. We have a lot of groups that call themselves watchdogs and so forth, and they have a legitimate status. I do not think those particular organizations would offer a frivolous complaint. But there are partisan organizations on both sides of the aisle that would offer an amendment right during an election cycle that could be very harmful to the Member.

We do not notice the publicity in Washington in most cases. There is one story about a complaint being filed, and we do not see much more about it. But that person that is accused goes through a tremendous process of news, as if the person has been indicted and convicted.

As soon as there is a newspaper report that a charge has been made, the hometown newspapers focus on that individual, and they do not say the individual is guilty, but they intimidate people and they make people believe he is guilty, and it costs tremendous amounts of money to defend yourself, because you are portrayed as the guilty person.

What I would like to see is, a Member would have to make the complaint. Now, we established the Ethics Committee for one reason. That is to police ourselves. We should police ourselves. But a Member should be convinced to offer the complaint. It is an information until the two, the chairman and vice chairman, cochairman, whatever we call the ethics top leaders now, decide on them.

I believe that one more process, due process, is important. I believe somebody on the outside should be forced to go to a Member and convince that Member. I thought it was a sham before, when you go to three Members and they do not sign a complaint. They say, I will not sign a complaint.

I believe that we have a responsibility to bring a complaint forward if we have knowledge of something that is wrong. I think Members of the House will take that responsibility. There is no question in my mind that the Members can police themselves under every circumstance.

The rules of the House are very complicated. I think a Member should take the responsibility if there is any problem, if there is information found. Too many times, a person takes a newspaper report, they take information they know nothing about, and they send it in as a frivolous report, and it means all kinds of problems for that elected official.

We have to run every 2 years. Nobody asks us to run, but our reputation is on the line. I absolutely believe it is important that, to give an individual due process, we should have to convince a Member of Congress to offer the information or the complaint.

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

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

Mr. Chairman, I have the deepest respect for the author of this amendment. He is a person who has fought long and hard to improve the credibility of this institution. I disagree with this amendment. I think it moves in the wrong direction.

The gentleman from Pennsylvania [Mr. MURTHA] mentioned a couple of points that I would like to directly respond to. First, he says it takes too long for us to consider complaints. I agree with him. That is why, in our resolution, we have provided to the chairman and ranking member to have but 14 days to determine whether a matter is a complaint or not, while we have 45 days of initial factfinding, and then they must do something with the complaint, so it cannot sit there indefinitely.

□ 1415

I agree with the sponsor of the amendment in that regard. The problem is that his amendment does not fit into the work of our committee. There are some additional powers that we gave the chairman and ranking member that quite frankly would not have been there but for the fact that we have direct filing of outside complaints. Those provisions are unaffected by the Murtha amendment. The amendment does not fit. It is going to cause problems for the process.

The sponsor mentioned newspaper accounts. We have a specific resume which adopts, by the way, the practice of the other body that says a newspaper account cannot be the basis of personal knowledge. So an outsider cannot use a newspaper article as the basis of filing a complaint. We specifically provide for that.

Since we have had a Committee on Standards of Official Conduct, since we have adopted the ethics rules in this House, we have permitted nonmembers to file complaints. If this amendment is adopted, it will be the first time in the history of this Chamber since we have adopted ethics procedures that we will close the doors to outsiders. I think that is wrong.

During general debate I mentioned an example of a person, staff person, and this is just a hypothetical, who has been solicited by her boss to do sexual favors for promotion. Does any of us want that person to have to shop a Member of the House in order to bring that complaint? Should that matter not be directly able to come to the Committee on Standards of Official Conduct as a complaint? Where is the dignity of a person who has a problem with a Member of being able to present it to the Committee on Standards of Official Conduct?

I know that they can present and they have other legal recourse here. That is legal recourse. We are talking about the ethical standards for Members of the House and we want our Committee on Standards of Official Conduct to be able to judge the conduct of Members of the House. As well intended as this amendment is, it denies that ability for us to be able to adequately judge our Members.

The Murtha amendment not only takes away direct filing, but it changes the current rules of the House where outside groups can have one of two ways of getting a complaint filed. One is eliminated, the other is changed by the Murtha amendment. The three-Member refusal is gone. This amendment stops it. And even the transmittal by a Member of a non-Member's complaint is changed if the Murtha amendment is adopted, because under the current rule a Member can transmit a complaint by a non-Member. Under these rules, under this amendment it would require the certification of a Member.

Once again, is it right to demand that a person who has a legitimate problem have to search out and find a Member of the House?

Let me give my colleagues one more example. A constituent receives a mailing from a Member on official stationery soliciting money for a campaign. Clearly against our rules. Now, if that constituent goes, if that happens to be a Democratic Member of Congress and it goes to another Democrat to try to transmit the amendment, we put a Democrat in a very difficult position. Goes to a Republican, it is partisan.

Why should they have to get the stamp of approval before they transmit to us and then we make the judgment? What are we afraid of? We have given the power to the chairman and ranking member, why should we close the doors after all these years?

I urge my colleagues, in the sense of fairness, we have raised the bar for non-Members filing complaints, and properly so. We have reached a fair compromise. Let us not slam the door totally and pretend that we only can present information against a Member. That is wrong. We will lose the confidence of the outside world, and rightly so. I urge my colleagues to reject the Murtha amendment.

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

Mr. MURTHA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I thank the gentleman for yielding me this time, and I will take only a brief period of time to point out to the gentleman from Maryland in his argument that, in fact, the hypothetical that he presented does cause some concern. That is, for example, a staff member having some concern about the activities of the Member, up to and including, we hope not, some type of sexual harassment. But the dilemma that the gentleman placed us in is simply not there.

Perhaps the gentleman does not realize that when Republicans took majority control the very first act, the Congressional Accountability Act, 104th Congress—Public Law 104–1—set up the Office of Compliance so that the staff and the Member would not have to deal with this at the ethics level. The act deals with the professional employment relationships and Republicans will not tolerate a Member treating an employee in that fashion, nor should they have to go to the Committee on Standards of Official Conduct to get a solution. It is the Office of Compliance that would deal with employee complaints.

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

Mr. THOMAS. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding to me, and I support the effort as it relates to the legal aspects, but that committee has no authority to discipline the Member as far as that Member's activity on the floor of this House. Only the body can do that.

Mr. THOMAS. Reclaiming my time, Mr. Chairman, I understand that, but the gentleman's argument is one that poses a dilemma which is not there. I happen to believe that the standards of official conduct, it is not called ethics, is for peer group review. And I have in the past examined materials brought to me, and when I thought it reached a particular level I sent it on to the committee. That is part and parcel of our responsibility.

Any reasonable proposal will not stop prior to reaching the Committee on Standards of Official Conduct.

My only response was to the gentleman in his hypothetical dilemma, I thought he needed to know that at the beginning of last Congress, when Republicans took control, we solved his problem.

Mr. CARDIN. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California [Ms. PELOSI], a member of the bipartisan task force.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this issue. It is with the highest regard for the gentleman from Pennsylvania [Mr. MURTHA], and he knows I mean that when I say this, that I regretfully rise in opposition to his amendment and for the following reasons:

The task force strove to strike a balance in terms of protecting this institution and the reputation of the Members of this institution, but having a process that was fair and open. I want my colleagues to know where we are now, what this task force does and why I think it is preferable to what the gentleman from Pennsylvania is proposing.

Right now an outside person or group can file a complaint against a Member on the strength of a newspaper article. The gentleman from Pennsylvania rightfully said in his comments that outsiders should not be able to wreak havoc on the reputations of Members of Congress on the basis of a newspaper article.

The task force agrees. That is why the task force says that in order for an outsider to file a complaint against a Member that person must have personal knowledge of the offense that he or she is complaining about. Nonmembers who file a complaint on the basis of a newspaper article do not qualify. We say it positively and we say it negatively in here.

And then an outside person can file a complaint, if they give it to a Member, if the outsider does not have personal knowledge. Members who sponsor a nonmember's filing of information offered as a complaint shall certify that the complaint is acting in good faith and that the matter described in the filing warrants the attention of the committee.

So the task force also agreed with the gentleman from Pennsylvania that the Member should have to certify to the validity of the complaint. The language the gentleman from Pennsylvania is offering, if passed by this body, would be tantamount to preventing outsiders from offering amendments unless the Member of Congress went even further.

I believe we have struck a balance. We are taking heat from both sides. The outside community thinks that the task force went too far in raising the bar for outside complaints; some Members think that that bar should be raised higher. We think the task force struck the appropriate balance, which is fair to Members, respects the reputation of the House of Representatives. With that I urge a "no" vote on the Murtha amendment.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], the chairman of the Committee on Standards of Official Conduct.

Mr. HANSEN. Mr. Chairman, I appreciate the gentleman from Pennsylvania giving me the opportunity to speak to this amendment. I rise in strong support of this amendment. This, in my opinion, is the most important amendment we will consider. It maintains the ethics process as peer review, as our Founding Fathers envisioned it to be.

Without this amendment, each Member will be subject to complaints filed for political purposes and by election opponents and by ideological foes for the sole purpose of a headline or perhaps, more sinister, to destroy someone's reputation.

In Washington we have seen that if a legislator's agenda, based on merit or majority vote, cannot be stopped by someone, they can succeed by attacking their ethics, their reputation. The media is often a willing partner in pursuing the scandal for ideological purposes or as a way to sell their product.

Let me give my colleagues an example. In 1982, we had the big sex scandal here, where a reporter for one of the large organizations got our poor little pages back there, programmed them, got them to thinking there was all this stuff going on, and every night every one of us was subject to the idea of who are these rotten people here? Who are the bad guys?

Then what happened? After we spent $2 million of the taxpayers' dollars, these kids bowed their head and said we made it all up. The question was asked, where did you get the names to make it all up? We got them from a reporter from CBS. Did we see CBS stand up and say, gee, we're sorry we spent all that money; it was all a lie; it was all a mistake? Anyone remember seeing that? I cannot remember seeing

that. To this day people do not even know that.

So it kind of bothers me, this strong, strong fourth estate who has no accountability to us at all, who will come and see us with sweet and light and nice things to say about us, then write bitter and vicious things about us. Where is their accountability? Let me say we have to make those people somewhat accountable, if we possibly can. And if we cannot, this amendment is the only salvation we have. In my opinion, this is the most important amendment I have seen brought up to this.

Article I, section 5 of the Constitution clearly provides for the Congress to punish its Members. Only Members of Congress may present a privileged resolution to this floor concerning a fellow Member. It is appropriate in an internal peer review process that House Members and only House Members are allowed to properly file complaints before the committee.

This does not mean that citizens and others are denied access to the committee. The door is not shut, contrary to what my friend from Maryland said. They are not. Anyone in the country can send information to the committee, bringing to our attention information regarding a Member or a staffer of the House.

And the committee can, keep this in mind, the committee can self-initiate a complaint against a Member when they are so inclined to do it. Two of the three investigations voted by the committee for the last Congress were initiated by information brought to the committee attention rather than by properly filed complaints to the committee.

As chairman of the committee, I do not want this agenda set by outsiders who have established a fundraiser base in Washington by writing and filing complaints against Members of Congress.

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

I appreciate the comments of the chair of the committee, but I think it is a bit naive to expect that if we close the door to direct filing of complaints that we are going to all of a sudden not get newspaper articles or not get matters that are brought to the public's attention through press conferences or the like about the conduct of Members of this body. That is just plain naive.

I also think we do a disservice to the Member if we do not have a reasonable process to be able to resolve the issue within our ethics process. By closing the door we tell the public we do not want to hear from them. We are a restricted group and we will take care of our own problems. That is just going to make it worse for the Members of this institution and worse for the institution.

My friend from California, Mr. THOMAS, talked about the process that we have for the violation over employee rules. That is fine, but a person who has gone through this matter should have a choice of forum. If they want to bring the matter as an ethics issue, that employee should have the opportunity to do it, and for us to say no is just plain wrong.

□ 1430

Or to say that that employee has got to shop to find a Member of the House to certify is putting an unreasonable requirement. Please look at the underlying resolution. We changed the current rules significantly in this regard. We made a lot of progress.

I just urge my colleagues who think that this will provide better protection against unwarranted complaints, I think just the opposite will occur, that they will be closing the process, removing the public confidence, and making it more likely than less that scandals will go unabated.

We have an obligation to listen to all parties. We made a reasonable requirement for additional standards for non-Members to file complaints. It is reasonable. Please accept the bipartisan results. Let us try it. It is in the best interest of the House.

Mr. MURTHA. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. MURTHA] for yielding me the time.

I just heard an amazing statement that the gentleman from Utah [Mr. HANSEN], the chairman of the Ethics Committee, that he might be naive, because he said the Committee on Standards can initiate its own inquiry given enough information and the disposition to do so.

The fear that I have with the initiative of the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON] is that they will politicize the ethics process in an election year. Every campaign check a Member gets is going to raise a flag.

Now, they think they are immunizing the process from frivolous complaints by saying "You must have personal knowledge, not a newspaper account." We have the telephone. We read something in the paper. We pick up the phone. We call somebody who is quoted. We have personal knowledge, we have the Freedom of Information Act to provide the requisite knowledge.

The fact is, if outside people can file these ethics complaints in an election year, we will have a blizzard of them filed. I do not know how the committee is going to deal with them all as they pile up. Perceptions are everything in politics. "He is under investigation by the Ethics Committee." That is all they have to say, and we have got to spend weeks defending ourselves. It is wrong.

When do we start to take into consideration the real world? Information is available from any source on the globe. The committee, which is bipartisan, Democrat and Republican, can initiate a complaint if nobody wants to do it or will do it. But we are opening the door to a flood of partisan ethics complaints in an election year. The struggle for power, the negative campaigning, all of this comes into the mix. I think we are doing a disservice to Members, because the accusations are going to be there and the truth will have a difficult time catching up with them.

Someone said that "charges and allegations fly on falcons' wings, but truth shuffles along in wooden shoes." I am just suggesting this is a serious mistake. We are injecting a political layer into what ought to be depoliticized. I think we will live to regret the consequences.

So please vote for the Murtha amendment. Take politics out of this process by supporting the Murtha amendment.

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

I hate to correct the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary. This amendment does not take us back to status quo. It does not. Currently there are procedures for non-Members to file complaints. That is eliminated. The three-Member refusal is gone. The transmittal by a Member automatically is gone.

These changes move us backward. They do not maintain the status quo. If this amendment maintained status quo, I would not have anywhere near the objection that I have. But it takes us backward, before the beginning of any rules in this House, as to the access that non-Members have in filing complaints with Congress. It is for that reason that I am so much opposed to the amendment.

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

Mr. MURTHA. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I hope all the Members will pay some attention to these remarks because they are personal. Every bit of the discussion to this point has been in the abstract. But I have been through this.

I have had someone attack me for no other reason than personal, political gain. I have had to go through the process of being sued for slander by someone who attacked me, who attacked my integrity, who came after me for no purpose other than to try to destroy me politically, and I had to go through it. I had to have an attorney.

Anybody who stands here and talks about an outside group being able to come into this House and make a complaint, as if we are cutting off access, people who have no desire other than to come and to take them apart, not

just politically but destroy them as a person.

I am willing to submit myself at any point to the judgment of my peers in this House. But I am unwilling to open up the floodgates of the crime of slander and libel against a Member that will surely come with this. I have been through it.

I ask any Member to think about what it is like when all of this is put out in the newspapers and people ask them about it and the attack is on them, and they wake up in the middle of the night in frustration and rage, knowing that they are innocent.

I was attacked by somebody who altered a tape on the grounds that he knew what I was really saying, so he had altered the tape to make sure that everybody else would know it. He found an attorney that could come after me. And the day before the trial started, after all the depositions, after all the accusations, the suit was withdrawn. I was left to hang. And do my colleagues know what the attorney said to me? "If you want to counter sue, you are going to have to pay for that." This was done for no other purpose than for political attack.

I respect the work that was done with this. Believe me, where the gentleman from Maryland [Mr. CARDIN] is concerned, where the gentleman from Louisiana [Mr. LIVINGSTON] is concerned, no one respects them more. They have the most thankless job. I sincerely mean that. I respect this.

But the gentleman from Utah [Mr. HANSEN], the chair of the committee, has said that this will provide an agenda set by outsiders; and I guarantee my colleagues, that is what is going to happen.

The gentleman from Illinois [Mr. HYDE], the chair of the Committee on the Judiciary, has said that we have to prevent the injection of politics. And I tell my colleagues, if we do not have this amendment, we will have the injection of politics with a vengeance.

The CHAIRMAN. The Chair would indicate that the gentleman from Pennsylvania [Mr. MURTHA] now has 30 seconds remaining, and the gentleman from Maryland [Mr. CARDIN] has 4½ minutes remaining.

Mr. MURTHA. Mr. Chairman, who has the right to close?

The CHAIRMAN. It is the perception of the Chair that the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN], serving as managers of the bill under the terms of House Resolution 230, will have the right to close in the event that they control time in opposition to an amendment.

Mr. MURTHA. Mr. Chairman, I yield the remaining time to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me the time.

Mr. Chairman, I rise not in defense of any one of my colleagues who might be charged with an ethics complaint, certainly not in defense of myself should I ever suffer that fate.

I rise in defense of this institution. If my colleagues think this institution already belongs to special-interest groups because of the money that flows into politics, then dare they turn this institution to outside groups, who can hold each one of them hostage with a threat of an ethics complaint in order to get their way on this House floor?

If they want to turn this body over to the outside groups, vote against the Murtha amendment. That will do it.

If they want to preserve in this House our own obligation to police ourselves, then vote for the Murtha amendment.

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

Mr. Chairman, we are not turning over anything to anybody outside of this institution. We are not turning over anything. The resolution before us restricts the rights of non-Members to file complaints. It is more restricted than the current rules. So let us please stick to what the facts are.

We have, we think, imposed reasonable standards on what non-Members should have to comply with in order to file a complaint with our committee. We used as precedent the rules of the other body, and in the other body non-Senators can file complaints based upon personal knowledge. They cannot be based upon newspaper accounts.

We think that is the appropriate way. We believe it is an improvement over the current system.

Mr. Chairman, we have been operating under these procedures since we adopted ethics rules in this House. Every time we have had a bipartisan effort to reform the process, we have tried to improve the process.

If this amendment is adopted, I will make two observations: It will be the first major change in our ethics rules that will be done on a partisan basis because it did not go through the bipartisan operation that we had agreed with. And it will be the first major retreat, the first major retreat and pullback of ethics procedures in this House. That would be, I think, a sad day for the House of Representatives.

I understand the frustration that the gentleman from Hawaii [Mr. ABERCROMBIE] expressed on the floor of this House. It was not an ethics complaint that caused this frustration. But I understand his frustration to be unjustly accused.

All of us have gone through being unjustly accused. All of us who serve in public life have subjected ourselves and our families to unjust accusations because, just because, of our public service. That is wrong.

The Constitution gives us the right to judge our own Members. We should require non-Members to pass a certain knowledge test before they can activate a complaint. But how we conduct the ethics process in this House is very important. And for us to say that we are going to reform it by denying direct filings, to me, is a major mistake.

I would urge each Member, as they come over to vote, to please consider what is in the best interest of this institution. We have worked in a bipartisan manner to try to reform this process. It is important that that bipartisanship continue. A vote for this amendment, I regret, will work against the bipartisan cooperation that we have had on our task force.

I urge my colleagues to vote against the Murtha amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MURTHA].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 193, answered "present" 1, not voting 11, as follows:

[Roll No. 409]

AYES—228

Abercrombie	Cox	Herger
Aderholt	Crane	Hill
Archer	Crapo	Hilleary
Armey	Cubin	Hobson
Bachus	Cunningham	Hoekstra
Baker	Deal	Horn
Ballenger	Delahunt	Hostettler
Barr	DeLay	Houghton
Barrett (NE)	Diaz-Balart	Hulshof
Bartlett	Dickey	Hunter
Barton	Doolittle	Hyde
Bass	Dreier	Inglis
Bateman	Duncan	Istook
Bereuter	Dunn	Jenkins
Bilbray	Ehlers	Johnson, Sam
Bilirakis	Ehrlich	Jones
Bishop	Emerson	Kanjorski
Bliley	English	Kasich
Blunt	Ensign	Kelly
Boehlert	Everett	King (NY)
Boehner	Ewing	Kingston
Bono	Farr	Klink
Borski	Fawell	Knollenberg
Boucher	Flake	Kolbe
Brady	Foglietta	LaHood
Bryant	Foley	Largent
Bunning	Forbes	Latham
Burr	Fowler	LaTourette
Burton	Frelinghuysen	Lazio
Buyer	Gallegly	Lewis (CA)
Callahan	Ganske	Lewis (KY)
Calvert	Gekas	Linder
Camp	Gibbons	Lipinski
Campbell	Gilchrest	Lucas
Cannon	Gillmor	Manzullo
Chambliss	Gilman	McCrery
Chenoweth	Goodlatte	McDade
Christensen	Goodling	McInnis
Clay	Graham	McIntosh
Clement	Granger	McKeon
Coble	Gutknecht	Metcalf
Coburn	Hall (OH)	Mica
Collins	Hansen	Miller (FL)
Combest	Hastert	Mink
Condit	Hastings (WA)	Mollohan
Cook	Hayworth	Moran (VA)
Cooksey	Hefley	Murtha

Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Towns
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—193

Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Goode
Gordon
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (KS)
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Poshard
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—11

Bonilla
Furse
Gephardt
Gonzalez
Goss
McCollum
Meek
Neumann
Oberstar
Schiff
Weldon (PA)

□ 1501

Mr. FOX of Pennsylvania and Mr. DICKS changed their vote from "aye" to "no."

Mr. CLEMENT changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 105–250.

AMENDMENT NO. 3 OFFERED BY MR. TAUZIN

Mr. TAUZIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TAUZIN:

Page 14, line 21, after the period, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 15, line 12, before the quotation marks, add the following new sentence: "If 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the complaint shall be dismissed without prejudice.".

Page 22, line 16, strike "and", on line 20, strike the period and insert "; and", and after line 20, insert the following new paragraph:

(9) if 180 calendar days have passed since a motion to establish an investigative subcommittee did not prevail, the committee shall send a letter to the complainant and the respondent stating that the complaint has been dismissed without prejudice.

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Louisiana [Mr. TAUZIN] and a Member opposed each will control 15 minutes.

Does the gentleman from California [Mr. BERMAN] rise in opposition to the amendment?

Mr. BERMAN. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] will control 15 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

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

Mr. Chairman, let me first congratulate the House on the last vote, and also simultaneously congratulate the committee on the fine work it did in bringing this package to the floor. I believe the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] have done this House a great service, and all committee members, in the work they have done.

However, the last vote points out that the House Members do see a need to make additional improvements in the package, and the strong vote just occurred to make sure that this process is as depoliticized as possible is an indication that Members in fact have that intent today.

I hope Members have the same intent as you examine the next issue that is embodied in this amendment.

Mr. Chairman, I think it is time we faced an ugly fact, and that ugly fact is that the ethics process over the last several Congresses, perhaps reaching back even beyond the last several, has become heavily politicized. It is one thing for honest ethics complaints to be made and addressed by our Committee on Standards of Official Conduct and eventually by the Members on this floor; it is another thing for ethics complaints to be filed purely for political purposes, meant to discredit and disarm and to take away people's credibility in this Chamber as we try to debate the issues of national import.

The ethics process is supposed to be an internal process whereby we honestly in a bipartisan manner examine the complaints that are honestly raised about Members' conduct in order to serve ethically in this Chamber.

When that process is politicized, as it has been over the last several Congresses, and I say perhaps even beyond that, to the point that ethics complaints amount to tens, and even sometimes multiples of tens complaints against Members, most of which are found to have no merit, many of which just hang around with the tie vote of Democrats and Republicans on the committee, never having that ethics complaint resolved because in fact it is tied up as a political complaint, that I think you get the picture of how badly the process dissolves into anarchy.

If we want to make this process secure, we have to reach some balances in it. We have to ensure that honest ethical complaints do in fact have time to mature at the committee, that the committee has a chance to investigate them, that information can flow in, to either decide for the committee that it must move forward on that complaint, or that it should reject it as a frivolous or political charge. That time necessary for this to happen is debatable, but this amendment speaks of it in about a 6-month time period.

It says in effect that after over 6 months of hearings or intense examination by the committee, if an ethics complaint is still deadlocked, something ought to be done. If it is clearly a real and substantial complaint, that 6-month time period will not stop its refiling nor stop its consideration by the committee. But if it is a frivolous one, tied up on a tie vote based upon politics, Democrats voting one way, Republicans voting the other way, because it is a political complaint, then

it seems to many of us in this Chamber that after 6 months something ought to happen.

Now, what ought to happen? I want to point out, I did not enter this debate because I am a member of the committee. I got involved because many Members have expressed concerns about this package and have asked us to try to work to perfect it even more. I would urge Members to please follow this debate, because it is critical to the integrity of this institution and our ethics process.

Mr. Chairman, what should happen after 6 months? Should a complaint be automatically dismissed with prejudice because it is tied up on a tie vote politically? The answer is no, it should not be automatically dismissed with prejudice, because in fact it may be a good complaint. It may be that we simply cannot get past our partisan nature to deal with it, to move forward on it. So dismissing it with prejudice is, I think, a wrong option, and I have not chosen that option in this amendment.

What we have suggested in this amendment is that after 6 months, if a complaint is tied up on a tie vote, the committee cannot move forward nor backwards on it, something ought to happen. What we suggest is that it ought to be dismissed without prejudice, that a letter ought to go out to the person who is accused saying we cannot go forward or backwards; we are dismissing it without prejudice.

What happens then? If it is a frivolous complaint, it is very likely it will not get refiled the next day. If it is a serious complaint, it is very likely somebody will refile it the next day and insist that the committee take it up, and perhaps provide additional information to make sure the committee can possibly break this political deadlock.

If it is a frivolous complaint and one is the subject of that frivolous complaint, at least he will have a letter saying that after 6 months the committee could not decide to move forward or backwards on it. He has something in his hand to say that this is likely politics. If it is filed again the next day because somebody believes it is serious enough, he is going to have to deal with it again, and rightly so.

It is simply an attempt to set some time limits on these deadlocked ethics complaints that hang over one like the sword of Damocles, constantly reminding people that you perhaps may not be ethical, constantly shadowing and overshadowing your efforts to have a credible debate in this House.

I suggest there is no better way to discredit someone in politics today than to discredit them personally. That is the subject of our campaigns lately. We do not argue ideas any more. We do not argue how good we might serve in public office. Too often our campaigns are how bad the other person is and how rotten they are personally.

The ethics process has now become a part of that. We ought to deplore that trend in our ethics system in this body, because it denigrates from the integrity of this body itself.

What we are saying is if this thing is going to continue to be politicized, if frivolous political complaints are going to continue to be filed, they ought not hang out over people indefinitely. Someone in this Chamber ought to eventually get a letter saying we cannot break the deadlock, it is tied up politically at the committee, and unless someone is willing again to refile and reinstitute it, that you at least have a letter saying so, so you can properly deal with it and move on with your life and public service.

Now, is that a protection for the Member alone? The last amendment and this amendment that Members are suggesting to this package are not just designed to protect a Member against frivolously or politically motivated attacks or charges. This amendment is designed to protect this institution, because as the ethics process itself is supposed to weed out those unethical characters who arrive here, it is also designed and it is supposed to protect this institution from the political processes that have become so ugly in America, that tend to destroy the integrity and the credibility of all of us who try to work in the interests of our constituents and the national good.

I suggest to you this is a very modest amendment. It does not end a complaint that is valid. It simply after 6 months sends a letter out to the person saying at this point we are dismissing it without prejudice so that you and everybody else can know that the committee has deadlocked, it has not moved forwards or backwards. I suggest this is a good, valid improvement on the package, and I urge the adoption of this amendment.

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

□ 1515

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is my hope to yield time both to the chairman and the ranking member of the task force on this issue, and then to close myself in perhaps some more detail.

I just want to start off this discussion by saying that I view this amendment fundamentally differently than the other amendments that are coming before us, in that to me, I understand fully the intentions of the authors of this amendment, but in reality, when we come right down to it, if one is totally cynical and defeatist about the ability of this House to have peer review, if your commitment to the ideological and partisan battles that this House is engaged in and that this Nation is engaged in is so important that they obliterate any notions of guilt or innocence, and should it permeate and invade the entire ethics process, then you vote for this amendment.

But if we still have some hope that people of goodwill can isolate themselves from the partisan pressures and the ideological battles, and can make judgments even about their peers based on the facts in front of them and the established rules of conduct, we never want to say that by a certain period of time, either guilt or innocence automatically comes by operation of law.

This is an amendment that I think kills the ethics process in terms of what we want, because it promotes and incentivizes partisanship and deadlock throughout the whole process. So I really hope my colleagues will look at this amendment a little bit differently than we have looked at some of the other amendments that are coming before us.

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

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

In response to my friend, let me point out, this amendment does not establish guilt or innocence. It does not say after 6 months one is either guilty or innocent. That is why the provisions of dismissal without prejudice are included in this amendment. Without prejudice means the committee makes no decision of guilt or innocence. It says, "We are deadlocked, we cannot decide." Unless one is really serious about this complaint and refiles it, we cannot handle it.

Let me make this simple statement and I hope my colleagues take it to heart. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct do as much damage to the integrity of this House and the political process in America as do honest complaints that are not properly handled. Dishonest, politically motivated complaints brought before our Committee on Standards of Official Conduct that hang out there, undecided, with no message coming out of the Committee on Standards of Official Conduct about what is going on, do more damage to the integrity of our process than an honest complaint that is mishandled. I believe that is true.

If we have any doubts about how ugly and how awful our politics have gotten, go back and read, I think it was a Time magazine essay several years ago which talked about the nature of our politics in America today. It said, in effect, that if we have spent all of these years on television and all of these years on 1-minutes denigrating one another personally, talking about each other's motives, talking about how awful we personally are in this process, then we have done a great job because Americans tend not to believe us all.

I used to joke when the gentleman from Louisiana [Mr. LIVINGSTON] and I ran for Governor of Louisiana, that he went around the State for a year telling people how I would make a terrible Governor, and I went around the State for a year telling them what a terrible Governor he would make, and they ended up believing both of us and they elected Buddy Roemer.

The fact of the matter is that as Democrats and Republicans talk so evil about each other, as our campaigns and our ethics complaints become so politically motivated, we destroy not just the person we attack, we destroy the entire process and the integrity of our institutions.

The Time magazine article went on to say that if Burger King and McDonald's had spent 10 years on television not telling us about how good their hamburgers were, but if they had spent 10 years on television telling us how the other guy's hamburgers were going to kill us, we would not stop eating the other guy's hamburgers, we would not eat hamburgers anymore.

That is what is happening in the American political process. Americans are convinced by Democrats that Republicans are rotten and convinced by Republicans that Democrats are rotten, and we wonder why more people are registering Independent, and we wonder why only 49 percent of Americans even chose to vote in the last Presidential election. We wonder why Americans are turned off. It is because our processes promote the kind of ugly political slander that so many of these charges before the Committee on Standards of Official Conduct have now come to represent.

All I am saying is that after 6 months the Committee on Standards of Official Conduct cannot even decide to go forward or backward on a complaint, it ought to issue this letter, not of guilt or innocence, a simple letter saying that, without prejudice, we no longer consider this complaint before us, unless somebody re-brings it because they really think it is serious. That is the least we ought to do to begin cleaning up this process, depoliticizing it, and returning to some kind of comity and respect for one another, not only as human beings but as people who dedicate their lives and their careers to public service.

I happen to enjoy my service here not just because of what I do. I happen to enjoy it because I am able to work with some of the best people I know in this country, people who sacrifice their families, their time, their money, their possibilities of great careers in other adventures in this country to spend time here in Washington debating the great issues of the day. I am proud of the great majority of my colleagues for that. I am proud and, indeed, I am excited about getting to know my colleagues and having shared this experience in public service.

Why do we keep denigrating this House? Why do we allow our ethics process to become a political process instead? Do we not have enough ugly politics in America that we have to bring it into the Committee on Standards of Official Conduct in this House? Can we not end it? Can we not adopt this little amendment that says after 6 months, if we are tied up politically over an ethics complaint, that somebody ought to get a letter saying we are tied up politically and we cannot move forward or backward and we dismiss it, without prejudice, until and unless somebody brings it forward with credible evidence, for somebody on one side or the other to agree to move forward or backward on the complaint. This is just one small effort to bring some sense, some common sense and some dignity back into our process.

Please take this amendment seriously. Please consider voting for it.

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

Mr. BERMAN. Mr. Chairman, I am proud to yield 5 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the task force and a man who I think has established during his tenure here his concern for the institution and for the process.

Mr. LIVINGSTON. Mr. Chairman, first of all I would like to say to the gentleman from Louisiana [Mr. TAUZIN], my friend, that the people in Louisiana made a terrible mistake back in the Governor's election. They should have chosen one of us. Second, I would say that I take my hat off to the gentleman for not only a wonderful speech but for contributing mightily to this process.

The fact is that as the gentleman from Maryland [Mr. CARDIN], my cochair, and other members of this task force have pointed out, we have sweated blood, sweat, and tears in the confection of this bill to come up with what I believe to be a very conscientious and well intentioned bill to provide protection for the Members. We do have due process rights for the Members, and at the same time provide a fabric of rules by which the standards of official conduct could be adjudicated for the whole world to see, so that it would maintain the integrity or the confidence of the American people in the integrity of the system.

I cannot say we did a perfect job. In fact, the majority of the House has now determined that we could have done a little better if we had not allowed the filing from outside Members of complaints against Members. I think that that is a significant issue to be determined by the full House and that is why I supported the rule. I do not think that was an issue that should have been handled just by even a bipartisan task force of 12 members such as we did and have that serve as the final word.

So I was delighted, especially after my friend from Louisiana came to me with very significant arguments on the merits of that particular issue and convinced me that that ought to be debated and evaluated by all the Members of the House. I commend the gentleman from Louisiana [Mr. TAUZIN] for his analytical work on not only that issue, but on this one as well. His passion surpasses anything I have heard in recent times about the need to restore faith and integrity in this body; about the need to get away from partisan politics, and it was exactly that sentiment that motivated I think most, no, all of the members of the task force, all of the staff that contributed to the product that is with us today.

I think that the gentleman from Louisiana [Mr. TAUZIN] has absolutely correctly identified the problem that has been recognized by all of the previous task forces which have devised ethics rules to be administered by the House of Representatives. Ever since the invocation of the first body of rules, I will tell my colleagues that this deadlock rule has been around.

Well, what happens if we have half of the members on one side and half of the members on the other side? Every task force up until this date has said we cannot resolve that. It does not happen very often. I dare say if we go back and talk to the members of the Committee on Standards of Official Conduct, we will find that up until this last Congress it really did not happen very frequently at all. It did happen a lot in the last Congress, and that was wrong, and it is a problem. But what do we do about it?

I say that the gentleman's solution is a significant one, but it is not one that I can endorse at this time because if it were imposed, in effect what we would have is yes, if a frivolous charge were brought against a member of one party and he were a popular member of that party, and he were able to prevail, Lord help us, on the members of the Committee on Standards of Official Conduct on his side, then they would go side with him saying it is frivolous. And the members of the other party would say that it was meaningful, and if nothing happened after 180 days it would be kicked out.

If, in fact, it were a frivolous charge, that might be a good solution, but what if it was a significant charge? What if it was a meritorious charge? What if it was a concrete, ironclad, deadlock charge, but the guy was so popular that the members of the Committee on Standards of Official Conduct decided to divide on partisan lines and do nothing?

In that case, in that case, I think an automatic dismissal of that charge, no matter how meritorious but simply because it was deadlocked, would bring

disrepute upon the House of Representatives, and for that reason I cannot support it.

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

Mr. LIVINGSTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, if that is what this amendment did, I would not support it either. However, the amendment does not provide for automatic dismissal. In fact, it provides that if it is a major, hard rock, absolutely grounded charge, that that Member who filed it can file it the next hour, the next day. He can refile it. It simply is a process to get rid of those frivolous ones that I know my colleagues want to get rid of.

No, the gentleman from Louisiana [Mr. LIVINGSTON] has not found a good solution. Maybe I have.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. LIVINGSTON] has expired.

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

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

Mr. TAUZIN. I yield to the gentleman from Kentucky.

Mr. BUNNING. Mr. Chairman, there is a solution to a deadlocked Committee on Standards of Official Conduct. It was suggested over the last 2 years many times how to get out of the dilemma of having a 5 to 5 or a 2 to 2 vote, and that was to bring the full force of the House of Representatives to decide whether it was a frivolous or whether it was a serious complaint, to bring it to the floor of the House of Representatives for a disposition of the complaint.

Unfortunately, when we brought that up at the Committee on Standards of Official Conduct, we also deadlocked on bringing it to the floor. So the fact of the matter is, there is a solution, but even then the majority or the minority, depending on who was in the majority or minority, did not want to bring it to the floor for resolution. I say that because that is a continuing problem.

Mr. TAUZIN. Mr. Chairman, my friend points out again the need for us to move to a solution.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE], the Chairman of the Committee on the Judiciary.

□ 1530

Mr. HYDE. Mr. Chairman, I will have to talk faster than I usually do.

Mr. Chairman, I say to the gentleman from California, Mr. HOWARD BERMAN, in a jury trial, if the jury is deadlocked and the judge keeps calling them out asking, Have you reached a verdict? Can you reach a verdict? After some period of time, he dismisses the jury, and the State's attorney can bring the charges again or forget it. That is what this process is doing.

Now, is 6 months too short? Do we want it 8 months? But at some period, when the jury is hung, you can't let the charges hang there forever.

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

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

Mr. BERMAN. Mr. Chairman, the gentleman makes my point. The judge does not start off the jury deliberations by saying, guys, I want a verdict in x time, and if it is not, it is automatically dismissed, because if he would, he would guarantee that the initial positions, or particularly the positions on the side of acquittal, would never change, because they know that if they hold out until that time certain, that is the result that would happen. That is why the gentleman makes my point.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. But, Mr. Chairman, the fact is, a hung jury, and the court says, can you reach a verdict? and the foreman says, Your Honor, we are hopelessly deadlocked. The judge does not keep the thing pending, he declares a mistrial, and the State's attorney can either bring the case again or go on to bigger and better things.

But bring this thing to finality, to closure, instead of keeping the jury in the jury room indefinitely.

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

Mr. Chairman, I agree with the gentleman completely. That is why I pledge to the gentleman and to this House that, No. 1, if we are 180 days into this process and we are deadlocked, we have already failed.

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

Mr. BERMAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, can the gentleman change the rules to accomplish what we wish to accomplish by amendment by rule?

Mr. BERMAN. The one thing I know is that if we say in the rules at the beginning that this is what will happen after 180 days, we are raising the likelihood of the deadlock massively.

And what I have told several people, and I repeat here on the floor, is that if I am in a committee meeting and we are in deadlock and people are acting in good faith, and it is a close question, because if it is a frivolous issue, the gentleman from Utah [Mr. HANSEN], the chairman of the committee, and I have dismissed it before it ever got to that full committee level, because under this task force report we have the ability to do that; but if it is a close question and we are deadlocked and we cannot work it out, long before those 180 days, this particular Member, if he is on the side of going forward with an investigation, changes his vote, because he does not want to see members hanging out to dry week after week, month after month, understanding what this means to them, their political and personal futures, and their families.

All I am saying is, 180 days or any time certain works against solving those kinds of problems.

Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. CARDIN], the ranking member or cochair of the task force, who has done a tremendous job on this whole issue.

Mr. CARDIN. Mr. Chairman, I appreciate the gentleman yielding me this time.

Mr. Chairman, the underlying resolution makes it much less likely that we are going to have a deadlock vote in the committee. We have given the chairman and ranking member a lot more ability to manage the work load of the committee. So I think the prospect of a hung jury, in all due respect, is much less under the procedures that we have in the underlying resolution.

I might also point out, as a result of the last amendment that was adopted, we are now talking about complaints filed by members. We showed a mistrust for the public in the last amendment that we adopted. Now we are saying we cannot even really have confidence that our members will bring proper complaints. Therefore, we have to have some automatic dismissal process.

Enough is enough. We have not had a hung jury in the work of the Ethics Committee since I have been on it in the last 6 years. Did we take too long to resolve issues? We did. The rules package before us deals with those concerns. On frivolous complaints, we handled them quickly. There has not been a problem there.

The ranking member is right. If you have a 6-month deadline, if you have a complaint filed against a highly visible Member of this House, that Member is not going to find it difficult to convince the members from his or her party to delay matters in order to get a dismissal. We may say it is a dismissal without prejudice, but he has this letter to wave, and the person is going to believe that the matter has been resolved. If it is not resolved, we have not done a favor to the Member.

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

Mr. CARDIN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

I have just made a suggestion to the gentleman from California [Mr. BERMAN], and he seemed favorably disposed. The problem is the date certain. It encourages gridlock if you have to wait for a certain date.

Let us remove the date and just say that in the pendency of a complaint, if

the chairman and the ranking member together agree that a disposition is unlikely, then they shall dismiss without prejudice the pending claim. That leaves it up to you to decide, and you do not have that incentive to deadlock.

Mr. CARDIN. Mr. Chairman, reclaiming my time, the chairman and ranking member already have that power under the rules to take whatever motion they want to to the full committee.

I assume that the chairman and ranking member supporting it were not going to have a partisan deadlock in the committee, so therefore they will be able to resolve it through whatever motion they want to take to the full committee. If they want to dismiss without prejudice, the chairman and ranking member can take it to the full committee without prejudice.

Mr. HYDE. I would ask the gentleman, May we agree to make this amendment in order?

Mr. CARDIN. They do not need the amendment. They already have the power within the rules package to do it.

Mr. Chairman, for all the reasons that we have said, this well-intended amendment would only add more likelihood rather than less likelihood that we will run into a partisan deadlock.

We have provided in these rules that the chairman and ranking member have the power that the distinguished chairman of the Committee on the Judiciary would like to now reemphasize by an additional amendment. It is not necessary. The power is within the committee to so act. We have provided a lot more tools for them to be able to do it. We do not wish to put an arbitrary deadline. It will only encourage gridlock and a problem.

The last point I want to maintain, and I know the gentleman from Louisiana is well intended in his amendment, frivolous complaints have been handled quickly by this committee. To refer otherwise is just not accurate. Many of the complaints have been well debated. We came back and reached conclusions.

We have not been deadlocked in the committee. In each case it may have taken too long, but we were able to reach conclusions. If we had an automatic dismissal, it would have prevented us from continuing to do our work until we were able to reach a conclusion.

I urge my colleagues to reject the amendment.

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

Mr. Chairman, I would first like to deal with the issue raised by the gentleman from Illinois [Mr. HYDE].

Let us go through an orderly examination of the House rules and the committee rules, and then what I tell the gentleman is that his suggestion, the notion of the chair and ranking member coming forward to dismiss without prejudice, we can put that into our committee rules at our first meeting, if there is a first meeting of a full committee of the Committee on Standards of Official Conduct, and incorporate the gentleman's suggestion into those committee rules, because, to me, the gentleman's suggestion makes sense.

The gentleman from Maryland [Mr. CARDIN] says, and I think he probably is right, but I want to look at it closely, that the current rules allow that result.

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

Mr. BERMAN. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Let me first thank the gentleman for his offer to do that, Mr. Chairman. With the gentleman's consent, let me take the time he has yielded to compliment him and the committee personally. This committee is one I think most of us have great confidence in.

I cannot say that about the last committee. The concern I have is, while I think the whole House has great confidence in these gentlemen, the gentleman from Maryland [Mr. CARDIN] and the gentleman from Louisiana [Mr. LIVINGSTON], and others who serve on the committee currently, the problem is that they are not always going to be here. They are not always going to be there to make sure this process does work the way it was intended. The problem is, it can get politicized again, as it was in the last committee.

All I am trying to suggest is that at some point when the gentleman is not there and when we have a committee that is more partisan than, thank God, the gentlemen have been in the way they have handled this business, what do we do after 180 days when, as the gentleman says, they have already failed and there is no disposition?

Mr. BERMAN. Reclaiming my time, I would just say, while I very much appreciate the comments and intention behind them, I am not a great believer in the "great man" theory of history. The last committee had the most difficult issue I could ever contemplate to deal with. I do not know that it pays to spend a lot of time looking at it.

All I want to say is that the gentleman is either terribly hurting the process with his amendment or he is doing very little in this automatic dismissal without prejudice.

Mr. Chairman, I urge a "no" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. TAUZIN].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 236, answered "present" 1, not voting 15, as follows:

[Roll No. 410]

AYES—181

Aderholt	Fawell	Norwood
Archer	Foley	Nussle
Armey	Fowler	Oxley
Bachus	Gallegly	Parker
Baker	Ganske	Paul
Ballenger	Gibbons	Paxon
Barr	Gilchrest	Pease
Barrett (NE)	Gillmor	Peterson (PA)
Bartlett	Gilman	Pickering
Barton	Goodlatte	Pitts
Bass	Goodling	Pombo
Bateman	Graham	Portman
Bilbray	Granger	Pryce (OH)
Bilirakis	Gutknecht	Radanovich
Bliley	Hansen	Redmond
Blunt	Hastert	Regula
Boehlert	Hastings (WA)	Riggs
Boehner	Hayworth	Riley
Bono	Hefley	Rogan
Boucher	Herger	Rogers
Brady	Hill	Rohrabacher
Bryant	Hilleary	Ros-Lehtinen
Bunning	Hobson	Royce
Burr	Hoekstra	Ryun
Burton	Horn	Salmon
Buyer	Hostettler	Sanford
Callahan	Houghton	Schaefer, Dan
Calvert	Hunter	Sessions
Camp	Hutchinson	Shadegg
Campbell	Hyde	Shuster
Canady	Istook	Sisisky
Cannon	Jenkins	Skeen
Chambliss	Johnson, Sam	Skelton
Chenoweth	Jones	Smith (MI)
Christensen	Kasich	Smith (NJ)
Coble	Kelly	Smith (OR)
Coburn	King (NY)	Smith (TX)
Collins	Kingston	Snowbarger
Combest	Knollenberg	Solomon
Condit	Kolbe	Souder
Cook	LaHood	Spence
Cooksey	LaTourette	Stearns
Cox	Lazio	Stump
Crane	Lewis (KY)	Sununu
Crapo	Linder	Tauzin
Cubin	Lucas	Taylor (NC)
Cunningham	Manzullo	Thomas
Davis (VA)	McCollum	Thornberry
Deal	McDade	Thune
DeLay	McHugh	Tiahrt
Diaz-Balart	McInnis	Traficant
Dickey	McIntosh	Upton
Doolittle	McKeon	Watkins
Dreier	Metcalf	Watts (OK)
Dunn	Mica	Weldon (FL)
Ehlers	Miller (FL)	Weller
Ehrlich	Moran (KS)	White
English	Murtha	Whitfield
Ensign	Myrick	Wicker
Everett	Ney	
Ewing	Northup	

NOES—236

Abercrombie	Chabot	Engel
Ackerman	Clayton	Eshoo
Allen	Clement	Etheridge
Andrews	Clyburn	Evans
Baesler	Conyers	Farr
Baldacci	Costello	Fattah
Barcia	Coyne	Fazio
Barrett (WI)	Cramer	Filner
Becerra	Cummings	Flake
Bentsen	Danner	Foglietta
Bereuter	Davis (FL)	Forbes
Berman	Davis (IL)	Ford
Berry	DeFazio	Fox
Bishop	DeGette	Frank (MA)
Blagojevich	Delahunt	Franks (NJ)
Blumenauer	DeLauro	Frelinghuysen
Bonior	Dellums	Frost
Borski	Deutsch	Gejdenson
Boswell	Dicks	Gekas
Boyd	Dingell	Goode
Brown (CA)	Dixon	Gordon
Brown (FL)	Doggett	Green
Brown (OH)	Dooley	Greenwood
Capps	Doyle	Gutierrez
Cardin	Duncan	Hall (OH)
Carson	Edwards	Hall (TX)
Castle	Emerson	Hamilton

Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hulshof
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
LaFalce
Lampson
Lantos
Latham
Leach
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Skaggs
Slaughter
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—15

Bonilla
Clay
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Largent
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

□ 1557

Messrs. COSTELLO, WALSH, and SHIMKUS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 105–250.

AMENDMENT NO. 4 OFFERED BY MR. BUNNING

Mr. BUNNING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BUNNING:

Page 17, strike line 22 and all that follows thereafter through page 18, line 9, and insert the following: amended in the first sentence by inserting before the period the following: ", except in the case of a subcommittee of the Committee on Standards of Official Conduct, a subpoena may be authorized and issued only when authorized by an affirmative vote of a majority of its members".

Page 18, line 21, strike "without the approval" and insert "when approved by an affirmative vote of a majority of the members".

□ 1600

The CHAIRMAN. Pursuant to House Resolution 230, the gentleman from Kentucky [Mr. BUNNING] and a Member opposed each will control 15 minutes.

Does the gentleman from Louisiana [Mr. LIVINGSTON] rise in opposition to the amendment?

Mr. LIVINGSTON. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana will control 15 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

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

Mr. Chairman, I rise, along with the gentleman from Hawaii [Mr. ABERCROMBIE], my Democratic colleague, to offer an amendment. The amendment is simple. And although it might seem a little technical, it gets right to the core of how an ethics investigation complaint is handled.

For my colleagues who have never had the rare pleasure of serving on the Ethics Committee, let me just quickly review how it deals with complaints.

After the committee reviews an initial complaint, it can just dismiss the complaint or it can decide that it merits deeper examination, and the committee then begins what is known as a PI, or a preliminary inquiry. In doing so, the committee forms an investigative subcommittee and outlines the scope of the subcommittee's investigative authority. But later, after digging into the complaint, if the subcommittee decides it wants to go beyond the original scope of authority granted to it, the rules are not really concise on how to proceed.

This is where our amendment comes in. The task force package would give the subcommittee power to issue subpoenas and the ability to expand its inquiry by a majority vote of the subcommittee members. Our amendment says that the subcommittee, if it decides it wants to expand its inquiry, it has to get the approval of the full committee. We also require the subcommittee to get full committee approval before issuing subpoenas.

Let me tell my colleagues how it works presently. If a subcommittee that is investigating an inquiry comes back and decides they want to issue a subpoena, the chairman and ranking member are consulted; and if the chairman and ranking member sign off, there is no vote of the full committee.

The problem occurs when the ranking member and chairman disagree on the scope and expansion or issuing a subpoena. That has happened in the last 2 years. When that occurred, the chairman brought the expanded request to the full committee. And since the investigative subcommittee had already voted to expand their scope, when we got to the full committee there was enough votes, including the subcommittee, to expand the inquiry by going back to the full committee.

Mr. Chairman, launching an Ethics Committee investigation is very weighty stuff. Expanding the scope or deciding to issue subpoenas are significant and delicate decisions that ought to be made by more than three people. It ought to be made by the full committee. They can just about be the most important decisions made in any case before the Ethics Committee. And these are calls that the entire committee needs to make, not just a handful or three members.

It is up to the full committee to decide whether or not to investigate a complaint in the first place. If the subcommittee decides to branch off into new, unchartered waters, it is hard to see why the full committee should not have to sign off on it, too.

Let me remind my colleagues that the integrity of the subcommittee in the ethics process is not jeopardized by asking the full committee to include and approve of the investigation going forward in expansion, because we are not making any judgments on the complaints that will be brought back by the full subcommittee for adjudication before the full committee.

As a 6-year veteran of the Ethics Committee, I can tell my colleagues we have wrestled with these questions over the years. They are very important. To his credit, the gentleman from Florida [Mr. GOSS], my colleague and head of the investigative subcommittee working on the Speaker's case, came back to the full committee in the last Congress when his subcommittee wanted to expand its scope. There was a difference of opinion between the chairperson and ranking member on what to do, so the chairperson brought to the full committee whether we should expand or whether we should not expand. It was definitely the right thing to do, and it is the way things ought to be handled in the future.

As I said at the outset, this probably seems like a small, even nitpicking amendment to some members. But it really gets to the heart of how the Ethics Committee works and how it investigates complaints.

Mr. Chairman, I urge very strong adoption of this amendment.

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

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I reluctantly rise in opposition to the amendment of my friend, the gentleman from Kentucky [Mr. BUNNING], because I think that, however well-intentioned his amendment is, it does complicate the process

and fly in the face of an expeditious administration of committee business as well as the fair administration of committee business.

Basically, this amendment deals with two issues: One, the expansion of the scope assigned to the subcommittee for investigation. This takes place all before the matter ever gets to the full committee for adjudication of whether or not the person did what he is charged with doing. It is the investigation of the significant issues at hand.

Now, by this time, the chairman and the ranking member have either personally agreed that it constitutes a complaint within the jurisdiction of the committee, or by action of the full committee there is agreement that it is a complaint for the purposes of investigation. So they know that there is going to be an investigation here; and the question is whether or not to expand the scope of the investigation once they have gotten so far into it, whether or not to consider more counts.

Now, under the existing rules, which have not yet been replaced by the package before us today, the rules are very vague, the rules say the subcommittee can expand if they want to expand. There really is no limitation. So we thought that was too loose. The task force believed it was proper to tighten that up. Let us make it a majority, not of the members present in the subcommittee, because if two people showed up, that would mean one person decides to expand the scope; we said, no, let us have a majority of all the members on the subcommittee.

Now, presumably, a subcommittee is comprised of either four people, two of each party. Let us make it a majority of all the people on the subcommittee. That means that we would have to have either three out of four members of the four-member subcommittee in order to expand the scope. That is a real majority. That means a bipartisan agreement to expand the scope. Otherwise, there would be no expansion of the scope.

Now, they say on expansion of scope that that is not good enough; they ought to go to the full committee and it ought to be the decision of the full committee. Why is that a bad idea? Because it flies in the face of this whole bifurcated argument.

If there is one complaint that we have heard time and time again from every Member who has ever been assigned to the task of serving on the Ethics Committee, it is "It is too much work. We cannot do it. We are down there in the basement adjudicating on this and that and everything else."

The majority of the committee was doing every case; in fact, 20 cases before the Committee on Standards of Official Conduct, every Member weighing every nuance, issuing every subpoena, weighing every little dot and jot of every single case. We said, please free us from this intolerable task.

So in 1989, the task force created subcommittees, the idea being those would be investigative subcommittees. Unfortunately, the rules were not explicit enough, and the subcommittees were kicking back the investigation to the full committee and the full committee was still doing all the cases. To this very day, they are still doing all the cases.

If the gentleman gets his way, if the amendment passes, the expansion of the scope of the issues before the subcommittee will have to go to the full committee; and, therefore, the full committee is going to have to look at the whole case anyway and they are all going to be down there with balls and chains, tied to a desk, never seeing light of day, because the whole committee is going to be doing the work that the subcommittee should be doing.

I think it is a bad idea and it destroys bifurcation. Because the subcommittee cannot investigate and then turn the adjudication of the charge over to the full committee, there is no division because the full committee already knows all the facts.

Second, the issue of subpoenas. Under the old rules, the right to issue subpoenas again was offered; well, it was a subcommittee in conjunction with the chairman and ranking member. And in this case, we are not too different; actually, the gentleman's amendment is not too different.

But we thought we would strengthen it; we would say no, let us keep the chairman or ranking member, if they are not on the subcommittee, and certainly they could serve on the subcommittee if they wanted to, and they appoint the members of the subcommittee in any event, so they know those members are going to be subject to their concerns. But if they are not actively involved in the issues being investigated in the subcommittee, let us keep them apart and let us let the subcommittee by an actual majority vote determine whether or not subpoenas should be issued, majority vote—of not the people present—but of the full subcommittee.

So, again, it has to be three out of four of the subcommittee to vote on whether or not to issue subpoenas.

Today a majority of the people present can decide, "Well, we want to issue a subpoena. We will call the chairman. If he rubber stamps it, then it is done." We actually have strengthened the process beyond what the previous rules required.

If the Bunning amendment passes, we have got to have not only a majority of the members present, but we have got to also have the consent of the chairman and the ranking member. And since they are not serving on the subcommittee in most cases, that again strikes at the heart of bifurcation.

My objections do not go strenuously to that as much as to the expansion, because I think that the expansion argument is probably the more prevalent. If the expansion argument under the Bunning amendment were accepted, in effect, we would have no bifurcation. And every member of the full committee, which has been downsized from 12 to 10, every member of the full committee will be taking an interest in every single issue and every single aspect of every single case, and they will never see the light of day because they will be locked and chained to their desk down there in the Committee on Standards of Official Conduct.

□ 1615

I do not think that is a good idea.

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

Mr. BUNNING. Mr. Chairman, I yield myself 1 minute.

First of all, the way it works is that the ranking member and chairman OK subpoenas presently if a subpoena is asked for by the subcommittee chairman and ranking member.

Six years we did not have too much work. We spent too much time spinning our wheels. We did not have too much work. The work that we had, we could not resolve issues. Seventy-one of them were resolved on one Member. The subcommittee, the only time I have ever known a six-person subcommittee, was on the bank issue. All subcommittees have been four-person subcommittees over the last 2 years.

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

Mr. BUNNING. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. That is why we created a jury pool, which is part of the new rule to create a four-member subcommittee.

Mr. BUNNING. I understand that. I am not objecting to the six-member jury pool.

The scope of what is investigated is determined prior to the formation of the subcommittee, not after the fact but prior to the fact.

Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. I appreciate the gentleman yielding me this time.

Mr. Chairman, I rise in strong support of this amendment and urge its adoption. This amendment requires that any expansion of the scope of an investigation be approved by the full committee. This will protect the integrity of the investigation and ensure that all members are treated the same.

Without this amendment, I can envision a situation where members being investigated for the same issue are treated differently in different subcommittees. We protect against that by requiring the full committee to approve any expansion of investigation as

well as vesting subpoena power with the full committee chairman and ranking member.

Mr. Chairman, we have heard a lot about the idea that, "Oh, this is a bifurcated system. It follows the idea of a grand jury." Come on; let us get real. It does not follow bifurcation at all. I have served on that committee for 12 years. I have played it both ways. We did it all; we did it otherwise.

It is nice to pontificate on these things, but the reality is this: What happens is, they pick a subcommittee. The other members of the committee do not stand away in a new jury. They know what is going on. Of course they do.

So we could have some runaway subcommittee go ahead, they are mad at somebody, and so they are subpoenaing, they are adding things, they are expanding their scope. Somewhere there has to be a check. We have in the Constitution a check and balance. The courts check with us, and we check with the executive branch. We are back and forth on this thing. This is not the idea at all. This is to give some control over a subcommittee. Subcommittees are created by the full committee with the charter to investigate. Any time they want to deviate from that charter, they should have the approval of the full committee.

It was former Speaker Jim Wright who criticized the committee for investigating far beyond the parameters of the complaint that was filed against him. After his resignation, the ethics process was changed so that you have one group function as a grand jury and the other function as the jury. But the dangers faced by Jim Wright still exist if this amendment is not adopted.

This amendment stands for the principle that an expansion of the initial charge to an investigative subcommittee must be justified to the full committee and have its approval. Without this amendment, you risk having runaway investigations without full committee approval. Without this amendment, subcommittees examining the same issues but on different Members may, by necessity, treat different members differently.

This is an extremely important amendment. I applaud the gentleman from Kentucky [Mr. BUNNING], the sponsor of the amendment, for offering it. He speaks from experience as a former member of the subcommittee and as a former chairman of an investigative subcommittee. I strongly urge the adoption of this amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI], one who has contributed vitally to the product of the task force.

Ms. PELOSI. Mr. Chairman, I thank the chairman of our subcommittee for yielding me this time and for his leadership in the bipartisan task force.

Today is a happy day for me, Mr. Chairman, because it marks the end of my service on the task force since February but, more importantly, three terms before that, 6 years and 7, 8 months in the service of promoting the ethics of the House of Representatives. From that experience, I rise in opposition to the Bunning amendment.

We have heard the word "bifurcation" around here today. For those members who have not been paying attention before but maybe are now, that means that Congress previously agreed that we would divide the process into investigation and adjudication in terms of the work of the members of the committee. The bifurcation, or the subcommittee to do the investigation, ensured confidentiality, protected against delay, and preserved the integrity of the independent adjudication later should there have been charges brought.

I think it is very, very important for us to preserve the separation of functions within the committee. Confidentiality is served, the integrity of the investigation is served, and fairness to the Member is ensured.

With that, I urge my colleagues to vote "no".

Mr. LIVINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. CARDIN], my cochair on the task force.

Mr. CARDIN. Mr. Chairman, let me thank the gentleman from Louisiana [Mr. LIVINGSTON] for yielding me this time. I agree with the points that he has made.

The gentleman from Kentucky [Mr. BUNNING] has been a very valuable member of the Ethics Committee. I know that his amendment is sincere. We just disagree as to what would be the most efficient way and the fairest way in which to operate the Ethics Committee.

One thing I would like to point out is that there are underlying changes that we have made in the rules that will deal with many of the problems that the gentleman from Kentucky [Mr. BUNNING] brought to our attention. Let me try to explain.

Before we have reached the point of expanding the scope of an investigation, there will have been at least three votes in the committee or by the chairman and ranking member, to protect, to make sure that this is a serious matter and certainly one that is proceeding in a nonpartisan or a bipartisan manner.

First, the chairman and ranking member have already determined that the information that was submitted is a complaint. Either one could have stopped it, but they have mutually agreed that we have a legitimate complaint that complies with the rules.

Second, the chairman and ranking member will have completed the initial factfinding and will have determined that it either should go forward for investigation or have taken it to the full committee, and the full committee has voted for it to go to investigation. So we have had a second opportunity to make sure that there is bipartisan support to proceed with an investigation.

Third, the subcommittee will have had to take action to initiate investigative powers. It cannot do it by two, it has to do it by a majority. It has to be a bipartisan issue. At each phase of that process, the respondent will have gotten written notice.

I underscore that because the gentleman from Utah [Mr. HANSEN] pointed out, and rightly so, the procedures that were available when the rules were applicable against the former Speaker Jim Wright. When those rules were in effect, there were no notice requirements to the respondent.

We have put in these rules that the respondent will know at every stage, including when a complaint is determined to be a complaint, when it goes to investigation, when the investigative powers are going to be used by the subcommittee, when the scope is being expanded; at each of those times, the respondent is entitled to written notice. That is part of the due process that has been written into these new rules.

During the Wright investigation, we did not have a bifurcated process. There was nothing to be lost by the full committee being involved in that process.

Members really need to ask themselves, what are they achieving by placing another obstacle into the subcommittee's work? What are they achieving? And what are they risking? If they require full committee action to expand scope, they risk the bifurcation.

The bifurcation means that those who investigate is a different group than those who judge. A Member is entitled to have an independent jury make the final determination whether the rules were violated or not.

The members that do the investigation cannot participate in that determination. But yet if we require the subcommittee to go to the full committee, those who are going to make the decision as to innocence or guilt on the rules violation, the subcommittee, by necessity, is going to have to disclose information that should not be disclosed and we are not going to have an objective pool in order to make judgment.

That is what the gentleman from Louisiana [Mr. LIVINGSTON] has brought out, and it does violate the bifurcation process and the due process to the Member.

The second is that when we involve more people, we run the risk for confidentiality problems.

The third risk is, it is a delay. Particularly, you have to bring the full

committee back, you may be in recess, you do not know, but it is a delay. We have been talking on the floor over and over again, we do not want complaints hanging over members' heads. You want us to move more rapidly in resolving these issues.

I think the Bunning amendment, as well intended as it is, runs the risk of jeopardizing bifurcation, runs the risk of compromising confidentiality, and runs the risk of delay. What do we achieve by it? Very, very little.

Yes, there is some protection to go back to the full committee, I would grant that. But at this point, when we have already had at least three opportunities with the full Ethics Committee to have done some action on this in a bipartisan way, I think the time has come that the risks involved in confidentiality, in expediting the matter, and in protecting an independent jury pool outweigh the gain that it would be to go back to the full committee.

For all those reasons, I would urge my colleagues to reject the Bunning amendment, and let us go forward with the process that we have put into place. It will allow for a more timely consideration. It does protect the due process of a Member. We have provided much more due process to the Member than we had before these rules were adopted. I urge my colleagues to reject the amendment.

Mr. BUNNING. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise in support of the amendment.

Dear friends, we are getting to the end of this discussion, and I do not think we have ever actually taken a look at what it is we are discussing. Here it is, 1,299 closely spaced pages of small print.

I am sure the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Maryland [Mr. CARDIN] have seen this volume. They probably see it in their dreams at night, tumbling off shelves and burying them. But the fact of the matter is that this contains the Constitution, Jefferson's Manual, and the rules and practices of the House of Representatives. That is what we are talking about.

That is why I think that this amendment that the gentleman from Kentucky [Mr. BUNNING] and I are bringing forward deserves your favorable consideration. We should have the full committee if you are dealing with the two fundamental issues, whether the scope should proceed forward or whether there should be subpoenas issued, to be dealt with in the manner in which it has been discussed with this amendment.

I have been told, and I see that the Judiciary chairman is here, that if this is an amendment sponsored by the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Hawaii [Mr. ABERCROMBIE], it should either pass unanimously or be defeated unanimously.

I am not quite sure how that will work out, but I think what it indicates is that this is not a partisan consideration. We are putting this forward because we believe it is in the interest of the House as an institution, because we love this body, because we have sworn an oath to uphold and defend the Constitution, and when you defend the House of Representatives, when you defend the basic fundamental integrity of the House, you are defending this Constitution, you are defending these rules. This book is as sacred as we get in a secular context in our House of Representatives in our country.

Therefore, I would like to say at this point, then, that the members, especially the gentleman from Maryland and the gentleman from Louisiana, deserve our thanks for their hard work, their levelheadedness, and I want to say their largeness of spirit. The manner in which this has been conducted is proof of that, and I am very, very grateful for this opportunity to speak on it.

All we are saying here is that only the subcommittee authority be renewed from its source when it moves into new areas of investigation. By clarifying that point, we strengthen the measure before us, we strengthen the Ethics Committee and its work, we strengthen the integrity of this House, we strengthen democracy. On that basis, dear friends, I ask for your favorable consideration of this amendment.

□ 1630

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 2½ minutes remaining, the gentleman from Kentucky [Mr. BUNNING] has 2¼ minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has the right to close.

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

Mr. Chairman, first of all, there is no delaying the process by taking the request of the subcommittee back to the full committee. It may take 2 hours. In fact, that is exactly how long it took the last time the subcommittee came back and asked for expansion of powers. It took 2 hours to discuss it before the full committee, and we disposed of it and granted the expansion.

Second, there is no possible chance that the bifurcation, or someone investigating and someone adjudicating, would be confused or compromised by this process, because the expansion of the investigation just says to the full committee, here are the facts, we want to go forward on these facts.

The gentleman from Maryland [Mr. CARDIN] brought up the fact that there are three times that the ranking member and the chairperson, whoever it is, has agreed to an investigation; once on the complaint, once on factfinding, and one other time when they send it to the subcommittee. That is true. But that does not mean that when the subcommittee finds additional information that they want to investigate, that the full committee has ever seen it.

I say that as nicely as I can, because in the determination of one case last time, the determination on punishment and compromise and settlement was made by four people. The rest of the Committee on Standards of Official Conduct did not get a chance to even hear what the settlement was and what happened, and, therefore, as a member of the Committee on Standards of Official Conduct, I knew nothing about what happened on the subcommittee level.

The respondent can be notified. I think that is a wonderful thing that they have in the Committee on Standards of Official Conduct report that we have before us.

Let me tell members, we have to make sure that the Committee on Standards of Official Conduct and its process remains. All I urge is a "yes" vote on the Bunning-Abercrombie amendment.

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

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

The CHAIRMAN. The gentleman from Louisiana is recognized for 2½ minutes.

Mr. LIVINGSTON. Mr. Chairman, I want to compliment all the members that have come to the well to debate what I think is an incredibly important subject and which ultimately governs the way this Congress polices its own. It is not a pleasant process, but it is a necessary one, and I think that the product of the votes so far have been fair and well thought out by the membership at large.

I compliment my friend, the gentleman from Kentucky [Mr. BUNNING] for his amendment. However well-intentioned it is, I think under the old rules and under the experiences that the gentleman has had under the old rules it may have been necessary, but I do not think it is necessary in the context of the package that is before the House today.

We have provided respondents subject to ethics complaints more due process than has ever been imagined before. The fact is there is ample notification, warning, opportunities for counsel and instruction, opportunities for finding out the charges against you, opportunities for agreeing to or negotiating with the people in charge of the complaints without the fear that those negotiations would be used against you. All of these various forms of due process have been built into the system so that this amendment becomes unnecessary.

If this amendment were adopted, we will see the bifurcation process disturbed and we will see a complication in the free flow of the process that becomes, I think, in some circumstances, unworkable and encourages a partisan breakdown.

For that reason, Mr. Chairman, I really think this amendment is unnecessary. I do not feel as strongly about it as I have in other instances, but I do believe that it is not necessary simply by view of the fact that we have adopted in this package wonderful due process mechanisms to serve the benefit of individual members who might be charged.

For that reason I urge the amendment be defeated and that the entire package be adopted. I understand there is going to be a motion to recommit. I would, obviously, if I get a chance to debate that, urge that it not be adopted.

Mr. Chairman, I thank all members once again for their undivided attention and cooperation in this debate.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 194, answered "present" 1, not voting 17, as follows:

[Roll No. 411]

AYES—221

Abercrombie
Aderholt
Archer
Armey
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (KY)
Linder
Lucas
Manzullo
Markey
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stokes
Stump
Sununu
Tanner
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (FL)

NOES—194

Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Chabot
Clayton
Clement
Clyburn
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gekas
Goode
Gordon
Green
Gutierrez
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Menendez
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Moran (VA)
Morella
Nadler
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Talent
Tauscher
Taylor (MS)
Taylor (NC)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—17

Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Weldon (PA)
Young (AK)

□ 1652

Messrs. STOKES, PACKARD, and BILBRAY changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. CAMP] having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 168), to implement the recommendations of the bipartisan House Ethics Reform Task Force, pursuant to House Resolution 230, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

MOTION TO RECOMMIT OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. CARDIN. I reluctantly oppose the resolution.

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

The Clerk read as follows:

Mr. CARDIN moves to recommit the resolution H. Res. 168 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the resolving clause and insert the following:

SECTION 1. USE OF NON-COMMITTEE MEMBERS.

(a) RULES AMENDMENT.—Clause 6(a) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) At the beginning of each Congress—

"(i) the Speaker (or his designee) shall designate a list of 11 members from the majority party; and

"(ii) the minority leader (or his designee) shall designate a list of 11 members from the minority party;

who are not members of the Committee on Standards of Official Conduct and who may be assigned to serve as a member of an investigative subcommittee of that committee during that Congress. Members so chosen shall be announced tothe House.

"(B) Whenever the chairman and ranking minority member of the Committee on Standards of Official Conduct jointly determine that members designated under subdivision (A) should be assigned to serve on an investigative subcommittee of that committee, they shall each select the same number of members of his respective party from the list to serve on that subcommittee.".

(b) CONFORMING RULES AMENDMENT.—Clause 6(b)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting after the first sentence the following new sentence: "Service on an investigative subcommittee of the Committee on Standards of Official Conduct pursuant to paragraph (a)(3) shall not be counted against the limitation on subcommittee service.".

SEC. 2. DURATION OF SERVICE ON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

The second sentence of clause 6(a)(2) of rule X of the Rules of the House of Representatives is amended to read as follows: "No Member shall serve as a member of the Committee on Standards of Official Conduct for more than two Congresses in any period of three successive Congresses (disregarding for this purpose any service performed as a member of such committee for less than a full session in any Congress), except that a Member having served on the committee for two Congresses shall be eligible for election to the committee as chairman or ranking minority member for one additional Congress. Not less than two members from each party shall rotate off the committee at the end of each Congress.".

SEC. 3. COMMITTEE AGENDAS.

The Committee on Standards of Official Conduct shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

SEC. 4. COMMITTEE STAFF.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that:

(1)(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member.

(F) No member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

(2)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

(B) Subject to the approval of Committee on House Oversight, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

(3) Outside counsel may be dismissed prior to the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

(4) Only subparagraphs (C), (E), and (F) of paragraph (1) shall apply to shared staff.

(b) ADDITIONAL COMMITTEE STAFF.—In addition to any other staff provided for by law, rule, or other authority, with respect to the Committee on Standards of Official Conduct, the chairman and ranking minority member each may appoint one individual as a shared staff member from his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

SEC. 5. MEETINGS AND HEARINGS.

(a) HOUSE RULES.—(1) Clause 4(e)(3) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(3)(A) Notwithstanding clause 2(g)(1) of rule XI, each meeting of the Committee on Standards of Official Conduct or any subcommittee thereof shall occur in executive session, unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting to the public.

"(B) Notwithstanding clause 2(g)(2) of rule XI, hearings of an adjudicatory subcommittee or sanction hearings held by the Committee on Standards of Official Conduct shall be held in open session unless the subcommittee or committee, in open session by an affirmative vote of a majority of its members, closes all or part of the remainder of the hearing on that day to the public.".

(2)(A) The first sentence of clause 2(g)(1) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(B) The first sentence of clause 2(g)(2) of rule XI of the Rules of the House of Representatives is amended by inserting "(except the Committee on Standards of Official Conduct)" after "thereof".

(b) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that—

(1) all meetings of the committee or any subcommittee thereof shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

(2) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

SEC. 6. CONFIDENTIALITY OATHS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(4) Before any member, officer, or employee of the Committee on Standards of Official Conduct, including members of any subcommittee of the committee selected pursuant to clause 6(a)(3) and shared staff, may have access to information that is confidential under the rules of the committee, the following oath (or affirmation) shall be executed:

'I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the committee, except as authorized by the committee or in accordance with its rules.'

Copies of the executed oath shall be retained by the Clerk of the House as part of the records of the House. This subparagraph establishes a standard of conduct within the meaning of subparagraph (1)(B). Breaches of confidentiality shall be investigated by the Committee on Standards of Official Conduct and appropriate action shall be taken.".

SEC. 7. PUBLIC DISCLOSURE.

The Committee on Standards of Official Conduct shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

SEC. 8. CONFIDENTIALITY OF COMMITTEE VOTES.

(a) RECORDS.—The last sentence in clause 2(e)(1) of rule XI of the Rules of the House of Representatives is amended by adding before the period at the end the following: ", except that in the case of rollcall votes in the Committee on Standards of Official Conduct taken in executive session, the result of any such vote shall not be made available for inspection by the public without an affirmative vote of a majority of the members of the committee".

(b) REPORTS.—Clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to votes taken in executive session by the Committee on Standards of Official Conduct.".

SEC. 9. FILINGS BY NON-MEMBERS OF INFORMATION OFFERED AS A COMPLAINT.

(a) FILINGS SPONSORED BY MEMBERS.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by striking "or submitted to", by inserting "(I)" after "(i)", by striking "a complaint" and inserting "information offered as a complaint", and by adding after subdivision (I) the following new subdivision:

"(II) upon receipt of information offered as a complaint, in writing and under oath, from an individual not a Member of the House provided that a Member of the House certifies in writing to the committee that he or she believes the information is submitted in good faith and warrants the review and consideration of the committee, or".

(b) DIRECT FILING.—Clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives is amended to read as follows:

"(ii) upon receipt of information offered as a complaint, in writing and under oath, directly from an individual not a Member of the House.".

SEC. 10. REQUIREMENTS TO CONSTITUTE A COMPLAINT.

(a) PROCEDURAL REQUIREMENTS.—The Committee on Standards of Official Conduct shall amend its rules regarding procedural requirements governing information submitted as a complaint pursuant to clause 4(e)(2)(B)(ii) of rule X of the Rules of the House of Representatives to provide that—

(1) an individual who submits information to the committee offered as a complaint must either have personal knowledge of conduct which is the basis of the violation alleged in the information, or base the information offered as a complaint upon—

(A) information received from another individual who the complainant has a good faith reason to believe has personal knowledge of such conduct; or

(B) his personal review of—

(i) documents kept in the ordinary course of business, government, or personal affairs; or

(ii) photographs, films, videotapes, or recordings;

that contain information regarding conduct which is the basis of a violation alleged in the information offered as a complaint;

(2) a complainant or an individual from whom the complainant obtains information will be found to have personal knowledge of conduct which is the basis of the violation alleged in the information offered as a complaint if the complainant or that individual witnessed or was a participant in such conduct; and

(3) an individual who submits information offered as a complaint consisting solely of information contained in a news or opinion source or publication that he believes to be true does not have the requisite personal knowledge.

(b) TIME FOR DETERMINATION.—The Committee on Standards of Official Conduct shall amend its rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or 5 legislative days, whichever occurs first, to determine whether the information meets the requirements of the committee's rules for what constitutes a complaint.

SEC. 11. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FILED COMPLAINTS.

(a) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee's rules for what constitutes a complaint, they shall have 45 calendar days or 5 legislative days, whichever is later, after the date that the chairman and ranking minority member determine that information filed meets the requirements of the committee's rules for what constitutes a complaint, unless the committee by an affirmative vote of a majority of its members votes otherwise, to—

(1) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

(2) establish an investigative subcommittee; or

(3) request that the committee extend the applicable 45-calendar day or 5-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under paragraph (1).

(b) HOUSE RULES.—Clause 4(e)(2)(A) of rule X of the Rules of the House of Representatives is amended by inserting "(i)" after "(A)", by striking "and no" and inserting "and, except as provided by subdivision (ii), no", and by adding at the end the following:

"(ii)(I) Upon the receipt of information offered as a complaint that is in compliance with this rule and the committee rules, the chairman and ranking minority member may jointly appoint members to serve as an investigative subcommittee.

"(II) The chairman and ranking minority member of the committee may jointly gather additional information concerning alleged conduct which is the basis of a complaint or of information offered as a complaint until they have established an investigative subcommittee or the chairman or ranking minority member has placed on the committee agenda the issue of whether to establish an investigative subcommittee.".

(c) DISPOSITION OF PROPERLY FILED COMPLAINTS BY CHAIRMAN AND RANKING MINORITY MEMBER IF NO ACTION TAKEN BY THEM WITHIN PRESCRIBED TIME LIMIT.—The Committee on Standards of Official Conduct shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the committee rules for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subsection (a), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

(d) HOUSE RULES.—Clause 4(e)(2)(B) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentences:

"If a complaint is not disposed of within the applicable time periods set forth in the rules of the Committee on Standards of Official Conduct, then the chairman and ranking minority member shall jointly establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee,then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.".

SEC. 12. DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT.

The Committee on Standards of Official Conduct shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements for what constitutes a complaint set forth in the committee rules, they may—

(1) return the information to the complainant with a statement that it fails to meet the requirements for what constitutes a complaint set forth in the committee's rules; or

(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

SEC. 13. INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEES.

The Committee on Standards of Official Conduct shall adopt rules providing that—

(1)(A) investigative subcommittees shall be comprised of 4 Members (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee; and

(B) adjudicatory subcommittees shall be comprised of the members of the committee who did not serve on the investigative subcommittee (with equal representation from the majority and minority parties) whenever such subcommittee is established pursuant to the rules of the committee;

(2) at the time of appointment, the chairman shall designate one member of the subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member of the investigative subcommittee or adjudicatory subcommittee; and

(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

SEC. 14. STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION.

The Committee on Standards of Official Conduct shall amend its rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the committee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives has occurred.

SEC. 15. SUBCOMMITTEE POWERS.

(a) SUBPOENA POWER.—

(1) HOUSE RULES.—Clause 2(m)(2)(A) of rule XI of the Rules of the House of Representatives is amended—

(A) in the second sentence by striking "The" and inserting "Except as provided by the next sentence, the"; and

(B) by inserting after the second sentence the following new sentence: "In the case of the Committee on Standards of Official Conduct or any subcommittee thereof, a subpoena may be authorized and issued by the committee only when authorized by a majority of the members voting (a majority being present) or by a subcommittee only when authorized by an affirmative vote of a majority of its members.".

(2) COMMITTEE RULES.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

(b) EXPANSION OF SCOPE OF INVESTIGATIONS.—The Committee on Standards of Official Conduct shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation without the approval of the committee.

(c) AMENDMENTS OF STATEMENTS OF ALLEGED VIOLATION.—The Committee on Standards of Official Conduct shall adopt rules to provide that—

(1) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

(2) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

SEC. 16. DUE PROCESS RIGHTS OF RESPONDENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness, but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsels for the respondent and the subcommittee are present;

(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the committee's rules;

(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and therefore not receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

(5) a respondent shall receive written notice whenever—

(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

(B) a complaint or allegation is transmitted to an investigative subcommittee;

(C) that subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; and

(D) an investigative subcommittee votes to expand the scope of its investigation;

(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

SEC. 17. COMMITTEE REPORTING REQUIREMENTS.

The Committee on Standards of Official Conduct shall amend its rules to provide that—

(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives; and

(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

(B) the respondent may submit views in writing regarding the final draft to the subcommittee within 7 calendar days of receipt of that draft;

(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subparagraph (B), and the committee shall make the report together with the respondent's views available to the public before the commencement of any sanction hearing; and

(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subparagraph (B) and any additional views respondent may submit for attachment to the final report; and

(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.

SEC. 18. REFERRALS TO FEDERAL OR STATE AUTHORITIES.

Clause 4(e)(1)(C) of rule X of the Rules of the House of Representatives is amended by striking "with the approval of the House" and inserting "either with the approval of the House or by an affirmative vote of two-thirds of the members of the committee".

SEC. 19. FRIVOLOUS FILINGS.

Clause 4(e) of rule X of the Rules of the House of Representatives is amended by adding at the end the following:

"(5)(A) If a complaint or information offered as a complaint is deemed frivolous by an affirmative vote of a majority of the members of the Committee on Standards of Official Conduct, the committee may take such action as it, by an affirmative vote of a majority of its members, deems appropriate in the circumstances.

"(B) Complaints filed before the One Hundred Fifth Congress may not be deemed frivolous by the Committee on Standards of Official Conduct.".

SEC. 20. TECHNICAL AMENDMENTS.

The Committee on Standards of Official Conduct shall—

(1) clarify its rules to provide that whenever the committee votes to authorize an investigation on its own initiative, the chairman and ranking minority member shall establish an investigative subcommittee to undertake such investigation;

(2) revise its rules to refer to hearings held by an adjudicatory subcommittee as adjudicatory hearings; and

(3) make such other amendments to its rules as necessary to conform such rules to this resolution.

SEC. 21. EFFECTIVE DATE.

This resolution and the amendments made by it apply with respect to any complaint or information offered as a complaint that is or has been filed during this Congress.

Mr. CARDIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD; and pending that, I ask unanimous consent that the motion to recommit be debatable for 4 minutes, equally divided and controlled by myself and a Member in opposition thereto.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the motion is considered as having been read and printed in the RECORD.

There was no objection.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. CARDIN] is recognized for 2 minutes.

Mr. CARDIN. Mr. Speaker, the motion to recommit will return the rule to the original resolution approved by the bipartisan task force. It would include the manager's amendment, but none of the other amendments. It will give this House a chance to vote on the rules package that was approved in a bipartisan manner.

Mr. Speaker, this will be the last opportunity that this House will have to reform the ethics process in a bipartisan manner. We have had a good debate on the floor. I think the issues

have been well debated. I would hope that in the end the Members of this House would understand that it is not in our interests to amend the rules when the amendments are being passed by such a lopsided, partisan majority. That does not further the process. Ethics changes should be worked out in a bipartisan manner.

There is a lot of good in this resolution. The original report is what should be approved by this House. I would urge my colleagues to support the motion to recommit so that we can pass a bipartisan change in our rules package.

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

□ 1700

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

Mr. Speaker, I appreciate the views of my friend, who has served so diligently as cochair of this incredibly tough task force. Had I had it within my power to go back and reverse time, I would never have served on this task force. But I have.

At various times in this debate, I have had Members on the other side of the aisle say they would never vote for the final package if some amendments passed, and have had Members on this side say, I would never vote for this vital package if other amendments passed, or did not pass.

The fact is, this body, in bipartisan fashion, has tackled three tough amendments and has voted. Members on both sides have voted for and against all three amendments. It is impossible to say that what has happened today has been a partisan diatribe.

We now have the first bipartisan revision of the task force rules, of the rules for the Committee on Standards of Official Conduct, that have passed the House of Representatives since 1989. We have a solid revision. We have one that provides for expedited processing and enhanced due process, it raises the standard to charge that a violation has occurred to a substantial standard, and prohibits frivolous filings.

It is an important package. It is a bipartisan package. I believe that it is the best package, now that the Members have had a chance to vote on all three amendments, regardless of the outcome. I urge the defeat of the motion to recommit and the passage of the final package.

The SPEAKER pro tempore (Mr. CAMP). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 176, noes 236, answered "present" 1, not voting 20, as follows:

[Roll No. 412]

AYES—176

Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Chabot
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Skaggs
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—236

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Baker
Bonilla
Clay
Flake
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastings (FL)
Hilliard
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1717

Messrs. KINGSTON, GILLMOR, ARMEY, and DICKS changed their vote from "aye" to "no."

Mr. MORAN of Virginia changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 258, noes 154, answered "present" 1, not voting 20, as follows:

[Roll No. 413]

AYES—258

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Borski
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
White
Wicker
Wolf
Young (FL)

NOES—154

Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Gejdenson
Goode
Gordon
Green
Gutierrez
Hamilton
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Moakley
Moran (VA)
Nadler
Neal
Obey
Olver
Owens
Pallone
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer, Bob
Schumer
Scott
Serrano
Shays
Sherman
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Abercrombie
Baker
Bonilla
Clay
Foglietta
Furse
Gephardt
Gonzalez
Goss
Hastert
Hastings (FL)
Lipinski
Meek
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Weldon (PA)
Young (AK)

□ 1732

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to recommit was laid on the table.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 413, I was unavoidably detained at a committee hearing. Had I been present, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105-255) on the resolution (H. Res. 232) waiving points of order against the conference report to accompany the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 18, 1997, to file a conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

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

There was no objection.

PRIVILEGES OF THE HOUSE—RESTRICTING FLOOR PRIVILEGES OF FORMER REPRESENTATIVE ROBERT DORNAN PENDING RESOLUTION OF ELECTION CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. MENENDEZ. Pursuant to clause 2 of rule IX and by agreement with the majority leader, Mr. ARMEY, I hereby give notice of my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a

manner that properly dignifies the proceedings of the House; Therefore be it

Resolved, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER. Pursuant to rule IX, the Chair determines that this is the appropriate time to call up the resolution.

Mr. MENENDEZ. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

PREFERENTIAL MOTION OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. STEARNS moves to lay the resolution offered by Mr. MENENDEZ on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Florida [Mr. STEARNS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 291, answered "present" 3, not voting 53, as follows:

[Roll No. 414]

AYES—86

Aderholt
Barr
Bartlett
Barton
Bilbray
Bono
Burton
Buyer
Calvert
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Dunn
Everett
Ewing
Fawell
Foley
Gekas
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Largent
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
McCollum
McIntosh
McKeon
Metcalf
Mica
Nethercutt
Norwood
Packard
Paul
Paxon
Pease
Pickering
Pombo
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Spence
Stearns
Stump
Tauzin
Thomas
Thornberry
Tiahrt
Weldon (FL)
Whitfield
Wicker
Wolf

NOES—291

Abercrombie
Ackerman
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Lewis (GA)
LoBiondo
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Taylor (MS)
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
Wise
Wynn
Yates
Young (FL)

ANSWERED "PRESENT"—3

Ehlers
Ney
Sanchez

NOT VOTING—53

Archer
Baker
Ballenger
Berry
Bilbray
Bonilla
Bryant
Bunning
Burr
Callahan
Cannon
Chambliss
Clay
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Foglietta
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Hastings (FL)
Hinchey
LaTourette
Levin
Lipinski
Luther
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Myrick
Neumann
Oberstar
Porter
Schiff
Smith, Adam
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Woolsey
Young (AK)

□ 1756

Mr. CAMP, Ms. RIVERS, and Mr. FOX of Pennsylvania changed their vote from "aye" to "no."

Messrs. LINDER, CUNNINGHAM, and PAXON changed their vote from "no" to "aye."

So the motion to table was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 30 minutes.

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to 20 minutes equally divided and controlled by myself and the gentleman from New York [Mr. SOLOMON] for the purposes of debate only.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

Mr. Speaker, let me first thank all of my colleagues on both sides of the aisle who did not permit the motion to table to take place, to pass, so that we could have this opportunity. Failure to do so would have not allowed a Member to be able to pursue the only vehicle that a Member of this body has to enforce the decorum of the House. I want to ask for Members' further support of this resolution so that we make clear for ourselves and to the American people watching us that profanities, insults, and name-calling are not under any circumstance or for any reason accepted in this House or inside this Chamber ever.

□ 1800

Working with the Republican leadership, I changed the resolution I originally introduced in order to depersonalize the language, because when the rules of the House are broken, it is not just personal, it affects the whole institution.

Yesterday, nothing less than the integrity of the House was undermined by former Congressman Dornan. In the

course of representing my constituents, exercising my rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Mr. Dornan verbally assaulted me. He used profane language, accused me of religious bigotry, called my integrity into question, and, by the tone of his voice and the context of his remarks, clearly attempted to lure me off the floor into a physical altercation.

By doing so, Mr. Dornan abused his privileges as a former Member of the House of Representatives and conducted himself on the floor in a manner which brings discredit to the House.

Now, earlier today some of my colleagues called the event alleged, implying the facts of the case are in doubt. But I would remind my colleagues that there were several witnesses, and many of you have come over on the Republican side of the aisle to tell me that you not only saw, but heard what I have said. And those included on my side of the aisle the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Colorado [Mr. SKAGGS], among others.

Even beyond that, the Los Angeles Times reported today that Mr. Dornan admitted to using a profane term, called me an anti-Catholic and a coward, and that conduct alone, to which Mr. Dornan has publicly admitted, publicly admitted, is enough to constitute a gross violation of the House rules. So the event in question, my colleagues, is not alleged, it is publicly admitted to by Mr. Dornan himself.

Now, if this were not bad enough, Mr. Dornan further admitted to asking me to step outside the Chamber with him. On that last count we have a difference of opinion. He believes he just wanted to have a civil conversation. But if all he wanted was a civil conversation, why would he have used the insults and profanity preceding that request? In that context, with the tone of voice he used, no reasonable person could interpret Mr. Dornan's remarks as anything other than a lure into a physical fight.

Another Member took to the floor earlier today and said we should just realize that "Dornan is Dornan." But that implies that each Member or former Member can set his or her own standard of conduct, depending on their personality or how big a temper they might have. In this House, I believe there is one standard of conduct that applies to all of us.

Others praise Mr. Dornan's record of fighting communism, and I do not dispute that. But I, too, have dedicated much of my public life to fighting communism. Members of my family were persecuted by Communists. They came to this country fleeing persecution, because they knew America was the birthplace of modern democracy. I grew up in awe of this Congress and had no prouder day, save the birth of my children, than when I took my oath of office in this Chamber for the very first time.

I have spent much of my public life fighting oppression and intimidation, at home and abroad, using our great institutions as shining examples of freedom and integrity and democracy in action, and I believe my colleagues who have worked with me on both sides of the aisle on these issues know the depth of my sincerity and commitment. That is why it is hard to think of a sadder moment in my public life than when I was accosted on the House floor in the very exercise of democratic debate on behalf of the people I represent, not sad because of what Bob Dornan said to me but because of what Bob Dornan did to this institution we all care about so deeply and to what it stands for.

An assault against a Member of this body in the practice of his or her democratic duties is an assault against the whole House, the whole institution, not just one Member; and if we allow it to stand, we have lessened the standards of the whole institution. Not just the honor of a single representative is lessened.

In fact, the standards we set here send a message that travels far beyond the halls of this House. How can we talk about family values if we allow this sort of behavior to stand on the House floor? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion? I must believe that we are all above that.

For the sake of this House, to preserve our standards and our rules of conduct, to set a worthy example for all of our children, I ask all of my colleagues to stand with me today in support of this resolution; to say that we will never tolerate insults, profanity, name-calling or threats in this Chamber, from anyone of either party, former Member or current Member.

Should there be a vote to once again table this resolution, it would in essence take away a Member's right to have the rules of the House enforced. When I made parliamentary inquiries and ultimately conferred, this is the only way I am told I get to enforce, or Members get to enforce someday if they are unfortunate to have a circumstance, the decorum of the House.

If we table it, no Member can ever get to that point. Our rules only have meaning if we stand behind them and are willing to enforce them.

Our standard of behavior is only as good as our willingness to uphold it. This is a vote to decide where we stand on the integrity of this House. A vote for a motion to table or against the ultimate resolution is a vote to turn our backs on the rules of decorum in the conduct of this institution.

A vote against a motion to table and for the resolution affirms that only the highest standards of conduct and decorum and respect for democracy are allowed in this Chamber. That is what this House should stand for; that is what I expect my colleagues to join with me in voting for.

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

Mr. SOLOMON. Mr. Speaker, I would rise to claim the time, and yield myself such time as I may consume, wearing two hats, and they are difficult hats at best.

I rise in one capacity having been on the floor and having witnessed the questionable behavior of my good friend, and he is a good friend, Mr. Dornan, and another good friend the gentleman from New Jersey [Mr. MENENDEZ], who I have worked with on many issues, and because of witnessing that behavior I support the resolution, all except the last two words of the resolution.

First of all, I think that Mr. Dornan should be removed from the Chamber because his action, his behavior, was not that of a Member of this Congress or a former Member who respects all Members of this body, and if we are going to serve in this body, we must always remember to do that.

However, there is another issue, and I rise as chairman of the Committee on Rules to point it out to Members. This is the concern that I have, because in the last two words of the resolution we are changing the rules of the House.

We are not changing the rules of the House for one Member or one former Member, but we are changing the rules of the House for an individual, who may or may not have been a Member or former Member, but a contestant in an election.

Let me just read to you the resolve clause. It says, "Resolved that the Sergeant at Arms is instructed to remove former Representative Bob Dornan from the Hall of the House and rooms leading thereto," et cetera, et cetera, "until the election contest concerning the 46th District of California is resolved."

Now, we all know when there is a contested election, under rule XXXII of the House, and this has been the rule for as long as I have been here, for 20 years, and for many years before that, the rule states, "The persons hereinafter named and none other shall be admitted to the Hall of the House," and it lists various officers of this body. Then it goes on to say, "and contestants in election cases during the pendency of their cases in the House."

Mr. Speaker, in a court of law, and I am not a lawyer, but one has a right to representation, one has a right to be heard; and this resolution, my concern about it is that we are not just removing Mr. Dornan from the floor of this Congress as a former Member, but we

go that one big step further and we remove him even on the day that this matter might come before this body and be contested, and that person, whoever that person might be, he may never have been a Member of Congress or a former Member, but that person has the right to be here on the floor to argue for his case.

I do not know what can be done about the resolution at this late date. I want to support the resolution. I support all of the "Whereas's," I support the "Resolved."

As a matter of fact, if I could just take one last minute to read a portion of the letter from Mr. Dornan to the Speaker, Speaker GINGRICH, it says, "To avoid any further opportunity for Members to demagogue my legitimate contest, I will not use my floor privileges until the House Oversight Committee has ruled on my challenge and the case moves to the full House for consideration."

In other words, he already, as Members all saw when I escorted him off the floor after that incident took place, agreed not to come back on this floor until that time.

So, Mr. Speaker, I do not know what can be done about it. I guess I will have to vote against the resolution, because it contains the clause "is resolved," which means he could not be here as an individual American citizen to argue his case on the floor, should that ever come to pass.

I guess I would just ask the gentleman from New Jersey [Mr. MENENDEZ] if he would consider amending those last two words to instead of saying "is resolved," if he could just say "is taken up on the floor of the House of Representatives."

That means Mr. Dornan could not have the opportunity or the right to come on this floor if and until the matter ever came to the floor to be argued on that particular day.

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

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. First of all, I appreciate the gentleman's comments as they relate to the overall question of the decorum of the House. I appreciate on that day his assistance, so to speak, to make sure that we did not have a worse set of events.

I read that "resolved" clause in a different way. It does not say anybody else. It specifically refers to Mr. Dornan. Clearly if the Committee on House Oversight determines that there is to be an election contest, in my view that is a resolution, in which case his rights under the statute or under the rules would be preserved.

It is not my intention to prohibit him from an election contest, should the Committee on House Oversight determine in fact that there is an election contest to take place, which it has not determined. It was my intention, and that is why I believe when I say "is resolved," it would be resolved once the committee determines either there is no contest or there is a contest, and then when there is a contest he would, in fact, have the right to be able to pursue his rights as a contestant, not as a former Member. That is the intention and the manner in which we have worded it.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, if I might not use any more of my time, because I have other Members that want to be heard, but propound a question to the Chair: Is it the Chair's understanding that should a resolution be brought to this floor, where there would be a contested election on the floor of this body, that this individual, this American citizen, then would be allowed to be on the floor to argue his case?

The SPEAKER. The Chair may have the option at that time of relying on the legislative history of the debate as it is occurring. The gentleman who offered the privileged resolution has explained in the RECORD his interpretation of that resolution, that it would not block a contestant in that contest from being on the floor during pendency of a resolution on that day in an appropriate manner. Therefore, the Chair will certainly take it under advisement at that time and believes it is helpful.

Mr. SOLOMON. I thank the Speaker.

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

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was going to say something, but I think the Speaker has clarified the interpretation the Chair will make. I will say in terms of a record, though I have not had the opportunity of conferring with the gentleman from Connecticut [Mr. GEJDENSON] and I have conferred with the gentleman from New Jersey [Mr. MENENDEZ], it was clearly not the intent of the resolution, as I understand from Mr. MENENDEZ, to obviate any contestant's right to appear on the floor at the time the contest is considered. We agree with the chairman of the Committee on Rules in that regard.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I certainly appreciate the cooperation, because I just do not believe we ought to be changing the rules of the House for anyone, any contestant, that would have the opportunity to come to this floor.

□ 1815

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

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman from New Jersey [Mr. MENENDEZ] might consider a slight modification, and that is if, by unanimous consent, we could strike the words "is resolved," and replace those words "is resolved" with the words, "except during the pendency of the contest."

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

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I presume what the gentleman is talking about is pendency of the contest itself actually on the floor, because obviously the contest is pending now.

I would suggest, as I understand the Speaker's ruling, the Speaker would specifically interpret what the gentleman from Texas [Mr. ARMEY] has suggested, and therefore, the gentleman would suggest that in light of the record as referred to by the Speaker that has been made here on the floor, that the resolution itself need not be changed, when we clearly have agreement that during the contest itself, under the Federal Contest Election Act, and under the Rules of the House, as pointed out by the chairman of the Committee on Rules, Mr. Dornan could in fact have the privilege of his presence.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield in response to his question.

Mr. SOLOMON. Mr. Speaker, I would like to yield to the gentleman from Massachusetts [Mr. FRANK] just briefly.

Mr. FRANK of Massachusetts. Mr. Speaker, I think there is a point that pendency may be broader than was intended, but I think there was agreement that what we are talking about, and let me say I was thinking of those words, "during the consideration of the committee's report," that during consideration of the committee's report on the floor of the House, if that could be redone by unanimous consent, that that would solve it; that there would be a bar except during consideration of the committee report on the floor, while the report is itself the pending matter of business on the floor of the House, and I would think that would be sufficient.

Mr. SOLOMON. Mr. Speaker, I would inquire of the gentleman from New Jersey [Mr. MENENDEZ] if he would support that.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield, I think that as the Speaker stated, the legislative history here is clear. It is my clear intention not to have that take place, but I do not want to start amending and worrying about the extent to which we broaden the scope beyond what is intended under the statute, which as the gentleman from Massachusetts [Mr. FRANK] just discussed, I am in complete agreement with what he just discussed, as long as it is during the actual contest on the floor.

Mr. SOLOMON. Would the gentleman then accept that amendment?

Mr. MENENDEZ. At this time I do not know the exact wording.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield.

The SPEAKER. The time of the gentleman from New York [Mr. SOLOMON] has expired.

The gentleman from New Jersey [Mr. MENENDEZ] has 2½ minutes.

Mr. SOLOMON. Mr. Speaker, since we have been involved in a colloquy, and all of our time was used during that colloquy, I would ask that I be allowed an additional 3 minutes to work out this agreement, and 30 seconds additional to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER. The chairman of the Committee on Rules may of course ask unanimous consent for each side to have 3 additional minutes, and then the House will decide whether his unanimous consent request is honored.

Mr. SOLOMON. Mr. Speaker, I would propound such a unanimous consent request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER. The Chair is slightly confused, so the Chair will repeat the question.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Each side has 3 additional minutes.

The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and the gentleman from New Jersey [Mr. MENENDEZ] has 5½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I think we are in agreement with respect to intent here, and I should just make the point that should the occasion present itself where there would be a consideration of this matter on the floor, I would, if it was deemed advisable, present to the body a resolution that would protect Mr. Dornan's rights under those circumstances to be present on the floor.

Mr. HOYER. Mr. Speaker, if the gentleman would yield, I think that resolves the matter.

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

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized.

Mr. MENENDEZ. Mr. Speaker, I think we have laid out the case. The record is clear as it relates to this one concern. I ask my colleagues to join us in preserving the dignity of the House, I would be happy to yield back my time, if that is the reality of the other side.

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

Mr. Speaker, there are many of us who want to support this resolution, myself included, but the unanimous consent propounded by the gentleman from Massachusetts [Mr. FRANK] was exactly what we have agreed to, and it would make it so much better, I think, for the comity of the House.

Mr. FRANK of Massachusetts. Mr. Speaker, would the gentleman from New Jersey [Mr. MENENDEZ] yield?

Mr. MENENDEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that, but let me say I think we have reached an agreement in this sense: Everyone is here, just about everybody here now understands that there is agreement in the resolution on the contest, if it ever comes to that, because I hope it does not, ever comes to the floor. If one does, and the Speaker is asked to rule on the presence of Mr. Dornan, I would think the ruling would be that during the actual consideration on the floor there would be no obstacle, and we would all uphold that ruling, and that has clearly been established now.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. MENENDEZ. I do not yield for a parliamentary inquiry.

The SPEAKER. The gentleman does not yield, and he controls the time at this point.

Mr. MENENDEZ. I agree with the comments of the majority leader. I think the Speaker has made it very clear, and unless the gentleman seeks to still have speakers, I am ready to yield back the balance of my time if the gentleman is ready to yield back the balance of his time.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding.

Let me make one real quick point. If we accept this and vote on it right now, and it never comes to the floor, Bob Dornan can never come to the floor again because it will never be resolved.

Let me also point out, there have been between 20,000 and 30,000 Members of this body in the history of the United States of America. In my very brief study of the RECORD, and admittedly it is brief, we have never barred any other former Member from the floor. This is a terrible precedent to set.

It says nothing about the despicable behavior that Mr. Dornan exhibited toward our colleague, but there are other remedies. We could have a Sense of the Congress resolution where we all vote unanimously deploring that.

I have watched the majority leader of the Democratic Party and Congressman Dan Lungren engage in fisticuffs right outside the Chamber. They were not barred. They were not barred.

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

Mr. BARTON of Texas. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would say two things. One, it says until the issue is resolved. Once it is resolved, it no longer has standing, as I understand it.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, if it is never resolved, we have barred one former Member in the history of the Nation from ever coming back on the floor of the House, and that is wrong.

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

Let us settle everything down here for a minute. It has been established, it is my understanding that it has been established that we have an understanding that if and when this contested election is brought to this floor, that the affected contestant, in this case Mr. Dornan, would be allowed to come on this floor.

The gentleman from Massachusetts [Mr. FRANK] has verified that, that the understanding is clear on the other side of the aisle. If that is clear with the Speaker, then I would be prepared to yield back the balance of my time.

The SPEAKER. The Chair will render final judgment should the occasion arise. However, the Chair would note that if debate is about to end, the Chair has seen all the debate, and that would strike the Chair in terms of this debate as a reasonable assumption.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, does the resolution, as it is worded, bar Mr. Dornan in perpetuity?

The SPEAKER. This resolution is only binding on this Congress, and therefore could not be in perpetuity.

Mr. MENENDEZ. I thank the Speaker.

I ask my colleagues to join us in preserving the dignity of the House, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 65, answered "present" 7, not voting 72, as follows:

[Roll No. 415]

AYES—289

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Canady
Capps
Cardin
Carson
Castle
Christensen
Clayton
Clyburn
Combest
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lewis (GA)
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Northup
Nussle
Olver
Ortiz
Owens
Oxley
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (OR)
Smith (TX)
Snyder
Souder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Wexler
Weygand
Wise
Woolsey
Yates
Young (FL)

NOES—65

Ballenger
Barr
Bartlett
Barton
Bilirakis
Bliley
Bono
Brady
Burton
Buyer
Camp
Campbell
Chabot
Chenoweth
Cox
Crane
Crapo
Cubin
Cunningham
Doolittle
Dreier
Duncan
Everett
Gekas
Hall (TX)
Hefley
Herger
Hostettler
Hunter
Hyde
Johnson, Sam
Kim
Kingston
Lewis (CA)
Lewis (KY)
McCollum
McIntosh
McKeon
Norwood
Packard
Paul
Paxon
Pickering
Pombo
Radanovich
Redmond
Riggs
Rogan
Rohrabacher
Royce
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (NJ)
Snowbarger
Spence
Stearns
Stump
Tiahrt
Whitfield
Wicker
Wolf

ANSWERED "PRESENT"—7

Ehlers
Mica
Ney
Sanchez
Solomon
Thomas
Traficant

NOT VOTING—72

Archer
Baker
Berman
Berry
Bilbray
Blumenauer
Bonilla
Bryant
Bunning
Burr
Callahan
Calvert
Cannon
Chambliss
Clay
Clement
Coble
Coburn
Collins
Cooksey
Cramer
Deal
Fawell
Foglietta
Foley
Fowler
Furse
Gallegly
Ganske
Gephardt
Gonzalez
Goss
Gutknecht
Hastings (FL)
Hinchey
Hoekstra
Klug
Largent
Latham
LaTourette
Levin
Linder
Lipinski
Manton
McCrery
McInnis
Meehan
Meek
Moakley
Neumann
Oberstar
Obey
Pickett
Porter
Pryce (OH)
Salmon
Schiff
Sensenbrenner
Sessions
Shuster
Smith (MI)
Smith, Adam
Smith, Linda
Stenholm
Tanner
Taylor (NC)
Thompson
Wamp
Weldon (PA)
White
Wynn
Young (AK)

□ 1842

Mr. CUNNINGHAM changed his vote from "aye" to "no."

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.

□ 1845

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 413 I was unavoidably detained.

Had I been present I would have voted "yes."

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I have asked to address the House in order to enter into a dialog with the majority leader to ascertain the schedule for next week.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased, more pleased, Mr. Speaker, than anyone can imagine, to announce that we have concluded our legislative business for the week.

The House will next meet on Monday, September 22, at 12 noon for a pro forma session.

On Tuesday, September 23, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that no recorded votes will be held before 5 p.m.

On Tuesday of next week the House will consider a Corrections Day bill, H.R. 2343, the Thrift Depositor Protection Oversight Act; a number of suspension bills, a list of which will be distributed to Members' offices; the conference report to accompany H.R. 2160, the Agriculture Appropriations Act for Fiscal Year 1998; and motions to go to conference on H.R. 2264, the Labor-HHS Appropriations Act and H.R. 2378, the Treasury-Postal Appropriations Act.

On Wednesday, September 24 and the remainder of the week, the House will consider the following bills, both of which are subject to a rule:

H.R. 2267, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1998; and H.R. 901, the American Land Sovereignty Protection Act.

It is my understanding that the conferences on appropriations are proceeding well, and we may have additional conference reports ready next week.

Mr. Speaker, the meeting times for next week are as follows: On Wednesday, September 24 and Thursday, September 25 the House will meet at 10 a.m., and on Friday, September 26 we will meet at 9 a.m. We will expect to conclude legislative business by 2 p.m. next Friday.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could inquire of the leader, will there be votes on the following Monday?

Mr. ARMEY. If the gentleman will continue to yield, the gentleman is speaking of Monday, as we say it in the South, Monday a week? The following Monday?

Mr. FAZIO of California. Mr. Speaker, that is not the way they say it in North Dakota, but——

Mr. ARMEY. Let me see if we can get this correct, the Monday following September 23, Friday of next week. Yes, I think we do expect votes that week.

Mr. FAZIO of California. After 5?

Mr. ARMEY. After 5.

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

Mr. FAZIO of California. I yield to the gentleman from California [Mr.

CONDIT], who has some concerns about the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, if I may ask a question of the majority leader. I know we have had a discussion that he has made a commitment to try to change the Suspension Calendar a little bit to work it out so maybe it has a little more balance to it. I would like to ask what kind of progress he understands that we have made.

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

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. As the gentleman from California has suggested, we are receiving information about the record of bills being reported from committee. We want to review that, and we intend to make adjustments to see that all Members have a fair and equitable consideration of their access to the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, I thank the leader.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I have no further speakers, and I yield back.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 1997, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

FEDERAL PROPERTY ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. HORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, after line 8 insert:

(D)(i) The administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term "disability" has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

Page 4, line 9, strike out "(D)" and insert "(E)".

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HORN] is recognized for 1 hour.

Mr. HORN. Mr. Speaker, H.R. 680 is a bill to enhance charitable activities by authorizing the transfer of surplus property to organizations that provide assistance to impoverished individuals. This bill offers a helping hand to the neediest in our society at virtually no cost to the taxpayers.

The Senate amendments make a point of clarification that improves the bill. It ensures that no person will be prevented from meeting certain matching eligibility requirements due to disability.

Currently, Federal agencies declare excess over $6 billion a year in Federal personal and real property. They declare that excess, what we call surplus. Although some of this property is used by other Federal agencies, much of it is donated to a select list of eligible groups. H.R. 680 expands the list of eligible groups to include charities that provide services to poor families. These groups, including self-help housing groups, such as Habitat for Humanity, and groups such as food and clothing banks, will be eligible for the property on the same basis as State and local government agencies.

By granting private charities and the food and clothing banks the same status as State and local government agencies, H.R. 680 will help these organizations to provide items such as school supplies, blankets, clothing to poor people and other items that would help the charities accomplish their mission.

Mrs. MALONEY of New York. Mr. Speaker, earlier today H.R. 680, as amended by the Senate, passed the House by unanimous consent. H.R. 680 as amended makes two important changes in the law governing the donation of Federal property no longer needed by the Federal Government. These changes have been agreed to in a bipartisan manner, both in this House and in the other body.

The first change allows the donation of surplus personal property to organizations which help all property-stricken people, not only the homeless as currently permitted. Passage of this measure is long overdue. It passed the House in the 103d Congress, only to miss final clearance because of adjournment. This provision will help charities like Habitat for Humanity and food banks better assist this Nation's needy.

In my own State of New York, I have been assured by the State surplus property agency that this law will help get clothing and other necessities into the hands of The Phoenix House, Day Top Village, and local branches of the Salvation Army, where the real war on poverty is waged. Congressman LEE HAMILTON, the author of this bill, deserves all of our thanks for his effort to achieve this clearly needed change to help the impoverished.

H.R. 680, as amended, will also allow for the donation of Federal surplus real property to nonprofit groups which provide housing to low-income individuals and families, groups like Habitat for Humanity, founded by former President Jimmy Carter. Such donations would be permitted only if the families receiving assistance contribute a significant amount of labor toward the construction of the homes, and all local building codes would have to be met. The other body has amended H.R. 680 to ensure that this provision will not unfairly discriminate against those with mental or physical disabilities. H.R. 680 preserves the General Services Administration's central role in the disposal process and has been carefully crafted to prevent any future abuse.

Mr. HORN. Mr. Speaker, I ask that this bill be passed, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the Senate amendments are concurred in.

There was no objection.

A motion to reconsider was laid on the table.

FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Transporation and Infrastructure be discharged from further consideration of the bill, H.R. 2443, to designate the Federal building located at 601 Fourth Street, NW., in the District of Columbia, as the "Federal Bureau of Investigation, Washington Field Office Memorial Building," in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Ms. NORTON. Mr. Speaker, reserving the right to object, however, I do not intend to object, and I ask the gentleman from California, [Mr. KIM] for an explanation of the bill.

Mr. KIM. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from California.

Mr. KIM. Mr. Speaker, I thank the gentlewoman for yielding.

H.R. 2443 designates the Federal Bureau of Investigation field office located on Fourth Street in the District of Columbia as the Federal Bureau of Investigation Washington Field Office Memorial Building.

The designation of this building is to honor five Federal Bureau of Investigation agents who were killed in the line of duty while assigned to the Bureau's Washington, DC, field office. These five agents are: William H. Christian, Jr.; Martha Dixon Martinez; Michael J. Miller; Anthony Palmisano; and Edwin R. Woodriffe.

In 1995, Special Agent Christian was murdered in his car while on a surveillance assignment; in 1994, Agents Martinez and Miller were gunned down in the Metropolitan Police Department headquarters while conducting official business; and in 1969, Agents Palmisano and Woodriffe were killed while attempting to arrest an escaped prisoner from Lorton.

These agents gave their lives in the war against crime in the District. It is fitting that this field office headquarters be designated in their honor. This tribute is a small measure of our appreciation for their efforts and ultimate sacrifice. I support the measure and urge my colleagues to support this bill.

Ms. NORTON. Mr. Speaker, continuing my reservation of objection, I want to join the gentleman from California [Mr. KIM] in supporting H.R. 2443, a bill I introduced with strong bipartisan support from the gentlemen from Virginia, Mr. DAVIS, Mr. MORAN, and Mr. WOLF as well as the gentlemen from Maryland, Mr. HOYER and Mr. WYNN and the gentlewoman from Maryland, Mrs. MORELLA.

The bill would designate the new FBI Washington Field Office at 601 Fourth Street, NW., in honor of the five FBI agents who have been slain in the line of duty. The building will be officially dedicated on Friday, September 26, with the surviving families and friends as the honored guests.

These FBI agents were our friends and neighbors who lived in Maryland, Virginia, and the District of Columbia. They were parents, sons, brothers, and sisters. Agent Palmisano and Agent Woodriffe were partners. Both were born and raised in the New York City metropolitan area.

Agent Woodriffe was the first African-American agent killed in the line of duty.

Martha Martinez was a young woman of 35 years of age who was married to FBI Agent George Martinez and was an acknowledged expert at electronic surveillance methodology.

Agent Mike Miller was a native of Prince Georges County and was educated at local schools.

Agent William Christian, also a Maryland native, was a graduate of Loyola College. He consistently received superior performance evaluations and numerous commendations for his outstanding work. He was killed doing undercover work.

It is most fitting and proper that we honor the sacrifices of these brave agents with this designation, Mr. Speaker.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding, and I thank the gentleman from California for working to report out this very, very appropriate piece of legislation which will recognize five brave Americans, five of our friends and neighbors who we asked to risk their lives on a daily basis.

We like to think that in asking that risk that there will never come a time when the ultimate sacrifice will be made, but we know full well from history that there will come times when some of these brave law enforcement officials who are on the front lines of protecting our communities, our families, our safety will lose their lives in that effort. These five individuals are Americans who have worked and sacrificed to ensure that freedom and justice prevails in this land.

I particularly, Mr. Speaker, want to rise to mention Special Agent Michael John Miller. He was but 41 years of age when he lost his life. He lived in Prince Georges County, born in Prince Georges County and lived in Upper Marlboro, MD. He had two children, Benjamin and Dale, age 10 and 8. They will know their father was a hero but nothing can replace their father, nothing can ease their pain nor that of his wife, Wanda. But it is important that they know, and the families of the other four agents know, that as we name these buildings for them, it is not simply a ceremonial act, it is an act of deep gratitude, of deep respect, and deep appreciation.

Mr. Speaker, I again thank the gentlewoman for yielding.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his moving remarks and for his support of this bill, and I would also like to thank the chairman of the subcommittee, the gentleman from California [Mr. KIM], for his cooperation in allowing us to get this bill out on a very short timeframe and for his strong support of the bill.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2443

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

SECTION 1. PURPOSE.

The purpose of this Act is to designate the Federal building referred to in section 2 in honor of William H. Christian, Jr., Martha Dixon Martinez, Michael J. Miller, Anthony Palmisano, and Edwin R. Woodriffe, who were slain in the line of duty.

SEC. 2. FEDERAL BUREAU OF INVESTIGATION, WASHINGTON FIELD OFFICE MEMORIAL BUILDING.

(a) DESIGNATION.—The Federal building located at 601 Fourth Street, NW., in the District of Columbia, shall be known and designated as the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Federal Bureau of Investigation, Washington Field Office Memorial Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AGAINST THE MENENDEZ RESOLUTION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I hesitate to get up here and speak today, but I am sitting here listening to these comments about a great American named Bob Dornan.

Back in the 1970's, this country was drifting toward socialism and communism; it was spreading itself all over Central America; it was spreading itself all over Europe and Asia. And

Bob Dornan, a man named Ronald Reagan, and JERRY SOLOMON, and others stood up to those on the other side of the aisle who were sending out "Dear Commandante" letters siding with the socialist movement in this country. Bob Dornan, among all of the others, had the temerity, the guts, to stand up here and fight communism to its bitter end.

I just hesitate to speak, but when Members say that he came on this floor and he was assaulting or abusing other Members, we all know Bob Dornan. He has served here for many, many, many years. Dornan is Dornan. He would never do anything to be disrespectful of another Member intentionally. You all know that, so why do you not stop this business?

Mr. Speaker, I ask my colleagues, including those on the other side of the aisle, does anyone really believe Bob Dornan would assault anyone, let alone a Member of Congress on or off the floor?

We have more important things to do than take up time to attack the reputation of a true American patriot.

Back in the 1970's and 1980's, it appeared that communism was triumphant everywhere, and the wave of the future. Before Ronald Reagan threw his vision and leadership on to the scales and tipped the balance toward freedom all over the world, there were few soldiers in the trench with us. Bob Dornan was there from the beginning.

Bob Dornan was there to object when Members of this body, some of the people attacking him today, wrote the infamous "Dear Commandante" letter supporting the marxist dictators of Nicaragua against the Central American policies of President Reagan.

That was Bob Dornan, always there to stand up and fight against his country's enemies.

And in spirit of Bob Dornan, I'm going to "tell it like it is." This is nothing more than an attempt to distract this House and the American people, not only from the growing scandals surrounding the White House, but from Bob Dornan's legitimate demand that the scandal surrounding his alleged defeat last November be investigated.

I ask my colleagues on the other side of the aisle to drop this privileged motion and get back to work on issues that really matter to the American people.

CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD submitted the following conference report and statement on the bill (H.R. 2209), making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes:

CONFERENCE REPORT (H. REPT. 105–254)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) "making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes", having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

Amendment number 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,750,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $804,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $5,815,500, to be disbursed by the Chief Administrative Officer of the House.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including; (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each to not exceed nine assistants on the basis heretofore provided for such assistants; and (4) $893,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,266,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employees benefits, $70,955,000, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: Provided, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $3,099,000, to be disbursed by the Chief Administrative Officer of the House of Representatives: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1998 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISIONS

SEC. 110. Amounts appropriated for fiscal year 1998 for the Capitol Police Board for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading "SALARIES";

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading "SALARIES"; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

SEC. 111. (a)(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capital Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b)(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the armed forces;

(I) advance of annual leave or sick leave after a member or civilian employee have used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c)(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the armed forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the armed forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Service Office, $1,991,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than forty individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fifth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,479,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $24,797,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $36,977,000, of which $7,500,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,116,000, of which $745,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $52,021,000, of which $13,200,000 shall remain available until expended: Provided, That appropriations under this heading for management personnel and miscellaneous restaurant expenses hereafter shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under Public Law 87–82, approved July 6, 1961, as amended (40 U.S.C. 174j–4), and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

And after line 4, page 2, of the House engrossed bill, H.R. 2209, insert the following:

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $77,254,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,612,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $371,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,388,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $1,221,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,061,000 for each such committee; in all, $2,122,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $409,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,077,500 for each such committee; in all, $2,155,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $260,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $13,306,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPERS

For Office of the Sergeant at Arms and Doorkeeper, $33,037,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,165,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $19,208,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,605,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $966,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $75,600,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $370,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,511,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $64,833,000, of which $7,000,000 shall remain available until September 30, 1999.

MISCELLANEOUS ITEMS

For miscellaneous items, $7,905,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $228,600,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000, to remain available until September 30, 1999.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) For fiscal year 1998, and each fiscal year thereafter, the Secretary of the Senate is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on Rules and Administration of the Senate.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 2. (a) Upon the written request of the Majority or Minority Whip of the Senate, the Secretary of the Senate shall transfer during any fiscal year, from the appropriations account appropriated under the heading "Salaries, Officers and Employees" and "Offices of the Majority and Minority Whips", such amount as either whip shall specify to the appropriations account, within the contingent fund of the Senate, "Miscellaneous Items".

(b) The Majority and Minority Whips of the Senate are each authorized to incur such expenses as may be necessary or appropriate. Expenses incurred by either such whip shall be paid from the amount transferred pursuant to subsection (a) by such whip and upon vouchers approved by such whip.

(c) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray expenses incurred in carrying out subsection (a) and (b).

SEC. 3. (a) Effective in the case of any fiscal year which begins on or after October 1, 1997, clause (iii) of paragraph (3)(A) of section 506(b) of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58(b)) is amended to read as follows:

"(iii) subject to subparagraph (B), in case the Senator represents Alabama, $182,567, Alaska, $251,901, Arizona, $197,079, Arkansas, $168,282, California, $468,724, Colorado, $186,350, Connecticut, $160,903, Delaware, $127,198, Florida, $299,746, Georgia, $210,214, Hawaii, $279,512, Idaho, $163,335, Illinois, $266,248, Indiana, $194,770, Iowa, $170,565, Kansas, $168,177, Kentucky, $177,338, Louisiana, $185,647, Maine, $147,746, Maryland, $173,020, Massachusetts, $195,799, Michigan, $236,459, Minnesota, $187,702, Mississippi, $168,103, Missouri, $197,941, Montana, $161,725, Nebraska, $160,361, Nevada, $171,096, New Hampshire, $142,394, New Jersey, $206,260, New Mexico, $166,140, New York, $327,955, North Carolina, $210,946, North Dakota, $149,824, Ohio, $259,452, Oklahoma, $181,761, Oregon, $189,345, Pennsylvania, $266,148, Rhode Island, $138,582, South Carolina, $170,451, South Dakota, $151,450, Tennessee, $191,954, Texas, $348,681, Utah, $168,632, Vermont, $135,925, Virginia, $193,467, Washington, $214,694, West Virginia, $147,772, Wisconsin, $191,569, Wyoming, $152,438, plus".

(b) Subsection (a) of the first section of Public Law 100–137 (2 U.S.C. 58c) is amended by adding at the end the following:

"(6) Effective on and after October 1, 1997, the Senator's Account shall be available for the payment of franked mail expenses of Senators.".

(c)(1) Section 12 of Public Law 101–520 is repealed.

(2) The amendment made by paragraph (1) shall be effective on and after October 1, 1997.

(d) Nothing in this section affects the authority of the Committee on Rules and Administration of the Senate to prescribe regulations relating to the frank by Senators and officers of the Senate.

SEC. 4. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $401,635 for the period March 1, 1997, through September 30, 1998, and

(2) by $994,150 for the period March 1, 1998, through February 28, 1999.

(b) This section is effective on and after October 1, 1997.

SEC. 5. Effective on and after October 1, 1997, each of the dollar amounts contained in the table under section 105(d)(1) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1) shall be deemed to be the dollar amounts in that table on December 31, 1995, increased by 2 percent on January 1, 1996, and by 2.3 percent on January 1, 1997.

SEC. 6. (a) The aggregate amount authorized by Senate Resolution 54, agreed to February 13, 1997, is increased—

(1) by $125,000 for the period March 1, 1997, through September 30, 1998; and

(2) by $175,000 for the period March 1, 1998, through February 28, 1999.

(b) Funds in the account, within the contingent fund of the Senate, available for the expenses of inquiries and investigations shall be available for franked mail expenses incurred by committees of the Senate the other expenses of which are paid from that account.

(c) This section is effective for fiscal years beginning on and after October 1, 1997.

SEC. 7. Section 1101 of Public Law 85–58 (2 U.S.C. 46a–1) is amended by adding at the end the following: "Disbursements from the fund shall be made upon vouchers approved by the Secretary of the Senate, or his designee.".

And on page 9, after line 15, of the House engrossed bill, H.R. 2209, insert:

"SEC. 107. Title 5, United States Code, is amended by striking "the Speaker of the House of Representatives" each place it appears in sections 5532(i)(2)(B), 5532(i)(3), 8344(k)(2)(B), 8344(k)(3), 8468(h)(2)(B), and 8468(h)(3) and inserting "the Committee on House Oversight of the House of Representatives".

SEC. 108. (a) For fiscal year 1998 and each succeeding fiscal year, the Chief Administrative Officer of the House of Representatives is authorized to make advance payments under a contract or other agreement to provide a service or deliver an article for the United States Government without regard to the provisions of section 3324 of title 31, United States Code.

(b) An advance payment authorized by subsection (a) shall be made in accordance with regulations issued by the Committee on House Oversight of the House of Representatives.

(c) The authority granted by subsection (a) shall not take effect until regulations are issued pursuant to subsection (b).

SEC. 109. (a) There is hereby established an account in the House of Representatives for purposes of making payments of the House of Representatives to the Employees' Compensation Fund under section 8147 of title 5, United States Code.

(b) Notwithstanding any other provision of law, payments may be made from the account established under subsection (a) at any time after the date of the enactment of this Act without regard to the fiscal year for which the obligation to make such payments is incurred.

(c) The account established under subsection (a) shall be treated as a category of allowances and expenses for purposes of section 101(a) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 95b(a))."

And on page 20, line 19, of the House engrossed bill, H.R. 2209, strike "$37,181,000" and insert "*$36,610,000*"; and the Senate agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $33,932,000, of which $1,650,000 shall remain available until expended: Provided, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1998.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise

and extend the Annotated Constitution of the United States of America, $64,603,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: Provided further, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $81,669,000, of which $11,017,000 shall be derived by transfer from the Government Printing Office revolving fund under section 309 of title 44, United States Code: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1998".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,016,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $227,016,000, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1998, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: Provided further, That of the total amount appropriated, $9,619,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, $5,584,000 is to remain available until expended for the acquisition and partial support for implementation of an integrated library system (ILS).

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $34,361,000, of which not more than $17,340,000 shall be derived from collections credited to this appropriation during fiscal year 1998 under 17 U.S.C. 708(d), and not more than $5,086,000 shall be derived from collections during fiscal year 1998 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: Provided, That the total amount available for obligation shall be reduced by the amount by which collections are less than $22,426,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $2,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $46,561,000, of which $12,944,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, and repair of furniture, furnishings, office and library equipment, $4,178,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 1998, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $100,490,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. (a) ESTABLISHMENT.—Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the "revolving fund"). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the "program") under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) AMOUNTS DEPOSITED.—The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or the date of enactment, whichever is later, that were collected as payment for the Library's indirect cost of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) CREDITS TO THE REVOLVING FUND.—The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) UNOBLIGATED BALANCES.—Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed

by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.

(e) ANNUAL REPORT.—Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

SEC. 208. AUTHORITY OF THE BOARD TO INVEST GIFT FUNDS.—Section 4 of the Act entitled "An Act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925 (2 U.S.C. 160), is amended by adding at the end the following new undesignated paragraph:

"Upon agreement by the Librarian of Congress and the Board, a gift or bequest accepted by the Librarian under the first paragraph of this section may be invested or reinvested in the same manner as provided for trust funds under the second paragraph of section 2.".

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and ground, $11,573,000, of which $3,910,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,077,000: Provided, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $150,000: Provided further, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1996 and 1997 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, that not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 3,550 workyears: Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, that the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS-15: Provided further, That expenses for attendance at meetings shall not exceed $75,000: Provided further, That $1,500,000 may be expended on the certification of the Public Printer, for reimbursement to the General Account office, for a management audit.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 908(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries; $339,499,000: Provided, That not more than $1,000,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1998: Provided further, That an additional amount of $4,404,000 shall be available by transfer from funds previously deposited in the special account established pursuant to 31 U.S.C. 782: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $2,000,000 of such funds shall be available for use in fiscal year 1998: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 1998 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter or public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104-1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. (a) Section 713(a) of title 18, United States Code, is amended by inserting after "Senate," the following: "or the seal of the United

States House of Representatives, or the seal of the United States Congress,".

(b) Section 713 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f); and

(2) by inserting after subsection (c) the following new subsections:

"(d) Whoever, except as directed by the United States House of Representatives, or the Clerk of the House of Representatives on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States House of Representatives, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.

"(e) Whoever, except as directed by the United States Congress, or the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly on its behalf, knowingly uses, manufactures, reproduces, sells or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the seal of the United States Congress, or any substantial part thereof, except for manufacture or sale of the article for the official use of the Government of the United States, shall be fined under this title or imprisoned not more than six months, or both.".

(c) Section 713(f) of title 18, United States Code (as redesignated by subsection (b)(1)), is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(3) in the case of the seal of the United States of Representatives, upon complaint by the Clerk of the House of Representatives; and

"(4) in the case of the seal of the United States Congress, upon complaint by the Secretary of the Senate and the Clerk of the House of Representatives, acting jointly.".

(d) The heading of section 713 of title 18, United States Code, is amended by striking "and the seal of the United States Senate" and inserting the following: "the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress".

"(e) The table of sections for chapter 33 of part I of title 18, United States Code, is amended by amending the item relating to section 713 to read as follows:

"713. Use of likenesses of the great seal of the United States, the seals of the President and Vice President, the seal of the United States Senate, the seal of the United States House of Representatives, and the seal of the United States Congress.".

SEC. 309. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1997" and inserting "1998".

SEC. 310. (a) SEVERANCE PAY.—Section 5595 of title 5, United States Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (D) by striking "and" after the semicolon; and

(B) by adding after subparagraph (E) the following new paragraph:

"(F) the Office of the Architect of the Capitol, but only with respect to the United States Senate Restaurants; and";

"(2) in subsection (a)(2)—

"(A) in clause (vii) by striking "or" after the semicolon;

"(B) by redesignating clause (viii) as clause (ix) and inserting after clause (vii) the following:

"(viii) an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, who is employed on a temporary when actually employed basis; or"; and

(3) in subsection (b) by adding at the end the following: "The Architect of the Capitol may prescribe regulations to effect the application and operation of this section to the agency specified in subsection (a)(1)(F) of this section.".

(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) voluntarily separates from service on or after the date of enactment of this Act and before October 1, 1999; and

(B) on such date of separation—

(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

"(ii) has completed 20 years of such service and is at least 50 years of age.

(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) and 8414(b) of title 5, United States Code.

(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term "employee" means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

(C) an employee who is employed on a temporary when actually employed basis.

(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act through September 30, 1999.

"(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

(B)(i) If the employment is with an Executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term "employment" includes employment under a personal services contract with the United States.

(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

(A) is involuntarily separated from service on or after the date of the enactment of this Act and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

(3) This subsection shall—

(A) take effect on the date of enactment of this Act; and

(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term "employee"—

(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

(B) shall not include—

(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

(ii) an employee who is employed on a temporary when actually employed basis.

(2) The architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

(3) A former employee may not participate in a program established under this subsection, if—

(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

(B) the separation was by removal for cause on charges of misconduct or delinquency.

(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

(i) not subject to the 1 year of service limitation under such section 3109(b); and

(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.

SEC. 311. (A) RATE OF PAY FOR DIRECTOR OF ENGINEERING.—Section 108(a) of the Legislative Branch Appropriations Act, 1991 (40 U.S.C. 166b–3b(a)) is amended by striking "the rate of basic pay payable for level V of the Executive Schedule" and inserting "such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(b) APPLICABLE RATE OF PAY.—Section 108(b)(1) of such Act (40 U.S.C. 166b–3b(b)(1)) is amended—

(1) by striking the second sentence; and

(2) by striking "the maximum rate allowable for the Senior Executive Service" each place it appears in subparagraphs (A) and (B) and inserting the following: "the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5, United States Code, for the locality involved".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods beginning on or after January 1, 1998.

And on page 38, line 15 of the House engrossed bill, H.R. 2209, strike "SEC. 309" and insert "*SEC. 312*" ; and the Senate agree to the same.

JAMES T. WALSH,
BILL YOUNG,
R. DUKE CUNNINGHAM,
ZACH WAMP,
TOM LATHAM,
BOB LIVINGSTON,
JOSÉ E. SERRANO,
VIC FAZIO,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY E. CRAIG,
THAD COCHRAN,
BYRON L. DORGAN,
BARBARA BOXER,
ROBERT BYRD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2209) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1998, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

Amendment No. 1: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 1 that differ between House and Senate bills, the conferees have agreed to the following:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Appropriates $461,055,000 for Senate operations instead of $460,622,000 as proposed by the Senate and contains several administrative provisions. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

HOUSE OF REPRESENTATIVES

The managers on the part of the House have asked the Senate conferees to agree to the addition of three House administrative provisions. The first transfers authority for granting retirement waivers from the Speaker to the Committee on House Oversight; the second authorizes the Chief Administrative Officer to make advance payments for certain goods and services; and the third authorizes available funds to be used for reimbursing the Department of Labor for workmen's compensation payments. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

JOINT ITEMS

JOINT COMMITTEE ON PRINTING

Appropriates $804,000 for the Joint Committee on Printing as proposed by the House instead of $807,000 as proposed by the Senate.

JOINT COMMITTEE ON TAXATION

Appropriates $5,815,500 for the Joint Committee on Taxation instead of $5,907,000 as proposed by the House and $5,724,000 as proposed by the Senate. This level of funding provides resources for an additional 2.5 FTE's over the current level. The conferees agree that the Joint Committee on Taxation, a joint item that supports both the House and the Senate equally, serves a critical role in preparing tax and revenue estimates for Members of Congress. The conferees expect the Joint Committee staff to be fully responsive in assisting with revenue estimates for Members of Congress who are not members of the tax committees. Upon the request of any Member of Congress, the Joint Committee shall expeditiously provide a revenue estimate, describe all assumptions it makes in performing its calculations and provide all primary and secondary source materials to Members or their designees. The Joint Committee shall also state the assumptions and source material in a manner that will allow the calculations for the revenue estimate to be replicated by Members or their designees. The conferees note that such revenue estimates are needed in a timely manner and are critical to the consideration of legislation and amendments. The conferees expect the Joint Committee to be both responsive and timely in its responses to Members of Congress who do not serve on the revenue committees. It is the intent of the conferees to carefully monitor the responsiveness of the Joint Committee to determine if statutory language will be required next year.

OFFICE OF THE ATTENDING PHYSICIAN

In the appropriating paragraph for the "Office of the Attending Physician", restores a colon inserted by the House and stricken by the Senate, restores the designation "Office of the Attending Physician" as proposed by the House and stricken by the Senate instead of "Attending Physician's Office" as proposed by the Senate, restores the word "assistants" as proposed by the House and stricken by the Senate instead of "assistance" as proposed by the Senate and inserts "applicable appropriation or appropriations from which such salaries, allowances, and other expenses" as proposed by the Senate instead of similar language as proposed by the House and stricken by the Senate.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

Appropriates $70,955,000 for salaries of officers, members, and employees of the Capitol Police as proposed by the House instead of $73,935,000 as proposed by the Senate, of which $34,118,000 is provided to the Sergeant at Arms of the House of Representatives and $36,837,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate. The conferees have agreed to fund 1255 FTE's as proposed by the House instead of 1259 as proposed by the Senate. An amount of $267,000 is provided for "comparability" pay and is fenced pending approval of the appropriate authorities. The conferees concur in House report language regarding the need for the police to improve their record keeping.

GENERAL EXPENSES

Appropriates $3,099,000 for general expenses of the Capitol Police as proposed by the House instead of $5,401,000 as proposed by the Senate.

ADMINISTRATIVE PROVISIONS

Changes section numbers, and makes corrections in capitalization and spelling.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

Appropriates $2,479,000 for salaries and expenses, Office of Compliance as proposed by the House instead of $2,600,000 as proposed by the Senate.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

Appropriates $24,797,000 for salaries and expenses, Congressional Budget Office as proposed by the House instead of $24,995,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

In the appropriating paragraph for salaries and expenses, Capitol buildings, Capitol buildings and grounds, Architect of the Capitol, inserts "for" as proposed by the Senate, inserts a limitation on travel expenses as proposed by the Senate, and appropriates $36,977,000 instead of $36,827,000 as proposed by the House and $39,554,000 as proposed by the Senate. Of this amount, $7,500,000 shall remain available until expended as proposed by the Senate instead of $6,450,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$22,690,000

2. Annual maintenance, repairs, and alterations	5,383,000
3. Supplies, materials, and equipment	628,400
4. Conservation of wall paintings	100,000
5. Provide infrastructure for security installations	500,000
6. Replace six West Front lower terrace windows	0
7. Design to replace legislative call system and clocks	[1]0
8. Study of exterior architectural fixtures and elements	[1]0
9. Electrical renovations to Senate kitchen	75,000
10. Repairs to East Front bronze doors	0
11. Cleaning of historical architectural surface	0
12. Modifications to South Capitol Street Warehouse	0
13. Conservation and maintenance of exterior sculptures	0
14. Witness timers in House committee rooms	125,000
15. Chemical and explosive storage facility, D.C. Village	0
16. Completion of canine facility, D.C. Village	200,000
17. Replace House chamber sound reinforcement system	930,000
18. Provide protection from transformers in open areas	[1]0
19. Computer aided facility management	0
20. Improve lighting for Senate chamber	300,000
21. Upgrade electrical system drawings on CAD	0
22. CAD Mechanical Database	0
23. Upgrade Rotunda lighting	0
24. Sound systems, House committee and hearing rooms	120,000
25. Design to upgrade air conditioning, East Front	[1]0
26. Study for upgrading building systems, Capitol	0

[1]To be done with FY97 funds.

The conferees understand that several of the unfunded projects can be done with FY 1997 funds, including $75,000 for a replacement of a fire pump that was not in disagreement, and direct the Architect to submit a list of those projects to the Committees on Appropriations. To the extent that carryover funds authorized in this bill for the Architect of the Capitol remain unused in this or any other account, the Architect is directed to seek approval from the Committees on Appropriations before expending any balances.

CAPITOL GROUNDS

Appropriates $5,116,000 for care and improvement of grounds surrounding the Capitol, House and Senate office buildings, and the Capitol Power Plant instead of $4,991,000 as proposed by the House and $6,203,000 as proposed by the Senate. Of this amount, $745,000 shall remain available until expended as proposed by the Senate instead of $25,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Supplies, materials, and equipment	$142,000
2. Replace delta barriers, north and south drives	0
3. Renovate and restore Russell courtyard	0
4. Design for security improvements, HSOB horseshoe	125,000
5. Security planters, Capitol square and secured streets	0
6. Install new hydraulic security barriers	0
7. CAD database development—site utilities	0
8. Upgrade, automate, and expand irrigation system	0

SENATE OFFICE BUILDINGS

Appropriates $52,021,000 instead of $50,922,000 as proposed by the Senate, of which $13,200,000 shall remain available until expended, for the operations of the Senate office buildings. Inasmuch as this item relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers of the part of the House, at the request of the managers on the part of the Senate, have receded to the Senate.

Amendment No. 2: The Senate deleted several provisions of the House bill and inserted substitute provisions. Several items in both House and Senate bills are identical and are included in the conference agreement without change. With respect to those items in amendment number 2 that differ between House and Senate bills, the conferees have agreed to the following:

HOUSE OFFICE BUILDINGS

At the request of the managers on the part of the House, appropriates $36,610,000 for the operations of House office buildings instead of $37,181,000 as proposed by the House and Senate, of which $8,082,000 shall remain available until expended. The reduction is made possible because FY 1997 funds will be used for various roof repairs and the purchase of a fire pump. Inasmuch as this item relates solely to the House and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the Senate, at the request of the managers on the part of the House, have receded to the House.

CAPITOL POWER PLANT

In the appropriating paragraph for the Capitol Power Plant, two grammatical changes are made, and $33,932,000 is appropriated for plant operations instead of $32,032,000 as proposed by the House and $33,645,000 as proposed by the Senate. Of this amount, $1,650,000 shall remain available until expended as proposed by the Senate instead of $550,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Purchase of electricity	$925,000
2. Annual maintenance and supplies	5,060,000
3. East Plant chiller	1,000,000
4. Replace dealkalizer resin	0
5. Distribution system (steam and chilled water)	0
6. Update CAD drawings for Capitol Power Plant	0
7. Optimization of plant operations	0
8. Additional fuel costs	775,000

The additional fuel costs were not contained in either House or Senate bills and are due to the conversion of coal fired boilers to gas burners for emission control purposes.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

Appropriates $64,603,000 for salaries and expenses, Congressional Research Service, Library of Congress as proposed by the House instead of $65,134,000 as proposed by the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Restores a heading contained in the House bill and stricken by the Senate and provides $81,669,000, including a transfer of $11,017,000 from the GPO revolving fund, for Congressional printing and binding as proposed by the House instead of a direct appropriation of $82,269,000 as proposed by the Senate. In addition, the conferees have restored a provision of the House bill stricken by the Senate and deleted a provision inserted in the Senate bill regarding billing procedures.

The conferees remind GPO to observe section 718, title 44, United States Code, in billing and carrying out printing work for Congress.

TITLE III—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

Appropriates $3,016,000 for salaries and expenses, Botanic Garden instead of $1,771,000 as proposed by the house and $3,228,000 as proposed by the Senate. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Personnel compensation and benefits	$2,804,000
2. Travel, rent, and communications	6,000
3. Annual maintenance, repairs, and alterations	69,000
4. Supplies, materials, and equipment	137,000
5. Bartholdi Park irrigation system	0

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Provides $227,016,000 for salaries and expenses, Library of Congress instead of $223,507,000 as proposed by the House and $229,904,000 as proposed by the Senate. Of this amount, $9,619,000 is to remain available until expended for acquisition of library materials as proposed by the Senate instead of $8,845,000 as proposed by the House. With respect to the integrated library system (ILS), the House report (105–196) directs the Library of Congress to complete a number of key planning activities before awarding a contract. The Library has acted on several items and has developed a schedule for addressing the remaining tasks. The conferees direct that all of these key activities be essentially completed and documented before contract award. Among these are:

developing detailed transition, data conversion, arrearage reduction, training, and post-deployment human resource utilization plans; and

implementing a system capable of continuously tracking all ILS-related benefits and costs.

The conferees also agree with the Senate report regarding the submission of a report

on the availability of off-the-shelf ILS software and a timeline plan and quarterly reports. The conferees also direct the Library to have approval from the Committees on Appropriations before proceeding with a contract award. With respect to the projected savings and benefits that are the basis of the Library of Congress' justification for investing over $40 million in the Integrated Library System project, the conferees believe that these savings are fully expected to materialize and will result in actual budgetary and resource savings. The conferees do not intend, therefore, that the savings associated with this project will be automatically reinvested in the Library's resource base. Any use of these savings will have to be included in resource increases requested in the usual manner in the annual budget submission. The conferees also endorse the Senate report language regarding a security plan.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

Provides $34,361,000 for salaries and expenses, Copyright Office as proposed by the House instead of $34,567,000 as proposed by the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Appropriates $46,561,000 for salaries and expenses, books for the blind and physically handicapped instead of $45,936,000 as proposed by the House and $47,870,000 as proposed by the Senate. Of this amount, $12,944,000 shall remain available until expended instead of $12,319,000 as proposed by the House and $14,194,000 as proposed by the Senate. The conferees have provided $1,250,000 to begin a program to replace an additional 10,000 playback machines.

FURNITURE AND FURNISHINGS

The conferees agree to the Senate insertion of ", installation".

ADMINISTRATIVE PROVISIONS

The conferees have corrected a typographical error in section 202 and agree to the Senate bill which added $3,000,000 to the limitation on reimbursable and revolving fund activities. The conferees have also agreed to the language of the Senate bill regarding the establishment of a Cooperative Acquisitions Program Revolving Fund and have also agreed to language in the Senate bill regarding authority to invest gift funds.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

Appropriates $11,573,000 for structural and mechanical care, Library buildings and grounds, Architect of the Capitol instead of $10,073,000 as proposed by the House and $14,699,000 as proposed by the Senate. Of this amount, $3,910,000 shall remain available until expended as proposed by the Senate instead of $710,000 as proposed by the House. With respect to object class and project differences between the House and Senate bills, the conferees have agreed to the following:

1. Annual maintenance, repairs, and alterations	$1,191,000
2. Supplies, materials, equipment and land	615,000
3. Replace HVAC eliminator plate, TJB and JMMB	0
4. Replace convector controls, Madison Building	0
5. Replace copper on roof vertical walls, TJB Building	1,500,000
6. Indoor security improvements—cages and vaults	0
7. Design for building security systems upgrades	0
8. Design for Visitors Center, Thomas Jefferson Building	0
9. Compact bookstack safety review, Madison Building	0
10. Install additional readers, Library of Congress Buildings	0
11. Design for screening/holding facility, Fort Meade	0
12. Exterior security improvements	0
13. HVAC Improvements NW Curtain, TJB	0

The conferees direct that no funds be expended for design of building security system upgrades until approval of the Library's overall security plan by the appropriate committees of the House and Senate.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Appropriates $29,077,000 as proposed by the Senate and makes a punctuation change for salaries and expenses, Office of Superintendent of Documents instead of $29,264,000 as proposed by the House.

On September 16, 1997, the General Accounting Office (GAO) issued a report related to the Government Printing Office (GPO) inventory reductions during the last quarter of Fiscal Year 1996. GAO found that certain procedures and policies were not followed, which resulted in thousands of volumes being destroyed without the usual prior notification of issuing agencies to determine if they wanted the excess copies. The conferees find the actions of GPO in this matter irresponsible and to have shown a callous disregard for the interest of the taxpayers. GPO has taken or plans to take the following actions to assure that this does not recur:

Superintendent of Documents policy has been changed to require that certain publications, because of their historical significance, will remain in print and available in the Sales Program indefinitely. Inventory control documents for these publications will indicate this policy.

GPO will develop a formal system for identifying publications that will remain in the inventory indefinitely.

GPO has amended its policy to require that no exception can be made to the requirement that excess stocks must be offered to the issuing agency. This revised policy will provide that excess inventory will be charged to surplus publications expense when it is determined to be excess. The excess inventory will be held in GPO's warehouse while issuing agencies are contacted to see if they want the excess publications. The policy to offer issuing agencies excess copies before their disposal cannot be waived.

GPO has issued a written policy that excess inventory does not have to be physically removed from GPO's warehouse before it can be charged to surplus publications expense.

GPO's new Integrated Processing System will allow GPO to electronically designate excess inventories and provides a comment box where GPO can designate a publication as not to be excessed, or make other appropriate notations about its disposition. Until the new system is implemented, notations on holding copies indefinitely will be made on records that are maintained manually.

GPO will modify the form it uses to make recommendations on excess inventory to include consideration of holding costs.

The conferees direct that GPO implement and monitor the management of the Sales Program vigilantly under these actions in all cases. In addition, the conferees note that GPO has developed a legislative proposal to authorize the transfer or donation of excess publications to schools or similar institutions, if they are not wanted by the issuing agency. The proposal has been submitted to the appropriate congressional committees.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The conferees agree to a technical change in a heading reference and have deleted the Senate language regarding the time reference for calculating full-time equivalent employment.

The conference agreement provides that the Government Printing Office (GPO) will make available up to $1,500,000 from its revolving fund to the General Accounting Office (GAO) for a management audit of selected GPO procedures and operational processes. It is expected that GAO will rely heavily on outside experts and contract assistance for its reviews, and will report the results no later than April 30, 1998, to House and Senate Appropriations Committees, Joint Committee on Printing, Committee on House Oversight, and the Senate Rules and Administration Committee. Specific activities that GAO is instructed to assess and make recommendations on are: (1) the Superintendent of Document's sales program and the procedures involved in the management of publication inventories for the program; (2) the Government Printing Office's printing procurement program including the organization, operation, staffing, marketing, and financing of this program as well as procedures for contracting for printing services from private vendors and the process for determining charges for printing and other services provided to Congress and executive branch agencies; (3) the Government Printing Office's in-plant production including ways to improve its efficiency and cost-effectiveness, its organization and the mix of its products, its management and staffing, and the processes for determining charges for printing and other services provided to Congress and the executive branch agencies; (4) the appropriate use of GPO personnel (training, deployment, supervisory structure, etc.); and (5) the Government Printing Office's budgeting, accounting and financial reporting systems including their methodology, presentation, clarity, reliability and ease of interpretation. This management audit must include an objective evaluation of each of these activities with specific recommendations which will improve the efficiently and effectiveness of the Government Printing Office in fulfilling its legal responsibilities. GAO is also instructed to update and assess the implementation status of financial and other management-related observations and recommendations identified during the audit of GPO's consolidated financial statement for the year ended September 30, 1995. GAO's reviews should not be encumbered by presupposing that GPO's current operations, including in-house printing of the Congressional Record and other resource-intensive Congressional and executive branch publications and operating with three shifts, cannot be changed.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Makes several punctuation and non-substantive language changes as proposed by

the Senate and appropriates $339,499,000 for salaries and expenses. General Accounting Office instead of $323,520,000 as proposed by the House and $346,751,000 as proposed by the Senate. With respect to the provision added by the Senate regarding studies and assessments, the conferees have agreed to drop this provision.

TITLE III—GENERAL PROVISIONS

In Title III, General Provisions, section numbers have been changed to conform to the conference agreement. The conferees have agreed to the language of the House bill in section 302, have agreed to the provisions in the House bill regarding "buy American", the Legislative Branch Financial Managers Council, and the amendment to title 18, United States Code, covering the use of the House and the Congressional seals. The conferees have also agreed to sections 306 and 309 of the Senate bill regarding section 316 of Public Law 101-302 and the Senate restaurant system. The conferees have agreed to delete section 307 of the Senate bill, which amends the National Energy Conservation Policy Act, and section 308 of the Senate bill, regarding residence of Members of Congress. Also, the conferees have added a new provision which adjusts the cap on nine senior positions in the office of the Architect of the Capitol. The conferees intend that the cap adjustment be used for cost-of-living adjustment purposes.

ALTERNATIVE FUEL VEHICLES

The conferees are aware that the Energy Policy Act of 1992 calls for the incorporation of alternative fuel vehicles into Federal fleets, Inclusion of such clean fuel vehicles provides needed air quality benefits for the Nation's Capital. The conferees note that Senate report language directs the Architect of the Capitol and the Senate Sergeant at Arms to report to the Senate Committee on Appropriations by January 1, 1998, on how they could incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements. Accordingly, the conferees direct the Comptroller General of the States, the Public Printer, the Capitol Police Board, the Clerk of the House, the Secretary of the Senate, and the Librarian of Congress, as well as the Senate Sergeant of Arms and the Architect of the Capitol to report to their respective Committees on Appropriations on a plan that would incorporate alternative fuel vehicles into their fleets consistent with their needs and requirements and the Energy Policy Act of 1992.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1998 recommended by the Committee of Conference, with comparisons to the fiscal year 1997 amount, the 1998 budget estimates, and the House and Senate bills for 1998 follow:

New Budget (obligational authority, fiscal year 1997	$2,202,881,200
Budget estimates of new (obligational) authority, fiscal year 1998	2,394,560,000
House bill, fiscal year 1998	1,711,417,000
Senate bill, fiscal year 1998	2,283,746,000
Conference agreement, fiscal year 1998	2,248,676,500
CONFERENCE AGREEMENT, COMPARED WITH:	
New budget (obligational) authority, fiscal year 1997	+45,795,300
Budget estimates of new (obligational) authority, fiscal year 1998	−145,883,500
House bill, fiscal year 1998	+537,259,500
Senate bill, fiscal year 1998	−35,069,500

JAMES T. WALSH,
BILL YOUNG,
R. DUKE CUNNINGHAM,
ZACH WAMP,
TOM LATHAM,
BOB LIVINGSTON,
JOSÉ E. SERRANO,
VIC FAZIO,
MARCY KAPTUR,
DAVID OBEY,
Managers on the Part of the House.

ROBERT F. BENNETT,
TED STEVENS,
LARRY E. CRAIG,
THAD COCHRAN,
BYRON L. DORGAN,
BARBARA BOXER,
ROBERT BYRD,
Managers on the Part of the Senate.

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO MINNIE ELIZABETH HARPER

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

Mr. JONES. Mr. Speaker, I rise tonight to share the story of a truly remarkable American. While I was back in eastern North Carolina during the month of August, I had the great fortune to make the acquaintance of Minnie Elizabeth Harper.

Minnie Harper was born and raised in eastern North Carolina. A product of a loving and caring family, Minnie Harper is a 1974 honor graduate of Greene Central High School who has always been very active in her church and in her community. Even at a very young age, Minnie Harper was a role model to all who knew her. She was on a direct path to success.

Sadly, in June 1975, a terrible automobile accident left Minnie Harper a C-5 quadriplegic, but she did not let it lead her off her path to success. Such an accident may have hampered the dreams and broken the spirit of most people, but not Minnie Harper.

In her own words, Minnie Harper stated, and I quote, "I am not a failure. My parents did not raise any failures. My handicap has not totally impeded my dreams and goals; it has just altered the path and encouraged me to push forward."

Proving those words to be true, Minnie Harper went on to graduate with honors from Lenoir Community College in Kinston, NC in May 1981. Upon her graduation, Minnie Harper continued to give to her community. She founded and organized the American Community Girls Club in Snow Hill, NC, where she resides.

In this club, Miss Harper guided and motivated young ladies, encouraging them to pursue excellence and to build self-esteem. Today, these young ladies are following their own paths to success and remain in contact with their role model, Minnie Harper.

While continuing to volunteer in her community, Minnie Harper again focused on her educational goals. Having completed her degree at Lenoir Community College, Minnie Harper went on to obtain a bachelor of science degree in social work from East Carolina University in Greenville, NC.

After she graduated as a member of the National Honor Society, Minnie Harper was accepted to the East Carolina University masters program in social work. Before she could obtain her masters degree, sadly, yet another tragedy struck Minnie Harper's life.

A fire in her parents' home left her with second- and third-degree burns over 40 percent of her body. The accident also left her with severe facial damage, the loss of two fingers, and a permanent lung condition.

Ever optimistic, even after the tragic fire, Minnie Harper said, and I quote again, Mr. Speaker, "God has not given me any more than I can bear."

Minnie Harper continued with her selfless work. Incredibly, she has remained active in the community, helping others and setting an excellent example for all Americans, both young and old.

In December 1995, North Carolina Governor Jim Hunt appointed Minnie Harper to the North Carolina Statewide Independent Living Council. In this capacity she works to raise awareness of the Independent Living Rehabilitation Program and ensures that handicapped citizens are recognized for the work they do.

Minnie Harper is a champion for the rights of handicapped citizens, both by giving them the spiritual and emotional support and encouragement she is famous for and by helping to make lawmakers aware of their needs.

I have truly been inspired by the story of Minnie Harper. Despite extraordinary unfortunate circumstances, Minnie Harper has not asked for handouts. Nor has she ever uttered the words "I cannot." She has persevered, she has succeeded, and she has helped others along the way with her dedication to her church, her family, her friends, and her community.

Minnie Harper has not complained about her hardships, but has always held a positive attitude and has given constant credit to God for giving her the strength to carry on. I admire Minnie Harper for her courage and her strength, and I thank her for serving as a role model to all who hear her incredible story.

Mr. Speaker, citizens like Minnie Harper truly make America great.

TRIBUTE TO RIZAL AGBAYANI

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

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor and pay tribute to Mr. Rizal Agbayani, a veteran of World War II and a former member of the U.S. Armed Forces in the Far East. He died of a heart attack last week at the Fairfax Hospital in Virginia, near Washington, DC. He is survived by his wife, Criselda, and his eight children.

Mr. Agbayani came to Washington as part of the 37-veteran delegation from Hawaii attending the gathering of the National Advisory Council of Philippine-American Veteran Leaders. Almost 300 Filipino veterans were in our Nation's Capital last week, gathered together for the first time, working with a united front to achieve equity for all Filipino World War II veterans.

Mr. Agbayani actively took part in meetings with several Members of Congress. He was also one of the hundred demonstrators at a rally in front of the White House organized by National Advisory Council members and the 130-member Equity Caravan, a 6-city, 2-week march to Washington designed to call attention to the Filipino Veterans Equity Act (H.R. 836) and urging Congress to pass this bill.

Mr. Agbayani was named after Jose Rizal. A national hero of the Philippines, Rizal was executed for his fight to free the Philippines from colonial Spain, and this year marks the observance of the centennial anniversary of Rizal's death. Like his namesake, Mr. Agbayani died while fighting for justice, and today his body is being flown to the Philippines to his final resting place.

I want to take this opportunity to commemorate the life and struggle of Mr. Agbayani and the thousands of other Filipino World War II veterans whose participation was so crucial to the outcome of World War II. Too few Americans are familiar with this chapter in our Nation's history.

During this war, the military forces of the Commonwealth of the Philippines were drafted to serve in our Armed Forces by Executive order of the President of the United States. Filipino soldiers defended the American flag in the now famous battles of Bataan and Corregidor. Thousands of Filipino prisoners of war died during the 65-mile Bataan death march. Those who survived were imprisoned under inhuman conditions where they suffered casualties at the rate of 50 to 200 prisoners a day. They endured 4 long years of enemy occupation.

The soldiers who escaped capture, together with Filipino civilians, fought against the occupation forces. Their guerilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the time needed to prepare forces to defeat Japan. After the liberation of the Philippine Islands, the United States was able to use the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war.

One would assume that the United States would be grateful to their Filipino comrades, so it is hard to believe that soon after the war ended, the 79th Congress voted in a way that can only be considered to be blatant discrimination, as they took away the benefits and recognition that the Filipino World War II veterans were promised.

Mr. Agbayani and his comrades have been fighting over 50 years to regain this recognition that they so deserve. Their sons and daughters have joined in the fight, wishing desperately to restore the honor and dignity to their fathers while they are still alive. The urgency is real, Mr. Speaker. At least six Filipino World War II veterans are dying each day.

Mr. Agbayani's journey to Washington last week was his final journey in search of this recognition for his Filipino World War II comrades. As a tribute to Mr. Agbayani and the thousands of other veterans already gone before us in death, I urge my colleagues to take a serious inventory of this issue, to cosponsor 836, and to correct a monumental injustice by restoring the benefits that were promised to the Filipino World War II veterans for their defense of democratic ideals.

GRAND STAIRCASE-ESCALANTE NATIONAL MONUMENT

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

Mr. HANSEN. Mr. Speaker, on September 18, 1996, one year ago today, President Clinton, claiming authority under the Antiquities Act, stood on the south side of the Grand Canyon of Arizona and designated 1.7 million acres of southern Utah as a national monument.

Over at the Committee on Resources, we have met with administration officials, held hearings, and subpoenaed documents in an effort to sort this thing out. I thought it might be appropriate, since today is the anniversary of that unprecedented election year stunt, to say a few words about what we have been able to come up with.

The first time I or any other Utah official heard about the National Monument was on September 7, 1996, when the Washington Post published an article announcing that President Clinton was about to use the Antiquities Act of 1906 to create a 2-million-acre national monument in southern Utah.

Naturally, we are all somewhat concerned. In fact, I think most of us found it a little hard to believe. Surely the President would have the decency to at least let the citizens of Utah know if he were considering a move that would affect them so greatly.

When we expressed our concern to the Clinton administration, they denied they had even heard about such a thing. They tried to make it look like the monument was some kind of nebulous idea that was being kicked around, but that we should not really take it too seriously or worry about it. As late as September 11, Secretary of Interior Bruce Babbitt wrote to Utah Senator BENNETT and pretty much told him that.

Within the confines of the administration, however, it was clear the monument was a go. The real issue was keeping it a secret from the rest of the world. By July 1996 the Department of Interior had already hired law professor Charles Wilkinson to draw up the President's National Monument proclamation. In a letter written to Professor Wilkinson asking him to draw up the Proclamation, DOI Solicitor John Leshy wrote: "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen, so take care."

When I say that the Clinton administration went to great lengths to keep everyone in the dark, I should probably qualify that a little. On August 5, 1996, CEQ chair Katy McGinty wrote a memo to Marcia Hale telling her to call some key western Democrats to get their reactions to the monument idea. There was conspicuous absence on her list, however, of anyone from the State of Utah. Not the governor, not the senators, not the Congressmen, not the Speaker of the House, not the President, nobody. Even the Democratic Congressman, Bill Orton, was kept in the dark. Clinton did not want to take any chances.

In the memo, Ms. McGinty emphasized that it should be kept secret, saying that "Any public release of the information would probably make the President change his options."

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Why, you ask, did President Clinton want to keep this secret from the rest of the world? Because it would ruin their timing. This announcement was a political election year stunt and those type of things have to be planned and timed perfectly. If news of the monument were to break too early, it would be old news by the time Bill Clinton did his photo op on the site of the Grand Canyon.

Let us back up and ask ourselves why President Clinton wanted to create this new 1.7 million acre national monument. The administration claimed it was to protect the land. For example, at our hearing this year, Katy McGinty

said, "By last year the lands were in real jeopardy."

That sounds great, but the truth is the land was not in any danger. Even if it were, national monument status would not do anything to protect it. If anything, it takes away protection. We have requested documents from the administration where they admit to both of those points. Take for example a March 25, 1996 E-mail message about the proposed Utah national monument from Katy McGinty that said this:

"I do think there is a danger of abuse of the withdrawal, especially because these lands are not really endangered." There we have it, in Katy McGinty's own words. The administration did not think the land was in any real danger or in any jeopardy.

Okay, so the administration did not really think the lands involved were in any real danger. Let us just ignore that for a moment and pretend that the lands were in some sort of danger and ask ourselves if creating a monument out of these lands was a good idea.

Does it stop coal mining in the area? No. You can still mine. Does it stop mineral development? No. Conoco is drilling oil wells on the Grand Staircase-Escalante right now. Does it stop grazing on the land? No. Does it stop people from visiting the area? No. Quite to the contrary, people are coming by the millions now to see it. Roads are all over the place since Bill Clinton created this to protect the land. What a joke.

What is the administration talking about when they say they needed to create a national monument to protect these lands? The land was not in any danger, and even if it were, a national monument was the least effective tool.

All right, so we have seen the administration did not create the monument because they thought the land was in any danger. Why did they do it then? They thought it would help Bill Clinton with the upcoming presidential election. Katy McGinty wrote to Leon Panetta on September 9, 1996 and said: "The political purpose of the Utah event is to show the President's willingness to use his office to protect the environment."

Clinton figured he could get some extra votes from the environmentalists around the country at very little cost. He figured it might give him an edge in some of the close States. He picked Utah for his stunt because he knew he didn't have a snowball's chance in Hades of winning the State. He was probably still a little sore about the fact that during the 1992 election Utah was the only state where he came in third place. There you are. Free environmental votes in 49 states and the 50th State he didn't have a chance at winning anyway.

Why did he pick the National Monument idea when it actually protected the land less than the other options available to him? . . . Because it was more dramatic. Most armchair environmentalists don't understand the complexities of natural resource law. It just wouldn't have had the same effect if Clinton would have had the Secretary of Interior sit at his desk and say "pursuant to 43 U.S.C. 1701 § 204(e), I hereby withdraw the Kaiparowits plateau from mineral entry under 30 U.S.C. 22." No, it wouldn't have been nearly as picturesque. The armchair environmentalist would have scratched his head and switched the channel to catch the second half of the Steelers-Broncos game. No, the Clinton administration needed to do something dramatic to get their votes. Bill Clinton needed to stand there overlooking the Grand Canyon, with the wind blowing through his hair, telling everyone how he was following in Teddy Roosevelt's footsteps and saving the land by creating a new national monument. How profound. How courageous. It kind of brings a tear to the eye, doesn't it. Never mind the fact that creating this monument didn't really achieve any of the administration's stated objectives. Chances were that no one would figure that out until after the election anyway.

Well, people are starting to figure it out now. For instance, last week I read an article in the Salt Lake Tribune where a spokesman for the Southern Utah Wilderness Alliance called Clinton and Gore "election-year environmentalists" because CONOCO is being allowed to drill for oil in the monument. Remember, these are the same people that were cheering and crying and hugging each other at the Grand Canyon a year ago. Today they are beginning to realize that they were all duped—that this was nothing but an election year stunt and that national monument status doesn't do anything for their cause.

Many people have asked me why we passed the Antiquities Act in the first place if it allows this kind of abuse. Well, the answer is that the people that passed it didn't anticipate these kinds of problems. The Antiquities Act was passed back when we had very few environmental laws and few ways to preserve our lands.

The language of the Antiquities Act allows presidents to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest * * * to be national monuments". The size of such withdrawals would be in all cases "confined to the smallest area compatible with the proper care and management of the objects to be protected."

Notice two very important points here. First, the Antiquities Act was designed to preserve specific objects. Second, it mandated that the President use the smallest amount of land necessary to preserve those specific objects. Using this criteria, lets look at three national monuments that have been declared by presidents in the past.

How about Devils Tower National Monument, proclaimed by Theodore Roosevelt in 1906? What does it protect? * * *. It protects a 865-foot tower of columnar rock in Wyoming. This basalt tower is the remains of an ancient volcanic intrusion, * * * O.K. we have a specific recognizable object that is being protected here. Sounds like it meets the criteria. How much land is included in the monument? 1,347 acres. Sounds pretty reasonable.

How about Statue of Liberty National Monument, proclaimed in 1924 by Calvin Coolidge? What does it protect? * * * Statue of Liberty National Monument protects the famous 152-foot copper statue bearing the torch of freedom. The statue was a gift from the French people in 1886 to commemorate the alliance between France and the United States during the American Revolution. Seen by millions of immigrants as they came to the new world, it has become famous as a symbol of freedom. How much land? * * * 59 acres. Wow. That sounds pretty good.

O.K. Just to be fair, lets look at the new Grand Staircase-Escalante National Monument, proclaimed in 1996 by William Jefferson Clinton. What objects does it protect? * * * Hmmmm * * *. Come to think of it, I have absolutely no idea * * *. Do you? * * * Does anyone? * * * O.K. forget that question for a minute, and lets look at how much land we need to protect these "objects" that no one can name * * * 1.7 million acres * * *. One Million Seven Hundred Thousand acres!!!! * * * Wouldn't you say that's maybe just a little bit excessive. That's about as much land as the states of Delaware and Rhode Island combined! There's no way anyone could possibly tell me this is the smallest amount of land necessary to protect whatever those "objects" are that no one can name.

I think that people intuitively know what national monuments are all about. During the past year I've spent quite a bit of time on that land. People kept coming up to me and asking where the monument was. I told them "you're standing on it". They looked at me incredulously and said "what am I supposed to look at?" You see, they know that national monuments are supposed to protect specific objects, and they want someone to show them those objects. I don't know what to tell them? The best I can do is say "Darned if I know. Let me know if you figure it out."

Well, this whole thing is now history. Bill Clinton had his photo-op at the Grand Canyon, bypassed Congressional power over the public lands, got the few extra votes he needed, and won the election. Meanwhile, the land isn't protected, hundreds of thousands of acres of private and state school trust land are hanging in limbo, and we are all wondering how we can stop this sort of thing from happening again.

O.K. * * * so, what can we do to stop this? * * * I have a bill, H.R. 1127, that will be coming to the floor in the coming of weeks that I think will go a long way toward fixing the Antiquities Act to prevent Presidential abuse.

H.R. 1127 is a good piece of legislation. During the debate on the floor you are going to hear all kinds of rhetoric about how my bill is anti-environmental. As you can see, that's ridiculous. This debate isn't about the environment. This is about Presidential abuse of power. We shouldn't allow a President to use our public lands as political pawns.

Protect our public lands and protect the democratic process. Support H.R. 1127.

INTRODUCTION OF DEADBEAT PARENTS PUNISHMENT ACT

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

Mr. HOYER. Mr. Speaker, I rise today to announce the introduction by myself and the gentleman from Illinois [Mr. HYDE] of the Deadbeat Parents Punishment Act.

The gentleman from Illinois and I are introducing this bill to send a clear and unmistakable message to deadbeat parents who attempt to use State borders as a shield against child support enforcement orders. It says essentially you can run, you can try to hide, but you cannot escape your moral and legal duty to pay child support you owe.

The Deadbeat Parents Punishment Act of 1997 will strengthen penalties for deadbeat parents in egregious interstate cases of child support delinquency and enable Federal authorities to go after those who attempt to escape State-issued child support orders by fleeing across State lines.

Under the Child Support Recovery Act sponsored by the gentleman from Illinois [Mr. HYDE] and enacted with broad bipartisan support in 1992, a bill which I cosponsored with the gentleman from Illinois, parents who willfully withhold child support payments totaling more than $5,000, or owing for more than 1 year, are presently subject to a misdemeanor punishable by not more than 6 months imprisonment. A subsequent offense is a felony punishable by up to 2 years in prison.

The law that we are introducing today addresses the difficulty States frequently encounter in attempting to enforce child support orders beyond their borders. The Deadbeat Parents Punishment Act would augment current law by creating a felony offense for parents with an arrearage totaling more than $10,000 or owing for more than 2 years. This provision, like current law, would apply where the noncustodial parent and child legally reside in different States.

In addition, the Deadbeats Act would make it a felony for a parent to cross a State border with the intent of evading child support orders where the arrearage totals more than $5,000 or is more than 1 year past due, regardless of residency.

Mr. Speaker, this House has articulated in the welfare bill that we passed, in the act sponsored by the gentleman from Illinois [Mr. HYDE], and other legislation, that we expect those who have children in America to take responsibility for those children, to ensure, whether or not the family unit stays intact, that those children have adequate resources to be housed, to be clothed, to be fed, to be nurtured.

Mr. Speaker, this Congress cannot force or mandate by law that parents will love their children. We hope that they will do that. We know that that is critical to a child's welfare. We know as well that the failure of some parents to do that has led to a crisis in this country when it comes to crime committed by children, teenage pregnancy, and other activity that we lament being perpetrated by young people. But, in fact, it is parents who we should expect and, yes, demand that they meet their responsibilities, first to their children, but then as well to their communities.

Mr. Speaker, I would urge my colleagues to cosponsor this act with me, and I hope that we have early hearings and early passage of this act.

LANDOWNER IGNORED IN MONTANA LAND TRANSACTION

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

Mr. HILL. Mr. Speaker, this evening I want to visit with my colleagues about the New World Mine. Some of my colleagues may recall that on August 12, 1996, the President announced that he wanted to pay $65 million to purchase a mining interest that is close to Yellowstone Park.

Mr. Speaker, this agreement, or deal, if you will, was negotiated in secret. It was negotiated in the back rooms, in the corridors, in the boardrooms of the White House and environmental groups and a mining company. Who was left out? Who was not consulted?

Mr. Speaker, the Governor of Montana was not consulted, and therefore the citizens of Montana were not consulted. The Montana congressional delegation was left out. Local government officials were never consulted. Land management agencies were not consulted. Congress itself was left out. But most surprisingly, Mr. Speaker, the owner of the land was left out, too.

Mr. Speaker, the President first proposed that we give $65 million worth of public lands in Montana to this out-of-State, out-of-Nation mining company, and that caused a great uproar in Montana. Montanans feel a great attachment to the land. They hunt on it, they fish on it, they camp on it, and they enjoy it immensely for hiking and berry picking. Many Montanans, Mr. Speaker, make their living off the land.

That uproar caused the President to change his mind. Then he proposed giving $100 million out of the CRP program, the Conservation Reserve Program, to buy out this mine, and that created even a greater outrage. Environmentalists and sportsmen and farmers said, "No, don't do that, Mr. President."

So then the President asked that we give him a blank check. Mr. Speaker, the House said no. The reason that the House said no is because the President had decided to ignore two very important parties in this transaction. One is the State of Montana and the citizens of Montana but, more importantly, the property owner, Margaret Reeb.

It turns out that Margaret Reeb owns the mineral interest that the President had entered into an agreement secretly to buy out. The problem is that they never contacted Margaret Reeb, they never consulted with Margaret Reeb, and they never entered into any agreements with Margaret Reeb. It would be like, Mr. Speaker, having a neighbor come to you one day and say, "I sold my house to some people who came along, but the only way they'd buy it is if I sold them yours, too, so I sold them your house, too." That is how Margaret Reeb feels.

The secret deal was made behind closed doors, and it cut out the public. There were no hearings, there was no authority, there was no appropriation. And, Mr. Speaker, the President even cut off the National Environmental Policy Act in the process.

Montana was hurt, too. Four hundred sixty-six jobs, Mr. Speaker, will be lost; $45 million in tax revenues to the State of Montana; even Park County, MT, lost $1.2 million.

What should we do? Mr. Speaker, the Denver Post wrote an editorial on September 8. It says this:

> The Clinton administration goofed when it ignored a private landowner during negotiations to block a proposed gold mine near Yellowstone National Park. Even a first-year law student would know that to do a land swap, the landowner must be consulted. That the White House didn't do so is inexcusable.

It goes on to say:

> But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the landowner out of the loop in the first place. It's now their job to fix the problem.

Mr. Speaker, that obligation is to Margaret Reeb, and that obligation is to the people of Montana. I have proposed an alternative to this mechanism, and that alternative would save taxpayers tens of millions of dollars. It would protect the property rights of Margaret Reeb, and it would deal with the concerns of the people of the State of Montana. I would urge my colleagues to support me in this effort to propose an alternative that is fair and it is responsible, it is fair to the parties who are involved, it is fair to Margaret Reeb, and it is fair to the State of Montana.

GOLD MINE PACT BUNGLED

> The Clinton administration goofed when it ignored a private land owner during negotiations to block a proposed gold mine near Yellowstone National Park.
>
> The original proposal, involving a land swap, was put together more than a year ago by the White House, an environmental group and a major mining company.
>
> Crown Butte wanted to develop its New World Gold Mine just 3 air miles from Yellowstone. An environmental impact statement was being prepared because the mine needs the approval of federal agencies. Although the mine's supporters claimed the EIS' publication was imminent, the document actually was behind schedule.

Meantime, the National Park Service vigorously campaigned against the mine on grounds that the operation might harm Yellowstone's ecological balance and potentially disrupt its geological wonders. A rift developed between the Park Service and other federal agencies over whether the EIS would adequately address these concerns.

The White House intervened and offered Crown Butte the chance to swap the controversial property for another parcel elsewhere. That deal later unraveled, so now the Clinton administration is trying to persuade Congress to approve a cash buyout of the mining claim.

However, during this lengthy process the Clinton team apparently forgot to ask the private land owner, who had leased her property to the gold mining company, if she would be willing to sell the acreage.

She insists the land isn't for sale.

At the very least, the Clinton administration wound up with egg on its face. Even a first-year law student would know that to do a land swap, the land owner must be consulted. That the White House didn't do so is inexcusable.

This gaffe is unfortunate because it supplies new ammunition to Clinton critics who charge that the president rushed the land swap proposal to win points with environmental groups in the midst of an election campaign.

The issue now, though, is whether the Clinton team can make amends.

One possible solution would be to offer the land owner a cut of the cash.

But as it explores all lawful alternatives, the Clinton administration should avoid acting heavy-handedly. It was Clinton's minions whose omissions left the land owner out of the loop in the fist place. It's now their job to fix the problem.

MEMBER RESPONDS TO MENENDEZ PRIVILEGED RESOLUTION

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

Mr. HUNTER. Mr. Speaker, I want to take this time to do something that I was not allowed to do, because I was given no time in the debate concerning our friend Bob Dornan and the banning of Bob Dornan from the House floor under what I would consider, in the least, a very flawed hearing, if you could call it that, a gathering of Members who heard the prosecutorial statement, heard the statement by the gentleman who claimed that he was wronged, with absolutely no defense allowed to be given, no time for a defense, and then a vote and a punishment.

Mr. Speaker, all we can do is give our own perspective of events from our own experience. I want to do that right now.

Bob Dornan came in here the other day, a couple of days ago, walked over to a bunch of us right here at the majority leadership table, and had small talk with us. He did not lobby for any cause, much less for his cause. He chatted with us. In fact, he said at one point, "I know I can't lobby here. I just want to see how you guys are doing."

After a few minutes, we walked back to the cloakroom. As we sat down in the cloakroom, the gentleman from New Jersey [Mr. MENENDEZ] came rushing out on the floor and proceeded in a very pointed way to attack Mr. Dornan. He did not attack him by name. He asked the Speaker to tell him what the rules were with respect to whether or not a former Member could lobby Members of Congress on the House floor, come out here and lobby.

Of course, the gentleman from New Jersey [Mr. MENENDEZ] being an old hand at this, knows you cannot lobby. He also knows that Mr. Dornan had just been on the House floor and was the only person there, and it was a very pointed attempt to embarrass Mr. Dornan, and it worked.

So Mr. Dornan rushed back on the House floor and talked to the gentleman from New Jersey [Mr. MENENDEZ] right over here and told him what he thought of him. Maybe he should not have told him what he thought of him. Maybe he should not have used harsh words, but on the other hand, Mr. Speaker, we have had Members of Congress grab each other, mug each other, put each other in headlocks, punch each other, do all kinds of things, and that includes members of the leadership, Mr. Speaker, and we have never banned any of them from the House floor.

I just want you to consider that when a former Member comes out here, he cannot defend himself. The one thing all of us can do if another Member takes us on, especially if they take us on personally, is we can get time at the mike and we can get up and defend ourselves.

But a former Member who comes out here, who is embarrassed and humiliated by a sitting Member who stands up and starts to imply that he is out there lobbying, which is not legal or against our rules on the House floor, that former Member can do nothing. He has to sit there and take it and be humiliated.

Interestingly, in all of these other cases that have come before us when Members have grappled, punched, and done other things to each other, we have always looked at the full context of the case. We have never just taken a snapshot and said, "You shouldn't have done that." We have said, "What happened? What provoked it?" Was there a provocation?

In my assessment, Mr. Speaker, there was absolutely a provocation. Mr. Dornan was provoked to do this. The other Member did this simply to embarrass him. He knew what the rules were. He did not have to learn the rules anew. He knew darned well you cannot lobby on the House floor. He also knew that everybody who had seen Mr. Dornan on the House floor would realize that those pointed remarks were directed to him. He knew it would embarrass Mr. Dornan, and he did it, and then he proceeded to say, look what has happened to me, and to reap the benefit of that, which is this precipitous move to ban a former Member from the House floor based totally on what the prosecutorial side says happened.

□ 1930

None of us who wanted to defend Mr. Dornan had a chance to defend him. We did not have any time. I got up to make my statement, and we were out of time, because we were only given 20 minutes apiece.

So, Mr. Speaker, this has been a sad chapter in the House of Representatives, a sad chapter for people who talk about due process, talk about letting everybody have a fair hearing, talk about people being able to present their part of the evidence, present their views, their opinions. There was none of that. There was a self-serving statement by the prosecution, and then we all voted. It was a mistake, Mr. Speaker.

IN MEMORY OF MAJ. GEN. HENRY MOHR

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

Mr. TALENT. Mr. Speaker, I rise today to speak in honor of Maj. Gen. Henry Mohr, a personal friend, an honorable man, a devoted husband, father, grandfather, great grandfather, patriot, soldier and hero, who passed away in St. Louis on September 7, 1997.

Henry Mohr's entire adult life exemplifies in the most profound manner what it means to be a "citizen soldier." He enlisted as a private in September 1941 and was stationed at Pearl Harbor on that day that will live in infamy, December 7, 1941. While most of us know of Pearl Harbor from movies and books, Private Henry Mohr was there.

In August 1942, he earned the gold bars of a second lieutenant by completing Army Officer Candidate School. As a field artillery officer, he served throughout World War II, participating in amphibious landings in New Guinea, the Philippines, and service in Korea.

Following the war, Captain Mohr left active duty, but continued to serve in the Army Reserve until 1950. After North Korea's attack against the South, he volunteered for active duty and served throughout that conflict as well.

Following the cessation of hostilities in 1953, Captain Mohr returned to Reserve status, serving in a variety of command and staff positions as he worked his way up through the ranks. He also participated in studies designed to improve the role of Army Reserve Forces, paving the way for the seamless integration of Active and Reserve

components, years prior to Secretary of Defense Melvin Laird's formal implementation of the total army concept in the early 1970's.

Throughout the early to mid 1970's, colonel and then Brigadier General Mohr served as chief of staff, deputy commander, and then as commander of the 102d Army Reserve Command, or ARCOM, in St. Louis.

In June 1975, Henry Mohr was promoted to major general and called to active duty to serve as the Chief of the Army Reserve, commanding an Active Reserve Force of over 225,000 soldiers. During his 4-year command, General Mohr committed himself totally to the improvement of military readiness, appearing frequently before Congress to testify on immediate and strategic readiness issues, not the least of which was combat medical care, the first responsibility this Nation has to those it sends in harm's way.

The medals he wore were a testament to his character. The Nation awarded him a Legion of Merit, a Bronze Star with "V" device for valor, Presidential Unit Citation, Meritorious Service Medal with oak leaf cluster, and, upon retirement, the Distinguished Service Medal.

Impressive as it is, Major General Mohr's character was by no means defined solely by his military service. He was a devoted husband to his wife Dorothy and father of 2 sons, Philip Mohr of Lake Saint Louis, and David Mohr of Table Rock, MO, 5 grandsons, and he had 10 great grandchildren.

Mr. Speaker, to know General Mohr was to know a man of unmatched integrity and character, an officer who first and foremost cared for his troops, a man possessed of both physical and moral courage, a man who, as his family, his many friends and his fellow soldiers around the country will tell you, embodied what it means to be a patriot, a citizen soldier, a war hero, an American of the most exemplary kind. He always stood for the service and for his men, without regard to the consequences to himself personally.

We have lost a good man in Maj. Gen. Henry Mohr, his lifelong example of selfless service most of us can only aspire to. The man who can fill his boots is a rare man indeed. I hope and trust that many will accept the challenge.

To quote Shakespeare, in Julius Caesar,

* * * the elements so mix'd in him that Nature might stand up and say to all the world, "This was a man!".

General Mohr, it was an honor to know you and consider you my friend. I appreciate the advice you gave to me on military issues over the years.

Good-bye, General, God bless you. Your country will miss you.

NO TAXATION WITH REFORMATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. PAXON] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAXON. Mr. Speaker, since January 1995, since the Republican majority took over the operation of the House of Representatives and the leadership of the Congress of the United States, we have accomplished, I think, many great things, many important steps forward, fulfilling our commitment to provide a new direction for this country, the will of the American people.

Those successes I believe are in many ways historic, starting with the very opening days of that Congress in January 1995, the decision to reform Congress, to open the doors of this institution once again to the American people, to diminish the power of the all-powerful committee chairs that in the past did what they chose, not what the American people chose, for example.

We also were able to pass what I think will go down in history as one of the most historic pieces of legislation of any Congress, basic fundamental welfare reform, giving our States the opportunity to replace welfare with work requirements.

We passed illegal immigration reform, and freedom to farm legislation for the first time in 60 years, changing the face positively of American farming. We passed telecommunications reform, and this year plan to extend the life of the Medicare system that has saved the lives of my parents and so many other Americans, as well as tax relief for families.

Last, but not least, we passed legislation that will balance our Nation's budget no later than the year 2002, hopefully even sooner if we can keep our steady hand on the rudder in controlling wasteful Washington spending.

These are important accomplishments, but I think the most important accomplishment is just on the horizon, and to illustrate that I want to go back to the issue of balancing our Nation's budget.

You know, sometimes we as Americans are so forward looking that we do not even look back 15 or 20 minutes, much less a couple of years. But it was two decades or longer that people in this Chamber and Americans across the country talked about, "jeez, cannot we get Congress to balance our Nation's budget again? Cannot we get our government to live within the means of the American taxpayer?"

We spent decades and decades talking about balancing our Nation's budget, but, you know, it was that Contract With America in 1994 that, right out on the steps of this Capitol, looking out across the country, we signed our names to and committed ourselves to, that finally moved the talk of balancing the Nation's budget to the reality of getting it done, the hard work of getting the Nation's budget balanced.

We walked out on those steps, signed that document, and said not just that we would balance it; we turned that talk into action and said it would be done no later than 2002.

Again, we are Americans and like to look ahead, and we sometimes forget the obstacles out there. Not only were the institutional forces of Washington, DC, opposed to balancing the budget, but they would like us to continue to just go on our merry way of spending more than we take in to pander to all the groups that Washington likes to pander to.

But you know, more than that, it just becomes an act of self-preservation of so many in Congress to talk about balancing the budget, and not really get down to the hard work. So we turned that into action in saying the budget would be balanced no later than 2002, and let the national debate begin.

Ultimately, even the opposition of the President and the other party here in the Congress could not stop the will of the American people in getting that budget balanced. Once we put that marker down, that it will be balanced by 2002, the debate began and we were able to capture the attention of the American people and build the momentum necessary to balance our Nation's budget.

Now, that process of laying down a date certain and of moving toward it is fundamental to tackling another important issue before this country that we have talked and talked and talked about for years, but we just cannot seem to get under way, and that is sweeping income tax reform.

Everywhere I go in my district in upstate New York, in the Buffalo and Rochester NY, regions and western New York and the Finger Lakes, and as I have traveled around the country and also talked to colleagues from both parties around the country, everybody at home and across America seems to agree: they are tired of the IRS and the intrusiveness of that 5.5-million-word Tax Code in their everyday lives.

They want fundamental change in the Tax Code. The American people want to have that kind of fundamental change. But Congress just keeps talking about this reform, without moving forward on it.

Of course, in this body we have some great proposals. We have proposals for a national sales tax to replace the income tax. We have proposals to have a flat rate income tax to replace the current income tax system. There are many other ideas out there, but we just cannot seem to move from talking about it to acting upon it.

Every day we wait, that Tax Code keeps putting a greater and greater burden on the backs of the American people. Just think about it for a

minute. A 5.5-million-word Tax Code enforced by 110,000 people in the Internal Revenue Service defines everything we do as American citizens. It limits our personal and economic freedom. The Tax Code discriminates against children, it discriminates against families, it discriminates against small business people and entrepreneurs. It encourages hundreds of billions of dollars, hundreds of billions of dollars, in the underground economy and in tax avoidance, things that never end up on the books, so the Government can never collect its share of them in tax revenue. Certainly the Tax Code and its complexity and unfairness lead most folks to distrust this very Congress and this very Government that has put together this monstrosity we call the Internal Revenue Code. Some friends of mine at home call the infernal revenue code, and I can understand it.

When you look back on the history of the Tax Code you can understand a bit of this. In 1913, when it was put in place, the Tax Code consisted of 11,400 words. Today, it is over 5.5 million. Americans spend $157 billion in tax compliance, having to spend that kind of money to comply with the Tax Code, just putting together all the paperwork they need to maintain and all the other reference they have to undertake, and it amounts to 5.5 billion hours wasted in this country every year putting together tax codes and compliance with the Tax Code. Gosh, couldn't you find better things with your time than complying with all those regulations?

Of course, in my view, the worst impact of this Tax Code is the fact that it has unfairly impacted families and families with children. When I was growing up in the fifties, the early fifties, the tax burden was about 3 or 4 or, at the most, 5 percent of family income. Today, the tax burden, the Federal tax burden, is about 25 percent of family income, and the total combined tax burden, Federal, State and local, is in the 38 to 40 percent range, depending upon where you live in this country.

We all agree, most of us agree, most in America and a growing number here in Congress, agree that the Internal Revenue Code and all it means is a national scandal and a disgrace that holds the greatness of this country back as we approach this new and next millennium.

I believe that if we apply the same principles and the same definition to the issue of tax reform that this Congress did to balancing our Nation's budget, putting a date certain to it, initiating a national debate, we could accomplish great things.

You know, it is almost like a race. You can talk about running a foot race, but until you establish the goal line for that race, the finish line, and until somebody shoots the starting gun to begin that race, there is no race.

We did that with balancing the budget. We said there is the goal line, 2002. Let us begin the race, figure out how we solve this problem by that year.

If we do the same thing with changing our tax system, I think we can see fundamental reform occur. Let us act now, this fall, to put on the President's desk a bill repealing the Federal Income Tax Code.

Now, that is exactly what I did. This Tuesday I submitted legislation that would accomplish that goal. It is H.R. 2483. My legislation will effectively sunset the entire Federal Income Tax Code, absent two provisions, on December 31 in the year 2000.

Three short years from this December the Federal Income Tax Code would be sunsetted, in effect repealed, under the legislation I have sponsored. The two provisions that would still be in effect are Medicare and Social Security. I repealed 96 of 99 chapters of that 5.5-million-word Federal Income Tax Code.

Now, if we have the courage and commitment in this Congress to see this through, think of what this will mean. It means that 3 short years from now, three Christmases from now, on New Year's eve 2000, Americans everywhere will get together to celebrate good riddance, wishing good riddance to the 5.5 million words of freedom-limiting gobbledygook in the Tax Code.

□ 1945

We will also say goodbye to almost all of the 110,000 bureaucrats who enforce this Tax Code with what I consider a sledgehammer, and that is the fact that we, under their eyes and under the law, are guilty until we prove ourselves innocent. It is the only place in American society really where we have that mentality, that we are guilty, we have to prove ourselves innocent.

Nothing gets Washington off its duff faster than a deadline, and my legislation, H.R. 2483, would impose one heck of a deadline. That is why I am calling this legislation No Taxation Without Reformation.

I am pleased that already many Members of Congress on both sides of the aisle have come forward to encourage this bill forward. Many are signing up to cosponsor H.R. 2483, and I am particularly pleased with the fact that the largest grassroots business organization in America, the National Federation of Independent Business, the NFIB, is stepping forward and beginning a national campaign on the issue of sunsetting the Federal Tax Code effective December 31 in the year 2000. They intend to go coast-to-coast collecting signatures of millions of Americans to present to Congress to say we want this Tax Code sunsetted. I am so encouraged by the fact that Jack Ferris and the NFIB are taking this leadership role. I am convinced that its going to have a major impact on moving this legislation forward.

Now, the impact of sunsetting the Federal Tax Code is not an end, it is the beginning. It is the gun that shoots off the debate that establishes the finish line for the race. What kind of things could we consider, then, if we begin this debate? Well, I mentioned several.

We can talk about a flat rate income tax as proposed by many folks in this Chamber, most notably the majority leader, the gentleman from Texas [Mr. ARMEY]. He wants to bounce that Tax Code and replace it with a tax system we can fill out on a postcard. We list our income and a few basic deductions and multiply it by a percentage point and send in the check. That easy. No more need to go to H&R Block and no more need to go to accountants and attorneys, no more need to keep extensive records. That easy, that simple.

Now others, including the esteemed chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], who has just conducted the tax relief provisions that we have carried forward this July in the 5-year budget plan, Chairman ARCHER wants to move forward by replacing the entire Income Tax Code with a national sales or consumption tax. We would not even have any income taxes, and that national sales tax is an alternative to the current income tax.

Then there are other proposals and many, many of them filed. There is a new one out by the Cato Institute, a very, very respected think tank that has put forward what they call the alternative maximum tax that would say that one would pay no more than 25 percent of gross income. They keep in effect, they put in place again the Federal Income Tax Code, and one could still take all of the deductions, all of the other benefits of the current system if one so chooses, or if one did not want to do that, one would just pay 25 percent of one's income. If one chose that, the alternative maximum tax, one would know that there was a ceiling the tax could not go above.

These are all great ideas. There are a lot of great ideas in this Chamber, and quite frankly there are a lot of even greater ideas probably out across the country that we have not even heard of yet that may come forward; new nuances, new ideas that could help bring about fundamental change. But our goal and the benefit that we derive of having H.R. 2483 passed is that it will begin this debate and allow Americans to come forward with these ideas.

Now, I do not know about every Member of Congress, but I know my constituents. Sometimes, and rightfully so, they are a little skeptical of what we do here. We like to talk about these great changes, but I know when I go home on weekends and conduct town meetings in western New York and the Finger Lakes, a lot of people say to me, "Paxon, it sounds good, but

when is it going to get underway? When are you going to start this?''

I am hoping that if we can get Members of Congress on board, get Members of the Senate on board, get this legislation, H.R. 2483, passed into law and down to the President this fall, we can get this national debate underway on replacing that income tax system with a flatter and fairer tax, a flat tax, or with a national sales tax or some other proposal.

I am excited about this. I am encouraged by this momentum that we are seeing develop this week alone. I could not help but be encouraged when I sat down today and took a look at some of the statistics regarding our current income tax system.

I know there are a few folks across America, and certainly there are many in this Chamber, who say well, the devil is better than the one we do not know, and maybe we better stick with the current system. But just think about some of these things that involve our current Tax Code. The complexity is staggering.

In the 1980's alone, the tax laws were changed over 100 times. In 1986 alone, the 1986 Tax Reform Act, they added over 100 new tax forms to the IRS, 100 new forms one had to look at and fill out.

Now, no wonder every year that goes by, more Americans find it impossible to figure out their own taxes. I do not need to tell my colleagues, as Members of Congress, most of them are honest, but we end up having to go to tax preparers, I know I do, because I cannot figure it out any better than the folks that I represent back in upstate New York.

The percentage of Americans using professional tax preparers rose from 41 percent in 1981 to about 50 percent today who use professional tax preparers. Money Magazine reported that the tax bill that we passed this summer and that was signed into law in August will add 37 new lines to the form used to report capital gains alone.

Now, I am very pleased that we were able to bring about reductions in capital gains taxes, but even in our effort to try to bring about reductions in capital gains taxes we added 37 new lines to the form, and you know and I know that we are going to have to go out, most Americans, and hire somebody to help us fill out those forms with all of these increases in complexity that have been put into place.

There is a huge burden in compliance with the Tax Code. Individuals spend 1.7 billion hours per year filling out their taxes. Businesses spend 3.4 billion hours filling out their taxes. No wonder two out of three or more small businesses fail in their first 2 years just trying to deal with all of this complexity, and that means job losses for Americans. Of course, and I know this is no surprise to people in my district, the problems of the IRS are profound. In 1989 alone, the IRS answered just 62.8 percent of taxpayer questions correctly. This means 24 million Americans were given the wrong answer.

In 1995, about half of the computer-generated correction notices contained inaccurate information from the IRS, and about 40 percent of the revenue collected from IRS penalty assessments was abated, set aside, when citizens challenged the penalties. Just think about that. Forty percent of the revenue that the IRS assessed was abated or repealed when people challenged their IRS decisions.

Now, folks and my colleagues, I just think that those kind of statistics should make us really understand how compelling the need is for swift action to repeal the IRS code that I want to do under H.R. 2483 and replace it with some other system. But if that does not make us want to do it, these figures will.

Earlier this year the House passed legislation, H.R. 1226, to provide criminal penalties, criminal penalties for IRS employees who snoop through taxpayer records. We may say, well, is that really happening? According to the General Accounting Office, there have been over 1,000 incidents reported of IRS snooping in taxpayer files. I want to make clear, it is not every IRS employee, it is a small number that are doing this. However, in my home area, in Buffalo, NY in early April of this year it was revealed that 18 Buffalo IRS agents snooped through tax returns, and unfortunately just two were fired for their actions.

We have 110,000 IRS employees in this bureaucracy, most of whom are doing their job diligently, but they are enforcing a Tax Code that is unenforceable, indecipherable, misunderstood by everybody, whether one is trying to prepare taxes or the folks who oversee it, and then we find a few people are abusing their jobs at the IRS, and out of the 18 of the agents that were charged, just 2 were fired in my hometown of Buffalo, NY.

The IRS itself has grown dramatically. Today, the IRS employs 113,000 people. I was wrong, it is not 110, it is 113,000. But contrast that with other Federal agencies. The FBI out there on the front lines of the war against criminals, only 24,000 compared to the 113,000 at the IRS. The Immigration Service, 12,000 defending our borders, yet 10 times that many in the IRS. The Drug Enforcement Administration waging a tough fight against the war on drugs, only 5,700 employees. We have 113,000 in the IRS. The border patrol again at our Nation's borders, 5,800 people.

Would it not be better if we could get rid of that IRS, get rid of that Tax Code, replace it with a flatter, fairer income tax or a national sales tax or consumption tax or something else, and take some of those IRS employees and retrain them to help our FBI agents in the war on crime or our border patrol or our INS or our DEA as they try to keep people out or keep drugs out of our Nation.

Of course recently, and again I know this is no surprise, folks at home and in this Chamber know these statistics, but Money Magazine every year selects a group of professional tax preparers and asks them to complete the tax returns for a fictional family. They put together some numbers. The same numbers are submitted to a group of professional preparers.

This past March Money Magazine gave this test to 45 different preparers, and it comes as no surprise, they received 45 different answers. Only one-quarter of the preparers even came within $1,000 of the correct answer. How can we have confidence in a system that is so impossible to comprehend, even by the professionals who are supposed to understand all of this?

Now, it is not the first time that we would have the opportunity to repeal the income tax. In 1861 the U.S. Government passed the first income tax. It was 3 percent on net incomes over $800, and 1.5 percent on income from government bonds. The tax was so unpopular that the Treasury Secretary then, Salmon P. Chase, refused to collect it.

In 1862 Congress mandated the collection of this income tax that remained in effect even after the Civil War ended. It was so unpopular that Congress passed a law in 1870 to repeal the income tax starting in 1872. Now, it did not take commissions or blue ribbon panels to figure that out. They set a deadline, they passed the tax, and then they repealed it.

My friends, I have to say this. My colleagues in this Chamber, the time has come to do what the American people want us to do. The time has come to have some courage, to stand up and say we are going to turn our backs on the special interests, we are going to turn our backs to the special interest breaks that are out there for a few, the privileged few. We are going to tell our constituents that it is time to involve them in the process, for a change, of determining policy in this country.

Let us shoot that gun to start the debate, the race. Let us set the finish line of December 31, 2000, to sunset the Federal Tax Code, to end it, and let us begin that great race, that great debate, that great discussion with the American people on what should replace it.

I am convinced that this Congress has done many great things in the past couple of years: welfare reform, the effort to balance our Nation's budget, so many other good pieces of legislation. But I believe as we begin the new millennium on January 1, 2001, what a

great way to start that new millennium and what a great hope and opportunity for our children and grandchildren and frankly for ourselves, to begin our new millennium and our place in an even stronger economy in the global marketplace, by repealing this Income Tax Code and replacing it with something that the American people can trust and believe in once again.

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 17, 1997

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY), on account of personal reasons.

Mr. YATES (at the request of Mr. GEPHARDT), on account of illness.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BONILLA (at the request of Mr. ARMEY), for today on account of family illness.

Mr. YOUNG of Alaska (at the request of Mr. ARMEY), for today, after 3 p.m., on account of personal reasons.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mr. MANZULLO, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. TALENT, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ABERCROMBIE) and to include extraneous matter:)

Mrs. MCCARTHY of New York.

Mr. HINCHEY.

Mr. KENNEDY of Massachusetts.

Mr. LAFALCE.

Ms. STABENOW.

Mr. ROEMER.

Mr. GORDON.

Mr. BERMAN.

Mr. FAZIO.

Mr. KUCINICH.

Mr. KANJORSKI.

Mr. EVANS.

Mr. FARR of California.

Mr. DELLUMS.

Mr. NADLER.

Mr. MENENDEZ.

(The following Members (at the request of Mr. HILL) and to include extraneous matter:)

Mr. TALENT.

Mr. GALLEGLY.

Mrs. MORELLA.

Mr. MCCOLLUM.

Mr. RADANOVICH.

Mr. CUNNINGHAM.

Mr. THOMAS.

Ms. ROS-LEHTINEN.

Mr. GINGRICH.

Mr. BEREUTER.

Mr. CAMP.

Mr. STUMP.

Mr. DUNCAN.

Mr. CRANE.

Mr. MICA.

Mr. WELDON of Pennsylvania.

Mr. PORTER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 63. An act to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake."

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

ADJOURNMENT

Mr. PAXON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until Monday, September 22, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5085. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amended Assessment Rate for Domestically Produced Peanuts Handled by Persons Not Subject to Marketing Agreement No. 146, and for Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts [Docket No. FV97-998-3 IFR] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5086. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Seed and Screenings [Docket No. 93-126-5] (RIN: 0579-AA64) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reporting Requirements For Risk/Benefit Information [OPP-60010H; FRL-5739-1] (RIN: 2070-AB50) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cloransulammethyl; Pesticide Tolerances [OPP-300550; FRL-5744-2] (RIN: 2070-AB78) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5089. A letter from the Administrator, Farm Service Agency, transmitting the Agency's final rule—Tree Assistance Program [Workplan No. 97-011] (RIN: 0560-AF17) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5090. A communication from the President of the United States, transmitting an amendment to the FY 1998 appropriations request for the Department of the Treasury, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—132); to the Committee on Appropriations and ordered to be printed.

5091. A communication from the President of the United States, transmitting amendments to the FY 1998 appropriations requests for the Office of the United States Trade Representative (USTR) and the Department of Transportation, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105-133); to the Committee on Appropriations and ordered to be printed.

5092. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Home Investment Partnerships Program—Additional Streamlining [Docket No. FR-4111-F-02] (RIN: 2501-AC30) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5093. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to India, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5094. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendment to the Community Support Requirement [No. 97-56] (RIN: 3069-AA35) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Hospital, Medical, and Infectious Waste Incinerators [AD-FRL-5878-8]

(RIN: 2060–AC62) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for the State of Alabama—Proposed Disapproval of the Request to Redesignate the Birmingham, Alabama (Jefferson and SHELBY Counties) Marginal Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan [AL–40–7142; FRL–5895–5] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Interim Final Determination for the Enhanced Motor Vehicle Inspection and Maintenance Programs [VA–056–5023; FRL–5895–6] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Texas: Final Authorization and Incorporation By Reference of State Hazardous Waste Management Program [FRL–5871–3] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5099. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan: Employee Commute Options (Employer Trip Reduction) Program for Texas [TX–21–1–7345a; FRL–5894–4] September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5100. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Priorities List for Uncontrolled Hazardous Waste Sites [FRL–5895–8] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5101. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New York [Region 2 Docket No. NY24–2–172b, FRL–5892–5] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5102. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services; Petitions for Reconsideration of the Commission's Competitive Bidding Rules [CC Docket No. 92–297] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5103. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Disqualification of a Clinical Investigator [Docket No. 95N–0138] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5104. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Definition of Safety-Related Structures, Systems, and Components; Technical Amendment (RIN: 3150–AF75) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5105. A letter from the Director, Bureau of the Census, transmitting the Bureau's final rule—Revision of Section 30.56(b): Conditional Exemptions for Filing Shipper's Export Declarations (SED) for Tools of Trade [Docket No. 970624153–7228–02] (RIN: 0607–AA23) received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5106. A letter from the Information Officer, Defense Nuclear Facilities Safety Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

5107. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Methods of Withdrawing Funds from the Thrift Savings Plan [5 CFR Part 1650] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5108. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Claims Collection [5 CFR Part 1639] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5109. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Correction of Administrative Errors [5 CFR Part 1605] received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5110. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Federal Employees' Group Life Insurance Program: Merger of Life Insurance Regulations; Living Benefits; Assignment of Life Insurance (RIN: 3206–AF32, 3206–AG79, 3206–AG68) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5111. A letter from the Acting Director, Office of Personnel Management, transmitting the Office's final rule—Pay Administration (General); Severance Pay for Panama Canal Commission Employees (RIN: 3206–AF89) received September 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5112. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock by Trawl Vessels Using Nonpelagic Trawl Gear in Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 091097C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5113. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 091097D] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5114. A letter from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Tuna Fisheries; Atlantic Bluefin Tuna General Category [I.D. 090897C] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5115. A letter from the Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Regulatory Program [VA–106–FOR] received September 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5116. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Buy America; Rolling Stock, Technical Amendment (RIN: 2132–AA59) received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5117. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S–64E Helicopters (Federal Aviation Administration) [Docket No. 96–SW–04–AD; Amdt. 39–10130; AD 97–19–10] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5118. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–220–AD; Amdt. 39–10121; AD 97–19–01] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5119. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–229–AD; Amdt. 39–10125; AD 97–19–05] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5120. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dassault Model Falcon 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–182–AD; Amdt. 39–10127; AD 97–19–07] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5121. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214ST Helicopters (Federal Aviation Administration) [Docket No. 94–SW–28–AD; Amdt. 39–10129; AD 97–19–09] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5122. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–180–AD; Amdt. 39–10128; AD 97–19–08] (RIN: 2120–AA64) received September 15, 1997, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5123. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Eagle River, WI (Federal Aviation Administration) [Airspace Docket No. 97-AGL-24] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5124. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Frostburg, PA; Correction (Federal Aviation Administration) [Airspace Docket No. 97-AEA-007] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5125. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Lawrenceville, IL (Federal Aviation Administration) [Airspace Docket No. 97-AGL-25] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5126. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Preston, MN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-20] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5127. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification to the Saipan Class D Airspace Area; CQ (Federal Aviation Administration) [Airspace Docket No. 96-AWP-6] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5128. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Moorhead, MN (Federal Aviation Administration) [Airspace Docket No. 97-AGL-21] (RIN: 2120-AA66) received September 15, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5129. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills [31 CFR Part 357] received August 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5130. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Penalty-free Withdrawals from IRAs for Higher Education Expenses [Notice 97-53] received September 16, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5131. A letter from the Secretary of Health and Human Services, transmitting the Department's "Major" final rule—Interpretation of Federal Means-Tested Public Benefit—received August 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5132. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to require that the Secretary of Agriculture and the Secretary of Health and Human Services develop and implement a scientific, cost-effective strategy to effectively and efficiently address the public health risks related to shell eggs and egg products, including risks during transportation and storage; jointly to the Committees on Commerce and Agriculture.

5133. A letter from the Secretary of Health and Human Services, transmitting a report entitled "Protecting Workers Exposed to Lead-Based Paint Hazards," pursuant to Public Law 102-550, section 405(c)(2); jointly to the Committees on Commerce and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1460. A bill to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes: with an amendment (Rept. 105-253). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee of Conference. Conference report on H.R. 2209. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-254). Ordered to be printed.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-255). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1683. A bill to clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act; with an amendment (Rept. 105-256). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of Texas: Committee on the Judiciary, H.R. 2027. A bill to provide for the revision of the requirements for a Canadian border boat landing permit pursuant to section 235 of the Immigration and Nationality Act, and to require the Attorney General to report to the Congress on the impact of such revision (Rept. 105-257). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2181. A bill to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes (Rept. 105-258). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. SESSIONS, Mr. STUMP, Mr. BARRETT of Nebraska, Mrs. EMERSON, Mr. TIAHRT, Mr. HASTINGS of Washington, Mr. CUNNINGHAM, Mr. GIBBONS, Mr. POMBO, Mr. HERGER, Mr. BONO, Mr. WATKINS, Mr. HALL of Texas, Mr. PETERSON of Minnesota, Mr. LEWIS of Kentucky, Mr. RADANOVICH, Mr. BISHOP, Mr. HILL, Mr. TAYLOR of North Carolina, Mr. CALVERT, Mr. RIGGS, Mr. FAZIO of California, Mr. CONDIT, Mr. DOOLEY of California, Mr. HAYWORTH, and Mr. MORAN of Kansas):

H.R. 2493. A bill to establish a mechanism by which the Secretary of Agriculture and the Secretary of the Interior can provide for uniform management of livestock grazing on Federal lands; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. BECERRA, Mr. ROMERO-BARCELÓ, Ms. SANCHEZ, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. MARTINEZ, Mr. ORTIZ, Mr. TORRES, Mr. SERRANO, Mr. PASTOR, Mr. GUTIERREZ, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. UNDERWOOD, Mr. REYES, Mr. RODRIGUEZ, Mr. BLUMENAUER, Mr. GREEN, Mr. HASTINGS of Florida, Mr. FORD, Ms. JACKSON-LEE, Mr. FATTAH, and Mr. DELLUMS):

H.R. 2495. A bill to amend the Higher Education Act of 1965 to increase postsecondary education opportunities for Hispanic students and other student populations underrepresented in postsecondary education; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. ARMEY, Mr. BLUNT, Mr. BURTON of Indiana, Mr. CHABOT, Mr. COBLE, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CRAPO, Mr. DOOLITTLE, Mr. ENGLISH of Pennsylvania, Mr. GIBBONS, Mr. ISTOOK, Mr. SAM JOHNSON, Mr. KASICH, Mr. KLUG, Mr. KNOLLENBERG, Mr. LINDER, Mr. McINTOSH, Mr. MILLER of Florida, Mr. NEUMANN, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. REDMOND, Mr. ROGAN, Mr. SAXTON, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SNOWBARGER, Mr. SOLOMON, and Mr. SUNUNU):

H.R. 2496. A bill to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget.

By Mr. ARCHER (for himself, Mr. THOMAS, Mr. GINGRICH, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. LIVINGSTON, Mr. HYDE, Mr. STUMP, Mr. COMBEST, Mr. TALENT, Mr. CRANE, Mr. NORWOOD, Mr. GANSKE, Mr. LINDER, Mr. PAUL, Mr. COOKSEY, Mr. COBURN, Mr. SHAW, Mr. McCRERY, Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. COLLINS, Mr. CAMP, Mr. SAM JOHNSON, Mr. ENSIGN, Mr. HAYWORTH, Mr. WELLER, Mr. ISTOOK, Mr. ROHRABACHER, Mr. DAN SCHAEFER of Colorado, Mr. BARTON of Texas, Mr. BONILLA, Mr. BOB SCHAFFER, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. SMITH of Michigan, Mr. HASTINGS of Washington, Mr. MANZULLO, Mrs. CUBIN, Mr. HOEKSTRA, Mr. UPTON, Mr. HOSTETTLER, Mr. KNOLLENBERG, Mr. STEARNS, Mr. DICKEY, Mr. THORNBERRY, Mr. SESSIONS, Mr. CANNON, Ms. GRANGER, Mr. BRADY, Mr. HILL, and Mr. SALMON):

H.R. 2497. A bill to amend title XVIII of the Social Security Act to clarify the right of

Medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHRISTIAN-GREEN (for herself, Mr. RANGEL, and Mr. JEFFERSON):

H.R. 2498. A bill to amend the Harmonized Tariff Schedule of the United States to extend to certain fine jewelry certain trade benefits of insular possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. COYNE, Mr. HERGER, and Mrs. THURMAN):

H.R. 2499. A bill to amend the Internal Revenue Code of 1986 to allow nonitemizers a deduction for a portion of their charitable contributions; to the Committee on Ways and Means.

By Mr. McCOLLUM (for himself and Mr. BOUCHER):

H.R. 2500. A bill to amend title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. DUNCAN:

H.R. 2501. A bill to provide for the conveyance of all right, title, and interest of the United States in a small parcel of real property included in the Cherokee National Forest in the State of Tennessee so as to provide clear title to the church occupying and using the property; to the Committee on Agriculture.

By Mr. DUNCAN (for himself and Mr. JENKINS):

H.R. 2502. A bill to amend the Land and Water Conservation Fund Act of 1965 to allow national park units that cannot charge an entrance or admission fee to retain other fees and charges; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. HYDE):

H.R. 2503. A bill to estabish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. KILDEE:

H.R. 2504. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for the marked graves of certain individuals; to the Committee on Veterans' Affairs.

By Mr. LAFALCE:

H.R. 2505. A bill to amend the Immigration and Nationality Act to authorize the Attorney General to permit certain United States citizens traveling by small pleasure craft to enter the United States from Canada without obtaining a landing permit or applying for admission at a port of entry and to authorize the Attorney General to eliminate the fee associated with the issuance of an I-68 landing permit; to the Committee on the Judiciary.

By Mr. McINNIS:

H.R. 2506. A bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 2507. A bill to amend the Bank Protection Act of 1968 and the Federal Credit Union Act to require enhanced security measures at depository institutions and automated teller machines sufficient to provide surveillance pictures which can be used effectively as evidence in criminal prosecutions, to amend title 28, United States Code, to require the Federal Bureau of Investigation to make technical recommendations with regard to such security measures, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POMBO:

H.R. 2508. A bill to provide for the conveyance of Federal land in San Joaquin County, CA, to the city of Tracy, CA; to the Committee on Government Reform and Oversight.

By Mr. REGULA (for himself, Mr. NEY, Mrs. THURMAN, Mrs. EMERSON, and Mr. ENGLISH of Pennsylvania):

H.R. 2509. A bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions; to the Committee on Ways and Means.

By Mr. SANDLIN:

H.R. 2510. A bill to prevent Members of Congress from receiving any automatic pay adjustment which might otherwise take effect in 1998; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SKAGGS:

H.R. 2511. A bill to prohibit the Student Loan Marketing Association from conditioning the waiver of redemption premiums, otherwise chargeable in connection with the refinancing of securities acquired by the Association while it was a government-sponsored enterprise, on the use of its own investment banking subsidiary; to the Committee on Education and the Workforce.

By Mr. ENGEL (for himself, Mr. FOGLIETTA, Mr. KING of New York, Mr. BONIOR, Mr. PAXON, Mr. LEVIN, Mr. GEJDENSON, Mrs. KELLY, Ms. PELOSI, Mr. PASCRELL, Mr. MASCARA, Mrs. KENNELLY of Connecticut, Mr. SCHUMER, Mr. McGOVERN, Mrs. MORELLA, Mr. KENNEDY of Rhode Island, Mr. HINCHEY, Mr. LAFALCE, Mrs. LOWEY, and Mr. TRAFICANT):

H. Con. Res. 153. Concurrent resolution commending Italy for its efforts to resolve the crisis in Albania and to promote democracy and a market-based economy in Albania; to the Committee on International Relations.

By Mr. SAWYER (for himself and Mrs. MORELLA):

H. Con. Res. 154. Concurrent resolution expressing the sense of the Congress that the United States should develop, promote, and implement policies to achieve the voluntary stabilization of the population growth of the Nation; to the Committee on Commerce.

By Mr. MENENDEZ:

H. Res. 233. A resolution relating to a question of the privileges of the House; considered and agreed to.

By Mr. FARR of California:

H. Res. 234. A resolution congratulating the city of Gonzales, CA, on the 50th anniversary of its incorporation and recognizing the contribution of the city's residents to the Nation; to the Committee on Commerce.

By Mr. BASS (for himself, Mr. ACKERMAN, Mr. BALDACCI, Mr. BALLENGER, Mr. BARRETT of Wisconsin, Mr. BARTON of Texas, Mr. BERRY, Mr. BOEHLERT, Mr. BONO, Mr. BORSKI, Mr. BOUCHER, Mr. BROWN of California, Mr. BURTON of Indiana, Mr. CAMP, Mr. CAMPBELL, Mr. CANNON, Mr. CARDIN, Mr. CHABOT, Mrs. CHENOWETH, Mr. COBLE, Mr. COBURN, Mr. CONDIT, Mr. CONYERS, Mr. COOK, Mr. COOKSEY, Mr. CRAMER, Ms. DANNER, Mr. DAVIS of Virginia, Mr. EHLERS, Mr. EHRLICH, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. ETHERIDGE, Mr. EWING, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FORD, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. FROST, Mr. GALLEGLY, Mr. GEKAS, Mr. GIBBONS, Mr. GILLMOR, Mr. GILMAN, Mr. GORDON, Mr. GOSS, Mr. GRAHAM, Mr. GREEN, Mr. GREENWOOD, Mr. GUTKNECHT, Mr. HALL of Texas, Mr. HASTERT, Mr. HAYWORTH, Mr. HEFLEY, Mr. HILLIARD, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HYDE, Mr. JACKSON, Mr. JENKINS, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KING of New York, Mr. KLECZKA, Mr. LAZIO of New York, Mr. McCRERY, Mr. McINTOSH, Mr. McNULTY, Mr. MICA, Mrs. MINK of Hawaii, Mr. MURTHA, Mrs. MYRICK, Mr. NEAL of Massachusetts, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NEY, Mr. PICKERING, Mr. PITTS, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RADANOVICH, Mr. RILEY, Mr. ROGAN, Mr. ROMERO-BARCELÓ, Ms. ROS-LEHTINEN, Mr. RUSH, Mr. SALMON, Mr. SANDLIN, Mr. SAWYER, Mr. SAXTON, Mr. SCARBOROUGH, Mr. BOB SCHAFFER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mrs. LINDA SMITH of Washington, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. SUNUNU, Mr. TALENT, Mrs. TAUSCHER, Mrs. THURMAN, Mr. TRAFICANT, Mr. UPTON, Mr. WALSH, Mr. WATTS of Oklahoma, Mr. WAXMAN, Mr. WEYGAND, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Ms. DUNN, Mr. SABO, and Mr. WELLER):

H. Res. 235. Resolution expressing support for the goals of National Mammography Day; to the Committee on Commerce.

By Ms. KAPTUR (for herself, Mrs. McCARTHY of New York, Mr. ALLEN, Mr. PASCRELL, Mr. DEFAZIO, Mr. MILLER of California, Ms. DELAURO, Ms. ESHOO, Mr. FARR of California, Mrs. MINK of Hawaii, Ms. WOOLSEY, and Mrs. MALONEY of New York):

H. Res. 236. A resolution to express the sense of the House of Representatives on consideration of comprehensive campaign finance reform; to the Committee on House Oversight.

By Ms. WOOLSEY (for herself, Mrs. LOWEY, Ms. DEGETTE, Ms. KAPTUR, Mr. TORRES, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Ms. FURSE, Mr. STARK, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. TIERNEY, Mr. OLVER, Mr. LUTHER, Mr. TAYLOR of Mississippi, Mr. ENGEL, Mr. GREEN, Ms. LOFGREN, Mr. FORD, Mr. KENNEDY of Massachusetts, Mr. FALEOMAVAEGA, Mr. VENTO, and Mr. SHAYS):

H. Res. 237. Resolution to limit the access of lobbyists to the Hall of the House, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

208. The SPEAKER presented a memorial of the House of Representatives of the State of Alabama, relative to House Resolution 133 encouraging the U.S. Congress to adopt the Parents and Students Savings Accounts Plus Act; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DELAHUNT:

H.R. 2494. A bill to authorize and request the President to award the Medal of Honor to James L. Cadigan, of Hingham, MA; to the Committee on National Security.

By Mr. SISISKY:

H.R. 2512. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and fisheries for the vessel *Old Joe*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 84: Mr. MARTINEZ.

H.R. 135: Mrs. JOHNSON of Connecticut.

H.R. 136: Mr. FOLEY.

H.R. 164: Mr. ABERCROMBIE, Mr. WEYGAND, Mr. LEVIN, Mr. BOEHLERT, Mr. DEFAZIO, Mrs. KELLY, Ms. KAPTUR, Mr. JENKINS, and Mr. BURTON of Indiana.

H.R. 165: Mr. REYES.

H.R. 292: Mr. HASTINGS of Washington.

H.R. 339: Mr. CHRISTENSEN.

H.R. 525: Mr. COX of California.

H.R. 610: Mr. MINGE.

H.R. 663: Mr. WATT of North Carolina.

H.R. 687: Mr. RUSH.

H.R. 754: Ms. HOOLEY of Oregon and Mr. KUCINICH.

H.R. 768: Mr. MICA.

H.R. 786: Mr. BOUCHER.

H.R. 836: Ms. DANNER, Mr. MCNULTY, Mr. BENTSEN, Mr. SCHUMER, and Mr. STRICKLAND.

H.R. 953: Mr. MATSUI.

H.R. 978: Mr. GRAHAM.

H.R. 988: Mrs. KELLY.

H.R. 991: Mr. KUCINICH.

H.R. 1073: Mr. MCGOVERN and Mr. JONES.

H.R. 1111: Mr. BISHOP, Mr. MENENDEZ, Mr. SNYDER, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. LUCAS of Oklahoma, Mr. BLAGOJEVICH, Mr. BENTSEN, Mrs. THURMAN, Mr. LIPINSKI, Mr. QUINN, Mr. BALDACCI, and Mr. OBERSTAR.

H.R. 1114: Mr. GREEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE, Mr. HALL of Texas, and Mr. MCHUGH.

H.R. 1126: Mr. ANDREWS.

H.R. 1151: Mr. LEVIN and Mr. MCGOVERN.

H.R. 1159: Ms. ESHOO and Mr. BALDACCI.

H.R. 1173: Mr. MARKEY, Mr. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, and Mr. WHITFIELD.

H.R. 1215: Mr. ROTHMAN and Mr. ANDREWS.

H.R. 1260: Mr. SHAW.

H.R. 1270: Mr. YOUNG of Florida.

H.R. 1283: Mr. HOSTETTLER and Mr. LEWIS of Kentucky.

H.R. 1284: Mr. NADLER.

H.R. 1289: Mr. CUNNINGHAM, Mrs. FOWLER, Mrs. MYRICK, and Mr. HOLDEN.

H.R. 1371: Mr. SENSENBRENNER.

H.R. 1376: Mr. TOWNS, Mr. WATT of North Carolina, Mr. NEAL of Massachusetts, Ms. CARSON, and Mr. STOKES.

H.R. 1415: Mr. FOGLIETTA, Ms. RIVERS, Mr. EVANS, Mr. SAXTON, Ms. SLAUGHTER, and Mr. UPTON.

H.R. 1507: Mr. TORRES, Mr. COSTELLO, Mr. DEFAZIO, Mrs. EMERSON, and Mr. STRICKLAND.

H.R. 1531: Mr. WALSH.

H.R. 1537: Ms. BROWN of Florida.

H.R. 1567: Mr. ENSIGN and Mr. CANNON.

H.R. 1608: Mr. COBURN, Mr. WOLF, Mr. SHERMAN, Mr. CUNNINGHAM, and Mr. YATES.

H.R. 1704: Mr. BASS, Mr. NORWOOD, and Mr. POMBO.

H.R. 1714: Mr. CHAMBLISS and Mr. COLLINS.

H.R. 1768: Mr. GIBBONS.

H.R. 1776: Mr. LUTHER.

H.R. 1839: Ms. HARMAN, Mr. ROYCE, Mr. BOEHLERT, Mr. KNOLLENBERG, Mr. BASS, Mrs. LOWEY, Mr. GOODLATTE, Mr. ETHERIDGE, and Mr. EDWARDS.

H.R. 1951: Mr. BROWN of California, Mr. BERMAN, Mrs. MCCARTHY of New York, Mr. KIND of Wisconsin, and Mr. SAWYER.

H.R. 2034: Mr. ENGLISH of Pennsylvania, Ms. DANNER, Mr. GRAHAM, and Mr. BARTLETT of Maryland.

H.R. 2069: Mr. EVANS.

H.R. 2139: Mr. THORNBERRY, Mr. DELLUMS, and Mr. SANDLIN.

H.R. 2174: Mrs. JOHNSON of Connecticut, Mr. PALLONE, and Mr. CONYERS.

H.R. 2232: Mr. ROHRABACHER, Mr. GIBBONS, Mr. MCINTOSH, Mr. SAM JOHNSON, Mr. SHADEGG, and Mr. SPENCE.

H.R. 2233: Mr. FALEOMAVAEGA.

H.R. 2327: Mrs. LINDA SMITH of Washington, Mr. NETHERCUTT, Mr. SCARBOROUGH, Mr. GANSKE, Mr. SALMON, Mrs. KELLY, Mr. SKEEN, Mr. BONILLA, Mr. THORNBERRY, Mr. ROHRABACHER, Mr. BARRETT of Nebraska, Mr. WHITFIELD, Mr. CHRISTENSEN, Mr. BEREUTER, Mr. BLUNT, Mr. BLILEY, Mr. POMEROY, Mr. TALENT, Mr. COX of California, Mr. SUNUNU, Mr. DAVIS of Virginia, Mr. SENSENBRENNER, and Mr. SISISKY.

H.R. 2331: Mr. PETERSEN of Minnesota, Ms. SLAUGHTER, and Mr. HOLDEN.

H.R. 2332: Mr. STUPAK and Mr. SENSENBRENNER.

H.R. 2351: Mrs. MCCARTHY of New York, Mr. WATT of North Carolina, Mr. DIXON, and Mr. SABO.

H.R. 2360: Mr. ARMEY.

H.R. 2365: Mr. GUTIERREZ.

H.R. 2367: Ms. WATERS, Mrs. MCCARTHY of New York, and Mr. HEFNER.

H.R. 2373: Mr. ADERHOLT and Mr. HASTERT.

H.R. 2380: Mr. MARTINEZ.

H.R. 2390: Mr. YATES, Mr. PASCRELL, Mr. SANDERS, Mr. TRAFICANT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. TIERNEY, Ms. SLAUGHTER, Mr. OLVER, Ms. STABENOW, Mr. CUMMINGS, Mrs. KENNELLY of Connecticut, and Mr. DEFAZIO.

H.R. 2404: Mr. KLECZKA and Mr. FROST.

H.R. 2438: Mr. NETHERCUTT, Mr. DELAY, Mr. JONES, Mr. DOOLITTLE, Mr. HILLEARY, Mr. BURTON of Indiana, Mr. GIBBONS, Mr. BRADY, and Mr. CANNON.

H.R. 2451: Mr. DELLUMS, Mr. GEJDENSON, Mrs. LOWEY, Mr. STARK, Mr. FALEOMAVAEGA, and Mr. FROST.

H.R. 2456: Mr. COBLE, Mr. CRANE, Mr. DELAY, Mr. DICKEY, Mr. COX of California, Mr. SENSENBRENNER, Mr. SAM JOHNSON, and Mr. SNOWBARGER.

H.R. 2458: Mr. DOOLITTLE, Mr. GIBBONS, and Mr. PETERSON of Pennsylvania.

H.R. 2459: Ms. ROYBAL-ALLARD, Ms. BROWN of Florida, Mrs. TAUSCHER, Mr. SYNDER, Ms. DANNER, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 2490: Mr. KASICH, Mr. CHAMBLISS, Mr. FORBES, Mr. HILLEARY, Mr. HOEKSTRA, Mr. JONES, Mr. MANZULLO, Mr. PACKARD, Mr. REDMOND, Mr. THORNBERRY, and Mr. WAMP.

H.J. Res. 28: Ms. DANNER.

H. Con. Res. 65: Mr. SCOTT.

H. Con. Res. 91: Mr. ALLEN and Ms. ROYBAL-ALLARD.

H. Con. Res. 121: Mr. GILMAN, Mr. DELLUMS, Mr. MARKEY, Mr. ENGEL, Mr. MCHALE, Ms. HOOLEY of Oregon, Mr. PAPPAS, Mr. VISCLOSKY, Mr. DEUTSCH, Mr. WATTS of Oklahoma, Mr. HOSTETTLER, Mr. BROWN of Ohio, Mr. BOYD, Mr. WOLF, Mr. MEEHAN, Mr. ABERCROMBIE, Mr. LEVIN, Mr. MCNULTY, Mr. BUNNING of Kentucky, Mr. PASTOR, Mr. SAXTON, Mr. BORSKI, Mr. COYNE, Mr. MCGOVERN, Mr. POSHARD, Mrs. KELLY, Mr. LOBIONDO, Mr. FOLEY, Mrs. MCCARTHY of New York, Mr. MASCARA, Mr. TURNER, Mr. LAMPSON, Mr. KINGSTON, Mr. GOODE, Ms. SANCHEZ, Ms. KILPATRICK, Mr. WELLER, Mr. SHIMKUS, Mr. NETHERCUTT, Mr. TIERNEY, Mr. DOYLE, Mrs. EMERSON, Mr. SHADEGG, Mr. YOUNG of Alaska, Mr. BENTSEN, Mr. REYES, Ms. SLAUGHTER, Mrs. TAUSCHER, and Mr. HOLDEN.

H. Con. Res. 126: Mr. MCNULTY, Mr. FRELINGHUYSEN, Ms. ESHOO, Mr. ROYCE, Mr. ANDREWS, and Mr. SOLOMON.

H. Con. Res. 131: Mr. PORTER.

H. Con. Res. 151: Mr. REDMOND, Mr. PICKETT, Mr. CANNON, Mr. GIBBONS, Mr. KOLBE, and Mr. TAUZIN.

H. Res. 139: Mr. LARGENT and Mr. NUSSLE.