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House of Representatives

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O gracious God, that we will be given the insight and the wisdom to see clearly what needs to be seen, to hear what needs to be heard, to understand what needs to be understood, so that we will truly be the servants of the people by doing justice and loving mercy. Give us patience, we pray, that before we speak or act or judge, we hear Your word of strength, comprehend the issues presented and the values involved, and then act for the good of every person. Bless us, O loving God, this day and every day, 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.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from New Jersey [Mr. LOBIONDO] will lead the House in the Pledge of Allegiance.

Mr. LOBIONDO 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that there will be fifteen 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

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

Mr. KINGSTON. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else. We promise to cut the congressional budget. And we have.

Next we passed a balanced budget amendment, legislation on unfunded mandates, and a line-item veto. We have kept these promises.

We also promised to pass a new crime package that would take violent criminals off our streets; a National Security Restoration Act; Government regulatory reform to cut down on regulations; and commonsense legal reform.

Mr. Speaker, we have done these things.

Next we passed welfare reform to encourage work, not dependence.

Today we will be debating congressional term limits. For the first time in years that will be on the floor of the House for a vote.

Next we are going to have tax cuts for the middle class and Senior Citizens Equity Act to allow senior citizens to work without Government penalty.

Mr. Speaker, this is our Republican Contract With America.

POINT OF ORDER

Mr. FOGLIETTA. Mr. Speaker, a point of order.

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, I ask the Speaker to rule whether or not it is proper for Members to be wearing badges during 1-minutes and the rule, accordingly.

The SPEAKER. The Chair will state under a previous ruling it is not appropriate for Members to wear badges when they are addressing Members of the House, and would ask all Members to take note of that ruling.

Mr. FOGLIETTA. I thank the Speaker.

APPOINT AN INDEPENDENT COUNSEL

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

Mr. DOGGETT. Mr. Speaker, a dark ethical cloud lingers over this Congress. To safeguard the public trust, to ensure that high ethical standards are maintained, there are times when it is appropriate to appoint an independent counsel. An investigator who is not biased, who is not linked to either party to investigate thoroughly may be essential.

That has occurred in this House on a number of occasions, in the matter of Congressman Charles Diggs, in the matter of ABSCAM, regarding Congressman George Hansen, regarding Congressman St Germain, regarding the Page scandal, regarding Speaker Jim Wright, and most recently in 1989 regarding Mr. GINGRICH.

Why not now? If charges are partisan, if they are unjustified, what better way to demonstrate it than to have an independent counsel verify that?

Last year before the election, so many of the Republicans talked to us about the President and Whitewater, why is it that now the election is over all they talk about with reference to Mr. GINGRICH is whitewash.

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THE AMERICAN PEOPLE WANT A YES VOTE ON TERM LIMITS

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

Mr. TIAHRT. Mr. Speaker, today is a great day on the Potomac. it is a historic day. For a very long time the people of America have wanted open debate and a vote on term limits. As we say in Kansas, it is time to fish or cut bait. The American people think that Congress has cut enough bait. They want a vote on term limits.

Term limits are extremely popular with the American people because they want a citizen legislature. They do not want the same excuse that they have heard about we already have term limits every 2 years, because they do understand the system.

They know name recognition, the PAC's, franking all work for the incumbent.

The term limit vote is important. The American people want a ''yes'' vote for term limits or your congressional seat next year. So what are you going to do? Are you going to fish or cut bait?

WELFARE RECIPIENTS ARE HUMAN BEINGS, NOT ANIMALS

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

Mr. FOGLIETTA. Mr. Speaker, in politics, today, we make points by making good sound bites.

I wonder if my colleagues on the other side of the aisle got the sound bite they wanted on welfare this past weekend? The soundbite winner-by far was our millionaire friend from Florida who compared people who are forced to seek Government assistance to alligators.

Last week, I asked the question, ''Do we really have to divide America to reform welfare?'' I do not think so. But I am deeply afraid that others have a different agenda based on divineness, race-baiting and the meanest kind of speech I can think of.

I represent 1 of the 10 poorest districts in America. On behalf of my constituents, I ask for an apology from those who compared decent human beings to alligators, to wolves, and to mothers not capable of caring for a committee chairman's cat.

People forced on welfare are people. Not animals. They want to work—we owe them real solutions to provide them jobs and the tools to keep those jobs. We also owe them an apology for degrading them on the floor of this House.

POINT OF ORDER

Mr. FOGLIETTA. A point of order, Mr. Speaker.

Mr. SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman will state his point of order.

Mr. FOGLIETTA. Mr. Speaker, it seems quite obvious that Members of the House have not abided by the ruling of the Chair concerning buttons would not be worn while the House is in session.

The SPEAKER pro tempore. The Chair will state while a Member is addressing the House he or she may not wear badges or buttons. At other times it maybe permitted under previous rulings of the Chair.

TERM LIMITS

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise as a strong supporter of congressional term limits who has promised to voluntarily limit his own tenure, and I rise to congratulate those Members of the other party who have gone against their leadership and have joined us in support of term limits.

Unfortunately, it is obvious that there is one party in the House that is sympathetic to term limits and one party that is violently opposed to term limits.

I urge my Democratic colleagues to vote in favor of term limits to give us the votes to pass the amendment. Over 70 percent of Americans are in favor of term limits, and if we are truly a representative institution I believe our voting should reflect that.

This is your chance to prove that you are responsive to the public and to the national interest, and not just part of inside the Washington Beltway.

TIME TO REIN IN THE IRS

(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, IRS testified down here that the Bill of Rights and the Constitution are great, but they should not be applied to taxpayers. Taxpayers should remain guilty in a tax court or they cannot do their jobs.

Check out this case: A woman, Edith LiButti, up in New Jersey, once had a great race horse, ''Devil His Due.'' The IRS says you do not own all of that race horse, your dad has a partial interest; we put a lien on the horse. They wrecked her business, destroyed her reputation, and now they are saying their evidence is ''they have reason to believe'' her dad has a partial interest.

Reason to believe? There can be no taxpayer Bill of Rights in America without changing the burden of proof. Taxpayers should at least be treated like a common criminal, by God.

Let me say this: It is time for the Congress to give the devil his due. That is the IRS. It is time to straighten this mess out. I want your support on H.R. 3, and I know the IRS is getting to all of the big people around here and scaring them that they are not going to be able to raise taxes.

Let us get on with our business.

A ROUGH DRAFT MADE BETTER

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

Mr. GOSS. Mr. Speaker, yesterday the gentlelady from Colorado said the Constitution was not a rough draft. I agree that the bedrock principles upon which this Nation was founded are not in need of refinement. But 27 times—on 25 different issues if you subtract out the on-again/off-again concept of prohibition—the sons and daughters of our Founding Fathers revised the Constitution to better adapt those principles to the times. I am sure the gentlelady agrees that the Bill of Rights, the 13th amendment abolishing slavery, the 15th amendment affirming the right of all races to vote, the 19th amendment granting women's suffrage, or even the 22d amendment—which embodies term limits for the President of the United States—have improved upon the Founding Fathers' work. No, the Constitution was not a rough draft—it was a living document and it can withstand prudent modifications to reflect the march of time. Support term limits.

The author of the first Bill of Rights in this country said: ''Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people from whence he was taken.''

So said George Mason, IV, who refused to sign the Constitution because term limits was not in it.

TERM LIMITS

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

Mr. DEFAZIO. Mr. Speaker, Speaker GINGRICH's whip organization has been awesome as he has rolled up victory after victory no matter how controversial his legislative agenda.

He rolled up a large majority of Republicans to push GATT through a lame duck Congress. Speaker GINGRICH did yeoman's work behind the scenes to deter any congressional scrutiny of the $40 billion Mexico bailout, and when we finally forced a vote on the floor the Republican leader threatened committee assignments, subcommittee chairs and other retaliations if his minions did not toe the line.

Just last week they flexed their leadership muscle gain on welfare and nutrition reform, but the muscles of the Speaker's whip organization have suddenly gone flaccid with the prospect of term limits.

The Speaker has constructed a bizarre rule and amendments that are designed to fail. It is time for supporters of the Republican contract to sue for breach of contract, or maybe to invoke the ultimate term limits in November 1996 and vote the rascals out.

TERM LIMITS

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

Mr. LOBIONDO. Mr. Speaker, since the 1st day of the 104th Congress, I have been proud to join with my colleagues on both sides of the aisle to change the way Congress does business.

This week, we will vote on the most important reform yet—term limits. Opponents argue that we do not need term limits since we have elections.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Even in 1994, the re-election rate was still 90 percent.

Term limits will give the American people more elections in open seats. They will bring new Members to Congress who have different experiences and fresh ideas.

That is what the American people want. Recent polls consistently show that two-thirds of the American people support term limits.

And the American people will be watching to see who supports real congressional reform, and who votes for the status quo. I urge my colleagues to vote ''yes'' for final passage of term limits.

TERM LIMITS FOR INCUMBENTS

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

Mr. GUTIERREZ. Mr. Speaker, last week, we heard about the cycle of dependency and people living off the taxpayers' money.

And who was saying it?

The same Republicans who have been getting a Government salary for 20 or 25 years, and today are going to talk about fake and phony 12-year term limit.

Last week, Republicans said ''you get 2 years to learn job skills on your own, no job training.''

But, the gentleman from Florida, sponsor of a 12-year limit, says he needs a longer learning curve to master this job.

Last week, they pointed to pictures of alligators and said that is a welfare recipient.

And then they got a pat on the back.

This week, I have pointed out the hypocrisy of Republicans who support term limits as long as it does not cut into their career, and I am lucky if I don't get whacked over the head.

Last week, I heard about tough love.

Well, this week I want to offer that same kind of tough love to my Republican friends who are having a tough time kicking the congressional habit. If you love this place, tough.

Vote for term limits that are retroactive. If you have been here 12 years, you are out.

□ 1115

AMERICAN COMPETITIVENESS BENEFITS FROM MULTILINGUAL SOCIETY

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

Ms. ROS-LEHTINEN. Mr. Speaker, America has a secret weapon in the dog-eat-dog world of global, economic competition: language.

If you don't believe me ask the Japanese. When asked what was the most important language for world trade, a Japanese businessman once replied, ''The most useful international language for world trade is not necessarily English, but rather the language of your client.'' It makes perfect sense. Customers would much rather buy a product from someone who speaks in a language they can understand.

America's secret weapon is the 9.9 million children who come from homes where a language other than English is spoken. These children can help America crack Japanese, Russian, and Latin American markets by speaking to global customers in languages they understand.

Our biggest mistake would be to waste our tremendous language resources by following the simplistic drumbeat of English-only narrow mindedness.

Support American competitiveness and reject English-only.

TERM LIMITS

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

Mr. FIELDS of Louisiana. Mr. Speaker, I rise this morning to express my opposition to the constitutional amendment of term limits.

Mr. Speaker, term limits of Members are already in the Constitution. According to article II, subsection 1, the House of Representatives shall be composed of Members chosen by the people every 2 years. So we already have term limits, and for those people, I find it very ironic, Mr. Speaker, for the people who talk the most and the loudest about term limits are the people who have served in this body for over 12 years.

So if we really want term limits, I make the suggestion let us lead by example. I want every Member who supports term limits to sign the term-limits pledge to our contract, which provides they would serve ''x'' number of years and then resign from office.

So if you really are for term limits, then I suggest the Members of this body sign the pledge to say, ''I will voluntarily limit my term by a year certain,'' and if you really want to lead, lead by example and not by taking up some amendment that probably will not pass in the disguise of the Contract With America. Let us have a contract with our district and resign from office after 12 years.

CELEBRATING THE 25TH ANNIVERSARY OF THE MINE SAFETY AND HEALTH ACT

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

Mr. BALLENGER. Mr. Speaker, on Thursday of this week the Department of Labor will be hosting a ceremony to mark the 25th anniversary of passage of the Mine Safety and Health Act. Although I will not be able to attend that ceremony, I do want to call it to my colleagues' attention, and commend those in government, industry, the mining work force, and others, who have helped, over that period of time, to make our country's mining industry the safest in the world.

Anniversaries are a time not only to look back but to look forward. Clearly one of the major challenges over the coming years, in all Government programs, is to determine how can we assure the best use of the taxpayer's dollar. We know now what maybe Congress did not appreciate 25 years ago, that we cannot afford to do everything, and so we have to make sure that when Government spends money, it is getting the most value for the taxpayer's dollar.

In that regard, I would note for my colleagues that the Mine Safety and Health Administration spends over $550 per year per covered employee, while its sister agency, OSHA spends about $2.84 per covered employee. We should determine whether it is good use of taxpayer dollars to continue to duplicate many of the functions performed by these two agencies. Just as is true with OSHA, the Mine Safety and Health Administration spends too much time inspecting safe work sites and enforcing trivial requirements.

Over the coming weeks and months, I hope to examine those issues and see whether the answers given 25 years ago remain the right answers today for allowing our country's mining industry to be competitive in a tough world marketplace, while continuing the improvements that have been made in worker safety in this very important part of our Nation's economy.

PROPOSED CUTS TO STUDENT AID THREATEN AMERICA'S FUTURE

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

Mr. BALDACCI. Mr. Speaker, our colleagues on the Republican side are proposing to close the door to higher education for middle-income students in order to pay for a capital gains tax cut. Four major student aid programs—subsidized Stafford loans, work study programs, supplemental education opportunity grants and Perkins loans—are targeted for reduction or elimination.

Last weekend, I met with a group of college students in Maine. They were shocked and disappointed to learn of this proposal. In Maine, nearly 80 percent of all students attending the public university receive assistance from one or more of the targeted programs.

For the vast majority of these students, eliminating this aid will mean that attending college will become a dream turning bleak. Children of working families simply do not have the financial resources on their own to pay for higher education.

Who suffers as a result of this plan? Not just working-class families, but all Americans. Our country desperately needs an educated work force. Today's students are tomorrow's leaders. We cannot afford to deny access to education to all but the most privileged. We must defeat this ill-considered plan, and open education up to all.

AMERICA NEEDS TERM LIMITS

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

Mr. FOX of Pennsylvania. Mr. Speaker, we need to adopt term limits. Eighty-five percent of the American people support limits on the time a Member may serve in Congress.

The current system of entrenched power and almost perpetual incumbency has produced a political climate of cynicism and distrust among the American people. Term limits, with their built-in mandate for accountability, can move us toward restoring faith of a wary public in their government in Washington.

Mr. Speaker, this is not a partisan issue. While Republicans just won control of both Houses for the first time in 40 years, we are reaching across the aisle and urging our Democrat colleagues to join us in fundamentally changing the way Washington works. It is my hope that the voters' demand for change will not become just another electoral echo but will remain vivid and distinct in our ears.

The American people deserve a Congress that is answerable directly to them. This is the meaning of the 1994 election. Mr. Speaker, we want a Congress that is truly a reformed Congress; that demands term limits now.

SSI AND TRAINING CUTS

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

Ms. JACKSON-LEE. Mr. Speaker, I rise today to share with this body a story of individual courage and independence, the type of story that my colleagues from the other side of the aisle like to hold up as the American ideal.

Mr. Speaker, I had the privilege of meeting a very special young woman from my home State of Texas by the name of Beth. Beth, by her own description, is retarded. Now, with a low-skills job, she pays taxes. She is determined to get a better job and soon get her own apartment.

But the Republicans' tax cut will not help Beth. While she was growing up in Texas, Beth's working-class family cared for her with the help of supplemental security income, the SSI Program. She has had access to various Federal youth job training programs that gave her help so that she could get into the public schools.

The Republicans' tax cut will not help Beth. Beth and others like her, true Americans asking only for a hand in overcoming adversity, may now be slapped down by the Contract on America, to pay for symbolic tax cuts, tax cuts that do not do any for us any good.

The other side is ready to cut SSI, job training, and student loans designed to give the disadvantaged an opportunity. Mr. Speaker, the only way that we can help Beth is to make sure that we enhance the opportunities. Mr. Speaker, the tax cuts that the Republicans offered are not the right thing to do.

TO THE DEMOCRATS: JOIN US

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

Mr. LAHOOD. Mr. Speaker, where are the Democrats? We need you. We need you today.

It takes 290 votes. Twenty-two States, many of the States that you all come from, have passed term limits. Why do you not get the message?

Many of these people are Democrats in these 22 States. They need for you to come to the floor today and support the vast majority of Republicans that will vote for term limits.

Do not snub your nose at your people. Come and join us. Help us put the 290 on the board and give the people of the country a chance, an opportunity to debate term limits so it will go out to every State legislature, so all the people will have a chance to debate it.

Do not snub your nose at the voters. Give them a chance to have a say in this. Come and join us. Put the 290 on the board today. Join us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN), The Chair will caution all visitors, you are guests of the Chamber, and we do not allow demonstrations for or against any statement made on the floor.

CONGRESSIONAL TERM LIMITS

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

Mr. ROEMER. Mr. Speaker, I have to respond to the previous speaker in saying that the Democrats must vote for term limits in order to pass it; I would just remind the gentleman from Illinois that he needs to get his leadership and his Republicans to vote for term limits, where the gentleman from Texas [Mr. DELAY] is not going to vote for term limits; the gentleman from Illinois [Mr. HYDE] is not going to vote for term limits, the chairman of the Committee on the Judiciary; the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, is not going to vote for term limits.

It is not the Democrats that are refusing to vote for term limits. It is the Republicans as a body that are not totally endorsing term limits and will be responsible for this matter not going through the House of Representatives.

Now, term limits, they think, is the answer to everything. Mexico has very strict term limits for their President, their Senate, and their House of Representatives. It certainly has not solved all the problems in Mexico, and people like Mr. Madison and Mr. Jefferson served this country valiantly and with courage and responsibility for up to 43 years.

We should not remove that responsibility from people in this country.

URGING SUPPORT FOR TERM LIMITS

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

Mr. WHITE. Mr. Speaker, I have only been here for a short period of time, just 3 months, but in that short period of time I have learned something about term limits.

I have learned that there are lots of good people who have been in this House for a long period of time, people with experience who can add a lot to the debate, and if we pass term limits today, Mr. Speaker, some of those people will not be able to stay.

But, Mr. Speaker, for every single person we will lose because of term limits, there are thousands and thousands of other Americans who could serve equally well in this House, because no matter how much experience we have in the House, no matter how many Rhodes Scholars we have in the White House, the genius of our country resides in the people of this country, not in professional politicians.

That is why I have limited my own term. That is why I will vote for term limits.

Mr. Speaker, I ask my colleagues to show some humility. We need the wisdom of the American people in this House, and term limits is how we are going to get it.

A HISTORIC DAY IN THE HOUSE OF REPRESENTATIVES

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

Mr. CLEMENT. Mr. Speaker, this is a historic day in the House. This will be the first vote in the House on term limits since the Framers of the Constitution rejected the idea over 200 years ago.

I believe term limits are not needed or necessary. Voters have the opportunity to limit our careers every 2 years. We have had a 52-percent turnover in the House of Representatives since 1990.

It is going to put much more power in the hands of the bureaucracy rather than the elected officials. And No. 5 is the large States really benefit at the expense of the smaller States such as Tennessee.

But with everything said and with my reservations about term limits, I will vote to let the people in Tennessee and the respective States decide whether term limits is in the best interests of the country. I will uphold the wishes of the people of my State and let them decide whether or not they wish to amend the Constitution even though I think it is a bad idea.

SUPPORT THE HILLEARY AMENDMENT

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

Mrs. MYRICK. Mr. Speaker, in my home State of North Carolina, stock car racing is a huge event.

In stock car racing the car driver has a pit crew. These are the guys who work on the engine, fill it up with gas, and keep the car running.

When a driver pulls into the pits to have his crew work on the car, the crew only has a few seconds to do their job.

They change the tires, fill it up, clean the windshield, and then they get out.

Mr. Speaker, the American public elected us to be their pit crew.

The 1994 elections attempted to put America back on the right track. Hard working Americans are driving this country, but they have chosen us to come up here, do a job and get out.

I am a proud sponsor of House Joint Resolution 76, the Hilleary amendment which would impose a maximum 12-year limit on the terms of House and Senate Members.

However, this amendment would also respect term limits already established by 22 States nationwide, most of which are stricter.

Mr. Speaker, like many other freshman Republicans, I have also signed on to Mr. INGLIS' 6-year term limit amendment on House Members.

I have purposefully signed on to more than one amendment to help ensure that term limits pass this House.

Mr. Speaker, let us put America back on the right track and pass term limits.

FIGHTING TO PRESERVE STUDENT LOAN PROGRAMS

(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, last night, Republicans refused to crack down on billionaire tax evaders who renounce their citizenship to avoid paying their fair share of taxes. But, preserving tax loopholes for billionaires is just the latest installment of the great tax giveaway of 1995. And, who is paying for this windfall to the wealthy? Middle class, working families.

Just look at what is next on the GOP agenda: Republicans want to cut student loan programs to help finance their tax cuts to the wealthy. Four crucial student aid programs are on the GOP chopping block. Together, these programs account for 75 percent of the financial aid currently awarded to college students.

In Connecticut, 39,176 students rely on Stafford loans. The average debt of these students is $13,835. The Republican proposal would increase the average debt by $4,547 per family. That means monthly payments will soar, from $164 a month to $202 a month. This may not sound like much to Speaker GINGRICH, but it is real money to a 24-year-old in his or her first job.

Many Members of this body took out student loans to pay for their education. It is wrong to deny that same opportunity to the students of today. Democrats will fight to preserve student loans programs, not tax loopholes for the wealthy.

□ 1130

MAJORITY OF AMERICANS WANT TERM LIMITS

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

Mr. HOKE. Mr. Speaker, in his 1992 campaign for the White House, Mr. Clinton had this to say about term limits: ''I am against term limits because I think it takes choices away from the voters.'' But the American people did choose. They chose by an overwhelming majority that they want term limits. It was their choice. Twenty-four and half million Americans have chosen term limits.

When you talk about choices for the voters, let us look at what happened in California. In California, the number of candidates running for office has increased by 40 percent since passage of term limits. That gives voters an awful lot more choices, does it not? Does it not increase the choices dramatically?

Mr. Speaker, the American people clearly want term limits. Republicans cannot do it alone. We need only half of the Democrats, we just need half of your caucus to vote for term limits. And the gentleman from Michigan's [Mr. DINGELL] own bill, we just need half of the Democrats to give the American people what they want, a more accountable citizen legislature and an end to legislative careerism.

STUDENT LOANS

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

Ms. MCKINNEY. Mr. Speaker, as the Republicans continue their class war on behalf of the junk bond traders of this country, the poor and the middle class are once again going to face their social Darwinist guillotine.

Education is the single most important factor in determining whether or not a person will live in poverty. With this in mind, the GOP is now going to slash student loans which allow working families to send their children to school. Going to school is expensive enough as it is, yet now the Republicans want to make it almost impossible.

While NEWT GINGRICH plans a $500 per child tax credit for people who can afford to send their kids to Yale, the working people in my district now will even have the money to watch his bogus college course on TV.

Mr. Speaker, the Republicans not only want to deny a future for the poor of this country, they also want the middle class to keep them company.

OUR NATION IS BEST SERVED BY HAVING TERM LIMITS

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

Mr. NORWOOD. Mr. Speaker, I would like to point out that I bow to the will of this body, my term-limits badge inside my coat, not on the outside.

Mr. Speaker, I ask my colleagues to consider the words of George Mason, a man whose vision was critical to our Bill of Rights. Mason said;

> In order to restrain public officials from oppression, they should at fixed periods, be reduced to a private station and return into the body from which they were originally taken * * * where they might feel and participate in the burdens of the people.

Mr. Speaker, that means people here should be responsible for the payroll, their production should warrant what their income is, and people who have lived under the oppressive rules and regulations of the Federal Government.

Mr. Speaker, Congress should be of the people, not its permanent representative. Mason knew that this Nation would be best served by having individuals who have lived as private citizens representing them in Congress. I urge my colleagues to vote for term limits.

EDUCATION IS PART OF THE AMERICAN DREAM

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. WATT of North Carolina. Mr. Speaker, getting an education is part of the American dream. For generations, the Federal Government has helped average, everyday, working-class, and middle-class Americans secure this American dream through financial aid programs for college.

Well, this key component of the American dream is on the chopping block also. Let us be absolutely clear: This is not welfare we are talking about; we are talking about Federal financial aid that goes to working-class and middle-class kids. We are talking about programs that average, everyday working, and middle-class Americans help to finance through their tax dollars. We are even talking about work study, that is, work for money to pay for education.

But make no mistake about it, we are talking about programs that the wealthy string pullers who control the Republican Party do not care one iota about. They can pay for their kids' education. Can you?

EIGHTY PERCENT OF AMERICANS SUPPORT TERM LIMITS

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

Mr. KNOLLENBERG. Mr. Speaker, polls estimate, as everybody knows, that 80 percent of Americans support term limits. Yet I know there are some Republicans who do not, but there are some Democrats who, frankly, oppose, and have actively done so, for some time. Frustrated by 40 years of Democratic inaction and blatant obstruction to term limits, the American people were forced to take this battle to the ballot box, State by State, in a grassroots effort to circumvent an arrogant Congress that thought it knew better than those people it represented.

The makeup of today's Congress is very different, in large part because of the term-limit movement. The new majority believes the people have a right to be heard, and that is why this GOP-led Congress is bringing a historic first ever vote on term limits to the floor of the House today.

For those Democrats sitting on the fence on term limits, just talking about those on the fence, look back at last year's election. Many of your colleagues who fought against the will of the people, about 35 of them, are not here. They are now watching this debate as observers instead of Members of Congress.

The way I see it, we either get your vote on term limits today or we will get your seat in 1996. Think about it.

A TRIBUTE TO THE UCONN HUSKIES WOMEN'S BASKETBALL TEAM

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, this weekend I was lucky enough to be one of 8,000 people at Gampel Pavilion cheering the UCONN Huskies Women's Basketball Team on to their latest victory. We in Connecticut are thrilled that this dream season continues as this dream team advances to the final four.

Rebecca Lobo, the Naismith player of the year and Husky coach, Geno Auriemma, Naismith coach of the year, led this team to an almost unbelievable undefeated season. Although their most recent victory was not quite the 35-point average margin of victory that they were used to, the proved to themselves and to us that through their composure, grit, and drive, they were able to overcome the nerves and the pressure that come with the final big games.

This performance showed us just what a world-class team looks like. On behalf of myself and the entire State of Connecticut best of luck to the UCONN women as they follow their dream to Minneapolis. Go Huskies.

MEMBERS OF CONGRESS SHOULD RETURN HOME AND MIX WITH THE PEOPLE

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

Mr. BRYANT of Tennessee. Mr. Speaker, another world-class women's team is the University of Tennessee. Go Vols.

Mr. Speaker, I rise to speak in favor of term limits as a freshman Congressman who has been here 2 months and who has pledged to my district that I will limit my stay to 12 years. I have taken voluntary term limits.

Mr. Speaker, the case for term limits is a simple one. As one of the Founding Fathers, Roger Sherman of Connecticut, put it, members of the legislature, ''ought to return home and mix with the people.'' He warned that if they did not, ''they would acquire the habits of the place, which might differ from those of their constituents.''

How right he was. Once in office a survival instinct takes hold and nothing becomes as important as winning the next election. Members forget why they were sent to Washington.

Mr. Speaker, term limits have been bottled up for years by the Democratic leadership, but it will finally come to the House floor today. But it will not pass unless we convince about half of the Democrats to vote with the over 80 percent of the Republicans to support term limits.

I would hate to see term limits fail because of a lack of support from my colleagues on the Democratic side. We need only 50 percent of them to vote with us on this. Let us not let term limits fall victim to a lack of bipartisan effort. Let us seize the moment. Let us pass term limits.

GOLDEN GRAB AWARD TO BE ANNOUNCED TODAY

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

Mr. DINGELL. Mr. Speaker, some days back I announced an award which I give from time to time. It is entitled ''The Golden Grab,'' a hand extended outward with palm up. This is an award which I will be giving to people in the defense business who are unfaithful to their contracts, who charge too much, who fail to be responsible in terms of meeting their deadlines; to Government officials who fail to properly carry out their responsibilities.

This is an award dedicated to those who disregard their responsibilities to the people of the United States.

I will give the first award on April 1, on April Fools Day. I will give it to a class of persons who are particularly deserving of this award. I will be shortly announcing the first honoree of honorees.

I urge my colleagues to be present to note who will be receiving the Golden Grab Award, a golden hand, palm up, hand outstretched to receive things to which the individual is not entitled at the expense of the public.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORKILDSEN). All time for 1-minute remarks has expired.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore. Pursuant to House Resolution 116 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 House Joint Resolution, House Joint Resolution 73.

□ 1141

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 joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of

office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

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

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 1½ hours, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 1½ hours.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a historic day. Since the convening of the first Congress on March 4, 1789, more than 180 term-limit proposals have been introduced. Until today, however, there has never been a debate or vote on a term limits measure in the U.S. House of Representatives. Today's debate is long overdue.

We are taking up this important issue today because an overwhelming majority of the public supports—and is demanding—term limits for Members of Congress. This past November, the voters of 7 States adopted or strengthened limits on terms for Members of the U.S. House and Senate, bringing the number of States with congressional term limits to 22. Twenty-one of those States have imposed term limits through ballot initiatives—with the people speaking directly and unequivocally in favor of term limits.

It is clear that voters want more than the party in power to change. The people want the power structure in Washington to change. The American people know that there is too much power here in Washington intruding upon their lives and restricting their ability to make intelligent common sense decisions about how best to solve their own problems.

The executive branch is huge and imposing. The judiciary is intrusive, and the Congress continues to create a larger body of law for the executive branch to enforce and the judiciary to interpret.

It is an unfortunate consequence of long-term service in Congress that Members, even those with the best of intentions, too often begin to think that the power of the Federal Government can be used to solve every problem. The longer a Member stays in Washington, the more likely the Member will view Washington as the fount of all wisdom.

There are enough people in Washington who think the Government can solve everyone's problems. This Nation needs representatives who have a fresh outlook and the necessary real-world experience to solve problems—many of which, ironically, have been created by the overreaching of the Federal Government.

Congress has become too much like a permanent class of professional legislators who can use the powers of the Federal Government to perpetuate their own careers. There are many incentives which combine to turn Members of Congress into career legislators. Term limits will break the power of entrenched incumbency. It will give us representatives who put serving the interests of the people and advancing the good of the Nation ahead of perpetrating their own legislative careers.

The American people want a more competitive electoral system. That is one important reason the public so strongly supports term limits.

While the 1994 elections changed the party in control of the Congress, the overwhelming power and the benefits of incumbency remained. Ninety percent of House incumbents who sought reelection were successful. Of those incumbents who lost, half had not gained the full advantages of incumbency because they had only served one term. In the Senate, 92 percent of the incumbents who ran for reelection were successful.

The American people also want to rein in the Federal Government. That's another major reason the people keep pushing for term limits on Members of Congress.

Term limits would reduce the power of the Federal Government by eliminating the permanent class of career legislators—reducing the power of incumbency and seniority and making legislators more responsive to the interests of the American people. Term limits would restore a sense of proportion to politicians, and therefore to the Federal Government.

Some argue that term limits will undermine effective and responsible Government—that term limits in effect will turn the Congress over to a gang of amateurs.

I believe that these critics misunderstand the true meaning of representation in a democracy such as ours. Their arguments are eloquently refuted by Daniel Boorstein, the historian and former Librarian of Congress, in an essay entitled, ''The Amateur Spirit and Its Enemies.'' Mr. Boorstein writes:

> The true leader is an amateur in the proper, original sense of the word. The amateur, from the Latin word for ''love'', does something for the love of it. He pursues his enterprise not for money, not to please the crowd, not for professional prestige or for assured promotion and retirement at the end—but because he loves it.
>
> Aristocracies are governed by people born to govern, totalitarian societies by people who make ruling their profession, but our representative government must be led by people never born to govern, temporarily drawn from the community and sooner or later sent back home.

Mr. Boorstein goes on to conclude:

> The more complex and gigantic our government, the more essential that the layman's point of view have eloquent voices. The amateur spirit is a distinctive virtue of democracy. Every year, as professions and bureaucracies increase in power, it becomes more difficult—yet more urgent—to keep that spirit alive.

By enacting term limits we will be doing our part to keep alive this distinctive virtue of democracy. We will make certain that representatives understand the needs and wants of the people because they will have been a part of their world—living and working among them—without the privileges and trappings which elevate and isolate career politicians.

Members will come to Washington knowing that they will not be able to establish permanent careers here. Members will come to Washington to serve their districts and the Nation—not to become part of the Washington establishment.

That is what the people of this country want. That's the kind of system they yearn for. And that is the kind of system they deserve.

As Members of this House it is our responsibility to listen to the American people. This is their Government. They pay the taxes. They fight the wars. How can we in good conscience turn a deaf ear to their demand for term limits? How can we ignore the unequivocal message that comes to us from all across this great land?

How can we stand in the way of the change that overwhelming majorities have supported in State after State?

The issue before this House today is this: Will we or will we not listen to the people of the United States?

I urge my colleagues to listen to the people and to support the constitutional amendment limiting congressional terms.

□ 1145

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

Mr. CONYERS. Mr. Chairman, for purposes of debate only, I yield 30 minutes to the gentleman from Connecticut [Mr. SHAYS], and I ask unanimous consent that he be able to control that time.

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

There was no objection.

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

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

Mr. CONYERS. Mr. Chairman and my colleagues, we have now reached that point in time in the plank of the Republicans' Contract With America which seeks to turn the Congress against itself. Like many of the other provisions of the much ballyhood contract, Mr. Chairman, the proposed term limits amendment has really very little to do with substance. Like the balanced budget amendment and the line-item veto, this debate concerns mere procedure more than anything else. It does nothing to create more jobs, nothing to increase our citizens' standard of living, and nothing to reduce our trade deficit.

Collectively these Republican procedural proposals say to the American

people in effect that we, the Congress, can no longer be trusted to govern this country, that we must give the courts the power to balance the budget, and the President the power to cut spending, and today the Republicans would have us say that we cannot even trust the Members of this body to handle what little legislative responsibilities may remain with us as the second branch of Government. The irony is that these transfers in power from the legislative branch are being proposed at the very time the Republicans have achieved majority status.

Well, I must respectfully disagree with those who say Congress is incapable of legislating, and, while this may be a radical idea, I continue to have faith in the scheme of Government that was laid out in our Constitution more than 2 centuries ago. The Founding Fathers considered this question, and they unanimously rejected term limits at that time. I fully agree with James Madison who wrote that term limits ''would be a diminution of the inducements to good behavior * * * [and the Nation would be deprived] of the experience and wisdom gained by an incumbent.''

Mr. Chairman, I ask, where else is experience trashed as it will be during this debate? Where else will people who have gained from working on the job, who are being reelected and confirmed in their office on 2-year-period intervals, would such a notion as this be considered worthy of all the attention and furor that it will shortly receive?

I also continue to have faith in the fundamental good judgment of the American voters who have already the power to impose term limits. We face the voters every 2 years; does anyone in this Chamber need to be reminded of that? The Senators, every 6 years. I do not think it a good idea to deny these voters the right to elect the person that they think best represents their interests, even though he or she may have received their support in years prior. This would turn the very basic principle of democracy on its head.

I think the voters of Texas knew what they were doing when they reelected Sam Rayburn year after year after year, and the people of North Carolina knew what they were doing when they repeatedly returned Sam Ervin to office. His wise counsel and well-reasoned judgments helped steer this country through a dangerous Constitutional crisis that I recall very vividly. And what Member would have wanted to deny the voters of Florida the opportunity to reelect Claude Pepper so that he could fight for Social Security and health care benefits?

May I also remind those who support term limits that the notion of a career Congress which they decry so vehemently is more myth than anything else. Membership in the House and the Senate is remade ever decade. In the early 1980's, a full three-fourths of Senators and Representatives had served less than 12 years, and more than one-half of the current Members of the House at this moment were elected on or after 1990.

So, the best safeguard we have against rampant special interest abuse are the Members who have been around long enough to know the ropes and know where the bodies are buried. If the voters understood that the effect of term limits would be a massive transfer of power to the permanent bureaucracy of congressional and executive branch staff as well as to corporate and foreign lobbyists, they might not be quite so enamored of the idea. Given a choice between an elected official beholden to the voters and an unelected bureaucrat, I think the voters would prefer to place their trust in the elected official every time.

Term limits are the worst possible example of cheap bumper sticker politics run amok. We have spent enough time kicking ourselves in the face and looking to other branches of government to solve our problems, and I say to my colleagues on both sides of the aisle, let's stop wasting time with these procedural distractions and return to the business of running the country and improving the lives of citizens that we claim to represent.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise to speak against term limits, and I thank the gentleman from Florida for yielding me this time.

I realize that term limits are very popular, and that they will receive a very large vote in favor here today.

I realize that in some ways I am tilting at windmills here. But I also know that very few people realize how much turnover is already occurring in this body.

The people have elected 203 new Members in just the last 2 years. Let me repeat that: 203 Members—almost half the House—have begun their service just since January 1993.

There were 110 freshmen elected 2 years ago—and 6 more in special elections in between—and 87 more freshmen in the last election.

If ever there was a proposal that corrected a problem that does not exist, term limits must be that proposal.

Of all the truly serious problems this country faces, turnover in the Congress is not one of them.

Not only are we having record turnover in the Congress, that same thing is happening in the elective offices all across the Nation. So I emphasize once more—term limits correct a problem that does not exist.

Second, term limits simply fly in the face of common sense. In no other area do we regard experience as a bad thing.

Does it make sense to go to a great teacher, or nurse, or architect, or whatever, and say, ''We know you are doing a great job, but you have been here 6 years, or 8 years, so your time is up.''

Electing good new people to office makes sense. Re-electing people who are doing good jobs makes sense.

Establishing arbitrary term limits—which everyone admits will force many outstanding people out of office—just does not make sense.

Third, we would have lost some of the greatest service ever performed for this Nation if we had already had term limits.

Senator Howard Baker from my State could not have served as the leader of the Senate—probably some of his greatest service to the country.

NEWT GINGRICH could not now be Speaker, because he is in his 17th year of service.

Roll Call, the newspaper that covers the Congress, pointed out Monday that Great Britain would have been deprived of the service of Winston Churchill during World War II.

Fourth, term limits were specifically considered and rejected by our Founding Fathers.

I am one of the most conservative Members of this House. I know that most conservatives support term limits.

But there is nothing conservative about term limits. These are very radical proposals. They would change over 200 years of constitutional history and precedent.

More importantly, they are very undemocratic—with a small ''d''. They really take away another right of our people—the right to vote for whomever they please.

Fifth, and finally, term limits will strengthen the power of the unelected—the bureaucrats, the lobbyists, the committee staffs.

We already have a Government that is of, by, and for the bureaucrats, instead of one that is of, by, and for the people. Term limits will make this situation worse.

Term limits have risen as an outcry against a big, wasteful, intrusive, bureaucratic Government.

The people have the intelligence and good sense to know who is voting for big Government and who is not.

The best way to bring about effective change is the old-fashioned way—through our electoral process that has served this country so well for so many years.

The worst possible thing to do now, during a time of great change anyway, is to try out some radical, arbitrary gimmick like term limits, which corrects a problem that does not exist.

□ 1200

Mr. CONYERS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. GUTIERREZ], who, although he is not a member of the committee, has done an outstanding job in working on this subject.

Mr. GUTIERREZ. Mr. Chairman, I rise this morning aware of the fact

that there are many different audiences listening.

There is the audience in this House—Members who have various opinions about this issue, who feel strongly about the debate we are having, who have studied the pros and cons.

There are some—like my friends on this side of the aisle like Mr. CONYERS—who have gone about it the right way.

They have taken a close look at the legal opinions.

They have taken a close look at the Constitution that we live by.

And, more importantly, they have taken a close look within themselves and their own conscience to decide whether they support term limits.

Like them, I have decided that I cannot support term limits as they have been written by the Republicans.

Unfortunately, there are others in this Chamber—mostly on the other side of the aisle—who have decided to look at public opinion polls rather than look at the Constitution.

They have watched focus groups rather than focus on the real impact of this resolution.

They have decided to listen more closely to the angry voices of talk radio rather than the subtle, eloquent, and ancient voices of our Founding Fathers who thought that the people had the right to decide whom to elect to Congress.

In fact, the Founding Fathers did—in their wisdom—write term limits into the Constitution. Term limits that work.

Every 2 years, your term is up. You want an extension, you go to the people—the people—and ask for their approval.

Now, it is obvious that the Republicans understand that reality. They realize that they need to be reelected. Otherwise, we would not have the ranting and raving and pandering and posturing that you are going to hear from them today.

So I very much want to speak to my colleagues here today, and engage with them in a meaningful debate.

Meanwhile, thanks to the magic of cable television, there is an audience all around the country with whom I can speak this morning. There are people in my district in Illinois listening and watching.

And for them I am taking a stand against fake phony term limits.

But, there are also people in districts far away whom I would also like to address.

I would like people in districts like Florida's Eighth District to listen closely. Not just to my words, but to those of your own Representative.

Now, I hope you do not think I am picking on your Congressman, Mr. MCCOLLUM. I trust that you sent him here with some good reason.

But, Mr. MCCOLLUM has thrust himself into this term limits debate. He has done so with some intensity.

And all I can say is, when you do that—when you start slinging arrows, do not be surprised when one comes back at you.

So, here it comes.

He, MCCOLLUM, is a chief sponsor of a bill to limit Members to term of 12 years.

He, MCCOLLUM, was elected in 1980.

It is now 1995.

Now, you do the math, and you figure out that if Mr. MCCOLLUM really believed what he said, there would be a very simple way for him to enact the 12-year term limits. Walk away.

Now, you might be inclined to think that Mr. MCCOLLUM will at least support the amendment that I will speak on later today to make term limits retroactive.

Nope. Not him.

Even so, let us just listen to the words of Mr. MCCOLLUM, who today is proud to tell us that he sponsors a resolution for a 12-year term limit.

He said: ''Those of us who believe in term limits * * * need to stay longer, unfortunately, because the system is the way it is.''

If you have been here that long, you are the system. You are the system that you say needs changing.

Now, let us go on, because there is also an audience in the Sixth District of Georgia listening to me.

Today I want to send a special message to them.

I want to inform you that your Congressman, Mr. GINGRICH—whom you first elected in 1978—supports limiting members to 12 years of service.

In a press conference endorsing the 12-year limit, the Speaker, now in his 17th year, said: ''The balance of power in favor of professional politicians as incumbents * * * has made a mockery of the process of open elections.''

So, that must mean that each election held in Georgia's Sixth District since 1990—when Mr. GINGRICH's 12 years were up—has been a mockery.

If I lived in Georgia, I would be concerned to hear that I had voted in a mockery of an election. In fact—three of them, since 1990.

Now, I have heard a lot of people talk about the Speaker and his problems with GOPAC.

Well, today, I am not going to talk about GOPAC.

But I am going to say go back, as in go back to Georgia, because the 12-year limit that you want to impose on everyone else has long ago passed for you.

Go back, as in how do you go back to your district every week—and I know that he does, because I see him on t.v. teaching that course on ''Saving the Western World'' or whatever it is called—but, how do you go back to your district every week and tell folks that you support a 12-year limit, but you are going on serving well beyond that.

No, I am not going to say GOPAC but I am going to say go back—as in how do you go back on your word, Mr. Speaker?

Mr. GINGRICH said that without these changes, the congressional campaigns are a ''mockery''.

Well, thanks to his Republicans and their empty term limits rhetoric, they are making mockery of Congress.

What is a mockery?

The dictionary says ''an action of ridicule * * * false * * * and imitation.''

That is what today's debate is.

Ah, but there is an answer.

A way to ensure that the political power in this country is given back to the people who deserve to have it. The men and women who work hard and play by the rules.

And that is with serious, substantive campaign finance reform.

Campaign finance reform insures that an incumbent must earn—and continue to earn—his or her seat in the body, rather than act like they own it.

Nobody owns a seat in this House.

But, as long as we debate phony issues like term limits, and avoid real issues like campaign finance reform, we make it possible for lobbyists and big-dollar contributors to own Members.

In their contract, this was part of the Republicans' so-called Citizen Legislature Act.

You want a legislature that belongs to the citizens? Good. Let us put limits on the time we spend raising money and hustling for votes.

Campaign finance reform is the answer.

Term limits is not.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair wishes to remind our visitors in the gallery that no expressions on their part are allowed.

Mr. SHAYS. Mr. Chairman, to begin the debate, I yield 4 minutes to the distinguished gentleman from New York [Mr. KING], one Member who is strongly opposed to term limits.

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

Mr. Chairman, I rise in total opposition to term limits. I oppose term limits because they are undemocratic and because they represent the ultimate in elitism.

For someone from some other part of the country to come to my district and tell my voters they cannot vote for me just because I happen to have been in office for 6 years or 8 years or 12 years is the ultimate insider mentality. They are saying that they know more than the average voter in the average district around this country. Perhaps in their districts people want to elect part-time farmers or barnyard philosophers. That is fine. Let them elect those people. Let them send them here to Congress. But my point is that it is up to each voter in each district to decide what person they want to elect to Congress.

I must say that while it is very seldom that I agree with my friend, the gentleman from Illinois [Mr.

GUTIERREZ], there is a lot to be said for the logic of retroactivity. My feeling is that we should only amend the Constitution if it represents an ultimate truth, something about which there can be no debate. For instance, the 13th amendment abolished slavery. Now, would those who favor term limits have followed the logic in the 1860's of saying, ''I am opposed to slavery, but I'm not going to free my slaves until the amendment is adopted'' or ''I'm going to continue being a slave holder because the 13th amendment isn't adopted yet''?

Of course not. If it is wrong, if it is immoral, if it somehow tears away at our country not to have term limits, then lead by example—go home, because otherwise what you are saying is that this is just a political issue that we use to get elected. And as a Republican, I am very, very concerned about this entire pernicious pattern of pandering and posturing by Members who seem to have an unquenchable quest or an unquenchable thirst for self-flagellation. It is part of an overall pattern where they are denouncing everything about the Congress, denouncing being a politician, denouncing being a person committed to making change in government.

My feeling or my strong belief is that those of us who say we want change, what we are really doing, those of us who support term limits are saying that the voters in the districts are not smart enough to elect the proper Members to Congress. and what could be more elitist, what could be more anti-democratic, what could be more of an inside-the-beltway mentality than to be denying the voters of individual districts the right to elect the Members of their choice?

Just think, I say to the Republicans, my fellow Republicans, of some of the outstanding Members who would not have been elected if we had had term limits. The voters of Ohio would not have been allowed to reelect Robert Taft to his third term in the U.S. Senate. The voters of Illinois would not have been able to elect Everett Dirksen. The voters of Kansas would not have been allowed to reelect ROBERT DOLE. And on the Democratic side, outstanding leaders such as Sam Rayburn would not have been allowed to return to Congress because someone in Washington said that it is wrong for the people in Texas or Ohio or Illinois to select the person they want to represent them in Congress.

I am probably the last person in this body who could be accused of being an Anglophile. However, the point is made about Winston Churchill. He was a man who served over 40 years in the British Parliament. Are we saying it was wrong or that it was immoral for Winston Churchill to be in the Parliament at the time of World War II?

Who among us would be better qualified? Would it have been that part-time farmer from some State? Would he have been a better Speaker? Maybe he would have, but let the voters in that district decide.

Also one of the main arguments that we have used against Congress in our incessant campaigns against Congress has been the fact that staffs are too powerful. Nothing could make staffs more powerful than to have Members rotating in and out and having a permanent unelected body of staff deciding the legislation, deciding the procedures, deciding the process.

I strongly believe that for a Congress to be effective we need a whole range of Members in this Congress. We need the institutional memory of someone like a HENRY HYDE or a JOE MOAKLEY.

The CHAIRMAN. The time of the gentleman from New York [Mr. KING] has expired.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 additional seconds to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I will take the 30 seconds from Mr. SHAYS.

Mr. FRANK of Massachusetts. Mr. Chairman, I would point out to the gentleman that Mr. SHAYS got the 30 seconds from us, so if he wants to go through the middleman, he is entitled.

Mr. KING. I have enough trouble with my own party. It is easier if I get it from Mr. SHAYS.

Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] very much for his munificence.

In conclusion, Mr. Chairman, to be a real representative body what we need is a wide range of elected officials, but we should not be imposing our will on who those elected officials are. It should be the genius of the American people to decide that we need a person of experience like a HENRY HYDE and we need a person like my good friend, the gentleman from South Carolina, Mr. BOB INGLIS who is going to be gone in 3 years. But that is up to the people to decide, not for us to say who should be changed or who should not be changed. Let the American people decide that. They decided that in 1994 when they overwhelmingly rejected Democrats and elected Republicans. We are our own best argument against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me the time, and I rise today to mark this historic occasion of finally having the opportunity to discuss, debate, and vote on term limits on the floor of the House of Representatives.

What a wonderful day it is. After a long time working for this, we finally get the opportunity. It is a great thing. What a difference an election can make.

In the last Congress we had a Speaker who sued us in the State of Washington to prevent us from enacting term limits. This time we have a Speaker who is working with us to bring this to a vote.

I rise today, Mr. Chairman, to point out the basic case for term limits and then to answer several of the objections.

First, the basic case: The average American, as the Members can see here by my chart, keeps his or her job 6 years. The average Member of Congress keeps his or her job 8 years. That is not terribly long, and a lot of speakers will point out that some 200 Members are relatively new.

But here is the critical statistic: The average Members of the leadership who we all know run this place have kept their jobs for an average of 22 years. This tells the story of why we need term limits.

Let me point out another chart that tells the story of why we need term limits. Of course, we had all this discussion, and we will hear plenty of it today from the opponents of term limits, about the fact that we have had such a massive turnover in this body. But let us ask where the turnover came from. The turnover came from open seat elections. Relatively few Members have lost their attempts to be elected, and let me show that to the Members by this chart.

□ 1215

In 1990, 96 percent of those who wanted to come back came back. In 1992, it went down a little bit. 88 percent of those who wanted to come back came back. In 1994, the election that got us this management change, and I am very thankful, as I just stated, for that management change, because now we have an opportunity to debate term limits, 90 percent of those of us who wanted to come back were reelected. That I think tells the story of a permanent Congress, a Congress that becomes out of touch with the people back home.

Now, about the issue of what the States have done, as you can see here, some 22 States have decided to limit terms. That I think is an indication of the strength of support out there and why it is that this is finally long overdue and now thankfully on the floor of the House of Representatives.

In the time that remains, let me address a couple of the major objections to term limits. First, the bureaucracy will run the place. Let me ask the other Members of Congress today to address this question. If you are talking civil servants, there is no way a Member of Congress can deal with a civil servant. How about your personal staff and how many do you have on your staff? I have got 15, and 2 part-time folks. The people at home direct a whole lot of people. In small businesses they may have 100 people they direct. In big corporations they may have thousands of people they direct. So we cannot make too much of our job here.

Let us not think too highly of ourselves. It is a relatively small operation. There are only 15 or so in our offices, 18 if you have the full complement and spending all the taxpayers' money and 4 part-time people. It is a small operation. Let us be honest.

So the bureaucracy, you cannot control the civil servants now, except by controlling their appropriations. You can control your own office, because there are so few people in there.

Now, second objection: We are going to lose talent. How are we going to lose the talent? If a talented Member of this House wants to run for Governor, nobody in the term limit effort begrudges them that. We would encourage them to run for Governor. If a talented Member of the Senate wants to run for President, we encourage them to run for President. We are not going to lose the talent; we are going to redirect it. All the folks we are hearing about we are going to lose, they might be the President of the United States if we forced them out of here, or might be a great Senator, or maybe a Governor. We will force them over there.

The third objection that my good friend just mentioned speaking before me is do not tell my people who they can vote for. Do not limit their choices. Well, who are you speaking for? Eighty percent of the American people want term limits. They told you that. They tell you every town meeting. They tell you in every poll taken in your district. Who are you speaking for? The 20 percent?

They are giving you a message. They want to limit you. They are just being fairly polite about it by not telling you to your face, but they are telling you in every opinion poll 80 percent of us want term limits.

So when you stand here and say do not tell my people how they cannot reelect me, they are trying to tell you they do not want to reelect you after a period of time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. WYNN].

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

Mr. Chairman, I would like to talk about term limits, and maybe debunk some of the myths that have been put out about why term limits are such a good idea.

Now, the first argument that you hear is that well, the majority of people like it. You just heard 80 percent of the people like term limits. Well, they have an easy solution. Do not vote for us. The fact of the matter is, the people right now have that option. All those people who do not like the incumbent can not vote for the incumbent. But if you think about it, ladies and gentlemen, the point of the matter is this is not a popularity contest. A lot of the majority at one point in time thought slavery was a good idea. You could probably get a majority today to abolish all taxes. That does not dispose of the issue. Clearly we need more thought on this issue.

Second, you hear what we need is a citizen legislature. We are all citizens. It does not matter whether you have been here 2, 10, or 20 years, we are all citizens. But my point is, being in the legislature is not a hobby. It is not a lark. It is a job with a tremendous amount of responsibility. I am going into my third year, and I have to tell you, it is an awesome responsibility, and there is a very high learning curve. You do not manage a multitrillion-dollar budget by walking in off the street.

People want to say, particularly on the Republican side of the aisle, well, you ought to run Government like a business. Ladies and gentlemen, you know, every business cherishes its talented people. There is no corporation in America that says after you have been here 6 years and begun to learn the business or after you have been managing for 12 years and things are going well, we are going to kick you out the door. It does not work that way. Yes, run Government like a business, keep talented people there. At least give them the opportunity to be retained.

Third, you hear about incumbency. First of all, there are 83 new Members in this body, so incumbents are not winning all the races. The gentleman says most of the incumbents still won anyway. Yes, people like me, who are incumbents the last time around, who were freshmen incumbents. There are over 100 in my class. Most of us did win. That is not an indictment of this system to suggest that incumbents win. That is the reasonable outcome.

Finally, there is the issue of career politicians. Let me state emphatically, there is nothing wrong with a career in politics, if you do a good job, if your people think you do a good job, and if they elect you.

Mr. Chairman, I think the people ought to have the right to select the person that they want. That is the only issue in this debate, the right of American people to decide in their individual district and their individual community if they want to retain someone or if they want to oust them. I trust the wisdom of the American people to make that decision on election day, and that is why I believe we do not need term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 4½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to this joint resolution, and I urge the membership to defeat each of the substitutes that will come before us later on today. Term limits, in my opinion, are a bad idea. They are anti-democratic, and I think that they will upset the balance of power and checks and balances that the Framers of our Constitution so delicately devised and which have served the United States of America so well for over 200 years.

The Constitution of the United States should not tell the voters who they cannot vote for. That is a Government law that limits the choice of the voters and tells the voters that if someone has served for 6 or 8 or 12 years, they are no longer qualified to serve in the Congress of the United States, no matter how distinguished their service has been, no matter how much they represented the viewpoints of the majority of their constituents, and no matter how honest and forthright they are. I think that is wrong.

Second, term limits will end up strengthening the hand of the executive and judicial branches at the expense of Congress. Many of the more ardent supporters of term limits say that they support limiting terms because they wish to weaken the legislative branch of Government, the Congress of the United States. But if one stops and thinks about that argument, it weakens the only branch that is completely elected by the people of this country. Every Senator and Representative is an elected official. But in the Executive and Judicial Branches, only the President is elected, and those are the two branches of Government that will become stronger proportionately as Congress is weakened by term limits.

In fact, term limits will actually make Representatives and Senators more distant from their constituents, because they will no longer have the incentive to go back home and face their people and find out what their people are thinking in order to win reelection.

The third problem with term limits is that it will effectively place control of the House of Representatives in the hands of the four largest State delegations. That means that those who represent the other 46 States, no matter how talented they are, are not going to be able to achieve the respect, to get on good committees, and to achieve the knowledge that goes with being on the strong and powerful committees, and will be relegated to serving on the committees that are of much lower priority.

I just look at my own State, where Les Aspin and DAVID OBEY, Henry Reuss and Clement Zablocki on the Democratic side, and Melvin Laird and John Byrnes and William Steiger on the Republican side have served with distinction. Buy they were never able to hit their prime until they had been here for 10 or 12 years, because they had not gotten the respect and the chits from their other colleagues in order to get into positions of influence.

Finally, term limits and changing the Constitution will not change human nature. Human beings are those who are elected by the people to represent them in the Congress of the United States. The reward for doing a good job in this business is reelection, and that is an incentive that drives us to represent our people and to go back

home and listen to what the people are saying.

I am afraid that with term limits we would become much like Mexico, which is a government that has a term limit of one term on all of their elected officials. If you do not have to go back home, then you start looking for the next job right away. Every contact with the lobbyists then becomes a contact with a potential future employer. As it stands now, no Senator or Representative starts looking for the next job until they decide to retire or the voters decide that question for them. With term limits, you are going to have people looking forward to the next job right from the very beginning. That is going to end up corrupting the system of government that we have to an even greater extent than it is now.

Please vote against term limits, uphold the Constitution of the United States, and uphold the checks and balances which have served our country so well.

Mr. FRANK of Massachusetts. Mr. Chairman, at her request, I yield 30 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I am rising in support of the term limit bills. I introduced a term limits bill identical to the one that Oregon passed. I want to say to my Republican colleague, the gentleman from New York [Mr. KING], he said Washington should not dictate. No, Washington should not. And it is not Washington who is dictating, it is the voters. The voters of Oregon overwhelmingly voted in favor of term limits, and I support the term limits bill.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, it is amazing to me that anyone can believe that if only we can correct the faulty Constitution our Founders gave us by adding term limits, all our problems will be solved.

In 1787, the American Constitution was a revolutionary document, placing, for the first time in human history, its faith in the individual judgment of ordinary people as our governing force.

Now some would abandon faith in the judgment of the people and urge an artificial restraint.

The Founders debated the issue of term limits at the constitutional convention and ultimately decided that the sole responsibility for choosing the people who would represent them should be left to the people, and not be controlled or limited by the Government. Thomas Jefferson said it best in a letter to William Charles Jarvis on September 28, 1820:

> I know no safe depository of the ultimate power of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Our problems do not lie with a poorly written Constitution. They lie with our failure to live up to the trust placed in us by the Founders. The solution is not to remove the trust, but for the people to fully inform themselves and fully participate in the electoral process as the Founders envisioned. That has happened with a vengeance in the last two elections. Today, over half the House of Representatives has served less than 4 years. Congress is today a dynamic body, responsive to the people—without changing the Constitution.

Those who today urge support for term limits have it wrong. The Founders, who debated term limits extensively in 1787, got it right the first time. Leave it to the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, this is truly a historic day, the first time in the history of the U.S. House of Representatives that we are here to have a debate and vote on limiting the terms of Members of the U.S. House and Senate. It is something a lot of us have wanted to do for a long time, but we have never had that opportunity under the previous administration and the 40 years of Democrat control. But we have it here today. Now we need to take advantage of it.

We need to answer in this term limit debate two questions: Are congressional term limits a good idea; and, if so, what version is best to place in the U.S. Constitution?

The answer to the first question is clearly yes. The fact that nearly 80 percent of the American people favor term limits may alone be reason enough to enact them. But this begs the question. While there are numerous reasons for the support, the most profound go to the need to change the institution of Congress itself and the attitude of those who serve. When the Founding Fathers wrote the Constitution, they could not have foreseen the full-time year-round Congress of today. They never envisioned a Federal Government as large and complex as it is now. They viewed Congressmen as citizen legislators who spent only a couple of months every year legislating and the rest of the time at home conducting their personal business.

□ 1230

Indeed for over 100 years, most House Members served two terms or less and only in this half century has Congress become a year-round, full-time job.

The chart that I have here explains this pretty clearly. We have had a number of speakers this morning talking about the fact that we have had turnover recently in the last two elections. The problem is historically, if you look at the chart, you can see the first 100 years of the Nation, we had very few Members who served nearly as long. Now they are serving a lot longer and those in the blue line on this chart who run for reelection are being reelected overwhelmingly, very high percentages today on the far end of that chart. So statistical norms show that we are in a period of time far different from what the Founding Fathers could have envisioned.

With these fundamental institutional changes has come a change in the attitude of Members serving in Congress. Most Members have no outside earned income, and many are prohibited by law from practicing their professions. As a consequence, it is only natural that a great many Members view Congress as a career and are motivated to protect themselves from reelection challenges by far more than the simple desire to continue to serve their country. They see these facts: A seniority system which generally rewards length of service and the power of incumbents seeking reelection. Consequently many vote with the primary concern being how the vote will affect their reelection chances rather than what is best for the country.

This concern with reelection frequently translates into votes to please every interest group. Virtually every budget item has a constituency in each congressional district. The Congressman knows that if he or she votes against the wishes of that constituency he risks their votes in the next election and that the best way to get reelected is to avoid displeasing any interest group no matter its size. Votes, not campaign contributions, are the real issue. Hence, no amount of campaign finance reform will solve this problem.

Enactment of term limits is the only way to alter this attitude. With term limits in place, those coming into Congress will know that they have only a limited period of time in the House or Senate. Most will not come with a career attitude. While still concerned with reelection, inevitably there will be less conscious or subconscious pressure to vote to please every interest group. This cannot help but make balanced budgets more likely and lead to decisions more favorable to the citizenry as a whole than to a collection of interest groups.

Term limits will also mean a permanent end to chairmen who can control a committee for 15 or 20 years. It will guarantee fresh new faces and ideas regularly coming to Washington.

Of course, there will be some loss of experience and institutional wisdom. It is a necessary tradeoff. With thousands of talented Americans available to fill the shoes of those departing, the loss will not be nearly as great as term limits critics will say.

As to the choices among the term limit alternatives, the most rational approach, in my judgment, is embodied in House Joint Resolution 73 which I have offered and is the base text before us today. It provides a permanent 12-year limit on both the House and Senate with no retroactivity and silence on State preemption. To provide lower limits for the House than for the Senate would mean that the House would become a weaker body vis-a-vis the

Senate. Furthermore, a 6-year House limit does not provide sufficient time for a Member to become experienced enough to do a good job in serving as a chairman of a full committee or in a major leadership position in Congress. Shorter limits validate the critics' argument that term limits will lead to staff domination whereas 12 years virtually eliminates it.

Those who want to set a 12-year cap and leave it to the States to decide lesser limits are asking for a permanent hodgepodge of 6-, 8-, and 12-year limits throughout the Nation which in the long run cannot help but be bad public policy. It is naive to assume that all States would eventually reach a uniform norm under the 12-year cap. Political reality says that some States would always have lower limits than others. If the Supreme Court rules in favor of the States in the current pending case, such a hodgepodge could exist even under House Joint Resolution 73, but others want to give the States such a right regardless of the Court interpretation in the constitutional language. This simply does not make sense.

Some term limits supporters genuinely favor retroactivity, but most understand that in the current debate retroactivity is a mischievous tool of those who are opposed to limits. None of the 22 States that have adopted term limit initiatives have retroactivity. In Washington State where it was featured, the initiative lost, and a later one without it succeeded. As a practical matter retroactivity will cost votes on final passage and every vote is going to be needed to get to the 290 necessary to pass term limits in the House today. The retroactivity amendment will kill term limits. And I urge a vote against it.

Though the merits of each term limit proposal should be thoroughly debated, every Member of the House who truly supports term limits should put aside their differences.

And when we get, after the amending process, to vote on final passage, we need a yes vote. Better than 80 percent of the American people favor term limits, Democrats and Republicans alike are evenly divided. We are going to have 80 to 90 percent of the Republicans voting for it. If we just get 50 percent of the Democrats to do it, we can pass term limits today.

We need to have this healthy debate. Term limits are overdue. I urge a favorable vote for the final passage of term limits and this great historic debate.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

I am sorry my friend did not yield to me. As he described the terrible things that happen to the attitude of Members who have been here too long and if they have been here, especially after 12 years, I was going to ask him when in his 15 years of service this terrible thing happened to him. But I guess I will have to wait for my answer until later.

Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I thank the gentleman for the time.

I think the greatest disservice that any public official can pay to the people he represents and to the democratic system is to cynically manipulate public frustrations and to then give their voters the impression that they are pretending to be for something which they really are opposing.

I think that is happening today. I think the greatest honor a public official can do to the people he represents is to deal honestly with them, especially when he has an honest disagreement with them.

In my view, voters are being treated to a cynical charade by the way this term limit proposition is being handled in the House today. For many years, many in the Republican leadership have told the public that they are for term limits in order to get votes, but then they unexpectedly came into power. They find themselves now in control, and they now have to produce what they promised.

Does anybody really believe that a Member who has served 16 years is sincere in saying that he is for term limits when he continues to file for reelection every 2 years? If they were sincere, it seems to me all they would have to do is to demonstrate that sincerity by simply deciding not to run again.

The process today, in my view, is designed to kill term limits. It allows Members to pretend that they are opposed to term limits by voting for any one of the four propositions before the House. But because there are four propositions rather than one, procedurally you virtually guarantee that there will be insufficient votes for any one of the four, thus enabling people to go home and say, ''Oh, I voted for term limits, but * * *''

It just seems to me that that is a charade which does the public no great service.

I would also point out that the main term limits amendment does not even apply to most senior Members of this House, such as myself. It is a ''let's pretend'' term limit. It takes place only in the hereafter. It does not take place in the here and now. To me that is a measure of its unreality.

I oppose the concept of term limits because I took an oath to uphold the Constitution. I take that oath seriously. I honestly believe that if these proposals pass, from the day Members walk into this institution they will be on the lookout and they will be shopping for their next job. As my colleague, the gentleman from Wisconsin [Mr. SENSENBRENNER], said, every time a lobbyist walks into their office, they will be looking at that lobbyist as a potential employer in a few short years. I do not think you want to do that to this institution.

I believe the public ought to have a right to vote for anybody they want, without the benefit of social engineering by would-be constitutional scholars in this House.

I believe term limits would allow bureaucrats whose favorite weapon is inertia to simply try to out wait any aggressive committee chairman. Whenever they are in conflict with the committee, they will simply say to their agency people: ''Do not worry about it, just stall and we will out wait them.'' Most of the time they would win under these propositions.

I also believe that small States like mine would very seldom be able to see Members of their delegation rise to chairmanships because if there were no long-term development of seniority, I think the large States would simply divide up the major chairmanships and the major committee assignments for themselves.

I would like to pay tribute in this debate to people like the gentleman from Illinois [Mr. HYDE], not because he agrees with me but simply because he is true to his conscience and is not engaged in a cynical double game. He does the country honor by playing it straight. And in my view, he does that on virtually every issue that is before the House. That is why I think he is a very valuable Member for the House and that is why I believe that if we had more like him, we would not be engaged in this charade today.

So I would simply say, let us not really even give credibility to this ''let's pretend'' process. We all understand that many of the sponsors of this proposal are in a very uncomfortable position. They promised something they never dreamed they would have to deliver on, and now I think we have an elaborate charade to pretend that they tried.

I do not think that does any real service to the American people. I think we ought to play it straight and lay out our views on this issue honestly. That is what I think the gentleman from Illinois has done today.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. HOKE].

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

I stand up in strong support of term limits. I want to address some of the remarks that I have heard here this morning, specifically the suggestion that this is a cynical attempt on the part of House Republicans to fulfill something that they never intended to have happen in the first place.

Nothing could be further from the truth. The fact is there is a cynical amendment that will be on the floor today, a very cynical amendment. And the reason that it is cynical is that it has been brought by Members, the gentleman from Michigan [Mr. DINGELL], the gentleman from Massachusetts

[Mr. FRANK], by individuals who have very publicly stated they are absolutely opposed to term limits. And they are bringing this amendment with retroactivity in the belief that it will somehow embarrass and that it will somehow create problems for our side.

But the reason that it is cynical is that they have absolutely no intention whatsoever of voting for it on final passage. Let us say that under these queen of the hill rules the Dingell amendment actually gets the most number of votes. The question is, are they going to then vote for it on final? I wanted to be able to ask that question of the gentleman from Illinois [Mr. GUTIERREZ]. I looked for Mr. GUTIERREZ, he spoke glowingly of the Dingell amendment. He spoke disparagingly of all three of the Republican amendments. Is Mr. GUTIERREZ going to vote on final in favor of the Dingell amendment if that gets the most number of votes?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, if the gentleman from Illinois [Mr. GUTIERREZ] were, would that change the gentleman's opinion of what is going on?

Mr. HOKE. Mr. Chairman, it would change my opinion with respect to Mr. GUTIERREZ, sure, it would. I would think that that is not cynical. That is not hypocritical. . . .

Mr. DINGELL. Mr. Chairman, I demand that the gentleman's words be taken down.

The CHAIRMAN. The Clerk will report the words objected to.

□ 1243

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw those specific words.

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

Mr. DINGELL. Reserving the right to object, Mr. Chairman, what words was it the gentleman would like to withdraw?

Mr. HOKE. Mr. Chairman, I ask unanimous consent to withdraw the word hypocritical.

Mr. DINGELL. What about the word cynical?

Mr. HOKE. In reference to you directly, Mr. DINGELL, ''cynical.''

Mr. DINGELL. Did the gentleman also wish to apologize?

Mr. HOKE. No, I did not.

Mr. DINGELL. He did not wish to apologize. Then I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue.

The Clerk will report the words.

The Clerk read as follows:

I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical.

The CHAIRMAN. The Committee will now rise.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution, (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk and he does now report the same to the House.

The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows:

I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

The SPEAKER pro tempore. In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary.

Without objection, the words are stricken from the record.

There was no objection.

Without objection, the gentleman may proceed in order.

Mr. DINGELL. Reserving the right to object, Mr. Speaker. I have been waiting for an apology from the gentleman. I know he wants to apologize and does not want to leave these things on the record, because I am sure he realizes that it reflects unfavorably upon him, as it does upon me, so I am waiting for the apology. I know the gentleman wants to give it to me.

Mr. HOKE. Mr. DINGELL, I very clearly stated that I ask unanimous consent to withdraw my words, and I requested that that be done. You objected to that.

Mr. HOKE. I have told you on the Record that I will not apologize.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The question is: Shall the gentleman be allowed to proceed in order?

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

Mr. CONYERS. Mr. Speaker, I object to the vote on the grounds 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 212, nays 197, answered ''present'' 2, not voting 23, as follows:

[Roll No. 273]

YEAS—212

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

NAYS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)

Frost	Martinez	Rose
Furse	Mascara	Roukema
Gejdenson	Matsui	Roybal-Allard
Gephardt	McCarthy	Rush
Geren	McDermott	Sabo
Gibbons	McHale	Sanders
Gonzalez	McKinney	Sawyer
Gordon	McNulty	Schroeder
Green	Meehan	Schumer
Gutierrez	Meek	Scott
Hall (OH)	Menendez	Serrano
Hall (TX)	Mfume	Shays
Hamilton	Miller (CA)	Sisisky
Harman	Mineta	Skaggs
Hastings (FL)	Minge	Skelton
Hefner	Mink	Slaughter
Hilliard	Mollohan	Spratt
Hinchey	Montgomery	Stark
Holden	Moran	Stenholm
Hoyer	Murtha	Studds
Jackson-Lee	Nadler	Stupak
Jacobs	Neal	Tanner
Johnson (SD)	Oberstar	Tauzin
Johnson, E.B.	Obey	Taylor (MS)
Johnston	Olver	Tejeda
Kanjorski	Ortiz	Thompson
Kaptur	Orton	Thornton
Kennedy (MA)	Owens	Thurman
Kennedy (RI)	Pallone	Torres
Kennelly	Pastor	Torricelli
Kildee	Payne (NJ)	Towns
Kleczka	Payne (VA)	Traficant
Klink	Pelosi	Tucker
LaFalce	Peterson (FL)	Velazquez
Lantos	Peterson (MN)	Vento
Laughlin	Pickett	Visclosky
Levin	Pomeroy	Volkmer
Lewis (GA)	Poshard	Ward
Lincoln	Rahall	Waters
Lipinski	Rangel	Watt (NC)
Lofgren	Reed	Wilson
Lowey	Reynolds	Wise
Luther	Richardson	Woolsey
Maloney	Rivers	Wyden
Manton	Roberts	Wynn
Markey	Roemer	

ANSWERED ''PRESENT''—2

Gunderson	McHugh

NOT VOTING—23

Archer	Hilleary	Scarborough
Bliley	Horn	Schaefer
Brown (FL)	Jefferson	Souder
Clay	Lazio	Stokes
Collins (IL)	Moakley	Waxman
de la Garza	Oxley	Williams
Gekas	Parker	Yates
Hayes	Saxton	

□ 1308

Mr. MURTHA, Mr. EDWARDS, Ms. KAPTUR, and Mr. HILLIARD changed their vote from ''yea'' to ''nay.''

Mr. MCHUGH changed his vote from ''nay'' to ''present.''

So the gentleman from Ohio [Mr. HOKE] was allowed to proceed in order.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

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

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. DURBIN. Mr. Speaker, I would like the Chair to clarify the vote that was just taken. It is my understanding that words were taken down, words uttered by the gentleman from Ohio [Mr. HOKE] and those words were determined by the Speaker to be out of order. At which point, if I recall correctly, the words were stricken, and the Chair stated a unanimous-consent request that the gentleman be able to proceed.

There was objection to that unanimous-consent request, at which point, if I am not mistaken, the Chair then stated a motion to give the gentleman the opportunity to proceed and speak.

Is my recollection correct, is that the motion which we just voted on?

The SPEAKER pro tempore (Mr. TORKILDSEN). The gentleman's recollection is correct.

Mr. DURBIN. Mr. Speaker, I would like to ask this of the Chair then; it is my understanding that the Chair has the right under the rules to make a unanimous-consent request that an individual be allowed to proceed after his words have been stricken, but in this case I wonder if it is the prerogative of the Chair to make such a motion, or whether it should have been made by a Member of the body?

The SPEAKER pro tempore. The Chair has the right to entertain unanimous-consent requests. Under previous rulings of the Chair in 1991, the Chair does have the right to put that question to the body.

Mr. DURBIN. Beyond the unanimous-consent request?

The SPEAKER pro tempore. Beyond the unanimous-consent request, since it is ultimately the House's decision, no Member sought to question the ruling of the Chair, the question was put to the House.

Mr. DURBIN. If I might conclude, I would take exception to the Chair's statement, and I of course defer to the Chair's authority on this question.

But it would strike me that under these circumstances, once the Chair has put the unanimous-consent request and there has been objection, that at the very minimum there should be a motion made by a Member of the floor. It does not appear to me to be the Chair's right or prerogative to try to reinstitute the rights of the individual Member to proceed and to speak, once his words have been stricken and objection has been voted.

I also find it unfortunate, I have to say, for both sides of the aisle. I will conclude, I find it unfortunate on both sides of the aisle that these motions which really go to the decorum of the House have been partisan motions, and I understand that in the past our side has been guilty as your side has. But if we are to maintain decorum in this body I hope we can take a second look at this type of question.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair will state these rules and precedents have been developed over time while both parties have been in the majority and those precedents were followed today.

The gentleman from Massachusetts [Mr. FRANK], for what purpose does the gentleman rise?

Mr. FRANK of Massachusetts. Mr. Speaker, I understand the explanation was that the Chair had the right to make a motion, is that, because that is what the Chair did.

The SPEAKER pro tempore. Is the gentleman rising for a parliamentary inquiry?

Mr. FRANK of Massachusetts. Yes, I said, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that the ruling the Chair had the right to make a motion in this case. My question is, may the Chair make any other motion as well? I mean, in the middle of the debate if we had an open rule, could the Chair make an amendment during the 5-minute rule?

The SPEAKER pro tempore. The Chair does not have the right to make a motion. Under this circumstance the Chair has the right to put the question to the body.

Mr. FRANK of Massachusetts. I have another parliamentary inquiry, Mr. Speaker. There was no question if the Chair had not put the question. Someone made a unanimous-consent request. But then I do not understand the ruling. No one made the motion. so how can the Chair put a question on an unmade motion? There was a unanimous-consent request which was objected to. Unanimous consent requests have never, in my experience, transmogrified into motions unless someone makes them. So the question is, may the Speaker make a motion?

The SPEAKER pro tempore. The gentleman's point of parliamentary inquiry, to the extent the Chair understands it, is whether or not the Chair made a motion. The Chair cannot make a motion in the circumstance. Under a previous ruling of the Chair, the Chair can put the question to the Members without a Member asking that the question be put.

Mr. FRANK of Massachusetts. A parliamentary inquiry, Mr. Speaker. What question? If no one had made a motion, what is the question?

The SPEAKER pro tempore. And the question is solely limited to whether or not the Member can proceed in order.

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

The SPEAKER pro tempore. The gentleman will state the nature of his parliamentary inquiry.

Mr. VOLKMER. The parliamentary inquiry is whether the Chair now plans to go back into the Committee of the Whole or the Chair plans to recognize the gentleman from Ohio at this time, and it has a lot to do with what the gentleman from Missouri that is now speaking does.

□ 1315

The SPEAKER pro tempore (Mr. TORKILDSEN). If the gentleman from Ohio seeks recognition at this point, the Chair will recognize the gentleman from Ohio.

Mr. VOLKMER. Mr. Speaker, I would suggest, and I would hope, so we can move on, that the gentleman from Ohio would request permission to speak.

The SPEAKER pro tempore. For what purpose does the gentleman from Ohio [Mr. HOKE] rise?

APOLOGY FOR MISUNDERSTANDING OF REMARKS

Mr. HOKE. Mr. Speaker, I ask unanimous consent to address the House.

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

There was no objection.

Mr. HOKE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to just say to the gentleman from Michigan that I think it is unfortunate what has occurred and has taken place. It was not my intent under any circumstances to direct my remarks in a way that you would be personally offended, and if that is the case, my remarks are directed at the larger debate with respect to term limits, specifically the parliamentary maneuvering that is taking place with respect to it and the substance of the debate.

And certainly, there was no intent on my part, not now, not during the debate, not in the future to make comments that would be taken personally by you in an offensive way, and to whatever extent you perceived them in that way, I am sorry, and I apologize.

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

Mr. HOKE. I am happy to yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, I accept the apologies of the gentleman, and I thank him.

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

□ 1316

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in debate: The gentleman from Florida [Mr. CANADY] had 61½ minutes remaining; the gentleman from Michigan [Mr. CONYERS] had 39½ minutes remaining; and, finally, the gentleman from Connecticut [Mr. SHAYS] had 24 minutes remaining.

The Chair recognizes the gentleman from Ohio [Mr. HOKE] for the final 1 minute.

Mr. HOKE. Mr. Speaker, I thank the gentleman from Florida for yielding.

I would like to conclude my remarks simply by saying that I rise in strong support of term limits today.

We have waited for many, many years to get this vote to the floor. We have had over 24 million Americans already choose in favor of term limits. Seventy-five to eighty percent of the Americans that have had the opportunity to vote on this have voted in favor of it. They voted ''yes.''

Clearly our constituents are saying, ''We want term limits. We want term limits now.''

I urge you to vote in favor of them, and what I would say is if this does come down to a partisan fight, what we need is just 50 percent of the Democrats to vote in favor of this. We are going to get 90 percent of the Republicans. If we can get 50 percent of the Democrats voting in favor of it, we are going to pass term limits. We are going to get 290 votes. That is all we need.

I urge you to vote in favor of it. If we do not, then so be it. The people, the voters, will make this decision in November 1996, and they will have the opportunity to decide whether or not they want term limits.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I understand that when I left, the gentleman from Ohio [Mr. HOKE] was wondering where I was it. I was back in my office doing the people's business and ensuring that things are carried out.

We speak here, and then we go about our other duties and responsibilities, but I understand he had a question, and the question may be the motives behind my speech.

And let me just be very clear with the gentleman from Ohio that he can sleep and rest assured that if a term-limit bill comes before this House that includes retroactivity, that is, immediacy, 12 years, that this gentleman intends to vote for it, and is encouraging and working with others to vote for it.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise as a supporter of term limits, and I have to say, P.T. Barnum launched the Greatest Show on Earth with the idea that a sucker is born every minute.

Well, it looks like the circus is coming to town a little early, because the Republican Party is applying that same philosophy to term limits.

In the Big Top we call the Capitol, there are Members of Congress who promise lower taxes, higher defense spending, and a balanced budget all at the same time. Now, these career politicians say that they support term limits, only if they are not retroactive and do not have a chance of passing.

The long and the short of it is they support term limits as long as there is no chance that their own terms might be limited.

I have news for the political contortionists of NEWT's three-ring circus, the voters are not as dumb as you think. They believed you when you ran on the Contract With America and said you were not interested in a career in Washington and would limit your term in office. They know the House would pass the Sanford-Deal term-limits statute if it were put to an up-or-down vote today, and when you go home and tell them that you were for term limits, they will know that it was just a show.

Let me also make it clear I hear a lot of Republicans blaming Democrats in case term limits does not pass. The Democrats did not run on the Contract With America. Democrats did not say that there is a revolution in this country and term limits will be the cornerstone. The Republicans did.

And now there is too much party discipline to get one of the term-limits bills passed. Well, look, party discipline was not a problem when it came to cutting school lunches or preventing Congress from passing real lobbyist reform. So we all know the Republican leadership can get the votes when they want to.

The American people who support term limits are about to find out the dirty little secret around here: The vast majority of Republicans support term limits, but only if it does not apply to them.

Mr. SHAYS. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Chairman, I think it is about time we had some straight talk on this subject, and I am opposed to the term limits.

As a former teacher of history and government, I consider myself a constitutionalist. The Constitution is a document that stood the test of time for two centuries and is the model for emerging democracies throughout the world.

You know, the Founding Fathers got it right. They established term limits when they wrote the Constitution. They are called elections. Yet here we are today in this debate, and we have heard that the majority of the American people, fueled by radio talk shows and pollsters, support term limits.

I believe their instincts are right, but they have come up with the wrong solution. We do need congressional turnover experience fresh ideas, but we also need that combined with experience and expertise and institutional memory for more senior Members.

Mr. Chairman, there is a learning curve to every job. The same is true for new Members of Congress. To impose automatic term limits would generally increase the power of paid congressional staff, unelected lobbyists, unelected government bureaucrats and regulators. This is something the people have not figured out yet.

I would also submit that term limits will only exacerbate the so-called revolving-door syndrome, elected officials spending their time and energy while in office paving the way for a lucrative job in the private sector with the special-interest groups they have been serving after they leave office. Automatic term limits will intensify

and institutionalize the resume-building that already occurs all too often in this Congress.

Voters already have the power to limit the terms of elected officials by exercising that right in the voting booth.

The most graphic evidence of this was seen in the last two congressional elections. As you know, large numbers of sitting Members, people right in here in this room, were elected to the point where nearly one-half of all House Members here today have served less than 3 years. The public spoke in the ballot box in the best tradition of democratic government.

And finally, I want to say that I recognize and I share the widespread public concern regarding the inevitable advantage congressional incumbents enjoy over their election challengers. I know something about this, because I had to defeat an entrenched incumbent to get here.

But congressional term limits are not the answer. The answer is genuine campaign finance reform, abolition of PAC's, limits on out-of-State fundraising, a ban on corporate soft money, and free access to radio and television time.

Mr. Chairman, we need reform, but term limits are not the solution. I urge a ''no'' vote on this resolution.

Mr. SMITH of Michigan. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, would the gentlewoman be aware the Founding Fathers were aware of term limits and actually, in the articles, there was term limits that was not enacted?

Mrs. ROUKEMA. I have read the article as well. That is not my reading of the Constitution, and finally, the Constitution was adopted with 2-year terms.

Mr. GONZALEZ. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I rise in strong support of the gentlewoman's very trenchant observations—and historically correct.

Mrs. ROUKEMA. I thank the gentleman.

Mr. CANADY of Florida. I yield 3 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I thank the gentleman from Florida for yielding me this time.

I respectfully disagree with my colleague from New Jersey and the opponents of term limits.

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

Mr. Chairman, we have all seen the faces of angry voters. They want a change. They are tired of the status quo. They want Congress to work.

As a freshman Member who came here to change the status quo, I was proud to join with my colleagues to change the Rules of the House on our opening of the 104th Congress.

Back in January, we voted for term limits for the Speaker of the House. And on that first historic day, we voted for term limits for our committee chairmen.

Now, it is time to vote for term limits for the rest of us.

This will be the first time on this floor that we have had the opportunity to vote on term limits. And just as we voted overwhelmingly to reform Congress on that opening day, I urge my colleagues to vote yes on term limits.

Term limits is about changing Congress—it is about changing the status quo. That is why I ran for office in the first place, and changing Congress is why I am here today.

Opponents say that we don't need term limits. That the elections in 1992 and 1994 show that the people can change Congress anytime they want to.

Yet from 1976 through 1994, 9 out of every 10 incumbents were re-elected. Nine out of every 10 Members of Congress can pretty much count on having a political career in Congress as long as they want it.

Term limits will change that. It will create elections for open seats. It will ensure that we have new Members of Congress, who come here with different backgrounds, different experiences, and fresh ideas.

The concept of our democracy is that real people—average citizens—make the decisions that will effect us as a nation. Term limits will ensure that more Members of the House and the Senate have that real world experience.

Mr. Chairman, the people who elected us are watching. At least two-thirds of the American people support term limits and they want to see what we are going to do.

There is no place to hide on this vote. Will we vote to keep business as usual? Or are we willing to accept term limits on ourselves in order to create a better Congress.

The American people will be watching to see who votes for congressional reform, and who votes to keep the status quo. And make no mistake, they will remember.

I urge my colleagues to vote ''yes'' on term limits, vote ''yes'' on final passage. And vote yes to end the status quo.

□ 1330

Mr. CONYERS. Mr. Chairman, I am delighted to yield 4 minutes to the ranking member of the Committee on Veterans' Affairs, the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Chairman, I rise in strong opposition to these four substitutes which we will be voting on today.

As has been pointed out, we had term limitations on November 8, 1994, where the organizations of both the House and the Senate certainly were changed. Fifty-two percent of the members of the House of Representatives have been elected since 1990.

Mr. Chairman, excuse the personal reference, but talking about the Montgomery GI bill, which is an educational benefit for our active forces as well as the National Guard and Reserve.

Our forces in the 1970's were having problems. We were not getting the quality into the military. So we had to come up with something to attract these people into the Guard and Reserve and the active forces. We came up with educational benefits. We started working to help the military to get the motivated young men and women into the Service in the 1980's. Mr. Chairman, it took us 5 years to get the educated benefits enacted into law. We had the same bill number, H.R. 1400, and we used it from year to year. Finally, in 1985, we were able to get this legislation into law, which gave educational benefits to the military service.

After 1985 it took us 5 years to actually get the program implemented, to be used by the different Services. Now it is working well. Over 95 percent of the young men and women who come into the Service used these educational benefits.

My point is that major legislation, if you are in Congress, it takes longer than 4 or 8 years. It took 10 years to get this type of implementation of something that really helped our country.

So I say again that you cannot do major legislation in 6 years, it takes longer. You have to pass the bill, then you have to nurse it through the Congress of the United States.

Mr. Chairman, I am working on a 2-year contract with the people of the Third District of Mississippi. They have chosen to renew that contract over the years. They should continue to have that right without having a term limitation imposed upon them.

I ask you to vote ''no'' on the four substitutes and ''No'' on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. I thank the gentleman from Florida for yielding this time to me.

Mr. Chairman, I point out to my colleague, the gentleman from Massachusetts [Mr. MEEHAN], that when you blame the Republicans for not passing term limits and just say, ''You have party discipline,'' I would remind him that, as best I know, we have 230 votes and it takes 290 on vote to pass a constitutional amendment. We simply cannot do it by ourselves. My home State of Arkansas has passed term limits. It has been a very positive development. It has meant new blood, it has meant fresh ideas. It has meant different perspectives. And it will mean the same thing for the U.S. House of Representatives.

In Arkansas, it strengthened the political system by increasing responsiveness and accountability. It will

move us in this body toward a true citizen legislature.

Long-term tenure too often results in Members becoming allies of big government, not checks on big government. Members lose touch with their constituents. Members become arrogant and, too often, they become elitist when they stay here for long tenures.

Mr. Chairman, since 1990, 22 States, including Arkansas, have passed laws respecting tenure of Federal legislators. Recent polls indicate that 70 to 80 percent of the American people support term limits. Critics say, ''Don't limit the choice the American people have by imposing limits.'' I say, don't thwart the choice of the American people by stopping term limits. That is their desire. We should pass it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have a lot of difficulty with this issue because the Republicans have survived over 200 years without term limits mainly because everybody knows we have term limits every 2 years when we are up for election. That makes all the sense in the world to me. If you really think about it, the dream debate I wish we could have on this would be for everybody to have their ''spoil date'' on their foreheads; in other words, determining whether you are going to have 6 years, 12 years, figure out when you came and then put your ''spoil date'' cross your forehead.

Now, if it had been in effect when I got elected, my ''spoil date'' under 12 years would have been January 1985. If it had been 6 years, it would have been January of 1979. Those would have been my ''spoil dates.''

I do not really feel I was rotten at that time, and I do not feel I am rotten now. I think if you look at many, many people who would have ''spoil dates'' which would have expired long ago and have them talking about term limits, you begin to wonder what this is really all about.

Well, I think I am beginning to get a little idea of what it is about. You know, human nature is such that people love to make laws for other people but hate to have them apply to themselves. Of course, because Congress is made up of human beings, we have that same problem too. But I think it has been really interesting this year that we have been willing to limit school lunches, we have been willing to take on student loans and limit those. We have been willing to limit the number of children on foster care. We have been able to limit all sorts of things that did not affect us. And now we have a term limits bill that will be wonderful. We can pass it, pose for holy pictures, and, guess what, it still will not affect us, because here I would be standing with my ''spoil date'' of January 1985 if it had been in effect for 12 years after I got elected, and if it passes today I can still go for at least another 12 years plus how long it takes to adopt this thing.

Now, that is pretty remarkable. In other words, what we are talking about here are term limits that will only apply to other people, other people who will come in the future. So this is a great kind of reform. We will reform the new guys whom we know will never be quite as good as we old guys were.

Now, I just think that that really puts it down where everybody, hopefully, begins to understand it. We also hear people talking about the reason for this is the citizen legislature. Well, now, if you are really going to have a citizen legislature, the way you would do that is to say that you are going to run for only one office and that is it. Because the other thing term limits does, as we know from countries like Mexico that have it, you create a new professional class that hopscotches around the chairs of government. If you are a Member of Congress, you are going to be a mayor and you are going to be a Governor, and you go on and on and on and on and on.

The great thing about that is you never learn any of the jobs very well and you continually are trying to figure out how you could use the job you are in now to get the next job you want later.

So term limits do not do anything about citizen legislatures or citizen government, if you look at the countries that have tried it and found out they ended up with a more professional government than we ever dreamed of.

I think this is all about the relationship between the person and the district they come from. That district can have that option to reelect them or not reelect them. That is their choice under the Constitution. That is what it should be.

But to decide that some term limits should apply to every single person no matter how well off they are, I think is very artificial, it does not belong in the Constitution, and I certainly hope that we can have a little more thoughtfulness before we eagerly run out and do something that does not apply to us, it will only apply in the future, and call it reform and think that we helped.

Mr. SHAYS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. FAWELL].

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

Mr. FAWELL. Mr. Chairman, politics is the science of government. Government reflects the people's interest or neglect. Too often it is the latter. In the last election roughly 50 percent of the people didn't vote—most of them, I suppose, because they didn't have enough interest in government to vote. But then enough people did have enough interest in government in the last election to vote a monumental change of control of the Congress.

Are we to now draw a conclusion that the people of this land can enjoy all the blessings of representative government in the future by giving up a significant portion of the most fundamental responsibility of citizenship—full participation in the choice of our political leaders? For more than 200 years we have changed people in office through elections. Why, in this generation, has it become such a burden that we must find some automatic, no-bother way to help us do the job? Doesn't freedom, personal responsibility, tradition, respect for experience, mean anything? These are values that ordinarily mean a lot to conservative people.

Do we believe that a competitive and accountable political marketplace can't work; that people can't decide for themselves when and who to vote out of office and who to keep? Do we really believe experience in Congress or, for that matter, in any other public office, is a handicap?

Didn't James Madison, one of our Nation's Founding Fathers, state a point when he observed that ''a few of the members (of Congress) * * * will possess superior talents; will, by frequent reelections, become members of long standing; will be thoroughly masters of the public business * * *''? Do we reject this?

Why should we now limit the democratic right of ''we the people'' to select their representatives in the House of the people—the U.S. House of Representatives?

I am not persuaded that term limits is a wise course for a free and democratic people; it subtracts—not adds—from the Bill of Rights of the people. The burden and responsibility for determining term limits belong fully and irrevocably to the people who care enough to vote.

I have examined whether a 12-year term limitation would be an effective long-term solution to Congress' problems. While at first glance term limits are an appealing quick and easy fix, I have always felt there are many problems with term limitations.

It is a little known fact that the great majority of Congress already turns over every 12 years. Of the 435 Members of the House of Representatives serving 5 years ago, less than one-half are serving today.

We already have a mechanism to ''throw the rascals out.'' It's called an election. All 435 members of the House face election every 2 years. At these intervals, incumbents must face the voters and win their active approval. Citizens who dislike their incumbent Congressman already have a powerful tool to remove them—the vote. Members of the House can be challenged twice every two years (in a primary and general election). And, this is precisely what happened last November 8, when voters imposed term limits on much of the 103d Congress.

One argument for term limits is that we will get enlightened amateurs—people who will leave top posts in commerce, industry, and other professions to spend a few years in

Washington before returning home. In practice, it is becoming increasingly difficult to attract and keep the best and the brightest, in part because of term limits.

Moreover, like anyone taking a new job, there is a learning curve. In Congress, it can be a long curve. As much as we desire simplified government and policy, it is impossible to imagine government getting less complicated, given the incredible complexity of the world economy, the enormity of a $6 trillion domestic economy, and the mind-boggling $1.5 trillion Federal budget and the thousands of programs it entails. As a result, I fear that term-limited members would be more dependent on staff and more influenced by special interests.

Term limitation advocates correctly point out that some incumbent Congressman use the advantages of their office unfairly—but there are ways to eliminate these unfair advantages without eliminating the fundamental democratic right of Americans to vote for the candidate of their choice.

I have cosponsored and/or voted for the following congressional reforms to: Sharply curtail unsolicited congressional mailings; reduce congressional staff; eliminate congressional perks and make Congress subject to the same laws it mandates on the private sector; fully enforce congressional ethics and disclosure rules; enact congressional finance reforms; and, mandate that members rotate House committee membership. The new House of Representatives has instituted a 6-year limit on committee and subcommittee chairmanships—this is the type of limit I support.

Along with internal congressional reform there are also reforms that could be made to the budget process that would be far more effective in controlling spending than term limits. For instance, I have cosponsored the following reforms: Legislation amending the Constitution of the United States to require that the Federal budget be balanced, and legislation giving the President the authority to line-item veto appropriation bills, thereby giving the President the power to veto pork barrel and other wasteful spending projects.

What concerns me most about term limitations is the implicit assumption that people cannot be trusted to make up their own minds about who should represent them. Term limit advocates presume that people are too easily influenced by incumbency, that they are too readily gulled by professional politicians. Term limit advocates seem to believe that free citizens are unable to make the changes they feel necessary in the political process.

I want to stress that my views of term limits do not result from my position as an incumbent in Congress. The fact is that I would not gain by voting for this measure; by the time the term limits would take effect, I will likely have retired from Congress.

I believe that most Americans know that Democracy is not easy. ''Eternal vigilance is the price of liberty,'' said Thomas Jefferson. Term limits are a false cure to a problem that can only be solved by an electorate willing to hold their representatives accountable. That is why our Founding Fathers twice rejected term limits.

I encourage my constituents to look into my record and hold me accountable. I believe my effectiveness in pursuing the objectives of the voters of the 13th district—cutting billions of dollars in wasteful spending, for instance—is increasing each year. This effectiveness is in large part due to what I've learned as a Member of Congress—about the budget process and the rules of the House, to name just two.

In the end, I believe that we the people should be the final arbiters of who should represented us. A set limit only curtails our choices.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER].

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

Mr. Chairman, the founding fathers did not intend for Congress to be a career. And Congress was not a career, by and large, for the first 150 years or so of our history.

But in recent decades it has come to pass that the people who run this institution are people who have been around for a long time. They get out of touch, become unresponsive, they are more a part of the Washington culture than the culture which elected them.

We are told this is not a problem because we have term limits in the form of a 2-year term in the Constitution for Members of Congress. But the fact is that incumbents have so many advantages in the late 20th century that that 2-year limit is meaningless in most instances for most incumbents.

Gerrymandering protects incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents, particularly those with considerable seniority.

Campaign finance patterns protect incumbents. In the 1992 election cycle, 50 percent of challengers received less than $90,000. The median receipts for incumbents were nearly $500,000. You cannot oust an incumbent if you do not have a minimal amount of money.

We have other benefits that come with out incumbency, such as the franking privileges. Even if it is not used for overtly political reasons, it allows us to keep in touch with our constituents in a way that a challenger would never be able to do.

□ 1345

We have a million dollars a year in staff allowances, and we have easy access to the press. Even if we do not use these assets in a way that is overtly political, if we simply do our job right, if we simply do the casework for the people who come to us with their problems, it will be very difficult for us to be defeated.

So, no wonder, even in a year when the gentleman from Illinois said that we had monumental change in the Nation, even in 1994, we still reelected as a Nation more than 90 percent of the incumbents who chose to stand for reelection. That is not a 2-year contract. That is a contract for life, barring an extraordinary local political upheaval or being caught in an ethical or legal problem. I think that that is not in keeping with the vision of the Founding Fathers who intended for Congress continually to reflect the views of the people who elected us. The only sure way to accomplish that objective in this age with this many incumbent advantages is through term limits.

Now I do support reforming redistricting law, I do support reforming campaign finance law, and I support franking reform. But even after we have accomplished all of those reforms one by one, we will not have dealt with a problem that still exists, which is that it is too difficult to oust an incumbent, it is too difficult to have a competitive election in this day and age. That is why, my colleagues, we should support term limits.

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. FRANK], the ranking subcommittee member from whose committee term limits came.

Mr. FRANK of Massachusetts. Mr. Chairman, I have heard some fascinating arguments today. My favorite though is the one where Republicans get up and say that they could pass this very important item in their contract if they only got 50 percent of the Democrats. Now that is a fascinating concept.

Mr. Chairman, the University of Massachusetts', my home State, basketball team did very well in a recent tournament, and they lost, but, if they had only gotten 50 percent of the points of their opponents, they would have won. I mean Massachusetts lost a congressional seat in the last redistricting, but, if we could have only gotten 50 percent of the population of our friends from Connecticut, we would have a couple more seats.

I say to my colleagues,

> I think this is a wonderful concept. You promised to do something, and then you say, ''By the way, my promise is conditioned,'' after the fact of course, after they get people to do what they want, they then say, 'Oh, by the way, if I can get 50 percent of the opposition to be with me, then I'll win.

Well, I think that is pretty good odds, and I will make this statement on behalf of the Democratic Party, and I do not, I do not often, speak for the whole Democratic Party, but anytime we get 50 percent of the support of the Republicans, we will accomplish our goal.

I say to my colleagues,

> Now, if this is your idea of a contract, that you tell people you're going to do something, you forgot to mention that you wouldn't be able to do it unless you got 50 percent of the opposition—if this is your idea of the contract, no wonder you don't like the Federal Trade Commission, no wonder you want to make it harder for people to sue, because you would be in serious difficulty, but let's get beyond this wonderful concept that I can do anything I promise you if 50 percent of the opposition would be with me.

We are told this is the first time this has come to the floor. Last year, what about a discharge petition? Well, finally toward the end they filed a discharge petition. They got about a hundred Republicans to sign it.

Mr. Chairman, there are more people in this body voting yes and praying no

on term limits than there are on pay raises.

Yes, term limits gets a lot of lip service, but there are not many teeth behind it. The people here got the longest extended lips I have ever seen, and I suppose, if they had 50 percent of our lips, they would go even further on that wonderful, give me half of what you got and I can have more than you have policy, which I think is a very attractive policy. I mean we would not have an export-import problem with Japan if Japan would give us half of their exports. Our balance of trade would be 100 percent. That would be very good.

I keep going back to that concept because I love it, and I am going to borrow from it from time to time, but it is also clear that the Republican Party's commitment to term limits is rather slender.

Now I understand the problem. They had to really break some arms to do welfare last week. They are going to have to break some arms to do taxes next week. Do my colleagues know the problem that the Republican leadership has? Their Members only have two arms. The grab one arm for welfare, they grab one arm for taxes. They got nothing left. But do my colleagues know what? If they would take 50 percent of our arms, then they would all have three arms, and then they could do it because they could twist three arms. That is the problem. Once again it is the magic 50-percent solution.

I say to my colleagues,

> If you could take one arm for welfare, and one arm for taxes, and then you could take 50 percent of our arms, then you could twist a third arm for term limits, but the term limits supporters should know that they're getting the third arm. That's what you're giving the term limits people; you're giving them ice in the winter. You are saying, yes, you'll give them some votes. There's very little energy on the other side.

By the way, I think that makes perfect sense because one of the things we would be doing wrong, if by some miracle we pass this, and no one, including their side, expects that—one of the things we would be doing wrong would be for the first time amending the Constitution in a way that detracted from popular choice. Constitutional amendments have expanded the options of the voters. Women have been allowed to vote. Blacks; we erased that terrible sin in America. Eighteen-year-olds. This would be the first time the Senate went to popular election. This would be the first time we took something back.

So, Mr. Chairman, I say, ''In this case I'm glad you don't have our 50 percent.''

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BLILEY].

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

Mr. BLILEY. Mr. Chairman, my colleagues, term limits is a bad idea. Where I come from we have a saying, ''If the pump ain't broke don't fix it.'' Over 50 percent of the Members of this body have come since 1990. That is 4 years, or less, experience. Now that is turning them over pretty fast.

Who will challenge an incumbent? Everybody says it is tough to challenge an incumbent. I say, ''Well, if you know he's only going to be there for 6 years, who would bother to challenge? Who would go try to raise money? Who would contribute money and say, 'Well, wait your turn. he's going to be gone in 4 more years, and then you can run.'''

No, Mr. Chairman, it is a bad idea. It is a bad idea because today committee staff has too much say-so, and, if we do term limits, they will be omnipotent because they will be the only ones who know—with an institutional memory to know how this place works.

Finally, history. I am privileged to represent a district that was once represented by James Madison himself. As my colleagues know, under the Articles of Confederation, we had term limits. Under the Articles of Confederation the founders said, ''You cannot serve more than 3 years in a 6-year period,'' but in 1787, at the Constitutional Convention in Philadelphia, after a long argument, they took it out.

Robert Livingston said, ''This is not democracy, term limits. You're limiting the voters' choice.''

James Madison said, ''Frequent elections; that's the answer, that a voter should be able to decide whether he wants somebody new or whether he wants somebody with experience,'' and that is the way it ought to be today, and that is the way it ought to be tomorrow.

Please vote this down.

Mr. Chairman, the public's disdain is the people's greatest check on Congress. The power unleashed by the people on November 8, 1994, was another chapter in history's greatest example of man ruling man: democracy in America. As the current occupant of the congressional seat once held by James Madison, the father of the Constitution, I oppose congressional term limits.

Term limits are not consistent with freedom and the political institutions that make it possible to live free—the rule of law, democracy, and individual liberties. Term limits proponents hypothesize that shortened tenures in Congress will revitalize American democracy, but the consequence of term limits would actually be a limitation of democracy.

Term limits do more than limit the terms of public officials. They limit the choices of the voters. Why should we deny American citizens the full democratic principles our Nation was established upon?

When the Founding Fathers met in Philadelphia in 1787, they gathered for the purpose of revising the Articles of Confederation. During that summer, James Madison and the Founding Fathers' concept of democracy was far more limited than it is today. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than 3 years in any 6-year period. After extensive debate, the Founding Fathers rejected these term limits, citing the right of the people to freely elect and the importance of experienced legislators. Robert Livingston stated during the debates:

> The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect is to abridge their natural rights * * * We all know experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgement of the people's rights.

The Founding Fathers made a conscious decision to do away with term limits. They left this matter to the judgment of the people; not only because they trusted the people but because it was the logically proper place to leave it. In view of the deliberate rejection by the Founding Fathers, it appears that the Constitution's qualification clauses can only be interpreted as a prohibition on the States from limiting the reelection of their congressional delegations. Thus, the policy of State-imposed term limits was rejected.

How did Madison propose to protect the society—especially the supreme values of liberty and property—against the encroachment of a potentially ignorant majority which could be swayed by demagogues? Madison knew from history that such a peril did exist. But the answer, Madison argued, lay not in depriving the people at large of any voice in the Government but in increasing group interest and participation.

From 1776 on, Madison was almost continuously in public life until his retirement from the Presidency in 1817. James Madison served in the Virginia House of Delegates, Continental Congress, the Constitutional Convention, four terms in the U.S. House of Representatives, Secretary of State, and President for 8 years. In the name of returning power to the people, term-limit proponents would have denied the Nation Madison's wisdom and experience in the early days of the Constitution and the Bill of Rights.

In Federalist No. 57, James Madison queried: ''Who are to be the electors of the Federal representatives? The electors are the great body of the people of the United States,'' Madison responded. Madison studied the bond between the people and the elected representative. Madison found this bond ''involving every security which can be devised or desired for their fidelity to their constituents.'' The citizens would have distinguished the representative with their preference in the electoral process. Second, the adulation of victory would have produced an ''affection at least to their constitutions'' as they enter public service.

Madison also observed:

> All these securities however would be found very insufficient without the restraint of frequent elections. The House of Representatives is so constituted as to support in the Members a habitual recollection of their dependence on their people.

The majesty of democracy is an informed electorate, and the ballot box is the cornerstone of a free and democratic society. To deny the people's basic democratic right to have whoever they choose to serve at their pleasure is a vote of no confidence in American democracy. Why should we deny the voters this right? They possess both the ability to throw out representatives who are ineffective and keep those who serve them well.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may

consume to the gentleman from Iowa [Mr. GANSKE].

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

Mr. GANSKE. Mr. Chairman, I am pleased to rise today as a strong supporter of term limits.

For too long, the U.S. Capitol has been filled with career politicians and the special interests to which they are beholden. I campaigned for term limits and am pleased that I will be able to fulfill that pledge this week. On my own, I have promised the people of the Fourth District that I will serve no more than five terms, and I intend to keep that pledge, too.

Our action this week is significant, because the American people have long been ahead of Congress on the issue of term limits. In the last 5 years, 22 States have adopted term-limits legislation.

Career politicians have become the norm in Washington, with turnover in this body running at only 10 percent. And the prevalence of career politicians have created the tremendous debt problem we face today. According to the National Taxpayer's Union Foundation, House Members who have been here more than 8 years supported an average of 55 percent more spending than Members with less than 8 years of service. The numbers in the Senate are even more stark, as those in their first term voted for 8.5 times less spending than their more senior colleagues.

Limiting the terms of Members of Congress will open our Government to more citizen involvement and will make the legislature more responsive to the American people. Term limits are strongly supported by the vast majority of the American people. And those who stand in the way of term limits will have to answer for their arrogance at the polls next November.

Mr. Chairman, I urge my colleagues to join me in voting in favor of term limits. I urge them to heed the wishes of their constituents. And I urge them to have the courage to make Congress a legislature which is truly of the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, as my colleagues know, being in Congress is a good job by anybody's standard, the pay at $130,000 a year, good retirement benefits, good health benefits. But I ask, ''What happens when you're a career politician, and you don't have those job opportunities outside, and you want to stay with this job that you've decided is the way you want to live and raise your family?''

Mr. Chairman, I will tell my colleagues what my observation is. It is: ''You become somewhat more susceptible to those forces that might threaten that job, so, as you look at the special interest lobbyists, and when they come to you with threats and money for your next election, I would suggest that you're a little more considerate of their point of view if you think they have the opportunity to discharge you from what's a good job here in Congress.''

Career politicians that want to perpetuate themselves in office have become abusive with their power to the extent that we have jeopardized the future of this economy. Look what we have done:

We have increased the Federal debt by $5 trillion. We spent $5 trillion on a welfare program of putting poor people into their own sect and making them worse off.

As far as what the history is of the Founding Fathers, certainly American democracy starts with the Athenian democracy, but a lot of it comes from John Locke, the British philosopher who says government is simply a nuisance that we have to put up with to deal with some of the inconveniences. His position was that we should not have to have the kind of giant government for people to interact and deal with themselves in society, and I call to the Members' attention what happened when we reexamined the Constitution in the year 1788 and thereabouts.

It was George Mason that said, ''Nothing is going to make that legislator more conscious of the decisions that he or she makes than having to return to his home community and live under the laws which he passed.''

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York [Mr. NADLER], a member of our Committee on the Judiciary.

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

Mr. NADLER. Mr. Chairman, I rise in opposition to the popular, but misguided, idea of term limits. The push for term limits is profoundly antidemocratic. It takes away the right of the people to choose whomever they want as their Representatives in free elections.

What arguments have we heard for limiting the right of people to choose their Representatives? We are told that incumbents are too entrenched and that challengers do not have a fair chance of unseating them. Well, nearly half of this House has been elected for the first time since 1992, and I am part of that new wave. Senior Members, committee chairmen, even the Speaker, have been voted out of office. Entrenched incumbency just does not seem to be what it used to be.

Still, Mr. Chairman, it is true that incumbents often do have an unfair advantage in elections. We should remedy that unfair advantage by passing meaningful campaign finance reform, including giving challengers access to the publicly owned airwaves so the voters will have an opportunity to learn more about them. That is how to battle the problem of entrenched incumbency, by making elections more fair and more democratic, not by making them less democratic, carelessly casting aside the right to vote for which Americans have struggled and died for more than two centuries.

Besides, if term limits is my colleagues' solution to making elections more fair, what they are really saying is, ''Let's have a fair election once every 12 years; once every 6 years let's have a fair election. The others, let them be one sided.'' That is ridiculous. Every election should be a fair and free election. Campaign finance reform, not term limits, is the way to make that happen.

We are told that politicians who have to worry about reelection often fail to do the right thing and, therefore, term limits would promote better government. What a vile, elitist idea. We have elections precisely because we want our Representatives to be always mindful of what the people want. The word for that is ''accountability,'' and accountability to the people is what good government in a free society is all about.

A lame duck, who is more likely to be thinking about his or her next job instead of thinking about representing the people as they wished to be represented will be more accountable to the special interests with jobs to offer than to the people whose ballot will be debased to irrelevance.

□ 1400

Let us not replace the ballot box with the revolving door as the symbol of our democracy. We will always have Representatives who believe they know better on a given matter than their constituents, and from time to time they may be right. They have the responsibility to do and vote as they believe to be right, and then to try to persuade the voters that they were right or that they nonetheless merit reelection. But a free people has the ultimate right and responsibility to control its own destiny and to live with the consequences of their judgments. We should not take away or restrict that freedom.

There is one final argument that must be answered, that Congress should be composed solely of people serving relatively short stints before returning to their real careers, that a career in service to one's community and country is somehow dishonorable.

I reject that. We have elections to ensure that the people retain the power to judge the quality of their representation. But if they deem that representation to be good and honorable, then they should be permitted to continue it if they want. Are we to deny the people the right to choose modern-day Henry Clays or Daniel Webster if they want to? The proponents of term limits would say yes. I say no. I believe we should be about democracy and accountability, and I therefore oppose this dangerous, antidemocratic, and fundamentally elitist constitutional amendment.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, it is interesting to hear over and over that somehow this is anti-democratic, yet through the Democratic process

State after State after State has adopted term limits. Now, many States are not as fortunate as we in Oregon are because we have an initiative and referendum process that allows us to do that. Other people do not. So we need to step forward as Congress and make that happen.

One of the things that is very, very clear today is that this has to be bipartisan. There simply are not enough Republicans. With 230 Members, every Republican voting for this cannot make it happen.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BUNN of Oregon. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I do not have my copy of the contract. Would you show me the footnote in the contract where it says this one is dependent on getting 50 percent of the Democrats?

Mr. BUNN of Oregon. Mr. Chairman, reclaiming my time, if you read the contract, you would know very clearly the contract commits to bring this to the floor, have an open debate and a vote for the first time. Now, I am a Republican that did not sign the contract, but at least I know what it says. It says we will get this to the floor, which we have done, and we will give it a vote.

Mr. FRANK of Massachusetts. If the gentleman will yield further, simply by having this brought up and defeated you have satisfied the contract?

Mr. BUNN of Oregon. Absolutely not. By finally bringing it to the floor, we have given the American people the opportunity, and if the Democrats will cooperate, we will deliver to the American people what they deserve.

Now, I am willing, if the Democrats can get their version through, I will vote for it. And if the Republicans can get their version through, I challenge you to vote for it. There are four versions coming to us today, every one of which is better than the status quo, and I am willing to support any one. Whether they are retroactive or prospective, whether they are in the 6 or 12 years, the people have a right to term limits.

We are going to deliver two-thirds of the Republican votes and better. Can you deliver two-thirds of the Democrat votes? I do not think so. And if term limits fail, it is going to be once again the Democrats have thwarted the will of the American people. It is about time that you line up and support term limits, support a unified bipartisan effort. we can make a difference.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, today the Republican majority is keeping its promise to take the historic step of bringing term limits to the floor for a full and fair vote.

Never in history has a proposal to limit congressional terms been allowed to come to the floor.

When I first ran for Congress in 1992, I pledged to live by self-imposed term limits. Some of my colleagues wondered why, especially since I was one of the youngest Members elected. There was one very simple and direct answer.

It is important to lead by example.

I will lead by example, with a self-imposed limit.

Serving in Congress should not be a lifetime job. Any Member elected should work for whatever change he or she deems important, and then move on. If you haven't changed things within 12 years in the majority, chances are you never will, and you should step aside to let someone else try.

Voters in 22 States have approved term limits, and chances are that, if the other States had an initiative petition process, the voters there would approve term limits too.

I urge all my colleagues, Republican, Democrat, and anyone else, to support term limits. The voters will demand nothing less of this and any future Congress.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding, I just want to note for trend watchers, today a lot of Republicans are talking about how we must do what the public wants. Next week when we are dealing with the tax cut, which I believe public opinion polls will show is much less popular, look out for a change. We will be told then that it is important to stand up for what is right no matter what a temporary poll shows. So enjoy the allegiance to the short-term popular vote. It will pass with the weekend.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, I want to begin by paying respect to all of my colleagues. Members here are said to represent their people. We are sent to go home and to justify what it is we do and what we have done and how we have served our people.

I regard public service as an honorable calling. I have heard talk about citizen legislators and lack of citizen legislators. Under our system, we have seen people like Washington, Jefferson, Madison, Clay. We have seen Rayburn, we saw Michel, we have seen NEWT GINGRICH, we have seen Tom Foley, we have seen all of the other leaders, GEPHARDT. We have seen my friend HENRY HYDE. No one is going to tell me these are not citizen legislators.

There is a huge turnover in this place. If you look, better than 50 percent of the Members are new. Very few remember Watergate. Virtually none remember World War II. We need to have people here who are able to understand history, some who can recall it, some who can understand what it is we did and why, and why it was right, and why it was wrong, and why we should have done it, and why we should have not.

That is what makes this institution great, the fact that we do produce people who are able to go home year after year and justify to the people the propriety of their service, what they have done, how they have done it, and why, and then come back and assist us by providing us with a corporate memory and an understanding of what it is.

I regard public service as a great calling, as an honorable calling, as something in which we give back to the people we serve something for what they give us. And we work together as their spokesman, as their voice, as their representative in the Congress, to do what it is that they would like to have done.

Government is an honorable calling. It exists to enable the people to rule themselves, to keep order, to see to it that we have a just society, to address all of the proper responsibilities of government, such as the national defense, or seeing to it that we have a just society which sees to it that no one suffers unduly in times of distress or hardship, to take care of the old, to educate the young. These are great callings, and these are callings in which we are at the center.

It cannot be said that Members will not seek this job under the current situation. Look and see the number. Look at the number of new Members who have come here. There has been a turnover. But it is necessary to have people who understand what it is, why it is, how this institution works, and why, and where the public interest lies. Those are the real things which are important.

According to the Congressional Research Service, the average length of service in the 104th Congress is 7½ years in this body, 10 years in the other body, well under the 12 years that we are talking about here in some of these amendments. Throughout history only 13½ percent of all House Members have served for more than 6 years. I would observe that in the 19th century, the total percent was only 2.6 percent.

It is important we recognize not only the honor of this calling, but we recognize the right of the citizens to choose who it is will serve them. That is why we have elections. We go home to talk to our people, to tell them what we did. I have a home in Michigan. I live there. I stay there. I talk to my fellow citizens. I find out what their concerns are. And were that not so, I can assure you, I would not still be serving in this institution.

One thing that has to be observed, I oppose term limits. I think they are unwise and I think they rob the people of a choice. However, if we are to do something about term limits, they should commence immediately.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding. I would make two points, observations, if you could underscore them.

One, am I correct you are opposed to term limits?

Mr. DINGELL. Mr. Chairman, reclaiming my time, absolutely, and I have made no bones about it, and I have told my people so. By the way, I was elected by a very large majority.

Mr. SHAYS. Mr. Chairman, I am delighted to yield 3 minutes to the gracious gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman.

First, Republicans have done exactly what we promised to do in the Contract With America. We have brought the term limits debate to the floor of the House so that the arguments can be publicly and thoroughly aired. That is what we promised, and that is what we are delivering.

I believe the interest in term limits reflects people's belief that Congress has been out of touch, that we have not in recent years debated the issues that people felt were at the heart of their concerns, and in that I agree with them. I agree that this body has been out of touch, but it is not for lack of Member turnover.

More than 50 percent of the Members have been here less than 4 years. What great corporation with formidable responsibilities would seek greater turnover than that?

The problem has been the entrenched power structure that governs what this body is allowed to consider. That is the problem. The solution is the solution adopted by the Republican majority this term. We have limited the terms of committee chairmen, limited the terms of all of our leadership, so that we will assure that turnover in committee chair and in leadership positions will guarantee that indeed the agenda will change, that there will be no chairman that can limit the agenda to his interests and the interests of those who sent him to Congress.

Limiting the terms of committee chairmen and reforming our campaign finance laws so that challengers have a genuine opportunity to win are the answer. The solution is not term limits, because that simply transfers power to staff. They stay longer than Members, they get to know the law better than Members, and they end up steering Members and controlling the agenda when they are not elected and do not go home.

I do not want to transfer power to staff, but I also do not want to compromise the quality of the solutions that we develop here as this Congress. And if we limit terms, we will surely compromise quality. Limiting terms will not simplify the problems. The problems are complex because American manufacturing and agriculture now employ highly toxic chemicals to produce their products. That means we have to have clean air laws, clean water laws, and when we write those laws, we have to know a lot about industry, agriculture, and chemistry.

Our security depends on understanding what kind of conflicts we will be a part of in 20 years, and for that reason then we need to understand what force structure we will need, what armaments we will need, and what investments in research and development we must make now for the security of our children. These issues take time, they take study, they take years of understanding, knowledge, and work.

Our economic security depends on our success in the international market. Child and family security depends on getting rid of drugs.

The issues demand an intelligent, knowledgeable, and dedicated Congress. Vote against term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

□ 1415

Mr. HYDE. Mr. Chairman, I ask that no Member ask me to yield until I finish because I do not want to be interrupted.

I want to tell you how unpleasant it is to take the well in militant opposition to something that is so near and dear to the hearts of so many of my colleagues and Members whom I revere, but I just cannot be an accessory to the dumbing down of democracy. And I think that is what this is. I might also say, parenthetically, that it is a little amusing to see the stickers that have been worn by so many of my colleagues. It says, ''term limits, yes.'' It does not say, ''term limits now.'' It says, ''term limits, yes.''

I am reminded of the famous prayer of Saint Augustine who said, Dear God, make me pure, but not now.

If someone told you on election day you had to vote for a particular person, you would wonder if you were back in the Soviet Union. What is the essential differences if they tell you you may not vote for this person? They have limited your range of choices. You have narrowed the circle of possibilities. You have denied a fundamental right free people have in a free country. If this were a trial, I would call as my first witnesses the Founding Fathers who directly rejected term limits.

Chief Justice Earl Warren, in the famous case of Powell versus MacCormick, 1969, said, and I quote, ''a fundamental principle of our representative democracy is, in Hamilton's words, 'that the people should choose whom they please to govern them.' As Madison pointed out at the convention,'' still quoting Justice Warren, ''this principle is undermined as much by limiting whom the people can select as by limiting the franchise itself.''

In 1788, in New York, in debating ratifying the Constitution, Robert Livingston asked a haunting question: ''Shall we then drive experience into obscurity?'' He called that an absolute abridgment of the people's rights.

George Orwell, in a review of a book by Bertrand Russell, said it has become the task of the intellectual to defend the obvious. I make no pretense at being an intellectual, but defending experience against ignorance is certainly obvious.

Have you ever been in a storm at sea? I have, and I knew real terror until I looked up on the bridge and the old Norwegian skipper, who had been to sea for 45 years, was up there sucking on his pipe. And I can tell you that was reassuring.

When that dentist bends over with the drill whirring, do you not hope he has done that work for a few years?

And when the neurosurgeon has shaved your head and they have made the pencil mark on your skull where they are going to have the incision and he approaches with the electric saw, ask him one question, are you a careerist?

Is running a modern complex society of 250 million people and a $6 trillion economy all that easy? To do your job, to have a smattering of ignorance, in Oscar Levant's phrase, you have to know something about the environment, health care, banking and finance and tax policy, farm problems, weapons systems, Bosnia and Herzegovina and North Korea, not to mention Nagorno-Karabakh, foreign policy, the administration of justice, crime and punishment, education and welfare, budgeting in the trillions of dollars and immigration. And I have not scratched the surface.

We need our best people to deal with these issues. We in Congress deal with ultimate issues: life and death, war and peace, drawing the line between liberty and order. And do you ever really doubt that America will never again have a real crisis? With a revolving-door Congress, where will we get our Everett Dirksens, our Scoop Jackson, our Arthur Vandenbergs, our Hubert Humphreys, our Barry Goldwaters, our Sam Ervins? You do not get them out of the phone book. Where did Shimon Peres and Yitzak Rabin get the self-confidence to negotiate peace for their people with the PLO? I will tell you where: experience, bloody, bloody experience.

To those of you that are overwhelmed by the notion that this is a very popular cause, let me remind you of what Edmund Burke told the electors of Bristol, November 3, 1774. He said, a Member of Parliament owes to his constituency his highest fidelity. But he also owes them his best judgment and he does not owe his conscience to anybody.

I once told an incoming class of freshmen back when they let me speak to them at lunch that they have to know the issues to be prepared to lose

their seat over or they would do real damage here. To me, this is such an issue.

The unstated premise of term limits is that we are progressively corrupted the longer we stay around here. In answer to that I say, look around. You will see some of the finest men and women you will ever encounter in your life. The 12 apostles had their Judas Iscariot. We have a higher ratio than that. And I will tell you, I will not surrender. I will not concede to the angry, pessimistic populism that drives this movement, because it is just dead wrong.

Our negative campaigning, our mudslinging, our name calling has made anger the national recreation. But that is our fault, not the system's. America needs leaders. It needs statesmen. It needs giants, and you do not get them out of the phone book.

News is always better? What in the world is conservative about that? Have we nothing to learn from the past, tradition, history, institutional memory? Do they not count?

They have a saying in the provinces, Ignorance is salvageable, but stupid is forever.

This is not conservative. It is radical distrust of democracy. It is cynical. It is pessimistic, devoid of the hope and the optimism that built this country.

This corrosive attack on the consent of the governed stems from two sources. One is well meaning but misguided, and the other are those who really in their heart hate politics and despise politicians.

I confess, I love politics and I love politicians. They invest the one commodity that can never be replaced, their time, their family life, their privacy, and their reputation. And for what? To make this a better country.

Oh, incumbents have an advantage. I guess they do, although not necessarily. You have a record to defend. You have voted on hundreds of bills. And you get socked with them by your challenger who has nothing to defend, and you better be ready to explain how you voted back in 1988 on Gramm-Rudman or something like that.

But listen to me, it is 11:30 at night. And it is January and the snow is whirling outside the window. And I am in a banquet hall. I am at my one-millionth banquet. I am sitting there as we are honoring the mayor of one of my local towns, and they have not even introduced the commissioner of streets yet. And I am exhausted. And I look out the window at the snowstorm and I wonder where my opponent is.

He does not even know he is my opponent. He is home, stroking his collie dog, smoking a Macanudo, sipping from a snifter of Courvoisier and watching an R-rated movie on cable. But I am at that banquet.

Again and again, I will tell you why you have a leg up, good constituent service, accessibility, and availability. You ought to have a leg up. You have made an investment challengers never make. I will not apologize for that.

The case for term limits is a rejection of professionalism in politics. Career politician is an epithet. Careerism, they say, places too much focus on getting reelected and not on the public interest. That is a perfect nonsequitur. You get reelected by serving the public interest. Professionals, my friends, will run this Government. Only they will not be elected, they will be the faceless, nameless, try-to-get-them-on-the-phone, unaccountable permanent bureaucracy.

There are two contradictory arguments which support this term-limits issue. One is that we are too focused on reelection, not close enough to the people. Then you have the George Will theory that we are too close to the people, too responsive, and we need a constitutional distance from them.

I suggest any cause that is supported by two contradictory theories like this is standing on two stools which, as they separate, will give you an awful hernia.

Term limits limit the field of potential candidates. What successful person in mid life will leave a career at 50 and try and pick up the pieces at 56 or 62? This job will become a sabbatical for the well-to-do elite and bored retirees. And if you listen carefully, if this ever becomes law, that shuffling sound you hear is the musical chairs being played in every legislature in the country. So the question of 1788 recurs. Shall we then drive experience into obscurity? Shall we perpetrate this absolute abridgment of the people's rights?

Listen, last June 6, I had the honor of standing on the beaches at Normandy with BOB DOLE, Bob Michel, SONNY MONTGOMERY, SAM GIBBONS, and JOHN DINGELL. I guess you would call us old bulls today. But we were very young when we fought in battle 50 years ago. I guess we were citizen soldiers and citizen sailors back then. By some perverse logic, you withhold from us the title of citizen legislators today.

But I heard the mournful, piercing sound of big pipes from a British band, scattered among the sea of white crosses and the Stars of David, playing ''Amazing Grace.'' And with eyes not quite dry, I read some of the names on the crosses until I came to one that had no name. It just had a cross, stating ''Here Lies in Honored Glory a Comrade in Arms Known but to God.''

Then I saw another and another like that. No name, no family, just heroism buried thousands of miles from home. It occurred to me what an unpayable debt we owe these people because they died for freedom, and a part of that freedom is to choose who will govern you.

I can never vote to disparage that freedom. I pray you cannot either.

I presume to speak for SAM GIBBONS, BOB STUMP, JOHN DINGELL, SONNY MONTGOMERY, and yes, BOB DOLE. Fifty years ago our country needed us and we came running. I think our country still needs us. Why do you want to stop us from running? Why do you want to drive experience into obscurity? Have you forgotten the report card we got last November?

I have one piece of advice: Trust the people.

Mr. CONYERS. Mr. Chairman, after that remarkable performance by our chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. RICHARDSON. Mr. Chairman, let me say that that speech by the gentleman from Illinois made me feel proud to be a Member of Congress.

Mr. Chairman, we already have term limits. They are called elections. And every year the American people consider candidates and choose who they want to represent them. And the best argument against term limits is the 104th Congress. Fifty percent of the Congress has changed in the last 5 years. Term limits are an emotional response to political frustration. That is over. The voters spoke. We are the change, the 104th Congress.

Mr. Chairman, what happens if we have term limits? Staff, the bureaucracy, lobbyists would run the Government. Rural States will be hurt. How will a small State compete against the bigger States if they are not protected by the seniority of their Members?

□ 1430

How can New Mexico compete against New York and California when it comes to some basic interests?

Mr. Chairman, I saw the ad this morning by the term limits movement. They talked about the bank scandal, they talked about the midnight pay raise. That is over. That is years ago. There have been reforms in the Congress. Why do we keep beating ourselves up? There has been change. Why do we denigrate ourselves? What is wrong with experience?

Let us have campaign finance reform, Mr. Chairman. Let us have ethics reform. Let us have challengers have a better chance to defeat us, if that is the worry. Let us address the problems of the country. Mr. Chairman, let us not politicize this.

Members heard the gentleman from Illinois [Mr. HYDE], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Texas [Mr. DELAY], distinguished Members from the other side. There are going to be 40 Members from that side voting against this.

Mr. Chairman, let us not politicize this. Let us give it the slow death that this issue deserves. Term limits are wrong for this country, and I am proud to say that.

Mr. Chairman, we already have term limits. They are called elections. Every election year, the American people consider candidates and choose who they want to represent them.

I have two letters from my constituents with me. The first letter is from Nicole Beers from Los Alamos, NM. She states, ''This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff * * * I will certainly be pulling for you in the next elections, as will my family.''

The second letter is from Bill and Phyllis Gaedke from Clovis, NM, who state, ''We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday * * *''.

My point, Mr. Chairman, is that both of my constituents were able to vote the way that they wanted to. Nicole for me and Bill and Phyllis against me. That is democracy. Term limits will only take away the rights of the American people to choose their best voice in the legislative process.

It is also hard for me to believe that supporters of term limits believe these limits are long overdue, yet they exclude themselves from such limits. There is one word to describe this, Mr. Chairman, and that word is hypocrisy.

If the Republican Contract With America promised that Congress should abide by the same rules that everyone else must follow, then the Republican bill on term limits breaks the contract.

LOS ALAMOS, NM,
August 16, 1994.

Hon. BILL RICHARDSON,
House of Representatives, Santa Fe, NM.

DEAR CONGRESSMAN RICHARDSON: This letter is sent with many thanks and great appreciation for the prompt and courteous treatment I received from you and your staff. Once I contacted your office, the speed with which my problem was resolved was astounding. The frustration and helplessness that I felt regarding the situation I was in with the University of New Mexico's scholarship office is gone. Instead, I received the scholarship that I worked so hard for.

Within one week of contacting your office, I was contacted by someone from the scholarship office who informed me that my scholarship was still intact and that I would soon be receiving an award letter. This was a dramatic change from the long minutes on hold and trying to schedule appointments that I had previously experienced.

Your staff was extremely cooperative and unbiased. I value that tremendously. I want you to know that I have relayed my experience and expressed my gratitude to just about anyone who would listen. Particularly, my family has heard the entire story, and everyone has agreed that having a congressman that is as close to the people of New Mexico is a rare and special thing.

I will certainly be pulling for you in the next elections, as will my family. Thank you again to your superb office staff and also to you, Congressman Richardson.

Sincerely,

NICOLE BEERS.

P.S. Juan Wecaro is the gentleman that worked directly with me.

CLOVIS, NM,
November 11, 1994.

Hon. BILL RICHARDSON,
Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE RICHARDSON: We regret that you escaped the gigantic broom that swept socialist liberals out of government Tuesday; however, we feel somewhat encouraged that the great event will serve as a very effective wakeup call that we will not tolerate business as usual in Washington, DC!

We know that you have already duly noted that you and your liberal policies were rejected here in Curry County and hope this fact serves as a guide to your getting into mainstream America.

You have been a very big spender; we hope now that you will be able to curb your insatiable appetite for our money.

Of course, we have been labeled obstructionist for many years; now we'll just have to see if anyone else wears that label.

[In percent]

Name	Curry County	Precinct 23
Bemis	50	60
Richardson	48	37

Sincerely,

BILL AND PHYLLIS GAEDKE.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I thank my distinguished colleague from Florida for yielding time to me, to allow me to say a few words about an historic debate.

Mr. Chairman, as great as the debate is that we have already heard here today, most recently through the eloquence of the chairman of the Committee on the Judiciary, and Mr. Chairman, as great as the debates that have raged in these hallways over the ages have been, and as great as the debate will be that we will hear into the evening hours tonight on this issue, let us not forget where the greatest, where the most eloquent, where the most appropriate debate on this issue is and should be, and that is with the people.

Let us keep in perspective, Mr. Chairman, what it is that we are debating and will be deciding this evening. We will not be deciding whether or not the American people should have term limits. All we are deciding, the only issue that we are deciding, is whether or not the people of this country shall themselves be able to make that decision.

I do not think there is anybody here that would deny that that is precisely the method for making these decisions that our Founding Fathers had in mind. That is all we are deciding.

Let us not take from the people the ability to decide this fundamental issue. Let the debate go forward from this Chamber to the halls of our State legislatures and in the communities all across America, where it ought to be. Let us not here today stifle that debate. It is a vigorous debate, it is a great debate. Let it continue.

Mr. Chairman, also with regard to one of the specific proposals that we will be debating and voting on, and that is that proposal for a 12-year limit that would allow States to set lower limits, let me say that is a recipe for disaster. That is a recipe that guarantees that the issue will in fact be bottled up in our courts for decades or years to come.

Let us reflect back to the last time this body did decide a similar issue, and that is early in this century with the 17th amendment that provided for the direct election of Senators. Had those Members who voted for that, and had those States that voted to adopt that amendment at that time said, ''Let us have a national standard with an asterisk on it, and say some States can do it directly and some States can do it indirectly,'' is there anybody here that would disagree with the proposition that that would have thrown the issue into the courts and probably would have resulted in the rejection of the 17th amendment?

If we have the fortitude, if we decide that this is an issue that the people should decide, let us give it to them and say ''Do you want a national standard?''

Do we want to provide for that great process that brings us here today, for the people to decide that and set that standard based on the will of the people? Let this debate continue.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. MCCRERY].

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

Mr. MCCRERY. Mr. Chairman, we limit the terms of the President, and we ought to limit the terms of Members of Congress.

Mr. Chairman, I rise in support of term limits for Members of Congress.

When I first arrived in Congress some 7 years ago, I had mixed feelings about term limits. But since arriving, I have witnessed the House Bank scandal, the House Restaurant scandal, and the House Post Office scandal. I believe all these sad events in the history of our legislative branch are due to the arrogance which results from human beings being in power for too long.

For those who contend that term limits run counter to our democratic principles and unduly restrict people's rights, I would point out that the people of this country, in their wisdom, chose to restrict their right to elect a President to only two terms. The people chose to so restrict their rights because they rightfully recognized the danger of allowing the executive branch to be controlled by any one person for too long. The same danger exists in the legislative branch. By not limiting terms of Members of Congress, we expose ourselves to the danger of a few men or women being in power, in positions of influence, in our legislative branch, for too long. We expose ourselves to the danger of the unbridled arrogance which can result from a set of human beings being in power for too long. I believe in the axiom, ''Power corrupts, and absolute power corrupts absolutely.''

Mr. Chairman, it is time to impose on our legislative branch the same kind of protection against the accumulation of power and the corruption which results from it that we have imposed on our executive branch of Government.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Mr. Chairman, as I listen to the debate today, I believe once again we see that Congress just does not get it. There continues to be a huge disconnect between Congress and

the American people, between this beltway mentality in Washington and the rest of the country.

I enjoy listening to the philosophical debate about the pros and cons for term limits, but coming from a business background, I think it is also important to come back and take a look at reality.

Let us take a look at what performance this Congress has been giving to the American people: huge deficits; a process which has unempowered the people by developing a campaign process where Congress is forced to raise huge amounts for campaign war chests, and other failed programs. We have developed a huge welfare state, a dependency on Washington rather than the American people.

It is time that we move back, that we empower the American people, that we even the playing field. We have to recognize that the only change and real reform that is taking place, is taking place at the State level, where voters are empowered to make change.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, the debate on term limits parallels the debate over giving women the right to vote.

It took Congress 32 years to catch up with the public's desire for women's suffrage. The first vote in Congress on a constitutional amendment to give women the vote took place in 1887, and it was defeated. It was defeated again in 1918 and once more in early 1919. It wasn't until later in 1919 that Congress finally approved the amendment and sent it to the States for ratification.

During the three decades that Congress was opposing women's suffrage, however, 30 of the 48 States went ahead and gave women the right to vote in some degree.

The same thing has occurred with term limits. During the last few years, when the Democratic leadership refused to even bring this issue to the floor, 22 States have passed their own congressional term limits laws. The term limits provision in the Contract With America and today's vote are signs that under our new Republican leadership Congress is finally catching up with the States.

The very first bill I introduced when I came to Congress was a term limits bill tracking Florida's 8-year limit, and I introduced the same bill again this year. I will support both the Hilleary and McCollum amendments because they would not supersede Florida's law, which passed in 1992 with 77 percent of the vote. National poll numbers show about the same percentage of support for term limits across the country.

Term limits will result in a Congress that is closer to the people. They will reduce the power of staff, since the most powerful staffers are always those who work for the most senior Members. And they will make the Congress more truly representative of America by resulting in a higher number of open seats, which are easier for women and minorities to win. Currently, 72 percent of the women and 81 percent of the minorities serving in Congress were elected to open seats.

Some say that we already have term limits in the form of elections. Unfortunately, voters are reluctant to oust their own incumbents—even in 1994, 90 percent of incumbents were re-elected. At the same time, however the voters in eight States enacted new term limits laws.

Others say that governing is too complicated to be left to citizen legislators. If our Government is too complex to be understood by its citizens, then we should be simplifying it, not creating a class of professional politicians to run it.

Take a look at the First Congress. That group of novices managed to rack up some pretty significant accomplishments. The Bill of Rights, for example.

I am sure there were a lot of lofty arguments put forward in this body 100 years ago as to why women's suffrage should not be written into the Constitution. But while Congress was debating, States were taking action.

It is no different this time around. To date, 25 million Americans in 22 States have voted for congressional term limits. When Members cast their vote today, I urge them to come down on the side of the American people. I urge them to vote ''yes'' on final passage of term limits.

Mr. CONYERS. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, the American people are angry and frustrated about the Congress and its lack of responsiveness to their needs. The rich get richer, the poor get poorer, and the middle class continues to shrink. Congress does not act and the people are angry.

The standard of living of the average American continues to go down, down, down, and we continue to lose huge numbers of decent-paying jobs to desperate third-world countries. Congress does not act and the people are angry.

The United States today is the only major industrialized Nation on Earth without a national health care system. Congress does not act and the people are angry.

What are term limits going to do about any of this? Nothing, except perhaps make a bad situation worse. Mr. Chairman, the problem with American politics is not that we cannot force out every Member of Congress every 6 years. That is not the problem.

The problem is that the U.S. Congress today is dominated by big money interests, and that this institution works primarily for the wealthy and the powerful, and not the ordinary American. That is the problem, and all of the term limits in the world are not going to change that reality.

Mr. Chairman, if we are going to make the Congress responsive to ordinary Americans, we need campaign finance reform, not term limits. We need to stop millionaires from buying their own seats, and end the absurdity of 20 percent of the Members of Congress being millionaires themselves.

We need to stop corporations from putting huge amounts of campaign contributions into political parties as soft money. We need to stop powerful interests like the insurance companies from buying the air waves to prevent real health care reform.

Mr. Chairman, let us pass campaign finance reform, not term limits, and return power back to ordinary Americans.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

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

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

Mr. Chairman, I rise in strong support of term limits. I have a great respect for some of those here today who have argued against them, but I think they have missed the point and missed the point entirely. It has been claimed that term limits will give strength and power to the congressional staff, to bureaucrats, to lobbyists who will be here in Washington, DC perhaps forever to come.

I think that is entirely wrong. I think in fact the current system gives strength to those institutions of Washington, DC, because those who have been here for 20, 30, 40, and 50 years are the ones who have institutionalized themselves as part of that process. They have been unwilling to change. That is what has been seen when we have actually had some turnover here recently.

Conventional wisdom is not being accepted right now. The status quo is not being accepted. It is because of the fact that we have new Members bringing that about. Term limits is the only way to assure that we will have this constant turnover, this constant freshness.

Those who suggest that the only kind of experience in this Congress is the experience of warming a seat here for 20, 30, 40, or in the case of one individual who set the all-time record of 54 years, are wrong. I keep hearing Henry Clay's name being mentioned. Henry Clay was elected Speaker of the House in the early 1800's, not after he had been here for 20 years, in his very first term. Why? Not because of experience in the House of Representatives, but because of experience in life. It is time that we recognize that and return this institution to the people. I urge support for term limits.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. QUINN].

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

Mr. QUINN. Mr. Chairman, later today the House will vote on the question of whether or not to assign term limits to all Members of Congress. This is truly an historic occasion.

I strongly support a 12-year term limit for both Senators and Representatives.

In fact, when I first ran for Congress in 1992, the need for term limits was item No. 1 on my 11-point platform for immediate congressional reform.

I will quote from that list:

''No. 1. Term limits: With incumbents winning re-election 90 percent of the time, America's electoral process is lacking the competition essential for true democracy. The life tenure of Members of Congress is the major contributing factor to most of the problems of Congress.''

Measures designed to effect congressional reform through term limitations appeared on ballots in eight States during the 1994 election, and, in all but one State, they were passed.

Congressional term limits would enhance the democratic nature of our national legislature by opening it up to a true, fair, and competitive election process.

□ 1445

Mr. SHAYS. Mr. Chairman, it gives me great pleasure to yield 3 minutes to the gentleman from New York [Mr. GILMAN], chairman of a committee that focuses its attention around the world.

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

Mr. GILMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, I am pleased to rise in opposition to the term limits amendments. Just last week, after a historic debate, the Congress debated and approved the Personal Responsibility Act, sending a clear message: Americans must take responsibility for their own actions.

Two weeks ago, our debate on commonsense legal reform also focused on the proposition that individual responsibility is the hallmark of our Nation.

Is it not ironic that we are now considering stripping Americans of the most basic, crucial responsibility of all: the responsibility to remain alert, active, and informed; the responsibility to monitor elected officials; the responsibility to cast an intelligent vote on election day.

Term limits are being proposed to solve a problem that does not exist. Over half the current Members of Congress began their service in this Chamber since 1990. During the 8 years that Ronald Reagan was President, the House experienced a 60-percent turnover of membership.

Those Americans who have chosen to exercise their responsibility in voting have been remarkably discriminating. It is an insult to their intelligence, and to their patriotism, to contend term limits are the only possible way to turn out representatives who they feel have outlived their usefulness.

Our Nation already has term limits: it's called ''voting.''

I do not subscribe to the theory that public service is the only job in our society in which experience is an evil.

Throughout my many years of service as a Member of this body, I have never experienced an unopposed election. Every 2 years, I have defended the positions I had taken, explained my voting record, and accounted to the people for my conduct in office. I believe that this was the way our Founding Fathers intended Congress to work, and I see nothing wrong with that proposition.

Today, we are asked, for the first time in our Nation's history, to turn the clock back on 208 years of progress. After two centuries of expanding the electorate and the rights of our citizens, for the first time, an amendment is proposed that would restrict the rights of Americans to make a free and open choice regarding their representatives, and which would absolve them of the responsibility of remaining alert and active.

Mr. Chairman, term limits is much more than just a bad idea. It is a threat to our system of Government. I urge my colleagues to strongly reject this amendment and to get on with the business of governing.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. HEFNER].

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

Mr. HEFNER. First of all I would like to say that I witnessed today from the gentleman from Illinois [Mr. HYDE] one of the greatest speeches I have ever heard on the floor of this House of Representatives. I think we are talking about the wrong thing in this debate on term limits.

Let's try to put it in focus for the millions of people that are fortunate enough to hear this very high-level debate today. I believe that if you went to the American people and you said to the American people, ''What do you think about term limits for Members of Congress in the other body?'' they would say, ''We support term limits.'' But if you gave them the full facts and you said the amendment that we are considering today, a 12-year limit, and you said to them at the very best it is going to take 5 years for it to work its way through the States, so that makes 17 years and everybody that has spoken on this for and against has been here at least one term, which is 2 more years, so you are talking about term limits to get rid of all the riffraff here, you have got 17 years. Term limits for 17 years.

I happen to believe that public service is the most honorable profession that you can practice. I am going if you will permit me to be personal for one minute. I had open heart surgery about 4 years ago and the second day out of surgery, how I will never know, they put through a call from North Carolina to my room, and this little old lady said to me, ''BILL HEFNER, I just want to call you and thank you because your office and your staff saved me from losing my home.'' Our constituent service went to work for this lady, and I do not know what we did, but in her mind it enabled her to save her home and that was precious to her.

I would hope that we would not pass an amendment that would prohibit any member of this House from having some precious soul in their district exercise their God-given right and their constitutional right to vote for whoever they want to if they get into the electoral process legally that they could express their vote on confidence in that person.

I think when you go to the American people and tell them the truth, this is not a 12-year term limits, it is actually at best a 17-year term limit prohibition.

Mr. CANADY of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BARRETT of Nebraska] having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of members of the Senate and the House of Representatives, had come to no resolution thereon.

CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. ARCHER submitted the following conference report and statement on the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–92)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 831), to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. PERMANENT EXTENSION AND INCREASE OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) PERMANENT EXTENSION.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) INCREASE IN DEDUCTION.—Paragraph (1) of section 162(l) of the Internal Revenue Code of 1986 is amended by striking ''25 percent'' and inserting ''30 percent''.

(c) EFFECTIVE DATES.—

(1) EXTENSION.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

(2) INCREASE.—The amendment made by subsection (b) shall apply to taxable years beginning after December 31, 1994.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) IN GENERAL.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) CONFORMING AMENDMENTS.—Sections 1245(b)(5) and 1250(d)(5) of the Internal Revenue Code of 1986 are each amended—

(1) by striking ''section 1071 (relating to gain from sale or exchange to effectuate polices of FCC) or'', and

(2) by striking ''1071 AND'' in the heading thereof.

(c) CLERICAL AMENDMENT.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—

(i) IN GENERAL.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(ii) MATERIAL TERMS.—For purposes of clause (i), the material terms of a contract shall not be treated as contingent on the issuance of an FCC tax certificate solely because such terms provide that the sales price would, if such certificate were not issued, be increased by an amount not greater than 10 percent of the sales price otherwise provided in the contract.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term ''FCC tax certificate'' means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. SPECIAL RULES RELATING TO INVOLUNTARY CONVERSIONS.

(a) REPLACEMENT PROPERTY ACQUIRED BY CORPORATIONS FROM RELATED PERSONS.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) NONRECOGNITION NOT TO APPLY IF CORPORATION ACQUIRES REPLACEMENT PROPERTY FROM RELATED PERSON.—

''(1) IN GENERAL.—In the case of—

''(A) a C corporation, or

''(B) a partnership in which 1 or more C corporations own, directly or indirectly (determined in accordance with section 707(b)(3)), more than 50 percent of the capital interest, or profits interest, in such partnership at the time of the involuntary conversion,

subsection (a) shall not apply if the replacement property or stock is acquired from a related person. The preceding sentence shall not apply to the extent that the related person acquired the replacement property or stock from an unrelated person during the period described in subsection (a)(2)(B).

''(2) RELATED PERSON.—For purposes of this subsection, a person is related to another person if the person bears a relationship to the other person described in section 267(b) or 707(b)(1).''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to involuntary conversions occurring on or after February 6, 1995.

(b) APPLICATION OF SECTION 1033 TO CERTAIN SALES REQUIRED FOR MICROWAVE RELOCATION.—

(1) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions), as amended by subsection (a), is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) SALES OR EXCHANGES TO IMPLEMENT MICROWAVE RELOCATION POLICY.—

''(1) IN GENERAL.—For purposes of this subtitle, if a taxpayer elects the application of this subsection to a qualified sale or exchange, such sale or exchange shall be treated as an involuntary conversion to which this section applies.

''(2) QUALIFIED SALE OR EXCHANGE.—For purposes of paragraph (1), the term 'qualified sale or exchange' means a sale or exchange before January 1, 2000, which is certified by the Federal Communications Commission as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the Federal Communications Commission's reallocation of that spectrum for use for personal communications services. The Commission shall transmit copies of certifications under this paragraph to the Secretary.''

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to sales or exchanges after March 14, 1995.

SEC. 4. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

''(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING EXCESSIVE INVESTMENT INCOME.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for the taxable year exceeds $2,350.

''(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

''(A) interest or dividends to the extent includible in gross income for the taxable year,

''(B) interest received or accrued during the taxable year which is exempt from tax imposed by this chapter, and

''(C) the excess (if any) of—

''(i) gross income from rents or royalties not derived in the ordinary course of a trade or business, over

''(ii) the sum of—

''(I) the deductions (other than interest) which are clearly and directly allocable to such gross income, plus

''(II) interest deductions properly allocable to such gross income.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 5. EXTENSION OF SPECIAL RULE FOR CERTAIN GROUP HEALTH PLANS.

Section 13442(b) of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) is amended by striking ''May 12, 1995'' and inserting ''December 31, 1995''.

SEC. 6. STUDY OF EXPATRIATION TAX.

(a) IN GENERAL.—The staff of the Joint Committee on Taxation shall conduct a study of the issues presented by any proposals to affect the taxation of expatriation, including an evaluation of—

(1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation,

(2) the current level of expatriation for tax avoidance purposes,

(3) any restrictions imposed by any constitutional requirement that the Federal income tax apply only to realized gains,

(4) the application of international human rights principles to taxation of expatriation,

(5) the possible effects of any such proposals on the free flow of capital into the United States,

(6) the impact of any such proposals on existing tax treaties and future treaty negotiations,

(7) the operation of any such proposals in the case of interests in trusts,

(8) the problems of potential double taxation in any such proposals,

(9) the impact of any such proposals on the trade policy objectives of the United States,

(10) the administrability of such proposals, and

(11) possible problems associated with existing law, including estate and gift tax provisions.

(b) REPORT.—The Chief of Staff of the Joint Committee on Taxation shall, not later than June 1, 1995, report the results of the study conducted under subsection (a) to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

And the Senate agree to the same.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
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 amendment of the Senate to the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon

by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferences, and minor drafting and clerical changes.

A. PERMANENTLY EXTEND DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

(Sec. 1 of the House bill, sec. 1 of the Senate amendment, sec. 1 of the conference agreement and sec. 162(l) of the Code)

Present Law

Under present law, the tax treatment of health insurance expenses depends on whether the taxpayer is an employee and whether the taxpayer is covered under a health plan paid for by the employee's employer. An employer's contribution to a plan providing accident or health coverage for the employee and the employee's spouse and dependents is excludable from an employee's income. The exclusion is generally available in the case of owners of a business who are also employees.

In the case of self-employed individuals (i.e., sole proprietors or partners in a partnership), no equivalent exclusion applies. However, prior law provided a deduction for 25 percent of the amount paid for health insurance for a self-employed individual and the individual's spouse and dependents. The 25-percent deduction was available with respect to the cost of self-insurance as well as commercial insurance. In the case of self insurance, the deduction was not available unless the self-insured plan was in fact insurance (e.g., there was appropriate risk shifting) and not merely a reimbursement arrangement. The 25-percent deduction was not available for any month if the taxpayer was eligible to participate in a subsidized health plan maintained by the employer of the taxpayer or the taxpayer's spouse. In addition, no deduction was available to the extent that the deduction exceeded the taxpayer's earned income. The amount of expenses paid for health insurance in excess of the deductible amount could be taken into account in determining whether the individual was entitled to an itemized deduction for medical expenses. The 25-percent deduction expired for taxable years beginning after December 31, 1993.

For purposes of these rules, more than 2-percent shareholders of S corporations are treated the same as self-employed individuals. Thus, they were entitled to the 25-percent deduction.

Other individuals who purchase their own health insurance (e.g., someone whose employer does not provide health insurance) can deduct their insurance premiums only to the extent that the premiums, when combined with other unreimbursed medical expenses, exceed 7.5 percent of adjusted gross income.

House Bill

The House bill would retroactively reinstate the deduction for 25 percent of health insurance costs of self-employed individuals for 1994 and would extend the deduction permanently.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1993.

Senate Amendment

The Senate amendment is the same as the House bill, except that the deduction would be increased to 30 percent for years beginning after December 31, 1994.

Effective date.—The provision generally would be effective for taxable years beginning after December 31, 1993. The increase in the deduction to 30 percent of health insurance costs would be effective for taxable years beginning after December 31, 1994.

Conference Agreement

The conference agreement follows the Senate amendment.

B. REPEAL OF SPECIAL RULES APPLICABLE TO FCC-CERTIFIED SALES OF BROADCAST PROPERTY

(Sec. 2 of the House bill, sec. 2 of the Senate amendment, sec. 2 of the conference agreement, and sec. 1071 of the Code)

Present Law and Background

Tax treatment of a seller of broadcast property

General tax rules

Under generally applicable Code provisions, the seller of a business, including a broadcast business, recognizes gain to the extent the sale price (and any other consideration received) exceeds the seller's basis in the property. The recognized gain is then subject to the current income tax unless the gain is deferred or not recognized under a special tax provision.

Special rules under Code section 1033

Under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property. The replacement property may be acquired directly or by acquiring control of a corporation (generally, 80 percent of the stock of the corporation) that owns replacement property. The taxpayer's basis in the replacement property generally is the same as the taxpayer's basis in the converted property, decreased by the amount of any money or loss recognized on the conversion, and increased by the amount of any gain recognized on the conversion.

Only involuntary conversions that result from destruction, theft, seizure, or condemnation (or threat or imminence thereof) are eligible for deferral under Code section 1033. In addition, the term ''condemnation'' refers to the process by which private property is taken from public use without the consent of the property owner but upon the award and payment of just compensation, according to a ruling by the Internal Revenue Service (IRS).[1] Thus, for example, an order by a Federal court to a corporation to divest itself of ownership of certain stock because of anti-trust rules is not a condemnation (or a threat or imminence thereof), and the divestiture is not eligible for deferral under this provision.[2] Under another IRS ruling, the ''threat or imminence of condemnation'' test is satisfied if, prior to the execution of a binding contract to sell the property, ''the property owner is informed, either orally or in writing by a representative of a governmental body or public official authorized to acquire property for public use, that such body or official has decided to acquire his property, and from the information conveyed to him has reasonable grounds to believe that his property will be condemned if a voluntary sale is not arranged.''[3] However, under this ruling, the threatened taking also must constitute a condemnation, as defined above.

Special rules under Code section 1071

Under Code section 1071, if the FCC certifies that a sale or exchange of property is necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the FCC with respect to the ownership and control of ''radio broadcasting stations,'' a taxpayer may elect to treat the sale or exchange as an involuntary conversion. The FCC is not required to determine the tax consequences of certifying a sale or to consult with the IRS about the certification process.

Under Code section 1071, the replacement requirement in the case of FCC-certified sales may be satisfied by purchasing stock of a corporation that owns broadcasting property, whether or not the stock represents control of the corporation. In addition, even if the taxpayer does not reinvest all the sales proceeds in similar or related replacement property, the taxpayer nonetheless may elect to defer recognition of gain if the basis of depreciable property that is owned by the taxpayer immediately after the sale or that is acquired during the same taxable year is reduced by the amount of deferred gain.

Tax treatment of a buyer of broadcast property

Under generally applicable Code provisions, the purchaser of a broadcast business, or any other business, acquires a basis equal to the purchase price paid. In an asset acquisition, a buyer must allocate the purchase price among the purchased assets to determine the buyer's basis in these assets. In a stock acquisition, the buyer generally takes a basis in the stock equal to the purchase price paid, and the business retains its basis in the assets. This treatment applies whether or not the seller of the broadcast property has received an FCC certificate exempting the sale transaction from the normal tax treatment.

FCC tax certificate program

Multiple ownership policy

The FCC originally adopted multiple ownership rules in the early 1940s.[4] These rules prohibited broadcast station owners from owning more than one station in the same service area, and, generally, more than six high frequency (radio) or three television stations. Owners wishing to acquire additional stations had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules.

In November 1943, the FCC adopted a rule that prohibited duopolies (ownership of more than one station in the same city).[5] After these rules were adopted, owners wishing to acquire additional stations in excess of the national ownership limit had to divest themselves of stations they already owned in order to remain in compliance with the FCC's rules. After Code section 1071 was adopted in 1943, in some cases, parties petitioned the FCC for tax certificates pursuant to Code section 1071 when divesting themselves of stations. These divestitures were labeled ''voluntary divestitures'' by the FCC. When the duopoly rule was adopted, 35 licensees that held more than one license in a particular city were required by the rule ''involuntarily'' to divest themselves of one of the licenses.[6]

[1] Rev. Rul. 58–11, 1958–1 C.B. 273.

[2] Id.

[3] Rev. Rul. 74–8, 1974–1 C.B. 200.

[4] Fed. Reg. 2382 (June 26, 1940) (multiple ownership rules for high frequency broadcast stations); 5 Fed. Reg. 2284 (May 6, 1941) (multiple ownership rules for television stations).

[5] 8 Fed. Reg. 16065 (Nov. 23, 1943).

[6] FCC Announces New Policy Relating to Issuance of Tax Certificates, 14 FCC2d 827 (1956).

Minority ownership policy

In 1978, the FCC announced a policy of promoting minority ownership of broadcast facilities by offering an FCC tax certificate to those who voluntarily sell such facilities (either in the form of assets or stock) to minority individuals or minority-controlled entities.[7] The FCC's policy was based on the view that minority ownership of broadcast stations would provide a significant means of fostering the inclusion of minority views in programming, thereby serving the needs and interests of the minority community as well as enriching and educating the non-minority audience. The FCC subsequently expanded its policy to include the sale of cable television systems to minorities as well.[8]

''Minorities,'' within the meaning of the FCC's policy, include ''Blacks, Hispanics, American Indians, Alaska Natives, Asians, and Pacific Islanders.''[9] As a general rule, a minority-controlled corporation is one in which more than 50 percent of the voting stock is held by minorities. A minority-controlled limited partnership is one in which the general partner is a minority or minority-controlled, and minorities have at least a 20-percent interest in the partnership.[10] The FCC requires those who acquire broadcast properties with the help of the FCC tax certificate policy to hold those properties for at least one year.[11] An acquisition can qualify even if there is a pre-existing agreement (or option) to buy out the minority interests at the end of the one-year holding period, providing that the transaction is at arm's-length.

In 1982, the FCC further expanded its tax certificate policy for minority ownership. At that time, the FCC decided that, in addition to those who sell properties to minorities, investors who contribute to the stabilization of the capital base of a minority enterprise would be entitled to a tax certificate upon the subsequent sale of their interest in the minority entity.[12] To qualify for an FCC tax certificate in this circumstance, an investor must either (1) provide start-up financing that allows a minority to acquire either broadcast or cable properties, or (2) purchase shares in a minority-controlled entity within the first year after the license necessary to operate the property is issued to the minority. An investor can qualify for a tax certificate even if the date of the interest occurs after participation by a minority in the entity has ceased. In these situations, the status of the divesting investor and the purchaser of the divested interest is irrelevant, because the goal is to increase the financing opportunities available to minorities.

Personal communications services ownership policy

In 1993, Congress provided for the orderly transfer of frequencies, including frequencies that can be licensed pursuant to competitive bidding procedures.[13] The FCC has adopted rules to conduct auctions for the award of more than 2,000 licenses to provide personal communications services (''PCS''). PCS will be provided by means of a new generation of communication devices that will include small, lightweight, multi-function portable phones, portable facsimile and other imaging devices, new types of multi-channel cordless phones, and advanced paging devices with two-way data capabilities. The PCS auctions (which began last year) will constitute the largest auction of public assets in American history and are expected to generate billions of dollars for the United States Treasury.[14]

The FCC has designed procedures to ensure that small businesses, rural telephone companies and businesses owned by women and minorities have ''the opportunity to participate in the provision'' of PCS, as Congress directed in 1993.[15] To help minorities and women participate in the auction of the PCS licenses, the FCC took several steps including up to a 25-percent bidding credit, a reduced upfront payment requirement, a flexible installment payment schedule and an extension of the tax certificate program for businesses owned by minorities and women.[16]

The FCC will employ the tax certificate program in three ways: (1) initial investors (who provide ''start-up'' financing or purchase interests within the first year after license issuance) in minority and woman-owned PCS businesses will be eligible for FCC tax certificates upon the sale of their investments; (2) holders of PCS licenses will be able to obtain FCC tax certificates upon the sale of the business to a company controlled by minorities and women; and (3) a cellular operator that sells its interest in an overlapping cellular system to a minority or a woman-owned business to come into compliance with the FCC PCS/cellular cross-ownership rule will be eligible for a tax certificate. In addition, as discussed below, the FCC will issue tax certificates for PCS to encourage fixed microwave operators voluntarily to relocate to clear a portion of the spectrum for PCS technologies.

Microwave relocation policy

PCS can operate only on frequencies below 3GHz. However, because that frequency range is currently occupied by various private fixed microwave communications systems (such as railroads, oil pipelines, and electric utilities), there are no large blocks of unallocated spectrum available to PCS. To accommodate PCS, the FCC has reallocated the spectrum; the 1850–1990MHz spectrum will be used for PCS, and the microwave systems will be required to move to higher frequencies. Current occupants of the 1850–1990MHz spectrum allocated to PCS must relocate to higher frequencies not later than three years after the close of the bidding process.[17] In accordance with FCC rules, these current occupants have the right to be compensated for the cost of replacing their old equipment, which can operate only on the 1850–1990MHz spectrum, with equipment that will operate at the new, higher frequency. At a minimum, the winners of the new PCS licenses must pay for and install new facilities to enable the incumbent microwave operators to relocate. The amount of these payments and characteristics of the new equipment will be the subject of negotiation between the incumbent microwave operators and the PCS licensees; thus, the nature of the compensation (i.e., solely replacement equipment, or a combination of replacement equipment plus a cash payment) is unknown at present. If no agreement is reached within the 3-year voluntary negotiation period, the microwave operators will be required by the FCC to vacate the spectrum; however, the timing of such relocation is uncertain because the relocation would take place only after completion of a formal negotiation process in which the FCC would be a participant.

The FCC will employ the tax certificate program for PCS to encourage fixed microwave operators voluntarily to relocate from the 1850–1990 MHz band to clear the band for PCS technologies.[18] Tax certificates will be available to incumbent microwave operators that relocate voluntarily within three years following the close of the bidding process. Thus, the certificates are intended to encourage such occupants to relocate more quickly than they otherwise would and to clarify the tax treatment of such transactions.[19]

Congressional appropriations rider

Since fiscal year 1988, in appropriations legislation, the Congress has prohibited the FCC from using any of its appropriated funds to repeal, to retroactively apply changes in, or to continue to reexamination of its comparative licensing, distress sale and tax certificate policies.[20] This limitation has not prevented an expansion of the existing program.[21] The current rider will expire at the end of the 1995 fiscal year, September 30, 1995.

House Bill

The House bill would repeal Code section 1071. Thus, a sale or exchange of broadcast properties would be subject to the same tax rules applicable to all other taxpayers engaged in the sale or exchange of a business.

Effective date.—The repeal of section 1071 would be effective for (1) sales or exchanges on or after January 17, 1995, and (2) sale or exchanges before that date if the FCC tax certificate with respect to the sale or exchange is issued on or after that date. The provision would not apply to taxpayers who have entered into a binding written contract (or have completed a sale or exchange pursuant to a binding written contract) before January 17, 1995, and who have applied for an FCC tax certificate by that date. A contract would be treated as not binding for this purpose if the sale or exchange pursuant to the contract (or the material terms of the contract) were contingent on January 16, 1995, on issuance of an FCC tax certificate. A sale or exchange would not be contingent on January 16, 1995, on issuance of an FCC tax certificate if the tax certificate had been issued by the FCC by that date.

Senate Amendment

The Senate amendment is the same as the House bill.

Conference Agreement

The conference agreement follows the House bill and the Senate amendment with a clarification that the material terms of an

[7] Minority Ownership of Broadcasting Facilities, 68 FCC2d 979 (1978).

[8] Minority Ownership of Cable Television Systems, 52 R.R.2d 1469 (1982).

[9] 52 R.R.2d at n. 1.

[10] Commission's Policy Regarding the Advancement of Minority Ownership in Broadcasting, Policy Statement, and Notice of Proposed Rulemaking, 92 FCC2d 853–855 (1982).

[11] See Amendment of Section 73.3597 of the Commission's Rules (Applications for Voluntary Assignments or Transfers of Control), 57 R.R.2d 1149 (1985). Anti-trafficking rules require cable properties to be held for at least three years (unless the property is sold pursuant to a tax certificate).

[12] Commission Policy Regarding the Advancement of Minority Ownership in Broadcasting, 92 FCC2d 849 (1982).

[13] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, Title VI.

[14] Fifth Report and Order, 9 FCC Rcd 5532 (1994).

[15] Omnibus Budget Reconciliation Act of 1993, P.L. 103–66, section 6002(a).

[16] Installment payments are available to small businesses and rural telephone companies.

[17] The PCS auctions for the 1850–1990MHz spectrum commenced in December, 1994.

[18] See, Third Report and Order and Memorandum Opinion and Order, 8 FCC Rcd 6589 (1993).

[19] The transaction between the PCS licensee and the incumbent microwave operator might qualify for tax-free treatment as a like-kind exchange under Code section 1031 or as an involuntary conversion under Code section 1033. However, the availability of deferral under these Code provisions may be uncertain in certain circumstances. For example, it may be unclear whether the transaction would qualify as an involuntary conversion under currently applicable IRS standards.

[20] Pub. L. No. 100–202 (1987).

[21] The appropriations restriction ''does not prohibit the agency from taking steps to create greater opportunity for minority ownership.'' H. Rept. No. 103–708 (Conf. Rept.) 103d Cong. 2d Sess. 40 (1994).

otherwise binding contract in effect on January 16, 1995, would not be treated as contingent on the issuance of an FCC tax certificate solely because the contract provides that the sales price is increased by an amount not greater than 10 percent of the sales price in the event an FCC tax certificate is not issued.

C. MODIFICATION OF CODE SECTION 1033

(Sec. 3 of the House bill, sec. 3 of the Senate amendment, sec. 3 of the conference agreement, and sec. 1033 of the Code)

Present Law

As described above (item B), under Code section 1033, gain realized by a taxpayer from certain involuntary conversions of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property within a specified period.

Under rulings issued by the IRS to taxpayers, property (stock or assets) purchased from a related person may, in some cases, qualify as property similar or related in service or use to the converted property.[22] Thus, in certain circumstances, related taxpayers may obtain significant (and possible indefinite or permanent) tax deferral without any additional cash outlay to acquire new properties. In cases in which a taxpayer purchases stock as replacement property, section 1033 permits the taxpayer to reduce basis of stock, but does not require any reduction in the basis of the underlying assets. Thus, the reduction in basis of stock does not result in reduced depreciation deductions.

House Bill

Under the House bill, a taxpayer would not be entitled to defer gain under Code section 1033 when the replacement property or stock is purchased from a related person. For purposes of the bill, a person would be treated as related to another person if the relationship between the persons would result in a disallowance of losses under the rules of Code section 267 or 707(b). The provision would be intended to apply to all cases involving relationships to the taxpayer described in Code section 267(b) or 707(b)(1), including members of controlled groups under Code section 267(f).

Effective date.—The provision would apply to replacement property or stock acquired on or after February 6, 1995.

Senate Amendment

Related-party transactions

Under the Senate amendment, subchapter C corporations would not be entitled to defer gain under Code section 1033 if the replacement property or stock is purchased from a related person. A person would be treated as related to another person if the person bears a relationship to the other person described in Code section 267(b) or 707(b)(1). An exception to the general rule would provide that a taxpayer could purchase replacement property or stock from a related person and defer gain under Code section 1033 to the extent the related person acquired the replacement property or stock from an unrelated person within the period prescribed under Code section 1033. Thus, property acquired from outside the group within the period prescribed by section 1033 and retransferred to the taxpayer member of the group within the prescribed time period, would qualify in the hands of the taxpayer to the extent that the property's basis or other net tax consequences to the group do not change as a result of the transfer.

[22] See, e.g., PLR 8132072, PLR 8020069. Private letter rulings do not have precedential authority and may not be relied upon by any taxpayer other than the taxpayer receiving the ruling but are some indication of IRS administrative practice.

Microwave relocation transactions

The Senate amendment would provide that sales or exchanges that are certified by the FCC as having been made by a taxpayer in connection with the relocation of the taxpayer from the 1850–1990MHz spectrum by reason of the FCC's reallocation of that spectrum for use for PCS would be treated as involuntary conversions to which Code section 1033 applies.

Effective date

The provision prohibiting the purchase of qualified replacement property from a related party would apply to involuntary conversions occurring on or after February 6, 1995.

The provision treating certain microwave relocation transactions as involuntary conversions would apply to sales or exchanges occurring before January 1, 2000.

Conference Agreement

The conference agreement follows the Senate amendment with a modification to provide that the amendments made to section 1033 will apply not only to C corporations, but also to certain partnerships. Specifically, the provision will apply to a partnership if more than 50 percent of the capital interest, or profits interest, of the partnership are owned, directly or indirectly (as determined under section 707(b)(3)), by C corporations at the time of the involuntary conversion. If the provision applies to a partnership under the above rule, the provision would apply to all partners of the partnership, including partners that are not C corporations. If a partnership is not described by the above rule, none of the partners of the partnership will be subject to the provision by reason of their interest in the partnership.

In addition, the conference agreement clarifies that the determination of whether or not a partnership is related to another party will be made at the partnership level.

D. UNEARNED INCOME TEST FOR EARNED INCOME TAX CREDIT

(Sec. 4 of the House bill, sec. 4 of the Senate amendment, sec. 4 of the conference agreement, and sec. 32 of the Code)

Present Law

Eligible low-income workers are able to claim a refundable earned income tax credit (EITC). The amount of the credit an eligible taxpayer may claim depends upon whether the taxpayer has one, more than one, or no qualifying children and is determined by multiplying the credit rate by the taxpayer's earned income up to an earned income threshold. The maximum amount of the credit is the product of the credit rate and the earned income threshold. For taxpayers with earned income (or adjusted gross income, if greater) in excess of the phaseout threshold, the credit amount is reduced by the phaseout rate multiplied by the amount of earned income (or adjusted gross income, if greater) in excess of the phaseout threshold. The credit is not allowed if earned income (or adjusted gross income, if greater) exceeds the phaseout limit. There is no additional limitation on the amount of unearned income that the taxpayer may receive.

The parameters for the EITC depend upon the number of qualifying children the taxpayer claims. For 1995, the parameters are as follows:

	Two or more qualifying children—	One qualifying child—	No qualifying children—
Credit rate	36.00%	34.00%	7.65%
Phaseout rate	20.22	15.98%	7.65%
Earned income threshold	$8,640	$6,160	$4,100
Maximum credit	$3,110	$2,094	$314
Phaseout threshold	$11,290	$11,290	$5,130
Phaseout limit	$26,673	$24,396	$9,230

The earned income threshold and the phaseout threshold are indexed for inflation; because the phaseout limit depends on those amounts, the phaseout rate, and the credit rate, the phaseout limit will also increase if there is inflation. Earned income consists of wages, salaries, other employee compensation, and net self-employment income.

The credit rates and phaseout rates for the EITC change over time under present law. For 1996 and after, the credit rate will be 40 percent and the phaseout rate will be 21.06 percent for taxpayers with two or more qualifying children. The credit rate and the phaseout rate for taxpayers with one qualifying child or no qualifying children will be the same as those listed in the table above.

In order to claim the EITC, a taxpayer must either have a qualifying child or must meet other requirements. A qualifying child must meet a relationship test, an age test, and a residence test. In order to claim the EITC without a qualifying child, a taxpayer must not be a dependent and must be over age 24 and under age 65.

House Bill

Under the House bill, a taxpayer would not be eligible for the EITC if the aggregate amount of interest and dividends includible in the taxpayer's income for the taxable year exceeds $3,150. The otherwise allowable EITC amount would be phased out ratably for taxpayers with aggregate taxable interest and dividend income between $2,500 and $3,150. For taxable years beginning after 1996, the $2,500 threshold and the $650 size of the phaseout would be indexed for inflation with rounding to the nearest multiple of $10.

Effective date.—The provision would be effective for taxable years beginning after December 31, 1995.

Senate Amendment

Under the Senate amendment, a taxpayer would not be eligible for the EITC if the aggregate amount of ''disqualified income'' of the taxpayer for the taxable year exceeds $2,450. Disqualified income would be the sum of:

(1) interest (whether or not subject to tax) received or accrued in the taxable year,

(2) dividends to the extent includible in gross income for the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Effective date.—Same as the House bill.

Conference Agreement

The conference agreement provides that a taxpayer is not eligible for the EITC if the aggregate amount of ''disqualified income'' of the taxpayer for the taxable year exceeds $2,350. Disqualified income is the sum of:

(1) interest and dividends includible in gross income for the taxable year,

(2) tax-exempt interest received or accrued in the taxable year, and

(3) net income (if greater than zero) from rents and royalties not derived in the ordinary course of business.

Tax-exempt interest is defined as amounts required to be reported on the taxpayer's return under Code section 6012(d).

Effective date.—The provision is effective for taxable years beginning after December 31, 1995.

E. EXTENSION OF RULE FOR CERTAIN GROUP HEALTH PLANS

(Sec. 5 of the conference agreement and sec. 162(n) of the Code)

Present Law

In general, present law disallows employer deductions for any amounts paid or incurred in connection with a group health plan if the plan fails to reimburse hospitals for inpatient services provided in the State of New

York at the same rate that licensed commercial insurers are required to reimburse hospitals for inpatient services of individuals not covered by a group health plan. This provision applies with respect to inpatient hospital services provided to participants after February 2, 1993, and on or before May 12, 1995.

House Bill

No provision.

Senate Amendment

No provision.

Conference Agreement

The conference agreement extends the present-law deduction disallowance for expenses in connection with certain group health plans through December 31, 1995.

Effective date.—The provision is effective on the date of enactment.

F. IMPOSITION OF TAX ON U.S. CITIZENS WHO RELINQUISH CITIZENSHIP

(Sec. 5 of the Senate amendment, sec. 6 of the conference agreement, proposed new sec. 877A, and secs. 877 and 7701 of the Code)

Present Law

U.S. citizens and residents generally are subject to U.S. income taxation on their worldwide income. The United States imposes tax on gains recognized by foreign persons that are attributable to dispositions of interests in U.S. real property. Distributions, including lump-sum distributions, that foreign persons receive from qualified U.S. retirement plans generally are subject to U.S. tax at a 30-percent rate.

A U.S. citizen who relinquishes U.S. citizenship with a principal purpose to avoid Federal tax may be subjected to an alternative taxing method for 10 years after expatriation (sec. 877). Under this alternative method, the expatriate generally is taxed on his U.S. source income (net of certain deductions), as well as on certain business profits, at rates applicable to U.S. citizens and residents.

The United States imposes its estate tax on the worldwide estates of persons who were citizens or domiciliaries of the United States at the time of death, and on certain property belonging to nondomiciliaries of the United States which is located in the United States at the time of their death. The U.S. gift tax is imposed on all gifts made by U.S. citizens and domiciliaries, and on gifts of property made by nondomiciliaries where the property is located in the United States at the time of the gift. Special rules apply to the estate and gift tax treatment of individuals who relinquished their U.S. citizenship within 10 years of death or gift, if the individual's loss of U.S. citizenship has as one of its principal purposes a tax avoidance motive.

House Bill

No provision.

Senate Amendment

Under the Senate amendment, a U.S. citizen who relinquishes citizenship generally would be treated as having sold all of his property at fair market value immediately prior to the expatriation. Gain or loss from the deemed sale would be recognized at that time, generally without regard to other provisions of the Code. Net gain on the deemed sale would be recognized under the bill only to the extent it exceeds $600,000 ($1.2 million in the case of married individuals filing a joint return, both of whom expatriate).

Property treated as sold by an expatriating citizen under the provision would include all items that would be included in the individual's gross estate under the Federal estate tax if such individual were to die on the day of the deemed sale, plus certain trust interests that are not otherwise includible in the gross estate and other interests that may be specified by the Treasury Department in order to carry out the purposes of the provision.

Certain types of property generally would not be taken into account for purposes of determining the expatriation tax: U.S. real property interests, interests in qualified retirement plans (other than interests attributable to excess contributions or contributions that violate any condition for tax-favored treatment), and, under regulations, interests in foreign pension plans and similar retirement plans or programs (up to a maximum amount of $500,000).

Under the amendment, an expatriate who is a beneficiary of a trust would be deemed to own a separate trust consisting of the assets allocable to his share of the trust, in accordance with his interest in the trust. The separate trust would be treated as selling its assets for fair market value immediately before the beneficiary relinquishes his citizenship, and distributing all resulting income and corpus to the beneficiary.

Under the amendment, a U.S. citizen who renounces his U.S. nationality before a diplomatic or consular officer of the United States would be treated as having relinquished his citizenship on the date, provided that the renunciation is later confirmed by the issuance of a certificate of loss of nationality (''CLN'') by the U.S. Department of State. A U.S. citizen who furnishes to the Department of State a signed statement of voluntary relinquishment of U.S. nationality confirming the performance of an expatriating act would be treated as having relinquished his citizenship on the date such statement is so furnished, provided that the voluntary relinquishment is later confirmed by the issuance of a CLN. Any other U.S. citizen to whom the Department of State issues a CLN would be treated as having relinquished his citizenship on the date the CLN is issued to the individual. A naturalized citizen is treated as having relinquished his citizenship on the date a court of the United States cancels his certificate of naturalization.

Under the amendment, an individual who is subject to the tax on expatriation would be required to pay a tentative tax equal to the amount of tax that would have been due based on a hypothetical short tax year that ended on the date the individual relinquished his citizenship. The tentative tax would be due on the 90th day after the date of relinquishment.

The amendment would provide that the time for the payment of the tax on expatriation may be extended for a period not to exceed 10 years at the request of the taxpayer, as provided by section 6161.

The amendment would authorize the Treasury Department to issue regulations to permit a taxpayer to allocate the taxable gain (net of any applicable exclusion) to the basis of assets taxed under this provision, thereby preventing double taxation if the assets remain subject to U.S. tax jurisdiction.

Effective date.—The amendment would be effective for U.S. citizens who relinquish their U.S. citizenship (as determined under the provision) on or after February 6, 1995. The tentative tax would not be required to be paid until 90 days after the date of enactment.

Present law would continue to apply to U.S. citizens who relinquished their citizenship prior to February 6, 1995.

Conference Agreement

The conference agreement does not include the Senate amendment.

The conference agreement, however, directs that the staff of the Joint Committee on Taxation undertake a study of the issues presented by any proposals to affect the tax treatment of expatriation, including an evaluation of (1) the effectiveness and enforceability of current law with respect to the tax treatment of expatriation, (2) the current level of expatriation for tax avoidance purposes, (3) any restrictions imposed by any constitutional requirement that Federal income tax apply only to realized gains, (4) the application of international human rights principles to the taxation of expatriation, (5) the possible effects of any such proposals on the free flow of capital into the United States, (6) the impact of any such proposals on existing tax treaties and future treaty negotiations, (7) the operation of any such proposals in the case of interests in trusts, (8) the problems of potential double taxation in any such proposals, (9) the impact of any such proposals on the trade policy objectives of the United States, (10) the administrability of such proposals, and (11) possible problems associated with existing law, including estate and gift tax provisions. The results of such study are to be reported to the Chairman of the House Committee on Ways and Means and to the Chairman of the Senate Committee on Finance by June 1, 1995.

ESTIMATED REVENUE EFFECTS OF H.R. 831 AS AGREED TO BY HOUSE AND SENATE CONFEREES—FISCAL YEARS 1995–2005

[Millions of Dollars]

Provision	Effective	1995	1996	1997	1998	1999	2000	1995–00	2001–05	1995–05
1. Extend self-employed health deduction: 25% for 1994 and 30% thereafter.	tyba Dec. 31, 1993	−514	−482	−527	−587	−649	−708	−3,467	−4,520	−7,987
2. Repeal section 1071 (FCC tax certificate program with transition)	Jan. 17, 1995	303	379	135	135	170	201	1,323	1,465	2,786
3. Modify section 1033 for corporations with transition rule for microwave relocation previously entitled to section 1071 (nonrecognition of gain on involuntary conversions not to apply to acquisitions from related persons).	Feb. 6, 1995	5	9	23	33	47	67	184	505	689
4. Deny earned income tax credit to individuals with interest, dividends, tax-exempt interest income, and net rental and royalty income over $2,350 (the threshold is not indexed for inflation) [1].	Jan. 1, 1996		22	436	487	521	556	2,023	3,515	5,538
5. Extension of rule for certain group health plans	DoE	−42	−11					−53		−53
Net totals		−248	−83	67	68	89	116	10	965	975

[1] Included in this estimate are decreases in EITC outlays of $18 million for FY 1996, $353 million for FY 1997, $397 million for FY 1998, $426 million for FY 1999, $449 million for FY 2000, $495 million for FY 2001, $529 million for FY 2002, $566 million for FY 2003, $605 million for FY 2004, and $647 million for FY 2005.

Note.—Details may not add to totals due to rounding. Legend for ''Effective'' column: tyba=taxable years beginning after. DoE=date of enactment.

Source: Joint Committee on Taxation.

BILL ARCHER,
PHILIP CRANE,
WM. THOMAS,
CHARLES B. RANGEL,
Managers on the Part of the House.
BOB PACKWOOD,
BOB DOLE,
BILL ROTH,
JOHN H. CHAFEE,
CHUCK GRASSLEY,
DANIEL PATRICK MOYNIHAN,
MAX BAUCUS,
CAROL MOSELEY-BRAUN,
Managers on the Part of the Senate.

TERM LIMITS CONSTITUTIONAL AMENDMENT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 116 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution, House Joint Resolution 73.

□ 1453

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 further consideration of the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, with Mr. KLUG in the chair.

The Clerk read the title of the joint resolution.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the following time remained in general debate:

The gentleman from Michigan [Mr. CONYERS] had 9½ minutes, the gentleman from Connecticut [Mr. SHAYS] also had 9½ minutes, and the gentleman from Florida [Mr. CANADY] had 28 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

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

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

Members of the House will have the opportunity to vote on several versions of term limits. We all have our differences as to the one which we prefer. But in the end, Members will have a chance to stand up and have their voice counted, for the first time ever, either for or against term limits.

This will be an historic opportunity for this country to return to the citizen legislature envisioned by the Founding Fathers.

I am proud to be a part of this energetic class of freshman Members and I am proud of the bill we have crafted. Over the past several weeks we have helped pass legislation to make historic change in the way the rest of the Government works.

Today we are going to vote on helping make historical change to the way this institution works.

We have the opportunity to give back power to the people.

We have the opportunity to end the era of the career politician.

We might not achieve that goal today, but this is the first vote ever on term limits and it should be considered a win for the people no matter what happens.

If we garner the 290 votes we need, then we are going to send this bill over to the Senate with an incredible amount of momentum. If we fall short, we have still made a huge down payment on the concept of term limits.

I say this sadly, but I believe that those that vote against term limits may have themselves in peril the next time they stand for reelection. Their constituents may decide not to send them back. I say this with sadness because I have nothing but respect for the folks, men and women, who have labored here for many years in service to their country. But with all due respect, I firmly believe that none of us are irreplaceable and as proud as I am of our freshman class, none of us need to be here for the next 20 or 30 years.

Let's support the wishes of the citizens of this country by passing term limits today. Regardless of what emerges from the Committee of the Whole, let's support term limits on final passage.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

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

Mr. FOX of Pennsylvania. Mr. Chairman, term limits is an idea whose time has arrived. The people of the United States have said in record numbers, over 80 percent, that they want term limits. It may be the most popular item that we have in the Contract With America. If we vote today for any of these various proposals, such as the 6-year Inglis bill, the 12-year McCollum bill or the Hilleary States rights legislation, we will set in motion a chance for the people to decide.

The first step is the passage here in the U.S. House. The second step would be the passage in the U.S. Senate. The third step would be 38 States to adopt. California has already shown us that with issue and referendum, how fair it is to involve each of the citizens in the direct process of deciding the issues that affect their lives. This legislation before us will again give power to the people to decide just how long the terms in office should be.

With term limits, we bring to the Congress an infusion of new ideas, new enthusiasm, and a fresh perspective. By passing term limits, more people will have the chance to personally contribute their individual talent, their energies to the representative process. We have already seen how the public is looking to us to in fact come through with the promises from the Contract With America.

We have already seen the adoption of the Shays act, the accountability law, the balanced budget amendment, the line-item veto, the prohibition of unfunded mandates, legal reform, and now we are here on term limits. It is the responsibility for each Member of the House to decide which bill best fits their district or their view of how the United States should look at term limits. But in any event, term limits is certainly what the people in great vast numbers want across the United States.

It is our job tonight to vote in favor of those legislative items.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

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

Mr. Chairman, I am going to be voting for term limits today, but that does not mean I am in favor of term limits. The reason I am voting for term limits is because we have a Contract With America and I signed the contract. I do not want to renege on my word.

Last November 8, the American people voted and we had wholesale change in the House of Representatives. If I have to go in for open heart surgery, I don't want a man or woman just out of medical school, I want someone who has been there for awhile and knows what they are doing. But I did sign the Contract With America last September, and I told the people that I would vote for term limits, and that is why I feel honor bound and duty bound to vote for term limits.

I did survey the people of my district. In fact, I asked all the questions, all 10, on the Contract With America. It might be interesting that on term limits, we had some 15,534 people respond, 5,929 for, 9,605 against. So 61 percent of the people were against term limits.

□ 1500

Basically what I asked was whether they want a 6-year term or 12-year term, or neither. People should be able to vote whomever they want in the ballot box and 61 percent of the people did pick the third one.

In 1787 after our forefathers crafted a constitution at the Convention, it was not ratified immediately, it went to the States and there was a debate. And I feel that is what we are going to be doing with this amendment. We are going to be sending it to the States and let us have a debate, a national debate, and that probably it can lead to a national catharsis. We can debate this issue and allow the people to have an ultimate say and that is why I think this particular amendment is important. I think the people should have a say throughout the land.

So, for that reason I think it is important that we pass it. But I do feel that term limits should be extended to the bureaucracy too. Otherwise the bureaucracy is going to be much stronger or the Supreme Court.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentleman's intellectual honesty, but my understanding of the contract was the contract simply called for this to be brought to the floor.

Mr. ROTH. I take back the balance of my time because I have only 30 seconds. That might be true, but I feel I signed the contract. I am talking for myself, I am not talking for others. I did sign the contract and I feel that I am honor bound to vote for term limits. But my heart is not in it because I do not think it is the right thing. But I do say let us send it to the States, let the American people debate it and then we can still have a round with it.

I thank the gentleman from Connecticut for yielding me the time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN].

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

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

Mr. Chairman, we were lectured a little while ago by the gentleman from Michigan who told us about when he was a businessman, and we do not know what we are doing when we are inside the beltway, and I guess that may be right about some folks.

But what is interesting to me is that he has indeed been a part of House Resolution 73, and the other substitutes before us, and we have a policy prescription that has no bearing in any of those substitutes, any of them, not a one in reality other than the Peterson-Dingell substitute. And the reason it has no bearing on reality is because it does not touch any one of us. Shame on all of you for telling the American people, ''Oh, this is term limits; it is going to affect us.'' It is not going to do any such thing.

The gentleman from North Carolina pointed out that it would take a number of years to pass a constitutional amendment. You are going to start by giving yourself a 12-year term, are you not? Is that not what the resolution says? Is that not what you put in the contract? Plus 7 years probably to get it enacted by the States makes it 19 years. Even freshman Members who are assured of long terms as career politicians know it is going to take that long before it takes effect.

I do not think that is what the voters had in mind when they urged some in Congress to support term limits. I believe the voters who support term limits want to see the effects of the amendment as soon as possible.

I expect to see all of the proponents of term limits leap at the opportunity to vote for the Peterson-Dingell substitute, because that makes it real. It makes it take place now, not in some 19 years.

So I expect to see a lot of people voting for that who do not plan on it because otherwise you are going to be—I am not going to use the term or I may get my words taken down—maybe not being totally candid with the voters who sent you here.

I would just suggest that those of us who oppose them, I do not think a lot of us Members believe very strongly that what needs to happen is our voting constituency does not know what it is doing. A lot of us think they do. We know that their terms are up. Of course, after they are passed, only we know that the people who know their terms are up, regardless of how meritoriously they serve, will hear the voice of the lobbyists growing greater in their ears, while the voices of the voters will become faint.

I urge Members to vote against term limits as a quick fix for what is wrong in America.

I rise today against all term-limit constitutional amendments including the Peterson/Dingell substitute. While the substitute takes the important step of making term limits retroactive, and it injects a vital dose of reality into this week's term-limits debate, it still limits the prerogative of the American people. We have all been talking about the effects of term limits on American democracy as if we are dealing with an abstract, academic concept. An in truth, under the terms of House Joint Resolution 73 and the other substitutes before us, we have indeed shaped the notion of term limits into a policy prescription that has no bearing on reality, because it will not touch any of us.

The resolution at hand will have a 7-year allotment for ratification. After that period, the 12-year clock will start ticking. This means that the term-limits amendment will not affect a single Member of this body for 19 years. Even freshmen Members are assured long terms as career politicians before the amendment takes effect.

I do not believe this is what the voters have in mind when they urge some in Congress to support term limits. I believe that voters who support term limits want to see the effects of this amendment as soon as possible. If they cannot support retroactive term limits because they are fearful of the possible effects on their Representatives and Senators, then perhaps they will focus upon the true repercussions of a term-limits amendment. The same applies to all of us. If we cannot support the outcome of a term-limits amendment that impacts upon us directly, then we have no right to impose similar restrictions upon future generations.

What will those effects be? Term limits will certainly decrease the power of the Congress. They will ensure that experienced Members cannot serve within the legislative branch. Unelected congressional staff members will thrive in an environment where they are more seasoned and more powerful than elected officials. Consequently, voters' input into the policymaking process will decline. Even more frightening is the prospect that lobbyists will in many cases exercise disproportionate powers over legislators with limited terms. Some Members may be quite willing to ignore their voting constituency if they know that their terms are up regardless of how meritoriously they serve. For such Members, the lure of the lobbyist will be great, and the voice of the voter will grow even fainter.

But term limits circumscribe democracy in an even more insidious way. They allow today's dissatisfied voters to dictate to future voters in all districts for whom they can and cannot vote. Under current law, voters dissatisfied with a Member's performance can vote that Member out. Those who are satisfied can vote to retain their Member. Under a term-limits amendment, satisfied voters will be restricted from reelecting their Member as a result of the current discontent of voters in some other districts. Right now, every voter has the power to limit terms with the passing of each election cycle. The term-limits amendment places new and unnecessary restrictions upon this tremendous power. If you truly believe that this is the way democracy works, you should let it start working now and support the Dingell substitute.

It is strange that congressional experience is automatically equated with being out of touch. Clearly, the Members of the Republican leadership seem to believe that they are still in touch with the voters in spite of the fact that their terms far exceed 12 years. Hence the notorious Contract With America. Why should they be allowed to assume that they are unique? If they truly believe that lengthy terms put Members out of touch, then let them support this substitute. If they do not believe it, then they should oppose a term-limits amendment altogether as I am doing.

There are those who argue that the supporters of the Peterson-Dingell substitute are those who oppose term limits, and therefore are backing a substitute that will not pass. This is simply not true. After all, if any Member is a genuine supporter of the principles of term limits, he or she will leap at the opportunity to impose them as quickly as possible. Those Members who do not have the conviction to vote for this substitute are merely masquerading as term-limits supporters. Those of us who have opposed term limits in the past support this substitute because we believe that we should all face the consequences of our vote. If we are willing to impose the restrictions of term limits on future Representatives and Senators, we should show our willingness to face these problems ourselves. If term limits prove to be a poor policy alternative, those who support it should be willing to deal with the consequences. If they are effective, then we should all reap the benefits as soon as possible.

The Peterson-Dingell substitute is important because it exposes the real views of term-limit supporters surrounding this debate. Anyone who votes against this substitute is voting to maintain the current system for another 19 years. No such Member can be considered a real supporter of term limits. Anyone who ran on a promise of enacting term limits—and this encompasses almost the entire Republican side of the aisle—must vote in favor of the Peterson-Dingell substitute. A vote against this substitute is effectively a vote against term limits. And if term limits aren't good enough for

you, why should you have the right to impose these restrictions upon future representatives?

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

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

Mr. Chairman, I rise in support of enacting uniform national term limits on all Members of Congress, the House and the Senate. This country was founded by those who set aside, for so long as was necessary, their individual businesses and pursuits, but never intending to become a professional political class. They brought with them the variety of strengths, background, and insights which can only be gained from interaction with fellow citizens on a normal, everyday basis.

Since then our country has grown large and Government has grown even larger. It has created a system whereby too many people in politics know no other way to make a living. And too often they are isolated and unfamiliar with normal and everyday life.

This is not healthy for America. It is especially fascinating to read studies which show the longer somebody serves in Congress, the more they tend to vote for big government, and bigger taxes, and to oppose cutting spending and cutting the size of government. The system has become a narcotic for too many people.

Many States, including my own, have voted to limit the terms of their own Congressmen and Senators. They did so with the hope and expectation that this would create momentum to adopt term limits on a national level, to treat all States equally. Now we have the chance to adopt those term limits.

Although many may think it of themselves, nobody in this Congress is indispensable. We have term limits on Presidents, on Governors, on State legislators, even on city council members and others elected to public office. Congress needs to listen to the people and adopt uniform national term limits.

I urge support and final passage of the measure.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

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

During the campaign I ran on four reform issues. I am the first Republican to get elected in 120 years in my district, and there are four things I talked about.

I want a balanced budget amendment so no party can spend beyond their limits. I do not trust Democrats or Republicans enough to come up here and spend responsibly. I want a line item veto to be able to strike out pork barrel projects from what we do here and make sure we do not spend each month getting reelected. I ran on the concept every law in America should apply to Members of this body, Republican or Democrat, so you know what it is like to live in America, not just Washington, DC.

And the fourth thing, I ran on term limits to make sure you come up here with a different motivation and your whole purpose of being here is not to get reelected and see how far you can go.

I support the Peterson-Dingell legislation for 12 years. I have been here almost 100 days and I find myself wanting to go vote for the 6-year version. I am going to vote for the Frank amendment. I may not believe in it, but I do if it takes retroactive term limits to get this place cleaned up. I am going to vote for it. I am going to vote for all four versions.

If we want to change America we need to send people up here with a different motivation for serving and it is not going to happen until we have term limits on this body.

I think I know why 80 percent of the American public wants term limits. I do not believe 80 percent of the people in here really understand that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

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

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

Mr. Chairman, Thomas Jefferson said that the price of democracy is eternal vigilance, and what he meant by that I think is there is a price for democracy. There is a price sometimes of people going to war and not coming back. There is a price of people going out and registering voters, and there is a price of being eternally vigilant. That means keeping up to date on where your Representatives and your Senators and your mayors stand on issues, and when you agree with those people that you go and you work and you vote for them. And when you disagree with those people, you get off your couch and out of your living room and you go to vote for change.

In the last three elections we have seen monumental change sweep across this country, 50 percent of the Members elected since my class in 1990 are now new; 50 percent of the U.S. Congress has turned over since 1990.

There is a study done by Dr. Robert Putnam of Harvard and he called it ''Bowling Alone.'' He said recently while bowling membership is up in the United States, people are bowling by themselves, Lions Club membership is down, voting is down, Little League is down.

We do not want him doing a study in 20 years saying nobody is voting. We want people to get out there and vote and not fix our country's problems by gimmicks and bumper stockers and quick fixes.

I proudly have hung a picture in my congressional office. It is a picture of the Capitol and it is a quote by Alexander Hamilton, and it says: ''Here, sir, the people govern,'' the people govern this great Nation, and let us not take the power of the ballot box away from the people of this country.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BARRETT].

(Mr. BARRETT of Nebraska asked and was given permission to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years.

I am proud that House Republicans have fulfilled yet another promise in the Contract With America, by bringing—and I stress bringing—before the American public a fair debate about limiting congressional terms.

Our contract did not guarantee passage of every item. Whether term limits pass tomorrow or not, this debate is a tribute to the Republican leadership, including Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media gets that straight.

I am of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

The 104th Congress is evidence of those existing limits; 52 percent of the House is serving only their third term or less.

But the voters are not happy with this result, and in response, we are here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are sample reason to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite.

Nebraska is one of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I can realistically look at this point in my life, and service in the House, and say that should additional term limits be imposed, they'll not have an impact on me. So it's with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

But I will vote to respect the will of the American people, who have given strong indication, that additional term limits is their desire. I will also exercise my personal judgment for the

country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleagues to join me in voting for the McCollum 12-year limit.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just want to make just one simple point. Some 80 percent of all of our constituents favor term limits. This is nonpartisan. It goes across party line, age, sex, and color; broad support for term limits. We need to respect the wishes of our constituents, and vote today for term limits and send this to the States. There the dialogue will continue in the State legislatures.

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There will be ample opportunity to debate, and ultimately the will of an even more enlightened electorate will prevail.

Term limits is not a new idea. We have term limits for our Presidents. For those who are so vociferously opposing these term limits, they ought to be equally adamant in looking for another constitutional amendment to remove term limits for the President. They are not doing that.

We need to respect the will of these 80 percent of all of our constituents, and today vote to send this to the State legislatures where the dialog can continue.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, there is not much time. I want to get to the point.

And the point is that I believe in the concept of term limits, and I believe in the McCollum amendment.

Let me tell you why. I understand the arguments of brilliant orators like the gentleman from Illinois [Mr. HYDE] and others who feel very strongly about this issue. I understand there will be an overreliance on staff. People will not be able to understand the trends and how to get around here. There will be an absence of understanding of the silent language that takes place in every profession.

Let me tell you something, that I come from an area of business, and the CEO's of companies do not stay very long. College presidents do not stay very long. There is a concept now, because of the pressure of things, they must turn over and change and give it to new and different people. Furthermore, if I as a businessman or I as a doctor or a farmer or a college professor or whatever want to get in, I must be able to plan, because right in the middle of my career I am not sure when that person will get out.

It is a good idea. Let us support it. Its time has come.

Mr. SHAYS. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas [Mr. ROBERTS], the distinguished chairman of the Committee on Agriculture, who is represented by two Senators who, if this resolution were to pass and would be in full operation, would not be allowed to serve, Mr. DOLE and Mrs. KASSEBAUM.

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

Mr. ROBERTS. I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to term limits. I think with an issue as important as this, one Member's warning flag in regards to the law of unintended consequences is another's banner of reform.

I know that each Member's conviction is such that everybody becomes an author of the best approach. I do appreciate that.

I associate myself with the eloquent and persuasive remarks of the gentleman from Illinois [Mr. HYDE]. I am for the term limit, as has been said that was put in by the Founding Fathers, a 2-year limit. It is called an election. If you utilize your constitutional voting rights, the voters can, has, will, continue to throw the rascals out—if they so choose.

What term limits basically say is that for the sake of change the voters should be denied the right to keep their elected Representative—if they so choose.

I am going to skip past all the pros and cons that have been highly featured in this debate and get to the basic point. The basic point is this: If this House of Representatives is in crisis to the extent that we deny the voters the right to reelect their representatives after six terms, then it follows the people responsible for this sorry state of affairs must be those Members who have served here over six terms. And, as Butch Cassidy and the Sundance Kid said, ''Who are these guys?''

Well, for one thing, after the briars and brambles of past scandals and resulting reform and the vote for change in the last election, there are not near as many as there were before. Over half of the Congress is new since 1990.

If you want to limit terms to 12 years, you better think about it. The average term of service is now 10. Less than one-third of the House has served more than six terms. What we have here is a mandate for term limits, but not for current Members. We have a terminal illness that is abound and rampant in the House, but we are going to wait 12 years before we take the medicine.

Why? I think the answer is pretty simple. General support for term limits is strong. It has been mentioned, 70, 80 percent. But if you say, ''Oh, it is your Member, your Congressman from your district?'' then that drops rather drastically. And proponents of term limits do not find it very pleasant telling fellow members they are part of the problem, and it is time for them to say ''adios.'' As a matter of fact, most of the term-limit proponents slide up to you and say, ''Don't worry, we are not talking about you. It won't affect you.'' And therein lies the truth of the matter.

I know there are proponents who believe a revolving-door Congress and change for the sake of change would restore a citizen legislature, but you do not get too far in the debate before it becomes obvious regarding the politics of this purge. It is the other guy that is the problem, not me, and not thee.

But if it is off with the public-service heads, whose heads are we talking about? Who in this Congress has been here too long? Using the automatic term limit theory, it appears as if we are talking about most of the Republican and Democrat leadership, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Texas [Mr. DELAY], the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR]. Let's wipe out the leadership. That is the ticket. Or is it? My word, that is almost insurrection. So it must be somebody else that is at the root of this problem. I took the liberty of just going down the State delegations. Let us see, there is the gentleman from Alabama [Mr. BEVILL], he has been there for 30 years, a most respected Member. He cannot be part of the problem. Is it the gentleman from Arizona [Mr. STUMP], 24 years? I do not think it is BOB. The gentleman from California [Mr. DELLUMS] and the gentleman from California [Mr. LEWIS]? I do not think so. My friend from Colorado, Mr. SCHAEFER? I am not trying to single anybody out. The voters can. But term limits cannot.

It must be the gentleman from Florida [Mr. MCCOLLUM], that is who it is, 4 years over this term limit at 16 years. He is the author of one of the proposals. But BILL was unopposed in the last election. His voters just apparently did not get it. The gentlewoman from Hawaii [Mrs. MINK], the gentleman from Illinois [Mr. HYDE], the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Illinois [Mr. PORTER], the gentleman from Indiana [Mr. BURTON], the gentleman from Kentucky [Mr. ROGERS], the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from Massachusetts [Mr. FRANK], the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman from Mississippi [Mr. MONTGOMERY]. There is a good one, ''SONNY'' MONTGOMERY, one of the most respected Members of the House. The gentleman from Missouri [Mr. EMERSON], the gentlewoman from New Jersey [Mrs. ROUKEMA], the gentleman from New York [Mr. SCHUMER], the gentleman from New York [Mr. RANGEL], the gentleman from Ohio [Mr.

OXLEY], the gentleman from Ohio [Mr. REGULA], the gentleman from Oregon [Mr. WYDEN], the gentleman from Pennsylvania [Mr. FOGLIETTA], the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from South Carolina [Mr. SPENCE], the gentleman from South Carolina who wants term limits. Tell FLOYD he is out and you are in. The gentleman from Tennessee [Mr. QUILLEN]; who is going to tell us when to vote if we term limit JIMMY QUILLEN? The gentleman from Texas [Mr. ARCHER], the gentleman from Texas [Mr. FIELDS], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Virginia [Mr. BLILEY], the gentleman from Virginia [Mr. WOLF], the gentleman from West Virginia [Mr. MOLLOHAN], the gentleman from Wisconsin [Mr. PETRI], PAT ROBERTS, PAT ROBERTS? Now, quiet, no applause. All shapes and sizes and different stripes in regards to their politics.

But you know something, all of these Members received over 70 percent of the vote, or they were unopposed. Could these elected Representatives actually be doing a good job for their constituents and, depending on your point of view, for their country? Did Senators Everett Dirksen, Hubert Humphrey, or do SAM NUNN and BOB DOLE, did Congressman Bob Michel and Bill Natcher, our beloved Bill Natcher?

Every once in a while in a democracy there comes a time when we succumb to populist sentiment, and the emotion of the moment. We usually call it reform, and then we experience the law of unintended effects and spend the next several years trying to reform the reform.

This is different. This is different. This amends the Constitution. We do not need to go down this path in order to achieve reform and a House responsive to the people.

It is a paradox of enormous irony that in order to make the Congress more responsive to the people, we are recommending a limit on their voting rights.

The gentleman from Illinois [Mr. HYDE] is right. HENRY HYDE is right. Trust the people.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CAMP].

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

Mr. CAMP. Mr. Chairman, for the first time in history, the House of Representatives will debate and vote on a constitutional amendment to limit the amount of time a Representative or Senator can serve. It is about time.

I support the McCollum amendment that provides a 12-year limit for both Houses, ensuring consistency and equality between this House and the Senate. It promotes a level playing field for all States.

Our Founding Fathers never envisioned a Congress made up of Members who would serve for a lifetime. They would be astonished to know that the leadership in the previous Congress had an average of 27 years in this House. Over the past 10 years, 90 percent of incumbents have been reelected. They saw a Congress where individuals would leave their careers for a time, serve, and then return to live under the laws they passed.

I support term limits not only because the people of my district and my State do, but because we have the opportunity to again make our Congress a citizen's legislature.

Throughout these first 100 days, we have worked some long hours to keep our promises. This is one of them. Many Members have spoke of their support of term limits, well when it is time to vote. I urge my fellow members to vote ''yes'' on the McCollum amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, may I just simply say something very, I hope, profound, but very simple. No matter what you call it, an attempt to diminish the right of an American citizen's access, unrestricted access, to the ballot box in a free country is wrong. It is not only wrong, it is dangerous.

These people are asking us to vote today to take away from an American citizen whom through the years people have fought and died to protect, defend, and honor, take away your right as an American citizen to vote for whomever you wish, whenever you wish, for as long as you wish. It is that simple. You can call it anything you want to. But it is a diminishment of an American citizen's right of unrestricted access to the ballot box.

The people on this floor are totally irrelevant to this question. They are all, everyone you see, all on this floor today, tomorrow, or the next day are all going to die, get beat, leave, or otherwise retire or quit. They are not even a part of the question.

The question today is: Are we going to, for the first time in this country's history, put a restriction on our citizens' right of unfettered access to the ballot box?

The only other place I know in recent times that has been done was in the Soviet Union where only one party appeared on the ballot box.

I want to ask the conservative constitutional scholars to speak up before we do something to the American people that is absolutely almost an outrage, to say the Government is going to tell you who you can vote for. That is what this is.

This is an attempt to muzzle the will of the American people, and it ought to be stopped today.

Mr. CANADY. of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think what we are talking about is giving the American public the opportunity to see some form of reasonable term limitation, and I think that is fully in respect to the Constitution. In fact, I think we need to go back to not only the Constitution but the Declaration of Independence.

And Mr. Jefferson made in that declaration the comment all men are created equal, but that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

I think we have confused what was intended by the Founding Fathers of this country. Our President over the weekend made the comment in his radio address that ''Government is our partner, that Government empowers us.'' And I think that is the great fallacy that has led to the difficulties that we are facing today as a Nation, that we allowed Government to become the preeminent institution in derogation of the rights and responsibilities of individuals, families, churches, schools, charities, every other institution of private society that has made this country great.

There is the real foundation of our strength is the power of the individuals and the aspects of our community, not just the Federal Government.

My State has spoken. My State has passed in referendum overwhelmingly a 6-year limitation on the service of Members or citizens in this Congress. I respect that vote.

I think they have a right to see the same vote brought to other States across the country, and I think that we need to give them that opportunity.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

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

Mr. MICA. Mr. Chairman and my colleagues, under the Articles of Confederation, there were term limits. If we look back in history when the Constitutional Convention met in Philadelphia in 1787, they did not consider any term limits. In fact, they wanted to preserve the experience and knowledge of Members who had provided prior service.

This book which I recommend to each and every one of you is entitled ''The Miracle at Philadelphia.'' It chronicles the proceedings of the Constitutional Convention, and it is really one of my favorite books, and again I recommend it for reading by every Member of Congress and every citizen.

In 1787 the Founding Fathers set 2-year terms for House Members. However, 1787 is not 1995.

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Justice Oliver Wendell Holmes, when reflecting upon the Constitution, said,

''The Constitution is an experiment, life is an experiment,'' he said.

We have had an opportunity for the past 200 years to reflect on this experiment provided by our Constitution.

In 1787 they came, they served, and they left. Today we have PACs, unlimited campaign spending, and media expenditures that distort the entire process. I do not support 6-year term limits or 8-year term limits—they leave the bureaucrats & lobbyists in charge. Because of that I believe the experiment and the experience we have says that 12 years can do it best. We have a different situation, we have experience and experiment to draw upon, and it is now our duty and responsibility to enact that provision into this document and into the laws of our land.

I support the 12-year terms in Mr. MCCOLLUM's amendment and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI]. Apparently, alligators are not subject to term limits, or we would have heard about that.

Ms. PELOSI. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the constitutional amendments before us which would limit the congressional terms of Members of Congress. I have three major objections to the constitutional term limits.

First of all, as a woman, I take issue with term limits because they represent an obstacle to the contribution that women can make to our country. Look around this capitol, and you will see in Statuary Hall the distinguished American men who have served here in this body and in the Senate. For over 200 years men in Congress have had the opportunity to develop standing and to become internationally recognized leaders on the great issues of the day. To limit congressional terms just as the number of women who are serving in Congress is increasing denies the Congress and the American people the benefit of the wisdom and experience of America's women. I do not think that is an intentional move on the part of the proponents of term limits, but it is an unintended consequence. Just as more women are coming into power, term limit advocates are saying, ''Not so fast. We have changed the rules. You will not have the same opportunity as men to make your contributions to America.''

Second, I oppose term limits because the real winners, if term limits pass, are the special-interest lobbyists in Washington, DC. They have no term limits and are not forced to step down after 6, 8, 10, or 12 years. Passage of congressional term limits, particularly in the absence of real lobbyist reforms, will pit seasoned lobbyists against rookie legislators.

Mr. Chairman, the clear winner would be Washington's professional lobbying corps while the American people will be the clear losers.

Third, the reason I oppose term limits, I heard some of my colleagues say that State legislators have term limits. Serving in the Congress of the United States is different. We not only deal with the domestic issues, we have to deal in the international scene. We have to understand the politics of the U.S. and foreign relationships involved in decisions that we make. We will have our rookie legislators competing against sophisticated legislators in other countries, putting our country at a disadvantage. This is no time for drive-by legislators. It is time to respect experience, it is time to oppose term limits, and I urge my colleagues to oppose all the constitutional term limits amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. INGLIS].

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

Mr. Chairman, one of the arguments made here today is it takes experience and a while to get used to this House. It should be pointed out that the gentleman who just yielded me time is a sophomore, as I am, and he is already a subcommittee chairman, doing an excellent job as chairman of the Subcommittee on the Constitution. There goes the argument for experience.

Let me make this point: Here is the observation that was made time and again here today by those who defend the current order. They say to us that this experience is what we need. We need people of experience here.

What I do not think the incumbents here are getting yet is that the American People say, ''Experience at what? Experience at what? Balancing the budgets?'' We are $4.7 trillion in debt.

The gentleman who came earlier with a long list of longtime incumbents, I ask, where were they when we ran up a debt of $4.7 trillion? Experience at what? Balancing budgets?

Maybe experience at running a savings-and-loan system that, because of the decision made in this body, created a savings-and-loan disaster. Now, not the scapegoats, let us be honest, not the scapegoats; the people who defrauded the savings-and-loans, not those folks. The decision here to increase the insured limit from $40,000 to $100,000.

Experience at what? Running a good business? I would say, rather than those kind of experienced people, what we need is an experienced businessman or woman at home who has balanced a budget year after year after year in their business. If they come here, maybe they can do a better job. You know what? The arrogance of this place is showing today. The arrogance of Members who would say, ''I am indispensable. You can't get rid of me.''

The American people are saying that is what we want to do, ''We want to get rid of you, but we can't because you have such enormous war chests. We can't because you have name identification higher then anybody in the district.'' They say, ''We want to get rid of you.'' That is what they are telling us in these term limits.

I also point out, what about the argument about the careerists, the argument of Mr. HYDE? I point out that we are not here looking for a brain surgeon. If I were looking for a brain surgeon, I would agree, I would go to the most experienced guy or go to the most experienced lady. But I must say, that is not what we are looking for. We are looking for somebody to represent us here.

I would submit to you that experience runs exactly contrary to representation. Experience here means experience at the PAC game, getting PAC money, more and more and more. So, more and more seniority so you can do the deals; more and more experience in this body removes you from the people out there. They want you to go home. They want you to run for something else if you choose, but submit yourselves to that risk.

Do not stay here in an insulated situation where you can time and again return to this place and, contrary to what the gentleman from Illinois said about his challenger being at home sipping brandy,I must say to you I ran against an incumbent in 1992. And while she was sitting home, I was down at the office doing billable hours between 12 a.m. and 3 and 4 a.m. To make up the billable hours because I did not have the luxury that we have here of running so hard.

And let us be honest, that is what we do; we run full-time.

We have a job that enables us to go to butchershop openings, as the chairman says, and to that meeting where we can speak to hundreds of people. A challenger does not have that. A challenger has to make a living while running for Congress against an entrenched incumbent with all his advantages.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind our guests today who are with us in the Chamber that the rules of the House forbid any public demonstrations from the gallery.

The gentleman from Florida [Mr. CANADY] has 4 minutes remaining, the gentleman from Connecticut [Mr. SHAYS] has 3½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has a 1½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 30 seconds to myself.

Mr. Chairman, the gentleman from South Carolina, or perhaps it may have been the gentleman from Maryland, raised the question about the 22d amendment, which prohibits the President from running for more than two terms. Several of us, I first cosponsored an amendment to repeal that with Mr. Vander Jagt several years ago under the Reagan administration, and several others to repeal that. So, yes, that is

also inconsistent, I believe, with this principle, and many of us have amendments here to repeal it.

Mr. Chairman, I yield the balance of our time to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. I thank the gentleman from Massachusetts for yielding this time to me.

Mr. Chairman, let me just say to the gentleman from South Carolina who spoke about arrogance, the only arrogance I see today is by people who say they are for term limits but they want it to start with the next generation. They do not want it to start right here, they do not want it to be retroactive.

If you are really for term limits, then you ought to be for term limits right now. And very soon we will have a chance to vote on that amendment.

Term limits, we have term limits; they are called elections.

I won in 1988, beating a 10-term incumbent entrenched. The voters in my district decided it was time for a change.

Let us let the voters decide. There has been a 50-percent turnover in 1992 and 1994 in this House. It shows that the American public does not need term limits to restrict terms. We have a permanent staff here. You know what we will get with term limits? We will get a permanent staff. This place will be even more staff-dominated than it is now. And it would be more bureaucratic, more bureaucracy-dominated than it is now.

Why would anyone stop their lives to come here for a temporary amount of time? Do you know what this place will turn into? This will be a plaything for millionaires who want to come here, this will be a plaything for mediocrity, people who cannot do anything else, who will take time out of their lives. But competent people are not going to want to do that.

Daniel Webster, John Quincy Adams, people like that served more than 12 years.

Our buildings, the Rayburn Building, the Longworth Building, and the Cannon Building, let us rename them as Cells 1, 2, and 3 because they would not have been here 12 years.

This is a bad idea, and it ought to be defeated.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I might consume.

First, I would like to start off by thanking the gentleman from Michigan [Mr. CONYERS] and the gentleman from Massachusetts [Mr. FRANK] for yielding time to the Republicans who opposed term limits. I thank the gentleman. I also thank my colleague, the gentleman from Florida [Mr. CANADY], for his graciousness in yielding time against the amendment to the chairman of the Judiciary Committee. I would have loved that honor to yield to that gentleman, but I thank him for yielding time in that way.

Mr. Chairman, lots of things we could say. But I think we all speak from our hearts, and that is probably the best way. And then the people decide through their elected Representatives. I signed a Contract With America, and there were parts I liked a lot, parts I did not like much at all. There was one part I wanted not to be part of the contract, and that was the concept of the term limits. I did not particularly like the language used, because it did not describe the way I feel.

But what we said in our contract is:

> As Republican Members of the House of Representatives and as citizens seeking to join that body we propose not just to change its policies, but even more important, to restore the bonds of trust between the people and their elected representatives. That is why, in this era of official evasion and posturing, we offer instead a detailed agenda for national renewal, a written commitment with no fine print.

The last item that we promised to do, and it is very clear, we said, ''A first-even vote on term limits to replace,'' and this is the term I did not like, ''career politicians with citizen legislators.'' That is what we are doing. And Republicans can feel very comfortable that we are fulfilling our contract in having this debate.

As an opponent of term limits, I am very happy we have had this debate. I align myself with the remarks made by many on my side, the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Illinois [Mr. HYDE]. I wish I could be as eloquent in terms of their message. I hope the American people have been listening to their comments.

I look at Mr. INGLIS and I say he is the best argument not to have term limits, because he defeated an incumbent. And I say to Republicans, in the late 1940's and early 1950's, ''You got Mr. Roosevelt, you got him good, real good. You punished Eisenhower, and you punished Ronald Reagan because they could not return to a third term.''

I have an amendment to repeal the 22d amendment. I say to the Republicans on my side of the aisle, you can really get at the Democrats, you can end 40 years of Democratic control. You thought we could not do it by beating them at the polls; so what we did was we limited their terms.

I had someone who said candidly they did not like HENRY WAXMAN, so they wanted me to support term limits. I said, wait a second, HENRY WAXMAN is in California, and they said, ''I know. I can't vote there. The only way I can get at HENRY WAXMAN is to vote for term limits.'' Think of what we are saying. We are saying that Americans are trying to vote in districts they are not even represented by. Mr. WAXMAN has been a very active Member. He was elected by his constituents because they want him here. We should not decide in another area whether he can run. I am in my 4th term. Since that time, 291 people have been elected, new Members; 254 of them are serving right now. There are times I would love to be home living with my family 7 days a week, having my weekends, and, yes, making more money, because I would. I serve here because I think I am of service and because I believe I am making a difference. I may not be. My constituents can tell me that in a brutal message. They can decide not to reelect me.

We need in this Chamber a mix, we need the young, we need the new, those who have served here for some time, and those who have served here for a long time. That mix will create the change 40 years of one-party control.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the issue before this House today is this: Will we respond to the will of the people whom we represent, or will we turn our backs on them in order to pursue our own institutional interests? We talked about many issues in this debate. We will be discussing those issues as we go forward in the debates on the individual amendments that will be presented. But that is the real issue. The American people are saying loudly and clearly that they want fundamental change, not just a change in the leadership of the Congress, but a change in the way the Government does business, a change in the way this institution is structured.

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The American people are demanding term limits because they want Government to be more effective and less intrusive. The American people are demanding term limits because they are tired of having their lives run by politicians in Washington who have lost touch with what it means to live and work in the real world. The American people are demanding term limits because they are tired of having Representatives who come to Washington and never leave. They are demanding more competitive elections and Representatives who will put the interests of the people and the interests of the Nation ahead of their own individual careers. The American people are demanding term limits and for good reasons.

Our most responsible course of action is, indeed it is our duty, to respond to their demand, to listen to the voices of the people, to vote in favor of limits on the terms of Members of Congress. To my colleagues I say, ''Listen to the voice of the people. Shut your ears to the voices of those who are defending the status quo.''

One other issue I think we must focus on here is I do not think this should be a partisan debate, but there, I believe, has been an attempt by some to confuse the issue and to avoid responsibility. But despite those efforts, the American people will now know who supports term limits. They will see how the Members vote. We are going to vote. There will be a final vote on this issue, yes or no, on what is left standing at the end of the day. What the American people will see is that Republicans overwhelmingly support term limits and that most Democrats,

sadly, are opposed to term limits. That is the undeniable truth. The American people also know that the Republicans have brought this issue to the floor for the first time in the history of the Republic while the Democrats kept it bottled up for years. I think the American people understand that.

The American people can count. They will see how the votes come down.

Mr. STOKES, Mr. Chairman, I rise strong opposition to House Joint Resolution 73, the term-limits constitutional amendment. While I am aware of the movement in the Congress to change the Constitution to suit any whim that comes to the current majority, I am also mindful of my duty as a Member of this great body to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold.

We cannot and should not shirk our responsibility to act in the best interest of the American people by disrespecting the Founding document of this Nation—the U.S. Constitution. This shortsighted legislation will not only fail to ensure better representation of the American people in Congress, but will cruelly snatch from all Americans their ability to express their will through the ballot box.

The bill before us today, the term-limits constitutional amendment, attempts to curtail the ability of the American public to choose their Representative. It also weakens this Republic by subverting some of the most important Constitutional principles that represent the foundation of this Nation, the electoral process and representative Government. Such an abdication of congressional responsibility will certainly undermine many of our important efforts to enhance voting rights, civil rights, and our democratic system that is the envy of the world.

Mr. Chairman, the Republicans state in their Contract With America that the purpose of the term limits constitutional amendment is to provide for consideration in the House two different versions of a term limits constitutional amendment. The first version of the constitutional amendment would impose a limit of six terms on serving in the House and two terms on serving in the Senate. The second version would impose a limit of three terms on serving in the House and two terms on serving in the Senate. Both versions are designed to be applied prospectively.

House Joint Resolution 73, warps the Constitution to such an extent that the overall stability of the Constitution would be placed in question. While I agree that Congress should continue to make significant strides to enhance service to the people we represent, this proposed measure goes well beyond the legitimate objective of making the Government more representative. The power the American people have to select and elect representatives to Congress has been granted exclusively to the people by the United States Constitution and should not be abridged.

Mr. Chairman, removing from the American people the power to select who represents them in Congress is fundamentally antidemocratic. A term limits amendment to the U.S. Constitution in unnecessary. The fact is, term limits already exist. Every 2 years, Members of the House, and every 6 years, Members of the Senate, must submit their political lives to the will the people who first elected them. The American people have the right to determine who serves them and how long they serve.

Establishing an arbitrary length of time for Members of the House and Senate to serve the people is contrary to the Democratic principles upon which this Nation is based. Who are we to challenge the decisions of the people concerning who will represent them. It is the height of arrogance for Members of this body to attack the wisdom of the American people and the genius of the architects of this Nation.

So cherished by the American people is the right to vote and participate in our representative form of government that five historic constitutional amendments have been enacted by the Congress to ensure that all Americans have the right to select their representatives in Congress—the 15th amendment, 1870, prohibited States from denying the right to vote on account of ''race, color, or previous condition of servitude;'' the 19th amendment, 1920, enfranchised women; the 24th amendment, 1964, banned poll taxes; the 26th amendment, 1971, directed States to allow qualified citizens who were age 18 or older to vote and; finally, the equal protection and due process clauses of the 14th amendment, 1868, came to be read as preventing States from enacting suffrage laws that conflict with fundamental principles of fairness, liberty, and self-government.

Term limits will upset the delicate balance of powers crafted in the U.S. Constitution. The Constitution clearly places with the people the power to select and elect their representatives in Congress. The term limits constitutional amendment will transfer a significant portion of this constitutional power to the President and the judiciary. The weakening of Congress by arbitrarily prohibiting our most experienced legislators from serving this Nation in the Congress is unwise and tips the balance of powers against the legislature of this Nation.

The great constitutional significance of the separation of powers cannot be questioned. In his famous *Myers* v. *United States,* 272 U.S. 52 (1926) dissent, Justice Louis D. Brandeis said: ''The doctrine of the separation of powers was adopted by the Convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.'' (p. 293).

Mr. Chairman, I must also stress that the benefits of term limits are greatly exaggerated. Without any term limit constitutional amendment Congress receives regular transfusions of ''new blood.'' If we look beyond the re-election rates on a Congress-by-Congress basis, we see that 52 percent of the current House Members were initially elected in 1990 or later. If term limits of 6 years in the House and 12 years in the Senate were in place, nearly half of the current Congress would have been ineligible to serve when the 104th Congress convened.

The devaluation of experience in the Congress would not only be ill-advised, it would be irresponsible. We cannot and should not experiment with the Constitution, Americans' right to vote, or the stability and security of this Nation to satisfy a campaign promise.

I would also like to add that the historical record for term limitations is not supported by a review of constitutional history, either. It is clear that the Founding Fathers of this Nation believed that term limits were neither necessary or appropriate, and those who did seek such limits expressed a belief that the Constitution itself needed to be fundamentally changed also.

This lack of historical support for term limitations can also be found in the Founders' transition from the Articles of Confederation to the Constitution as we know it today. Although term limits were included in the Articles of Confederation, they were wisely specifically excluded by the Founders of this Nation from the Constitution. The historical record simply does not support the incorporation of term limits into the U.S. Constitution.

Mr. Chairman, this legislation is unsurpassed in its compromise of the people's right to representative Government and the balance of powers in our Nation. With very little opportunity for open hearing, and with limited debate, this measure has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, and the greatest pillars of the American Republic: the voting franchise and the separation of powers—but no such review has, or will, take place. In the current rush to force this bill through the House, the will of the American people and the Constitution I have sworn to uphold will certainly be compromised. I urge my colleagues to join with me and vote against this bill.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to House Joint Resolution 73.

Mr. Chairman, this bill comes to the floor today with the Republican leadership knowing that they do not have the votes to pass this legislation to amend our Constitution. History, public policy, and common sense dictate that we reject this ill-conceived attack on the Constitution.

THE FRAMERS OF THE CONSTITUTION EXPRESSLY REJECTED TERM LIMITS

The Framers of the Constitution debated and expressly rejected term limits. Few people know that the original document governing the newly formed Nation after the battle for independence, the Articles of the Confederation, had term limits.

Those limits, known as rotation, limited delegates' service under the Articles of the Confederation to no more than 3 years in any 6-year period. As we all know, the Articles of the Confederation were a failure. To replace that failed document, the Framers met in the Constitutional Convention to write our Constitution.

During that Constitutional Convention a delegation from New York, who had the very timely name of Robert Livingston, had this to say:

> The people are the best judges of who ought to represent them. To dictate and control (the people), to tell them who they shall not elect, is to abridge their natural rights. . . . I repeat that (term limits are) an absolute abridgement of the people's rights.

At the close of that debate, the delegates to the Constitutional Convention expressly rejected term limits as a dangerous and destructive force that obliterates the people's right to chose their own leaders. The Constitution is a timeless document—the product of the finest political minds ever to assemble for a single cause.

As someone who reveres the Constitution and as someone who takes very seriously my sworn oath to support and defend the Constitution of the United States, I suggest that we adhere to the wisdom of the Framers of the Constitution and reject term limits.

THE CONSTITUTION'S ''QUALIFICATIONS CLAUSE'' SETS FORTH THE ONLY REQUIREMENTS FOR CITIZENS TO BECOME MEMBERS OF CONGRESS

After rejecting the Articles of the Confederation's rotation term limit system, the Framers set forth the qualifications they deemed essential to service in Congress.

Article I, section 2 sets forth the constitutional qualifications for Members of the House of Representatives:

> No person shall be a representative who shall not have attained the age of twenty-five years, has been seven years a citizen of the United States, and who shall, when elected, be an inhabitant of that state in which he shall be chosen.

The Framers of the Constitution thus clearly articulated three simple qualifications for Members of the House of Representatives: Representatives must be 25 years of age, citizens of the United States for at least 7 years, and citizens of the State they will represent in this great body.

The Constitution's qualifications clause is unequivocal. The Constitution does not allow for any additional restrictions on candidates for Congress. Nor does it give to the States the power to set additional, extra-constitutional requirements for office.

Again, those who support the Constitution and those who claim to adhere to original intent should heed the wisdom of the Framers who set forth three very simple and clear qualifications for citizens to hold office. Apart from these three qualifications, the only limit embraced by the Framers is the on-going requirement that any Member be able to command a plurality, if not a majority, of the vote.

WE HAVE TERM LIMITS: THEY'RE CALLED ELECTIONS

To those who say times have changed so now we must change by adding term limits, I make two observations. First we have term limits already—they're called elections. The November election results show that term limits are unnecessary.

Fifty-two percent of the Members of this House were elected in 1990 or later.

The right to vote—a right people all over the world continue to fight and die for—that power to vote carries with it the right to vote people out of office. That's why we have elections.

Second, the times do change but the Constitution rarely changes form.

The Constitution has been amended only 27 times over 200 years since ratification. Times change, but changes to the document that is the very foundation of our democracy should be carefully considered and well-reasoned.

TERM LIMITS DESTROY THE DELICATE BALANCE OF POWERS

The Constitution has in place a very delicate, well-balanced separation of powers. The three branches of Government—the legislative, the executive, and the judicial—each have a very specific role to play.

Perhaps the most important role of any one branch is to act as the check and balance on the other two branches. Term limits rob Congress of its ability to act as check on the executive branch.

During the 104th Congress, we have heard a steady stream of criticism about bureaucrats: bureaucrats, bureaucrats, bureaucrats.

If we pass term limits, does anyone believe that the bureaucracies will be more responsive?

You think you have trouble getting responses to the letters and phone calls you make to Government bureaucracies today—imagine the response you'll get when you have term limits hanging over your head. With term limits the bureaucrats can just burrow-in and wait you out.

Further, if every Member of Congress was required to resign after 12 years, the influence that comes with experience and expertise would be passed to longtime staff members. These individuals are elected by no one, and, therefore, are not directly accountable to the voters. Remember, you can't place term limits on the unelected. Bureaucrats, staff, and lobbyists all have the right to hang around, manipulating the process with the power of institutional knowledge.

THIS IS A PURELY SYMBOLIC ACT, NOT REAL TERM LIMITS

Before the elections of November, the Republican Contract With America was presented as an iron clad promise to deliver. It was only after the election that the Republicans started to highlight that all they had really promised was a vote on the contract provisions.

Today, they will hold this purely symbolic vote. The Republican leadership knows that they do not have the votes to pass this measure. Now they are looking for a way to place the blame on the Democrats.

NINETEEN YEARS OF DELAY: THE HOLLOW REPUBLICAN SCHEME

Putting aside the fact that the votes are not here to pass this bill—let's look at the hollow nature of this symbolic act.

First, the bill is a constitutional amendment that must go to the States. The measure gives the States 7 years to ratify the amendment. In addition, the 12-year limit is not retroactive.

That means it could be 19 years before any person would be affected by this purely symbolic act—7 years for enactment plus 12 years before it becomes applicable.

If the Republican leadership wants to address this issue and address it now, why have they set in motion a 19-year process? Nineteen years—this term limits plan is a fraud.

You can draw an analogy to the Republican tax plan. Just as Republicans want to handcuff future generations with debt to pay for a tax cut for people who make more than $200,000 a year, this phony term limits bill aims that saddling future generations some 19 years down the road with term limits.

We shouldn't give a tax cut to people making $200,000 a year while we hand the bill to your children. Likewise, we shouldn't pass a phony term limits bill and say to people 19 years in the future, ''it's your problem—deal with it.''

TERM LIMITS ABRIDGE THE FUNDAMENTAL RIGHTS OF VOTERS

The measure of all things we do in this Chamber is and should be the effect of our actions on the citizens of this country. Voters have a fundamental right to choose their own Representatives.

Term limits allow voters in one district to dictate to voters in another district that they cannot continue to reelect their own Member, no matter how effective that Member has been.

Let's give the American public a little credit.

After all, the voters really know best who they want to elect and for how long. In a democracy, individuals should be able to vote for the Representative of their choice.

Altering our Nation's Constitution to limit the number of terms a person may serve restricts the right of voters to choose who will represent them. Under term limits, the right of the people to choose their own leadership is taken away.

Majority rule is a cornerstone of democracy; it's not majority rule for some arbitrary period not to exceed 12 years.

Respect the Constitution; respect the intelligence of the American people; respect the delicate balance embodied in the Constitution's separation of powers. Vote no on term limits.

Mr. MANTON. Mr. Chairman, I rise in opposition to a constitutional amendment to impose limits on the terms of Members of the House and Senate.

Mr. Chairman, the well-oiled, elitist, multimillion-dollar campaign being waged in support of term limits has disparaged the so-called career politician and attacked Members of Congress as individuals who are intoxicated with power and out of touch with the people they represent.

But the central issue in this debate is not the virtue or wickedness of incumbency; instead, this debate is about our faith in the ability of citizens to choose the person who can best represent them in Congress.

Term limit proponents cynically believe that average citizens are simply incapable of making a thoughtful decision when they enter the voting booth every 2 years. I strongly reject that notion. Since 1990, we have had a greater than 50-percent change in the membership of the House. This statistic proves that voters know how to rid themselves of an elected official whom they do not support.

I have faith in the voters of the Seventh Congressional District of New York, which I represent. The citizens in Queens and the Bronx are bright, hard working people who have an active interest in the government and the elected officials who represent them. They often, and sometimes forcefully, express their views on the important issues that affect their everyday lives. And every 2 years they have an opportunity to determine who, from their community, can best represent those views in the Congress.

The right of the people to freely elect their representatives is the fundamental foundation of democracy. Any infringement on that right is a threat to democracy.

Despite the somewhat differing views the Founding Fathers may have had on the issue of term limits, the Constitution is unambiguous on this issue. The Founding Fathers expressly rejected the idea that the terms of Members of Congress should be limited by anything other than place of residency, age, and, of course, the voters.

Some term limits proponents have argued that the Constitution should be amended from

time to time to reflect the changing needs of our society. They cite the 13th amendment ending slavery, and the 19th amendment giving women the right to vote as examples. I agree that we should improve the Constitution to expand and protect the fundamental rights of our democracy. But we should reject any attempt to diminish or usurp those rights.

Mr. Chairman, I believe in our representative democracy. I trust the wisdom of the Founding Fathers. And I have full faith and allegiance in the ability of the citizenry to ensure that government remains accountable to the people.

Mr. CRANE. Mr. Chairman, I rise in strong support of a constitutional amendment to limit the terms of Members of Congress. While several different proposals have been discussed today, I believe that it is vitally important that we allow the States to ratify a constitutional amendment for congressional term limits, regardless of the final version.

I have been a long-time supporter of term limits. In 1985, I introduced my first bill to set a 6-year limit on service for both Members of the House and Senate. Although I promoted such an idea for a decade, neither I, nor my colleagues who supported term limits, had an opportunity to bring such an idea to the House floor. While I personally prefer my term limits proposal, I am very pleased that the issue of term limits has finally come to the floor for a vote.

To those of my colleagues who oppose term limits because it was not part of the Constitution, I would suggest that our Founding Fathers did, indeed, believe that rotation in office was vital to a representative democracy. In fact, Thomas Jefferson, after reviewing the Constitution, wrote to James Madison: ''The second feature I dislike [the first being the absence of a Bill of Rights], and greatly dislike, is the abandonment in every instance of the necessity of rotation in office. * * *''

During the early days of our Republic, service in Congress was generally limited to 4 years in the House and one 6-year term in the Senate. However, these were self-imposed limits on service.

In closing, I would urge my colleagues, despite their preferences for one term limit proposal or another, to vote yes on final passage for term limits, and send it on to the States for ratification.

Mr. CLINGER. Mr. Chairman, I rise in favor of submitting to the states for consideration Congressman MCCOLLUM'S proposed constitutional amendment limiting Members of Congress to 12 years of service.

Many advocates of term limits believe they are necessary to bring government closer to the people by replacing career politicians with citizen legislators. Other advocates suggest term limits are needed to isolate decisionmakers from the whims of their constituencies so they can do what is in the best interests of the country, not just their States or districts. The common theme among all term limits supporters, however, is that Congress as an institution is not serving the American people well and it needs to be changed.

Whatever the reasons for their support of term limits, advocates have made great strides in energizing and organizing grassroots America. The popularity of congressional term limits has been demonstrated by their adoption in 22 States since 1990—21 of which were passed by State ballot initiatives.

Although I intend to vote to initiate a national debate on the issue, I have concerns about a constitutional amendment establishing term limits. I am personally not convinced that an arbitrarily imposed limit is necessary or wise. Voters have the power to limit an ineffective Member's term every 2 years when they go the ballot box. In fact, about one half of all Members currently serving in the House have been elected since 1990.

I also am concerned that term limits may severely diminish the power of the House and Senate in relation to the executive branch. Unelected bureaucrats, whose careers are not limited, would hold a considerable advantage over inexperienced legislators in the technical knowledge that can only be learned over time. I have the same concern with regard to congressional committee staff, whose expertise on the issues may cause the people's elected representatives to follow rather than lead.

I understand the benefits of membership turnover, new blood brings new, often innovative, ideas and solutions to our country's problems. Nevertheless, there is also something to be said for experience and institutional memory. Today's world and the problems confronting us are so complex that experience, expertise, and institutional memory should be considered an asset, not a liability. The Federal Government alone has become so enormous that it takes several terms just to get a handle on the thousands of Federal agencies and programs and their functions.

Frankly, I feel there is a better alternative to term limits which will improve membership turnover, infuse new blood and new ideas into Congress, and ensure elective representatives are held more accountable to their constituents. That alternative is campaign finance reform that levels the playing field between incumbent and challenger.

I think Congress' problems may have less to do with career politicians and more to do with noncompetitive elections that allow undeserving incumbents to return to Congress year after year. Incumbents are often left unaccountable for their actions in Congress because of their overwhelming re-election advantages including high name recognition, franking privileges, campaign contributions from PAC's and fellow congressional campaign committees.

To restrict the incumbent's advantages, in prior Congresses I have introduced three campaign finance reform bills which would reduce the role of PAC's and increase the role of constituents, ban congressional leadership and campaign committees from contributing to another candidate's campaign, and create a tax credit for instate contributors. I plan to reintroduce these bills after we return from April recess.

Considering my misgivings about term limits, one might ask, why is BILL CLINGER casting an ''aye'' vote for the McCollum substitute?

Clearly, the people have spoken on term limits, and I feel it is appropriate for the national debate on this issue to continue. Should the House and Senate adopt identical amendments, the measure would then go to the States for their consideration. I believe that this process should be allowed to move forward, and that this important issue must be decided by the people.

Although I generally do not advocate governing by referendum, the debate on term limits is unique. In the eyes of some Americans, there may be a basic conflict of interest in Members of Congress deciding whether or not to impose term limits on themselves. To some, it just does not pass the smell test.

If Congress blocks this term limits measure and stifles the national debate on the value of term limits, I fear the American public will lose complete confidence in Congress. They will assume Members voted against term limits out of self-interest, no matter how many convincing arguments against term limits are raised.

I feel it would be healthier for Congress as an institution and, indeed, our country as a whole if we permit this debate to continue.

Mr. PACKARD. Mr. Chairman, when I ran for Congress in 1988, I explained very carefully to the people of the then-22d Congressional District of Illinois that I believed in a citizen-legislator form of government.

I had taught American government for several years and had no doubt that the Founding Fathers meant our national legislature to be a citizen legislature.

Citizens were to train themselves for a profession, leave that profession for a time to serve in the House, and return to their profession. Believing as such, I voluntarily limited myself to 10 years of service if it was the will of the people to elect me for such a period of time. I have every intention of keeping that promise.

I have always believed, until the last couple of years, that any limitation on service in the Congress should not be mandated, except by a vote of the people with regards to the individual who seeks to represent them in this body.

I would like to explain why I no longer believe as I did and the reason I now favor term limits.

When I came here in January 1989, two things were readily apparent. One, the special interests had exaggerated influence on the development of legislation in this body by virtue of the tremendous amount of money they spent on congressional campaigns, and two, the ability of incumbents to advantage themselves by use of the frank and other incumbent promotion devices not available to a challenger, were truly overwhelming.

Ninety-nine percent of all incumbents were reelected to office every term because they received almost all special interest campaign funds and because of their use of the system to promote themselves. Even during the last two elections when we had tremendous turnover in the House, 94 and 90 percent of incumbents were reelected, respectively.

I believed, at the beginning of my tenure here, that the Congress would enact meaningful campaign finance reform eventually, leveling the playing field for challengers and making the possibility of reasonable turnover in the Congress possible.

I no longer believe we will accomplish this task because of the wide differences in party philosophies on this issue. Nearly every year in which I have served we have addressed campaign finance reform only to see it dissolve into a watered-down version of nothing. Term limits of a reasonable length may be the only way to level the playing field.

Let me address additional arguments put forth against term limits.

Some say term limits restrict voters choices. I believe the greater restriction on voters' choices is the ability of the incumbent to totally

dominate an election by outspending challengers sometimes 10 to 1 because of special interest money that accrues primarily to them.

Most campaigns are run by 30-second commercials and incumbents dominate the airways. The incumbent is allowed to send unsolicited mass mailings for the 2 years in office telling the constituents of all the good things that he or she is doing on their behalf. Challengers do not have that opportunity at taxpayers expense.

Others say the turnover of more than 50 percent of the House in the last two elections prove term limits are unnecessary. But the turnover was almost exclusively in open seats where no incumbent was running. In 1992, incumbents still won 94 percent of their seats, and in 1994, they won 90 percent.

Some people cite the loss of experience as the most important reason to defeat term limits. But the real experience that is important in this job is the experience we bring to the job, the experience of having been educators, farmers, or businessmen.

The experience we gain here is process and it is important. But the decision-making skills we bring to the job are even more important. How do we know unless we are willing to expand the possibilities of other people bringing their skills to this job that we are not overlooking other experiences that may have even greater impact on solving the problems of this country.

The voters are indeed the best judge of who ought to represent them but their deliberations must be exposed to a full and balanced view of each candidate. I do not believe our present system allows this.

So therefore I intend to support the 12-year term limitation as a constitutional amendment.

Mr. ROEMER. Mr. Chairman, I rise in opposition to term limits for Members of Congress.

Since I have been in Congress, I have been a leading advocate for overhauling the way Congress works. I have supported cuts in the size of congressional staff and committees and simplifying this institution's operations. But we do not need term limits to make changes in Congress. The last two elections clearly demonstrate the power of the ballot. Today, 40 percent of Members are serving their first or second terms and more than half of this body, including myself, was elected after 1990. Real term limits are at the ballot box, and that is where they should be. Every time voters go to the polls, they make the decision of whether to limit the term of their elected representatives.

Most importantly, term limits would interfere with the fundamental right of voters to elect their own representatives. The people are the best judge of who ought to represent them and can be trusted to choose their representatives without Government stepping in to arbitrarily regulate their choice.

Term limits ignore the need for experience in Congress, where intricate public policy issues are deliberated. Imagine if term limits had restricted the public service of our Founding Fathers. James Madison spent a total of 43 years in public office. His public career began as a member of the committee of safety from Orange County in 1774 and after holding a number of other State offices, Madison attended the Continental Congress for five 1-year terms and was then elected to the first Congress in 1789. He was subsequently reelected to the second, third, and fourth Congress for a total of 8 years of service. Madison finally served as Secretary of State and President in the final 16 years of his distinguished public service.

Thomas Jefferson served in various positions in public office for 35 years. After serving as a member of the house of burgesses and the Constitutional Congress, Jefferson was elected Governor of Virginia in 1779. Despite an announced ''end of his public life,'' Jefferson was elected to Congress under the Articles of Confederation in 1783 and later served as plenipotentiary to France and was appointed as the first Secretary of State under George Washington's Cabinet. Jefferson later served as Vice President and completed his public service as President from 1801 to 1809.

Imagine the outcome of the Constitutional Convention and the first formative days of our Nation's evolution without Thomas Jefferson and James Madison and other Founding Fathers such as John Quincy Adams who, because of term limits, would not have had the opportunity to invest their lives in the genesis of the United States.

Do we want to send the wrong message to our Nation's brightest and most qualified individuals who look forward to serving their country and promoting the best interests of their constituencies? Do we want to write this term limits disincentive into our Constitution?

What other countries have term limits? If we look to the South, Mexico has strict term limits. Do we want to follow the lead of a nation of term limits such as Mexico, which despite serious political and economic tumult, completely replaces its Senators and its President every 6 years?

This Nation's future depends on the integrity and caliber of the people leading it. Important and substantive areas of legislation rely on individuals with the leadership, experience, wisdom and the judgment that might come from terms of service. We cannot afford to disqualify whose who can bring sound judgment achieved through years of experience to the increasingly demanding tasks of elected office. Term limits would destroy this opportunity and make Congress an institution where inexperience is more valued than professionalism and experience.

The Founding Fathers used the same arguments against term limits during the Constitutional Convention in 1787 that are being heard today. In the Federalist Papers No. 71, Alexander Hamilton challenged proposals amending the Constitution to include rotation for the Delegates and the President because it ''interfered with the people's right to choose their officials, depriving the new government of experienced officials and reducing the incentives for political accountability.''

In the Federalist Papers No. 53, James Madison wrote that a few Members of Congress will possess superior talents and will become masters of public business. The greater the proportion of new Members, Madison wrote, ''the more apt they will be to fall into the snares that may be laid for them.''

Robert Livingston, during New York's debate on the adoption of the Constitution, said that the people are the best judges of who ought to represent them. To dictate and control them and to tell them whom they shall not elect, ''takes away the strongest stimulus to public virtue—the hopes of honors and rewards.'' Although rotation in office was considered as part of the Articles of Confederation, it was ultimately rejected by the members of the Constitutional Convention.

Aside from taking a fundamental right away from citizens, term limits pose a number of risks that could aggravate the problems facing Congress as an institution. For instance, they are likely to increase the power of special interest organizations and lobbyists, congressional staff and the executive branch, all of whom are significantly less accountable to the public.

Term limits will also create the potential hazards that more Members of Congress will favor special interests as their term of service expires and they look forward to their next career. In this vein, Alexander Hamilton argued that term limits would tempt ''ignoble views'' by office holders who would have thought about nothing else than what their next job would be rather than focusing on the people's business. As a Wall Street Journal columnist recently indicated, ''Instead of fresh-faced citizen legislators, we would end up with men and women who knew that after 12 years they had to seek a new line of work, most probably with the very interests that are lobbying them.''

Term limits are not an appropriate or effective solution to the problems facing our political system. They would undermine a cornerstone of our democracy—the right to vote.

I have a picture of the U.S. Capitol in my congressional office. Under the magnificent and historic picture of this building is a quote from one of the most distinguished Founding Fathers, Alexander Hamilton. He said about government and the Capitol; ''Here, Sir, the people govern.'' It is the people who should run Congress. It is the people who should vote. It is the people and the ballot box that will suffer if a gimmick like term limits succeeds.

Mr. KIM. Mr. Chairman, the American people overwhelmingly support a constitutional amendment limiting the terms Members of Congress may serve in Washington. I believe that the power of term limits has become an issue of national debate because Washington is simply out of touch with the voters back home.

Today, votes will be taken on four term limit measures, and the one that receives the most over 218 will be the one voted on for final passage. While we have preferences, I nonetheless intend to support every proposal. Any one of them is better than none at all.

I am voting for the Peterson-Dingell-Frank amendment that imposes retroactive term limits of six terms on Representatives and two terms on Senators. Making the law apply to those who impose it would be the best way to serve the interests of the American people. Why are 12 more years needed for those who have already served this amount of time? Haven't they had a chance to fulfill their elected promises already? While this would affect the 218 Members who have or are already serving three terms in office, 218 is only half of the House. We've had that kind of change over the past 4 years. The result? Real action—such as the Contract With America. Has the quality of representation declined in the 104th Congress or other States due to term limits? I would have to say no.

I am also supporting the Inglis amendment. My first choice is for the House to implement this measure, which provides three 2-year terms in the House and two 6-year terms in the Senate. Two years ago the citizens of

California, through a ballot initiative, limited the terms of Federal legislators to 6 years in office. The Inglis amendment upholds the position of California.

The Hilleary amendment, my last choice, have set lifetime limits of 12 years in the House and 12 years in the Senate. It does not preempt any of the term limit proposals currently passed by the States and is not retroactive. That means a 12-year term limit imposed by the State of North Dakota would be able to keep legislators in Congress longer than California because of its 6-year limit. I believe this would be unfair and would create uneven representation on a national level. Nonetheless, this is still better than nothing.

The fourth measure I intend to vote for is the McCollum 12-year term limit amendment. This legislation limits Representatives to six full terms and two terms for Senators. Because this is a 12-year limit and therefore different from California's I concur with the amendment's provision which preempts State law. That ensures that all States are on a level playing field and that no State has a seniority advantage over others.

I have been listening to opponents of term limits argue today that such an amendment would limit the amount of experience legislators have in representing their constituents in Washington. They also point out that there will be a lack of qualified people to run for congressional offices. These concerns are unfounded.

Term limits have already been imposed on other State and Federal political offices. My own State of California has passed a 6-year term limit on State legislators. So far, it has not had a problem with attracting qualified individuals to compete for open seats. As a matter of fact, after California passed term limits in 1990, the number of candidates running for office increased by 40 percent. Term limits have broadened the field and improved the competition.

The 22d amendment to the Constitution, which took effect in 1951, restricts the term of office for the President of the United States to two terms. Thirty-five States impose term limits on their Governors. And, the government has not fallen apart. If term limits are good enough for them, they should be good enough for U.S. Congressmen and Senators.

The longer Members serve in Congress, the more removed they can become from the voters who elected them. The American people want to send representatives to Washington who truly understand what it means to work hard for a living, pay their taxes, and make ends meet for their families. They believe that a citizen legislator rather than a career Congressman best represents their interests.

The imposition of term limits is in no way a judgment on the quality of representation in the House today. I have served with some outstanding Representatives. However, I have noticed that the lure of Washington and all of its trappings of power can overcome some. Inside-the-beltway politics have a way of taking priority over the legitimate bread and butter concerns of average Americans. Term limits should prevent Members from becoming out of touch with their constituencies.

I also do not believe that term limits will cause a disorderly transfer of power. As a result of the past two elections, almost 50 percent of the House is comprised of new Members. This has not caused a breakdown of the system.

However, from a review of modern congressional history, this positive turnover is an exception—not the norm. The fact that one party controlled the House for 40 years straight—and that a noticeable number of older Congressmen have served and in some cases controlled—this House for 15, 20, 25, or 30 years proves that change must be institutionalized.

There is the illogical fear that the power will not remain with the representatives sent by the voters to Washington, but will slip into the hands of the unelected bureaucrats who serve them. This will never happen because elected officials always have had the option to hire and fire congressional staffers. As a matter of fact, it was not until the House passed the Congressional Compliance Act of 1995 that staffers were given virtually any rights at all.

Therefore, I believe the term limits amendment should be added to the Constitution so we can move forward and restore accountability to the U.S. Congress. It's time to stop talking and start the term limit clock ticking.

Mr. BEREUTER. Mr. Chairman, this member has supported nationwide congressional term limitations the past and currently is an original cosponsor of legislation in the 104th Congress to accomplish just that in the form of an amendment to the U.S. Constitution. In addition, this Member cosponsored term limitation legislation the first day of the 103d Congress—the first legislative day after Nebraska offered term limits by citizen initiative. This was necessary to protect Nebraska's interest vis a vis other States who had not passed similar congressional term limits. This Member believes that the prevailing criteria for any congressional term limits must be a nationwide standard. Otherwise, this Member must reiterate his belief and previous statements that the unilateral action by this Member's home State of Nebraska in passing a term limitation for its congressional delegation places Nebraska at a disadvantage in terms of seniority and representation when compared with the congressional delegations from other States without such limitations.

Under the rule, the House will consider four constitutional amendments in the nature of a substitute under a winner-take-all procedure. This Member has carefully examined the four substitutes and provides the following analysis of these measures.

First of all, this Member supports the passage of the McCollum 12-year term limit proposal, the base bill, since this Member has been cosponsoring it since the first day of the 103d Congress. Therefore, this Member hopes that the McCollum provisions are the final passage vote.

Second, this Member will vote for the Inglis 6-year term limit alternative even though, in this Member's judgment, it is not in the best interest of the country. That is an issue about which people can legitimately disagree, and voting for this provision which is, in this Member's judgment, of doubtful merit, is not a violation of our oath of office. This Member's vote for it can only be justified on the basis that it is what the people of Nebraska overwhelmingly approved during the last election. This Member does not see any clear justification for substituting his judgment for their collective judgment even though this Member laments the payment for petition circulators and the inordinate amount of out-of-state money used by supporters as is unfortunately still permissible under Nebraska State law.

Third, this Member intends to vote ''no'' on the Hilleary 12-year cap alternative because it does not preempt State law. Thus if the U.S. Supreme Court permits under the Arkansas case, or a subsequent case, other States could have a 12-year, a 10-year, or an 8-year term limit while Nebraska will be stuck with a 6-year limit; that would put Nebraskans at a disadvantage. While it is true that the Inglis alternative also does not preempt State law, but it provides for a 6-year term limit and no State is likely to limit terms to less than 6 years; thus, Nebraska at least would not be at a disadvantage under the Inglis alternative.

Finally, this Member will vote against the Peterson-Dingell-Frank retroactive term limit alternative as a transparently disingenuous, partisan ploy.

Again, this Member supports nationwide congressional term limits and will vote in accordance with that stance.

Mr. PASTOR. Mr. Chairman, supporters of term limits suggest they are restoring the intent of the Founding Fathers of creating a citizen legislature. That's why the term limits constitutional amendment we are considering today is called the Citizens Legislature Act.

Those advancing that argument to justify term limits spin history on its head. According to the Congressional Research Service, the Framers of the Constitution were unequivocal in their rejection of terms limits for Members of Congress. Our Founding Fathers thought term limits was a bad idea more than 200 years ago; it is a bad idea now; and it will be a bad idea 100 years from now.

I call my colleagues' attention to excerpts from the Congressional Research Service report which treats the constitutionality of congressional term limits.

[From the CRS Report for Congress, Jan. 2, 1992]

THE CONSTITUTIONALITY OF STATES LIMITING CONGRESSIONAL TERMS

(By L. Paige Whitaker)

III. FRAMERS' INTENT

State imposed term limits appear to conflict with the intent of the Framers of the Constitution to eliminate the policy of compulsory rotation in office. The concept of rotation in office was embodied in the Articles of Confederation, which provided that delegates to Congress could serve for no more than three years in any six-year period.[15] As a result, the issue of rotation in office was debated during the adoption of the Constitution.

Rotation, as proposed by the anti-federalists, would force members of Congress to step down from office for a period of time and live among the people in their former rank of citizenship. It was intended to provide members with a greater knowledge of their country and constituency, in order for them to return to the Congress as more informed legislators, with a greater sensitivity to the concerns of their constituents.[16] The anti-federalists also argued that a rotation requirement would prevent the abuses of corruption and would encourage a greater number of people to hold public office.[17]

After assiduous debate, however, the Framers rejected rotation, citing the right of the people to freely elect and the importance of experienced legislators. As Robert R. Livingston stated during the New York debates:

Footnotes at end of article.

''The people are the best judges who ought to represent them. To dictate and control them, to tell them whom they shall not elect, is to abridge their natural rights. This rotation is an absurd species of ostracism—a mode of proscribing eminent merit, and banishing from stations of trust those who have filled them with the greatest faithfulness. Besides, it takes away the strongest stimulus to public virtue—the hope of honors and rewards. The acquisition of abilities is hardly worth the trouble, unless one is to enjoy the satisfaction of employing them for the good of one's country. We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat that this is an absolute abridgment of the people's rights.[18]''

In response to the anti-federalists claim that rotation would prevent corruption, the federalists argued that indeed, the very prospect of reelection would provide a legislator with an incentive to be responsive to the needs of his constituents. If a legislator knows that his re-election depends on the ''will of the people'' and is ''not fettered by any law,'' he will serve the public well. On the other hand, if he knows that no matter how well he serves, he is precluded from re-election, ''he will become more unambitious, and regardless of public opinion. The love of power, in a republican government, is ever attended by a proportionable sense of dependence.''[19] As Alexander Hamilton similarly remarked, ''[w]hen a man knows he must quit his station, let his merit be what it may, he will turn his attention chiefly to his own emolument.''[20]

As evidenced by their debate, it is clear that the Framers intentionally rejected rotation in office. In so doing, it appears that they also rejected the policy underlying state imposed term limits. Commentators have concluded that in view of this deliberate rejection by the Framers, the qualifications clauses can only be interpreted as a prohibition on the states from limiting the re-election of their congressional delegations.[21]

FOOTNOTES

[15] Art. of Confed. art. V, cl. 2.

[16] 2 Debates on the Adoption of the Federal Constitution 288 (J. Elliot) (1888) (speech of G. Livingston).

[17] *Id.* at 310 (speech of M. Smith). With regard to corruption, Smith argued: ''A rotation I consider as the best possible mode of effecting a remedy. The amendment will not only have a tendency to defeat any plots which may be formed against the liberty and authority of the state governments, but will be the best means to extinguish the factions which often prevail, and which are sometimes so fatal to legislative bodies.''

Concerning the argument that rotation would encourage participation in government Smith commented: ''If the office is to be perpetually confined to a few, other men, of equal talents and virtue, but not possessed of so extensive an influence, may be discouraged from aspiring to it.

[18] *Id.* at 292–93 (speech of R. Livingston). In accord, Alexander Hamilton commented that, ''It has been observed, that it is not possible there should be in a state only two men qualified for senators. But, sir, the question is not, whether there may be no more than two men; but whether, in certain emergencies, you could find two equal to those whom the amendment would discard.*.*.* The difficulty of obtaining men capable of conducting the affairs of a nation in dangerous times, is much more serious than the gentlemen imagine. *Id.* at 320–21 (speech of A. Hamilton).''

Also note that, as Madison made clear in Federalist 63, the purpose of the Senate was to provide stability and expertise: ''Without a select and stable member of the government, the esteem of foreign powers will not only be forfeited by an unenlightened and variable policy, proceeding from the causes already mentioned; but the national councils will not possess that sensibility to the opinion of the world, which is perhaps not less necessary in order to merit, than it is to obtain, its respect and confidence. The Federalist No. 63, at 422 (J. Madison) (J. Cooke ed. 1961).''

[19] *Id.* at 298 (speech of R. Harrison).

[20] *Id.* at 320 (speech of A. Hamilton).

[21] Note, *Limits on Legislative Terms: Legal and Policy Implications,* 28 Harv. J. Legis. 569, 586–87 (1991). The authoritative commentator on the Constitution, J. Story, similarly concluded: ''the states have just as much right, and no more, to prescribe new qualifications for a representative, as they have for a president. Each is an officer of the Union, deriving his powers and qualifications from the Constitution, and neither created by, dependent upon, nor controllable by, the states.'' J. Story, *Commentaries on the Constitution of the United States* §626, at 101–102 (1970 ed.)''

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support of the Citizen Legislature Act, the constitutional amendment to provide term limits for Members of Congress. This important plank of our Contract With America demonstrates that we are serious about keeping our word with the American people: to hold a first-ever vote on term limits on the House floor.

Despite the tremendous changes in last November's elections, many Americans are still mistrustful of Congress. Many Americans believe that career legislators have too much power and too much at stake to make the tough decisions facing the Nation. I believe our Founding Fathers never intended for Member of Congress to be a career choice. Rather, they envisioned a system where people from all walks of life would become involved in public service for a few years, and then return to their profession or trade. Since coming to Congress in 1991, I have always known that I would return to the private sector, sooner rather than later.

On the first day of the 104th Congress, I cosponsored both House Joint Resolution 2, the McCollum resolution, and House Joint Resolution 3, the Inglis resolution. I did so because both of these resolutions were part of our Contract With America and I believed that it was part of my contract with California's 51st District to bring the term limits issue to the floor of the House.

After a great deal of reflection, I have decided that the best alternative before the House is the McCollum amendment. Since. I began my public service, I have consistently stated that I believe a 12 year term limit is the most appropriate manner to address this question. The McCollum amendment, as embodied in House Joint Resolution 2, would mean a sweeping change in our political system, limiting House members to six terms and Senators to two terms.

The McCollum amendment is fair and tough. It is fair in that it preserves the balance of power between the House and the Senate. It is fair because it treats all States equally. And make no mistake, it is tough. Under McCollum, those of my colleagues who have viewed Congress as a career are in for a surprise.

I urge my colleagues to support the McCollum amendment and support term limits. We know that is what the American people demand. We should heed their call.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support of limiting service in both the House and Senate to 12 years, albeit I will vote to do so with reservations.

I'm proud that House Republicans have fulfilled yet another promise in the Contract With America by bringing—and I stress bringing—before the American public a fair debate about limiting the terms of Members of Congress.

Our contract did not guarantee passage nor enactment of every item. Whether term limits pass on Thursday afternoon or not, this debate is a tribute to Speaker GINGRICH, the Republican leadership, and to Mr. MCCOLLUM, and it is a check mark in the success column. I hope the media get that straight.

I'm of the opinion that, as provided by our Founding Fathers, Members of Congress already serve limited terms—2 years in the House and 6 in the Senate—and that they can be dismissed by the voters at the end of those terms.

As will be mentioned often in this debate, the 104th Congress is evidence to those term limits; 52 percent of the House is serving their third term or less. Overall, the average length of modern service is between six and seven terms. And looking at our average age, which falls just short of 51, it's obvious that most Members came to Congress after establishing themselves in the private sector.

But the voters apparently aren't happy with these results, and in response to their demands, we're here debating further limiting congressional service.

Understandably, voters are frustrated and dissatisfied with the performance of Congress—legislative gridlock, scandals of recent years, and the size and cost of Government are ample reasons to earn the voters disdain.

We have also done our part to foster their contempt by our increasing tendency to legislate for the sound bite. I'm continually amazed how some Members find glory in despising and trashing the institution in which they have chosen to serve.

In that respect, I am disappointed in this debate. Members on both sides have forgotten that honest men and women can disagree on an issue of such magnitude. And while we were sent here to represent our constituents' wishes, we were also elected to exercise some independent judgment and reasons on behalf of the Nation and her future. The Wall Street Journal chart on the editorial page March 28 was unfair and misleading in this regard to Members who oppose additional term limits.

My home State of Nebraska is 1 of the 22 States that have voted to impose term limits on its congressional delegation. The issue was on the ballot in both 1992 and 1994, and my constituents knew both times that, while I would support certain term limits, I opposed the Nebraska ballot initiatives. My votes today and tomorrow will be fully consistent with that position.

I agree with the constitutional experts who conclude that limiting congressional terms would require an amendment to the U.S. Constitution, and I expect the Supreme Court will later this spring or summer hold that term limits imposed by the States are invalid.

And just as importantly, I believe it would upset any balance of power between the States to impose limits in a patch-work fashion. It would be unwise and detrimental to Nebraska's representation in Congress to impose additional term limits on its small five-member delegation when other States, especially those more populous, could decide to have no limits.

Further, I believe firmly in the equality of the two Chambers established by our Founding Fathers. They improved upon the English model of an upper and lower House to establish Chambers of equal power, with one more deliberative and the other more responsive to the mood of the country.

I can realistically look at this point in my life, and service in the House, and say that should

additional term limits as now discussed be imposed, they will not have an impact on me. Therefore, it is with no self-interest or self-preservation in mind that I say that there are serious drawbacks to term limits.

And most certainly, I think it is a disservice to the electorate if these drawbacks are not thoroughly understood and part of the public debate. These include:

Additional congressional term limits will limit the voters right to chose their representation. Term limits assume that new is always better and, unlike other vocations—and I am talking about the citizen legislator as a vocation—that experience does not make for a better legislator. Also, term limits would, without doubt, put much more power into the hands of non-elected congressional staff, bureaucrats, and special interest lobbyists. Those are not tired arguments, and they should not be dismissed out of hand.

It is, at best, a toss up of whether term limits, had they been in place, would have solved the problems that have generated the public's frustration with Congress. Operational and procedural reforms in the institution of Congress itself—which we now have begun to accomplish under Republican leadership—and campaign finance reform are just two areas where directing our effort could make more certain and better changes.

Having said all this, I will, as I stated at the beginning of these comments, vote to limit congressional service.

I will vote to respect the will of the American people, who have given strong indication that additional term limits is their desire. I'll also exercise my personal judgment for the country, however, that anything less than 12 years is unrealistic, and the same limits must be imposed on both House Members and Senators from all 50 States.

I urge my colleague to join me in voting for the McCollum 12-year limit.

Mr. BALLENGER. Mr. Chairman, the concept of term limits, while at least as old as our Government itself, has been repeatedly rejected by complacent Members of Congress whose tenures have lasted as long as 53 years. Unfortunately for these career politicians, Congress can no longer ignore the Americans voter's profound and growing desire for a true citizen-legislature that is intended to serve the people in a better, more responsive manner. Since 1990, 22 States have imposed their own term limits, 21 through voter initiatives, and polls consistently show public support at as high as 80 percent. Though it is clear why career politicians do not wish to place limitations on themselves, it is time to obey the will of the American public. With much of the Contract With America completed, this is one more opportunity to show our commitment to those who elected us and to respond to the change they demanded on November 8. By passing term limits and putting the interests of our constituents before our own, we can institute the concept of the citizen-legislature that our Founding Fathers envisioned over 200 years ago.

The CHAIRMAN. All time for general debate has expired. Pursuant to the rule, the joint resolution is considered as having been read.

The text of House Joint Resolution 73 is as follows:

H.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States.

''ARTICLE —

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

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

''SECTION 3. This article shall be inoperative unless it shall have been ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

''SECTION 4. No election or service occurring before this article becomes operative shall be taken into account when determining eligibility for election under this article.''

The CHAIRMAN. No amendments to the joint resolution are in order except the amendments specified in House Report 104–82, which shall be considered in the order specified in the report, may be offered only by the Member designated in the report, may be considered notwithstanding the adoption of a previous amendment in the nature of a substitute, is considered read, is debatable for 1 hour, equally divided and controlled by the proponent and an opponent of the amendment, and is not subject to amendment.

If more than one amendment is adopted, only the one receiving the greater number of affirmative votes shall be considered as finally adopted.

In the case of a tie for the greater number of affirmative votes, only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

The Chair, in addition, also announces that under rule XIV, clause 6, the proponent of each amendment made in order under the rule will have the right to close debate since the measure under consideration has been reported from the committee without a recommendation.

It is now in order to consider amendment No. 1 printed in House Report 104–82.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PETERSON OF FLORIDA

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

The CHAIRMAN. The Clerk will designate the amendment.

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

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

''ARTICLE —

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

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

Mrs. FOWLER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentleman from Florida [Mr. PETERSON].

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. PETERSON] will be recognized for 30 minutes, and the gentlewoman from Florida [Mrs. FOWLER] will be recognized for 30 minutes.

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

Mr. PETERSON of Florida. Mr. Chairman, I invite everyone to study closely the Peterson-Dingell amendment.

As the gentleman from Illinois [Mr. HYDE] so eloquently put it today, we see signs all over the Hill today saying, ''Term limits, yes.'' What they fail to say is, ''Term limits now.'' That is what this amendment is all about.

I want to go back though through a lot of the general debate we had, a lot of people talking about what was the reason why we are doing term limits. I have my own thoughts on that, and may I relate that to my colleagues?

Virtually every Member of this House has run against the House to get elected, as have all the candidates as well. We have had scandals galore, we have had gridlock, we have had personal attacks on this floor, and we have had, yes, unfair rules, and the people out there understand this. They understand that the sitting members are the ones that are accountable, and that is what this amendment is all about.

My amendment is a 12-year limit, much like H.R. 73. It also allows a State preemption as long as they do not exceed the 12 years, and, as I say and repeat, it is the only amendment that has immediacy, retroactivity. It applies immediately upon the ratification of the amendment in the United States.

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

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

(Mrs. FOWLER asked and was given permission to revise and extend her remarks).

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to this amendment. While I have the greatest respect for my fellow Floridian, I think his amendment is out of step with what the American people want.

The American people want term limits. They want them now. And they want them to apply to incumbents. And the three Republican-offered amendments do all of these things.

Let me say that again: All three Republican-offered amendments apply to each and every one of us who are here now. They treat us no differently than any other person who might run for office—neither preferentially nor punitively. The term limits movement is not motivated by a desire to be punitive.

Supporters of this amendment cite poll numbers that they claim show a majority of the American people support retroactive term limits.

I say, let us look at the most accurate polling data—elections. Twenty-two States have put term limits questions on the ballot, and not one of them adopted retroactive term limits. Keep in mind, these were all citizen initiatives drafted by the people themselves. Only once—in Washington State—did anyone even try to impose retroactive limits, and that bill was soundly defeated. It appeared on the ballot the next year without retroactivity and passed. This amendment would force Washington State to make their term limits retroactive.

Members should also know that this amendment is poorly drafted.

The first part of section 2 declares that any prior service will count against the limit. In other words, it is retroactive.

The very next sentence is the States rights clause, declaring that the amendment respects all the State laws.

The problem is, as I mentioned earlier, not one of the States wanted retroactive term limits. Every single State term limits law was drafted specifically to be prospective.

This amendment preempts the prospective nature of all 22 State term limits laws and forces them to accept retroactivity. All the while pretending to be respectful of States rights.

The 22-State term limits laws are not identical. Some are 6-year limits on House Members, some are 8, some are 12. Some are lifetime bans, others are not. The one feature that is consistent through all the States is the prospective nature of their term limits laws. It is the one feature that this amendment seeks to undo.

Members should feel comfortable rejecting this amendment based solely on its schizophrenic nature and poor drafting.

Members should also keep in mind that we are hardly breaking new ground here. There is already a term limits amendment in the Constitution. The 22d amendment limits the President to two terms. That amendment states, ''this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress.'' Not only did Congress reject the idea of retroactivity when it came to term limits for the President, but they actually went the other way and grandfathered the incumbent.

Also keep in mind that article 1, section 9 of the Constitution states, ''No bill of attainder or ex post facto shall be passed.'' Any retroactive action violates the spirit of the Constitution itself.

This amendment is offered and supported by the most vocal opponents of term limits.

Every major proponent of term limits opposes the amendment—Mr. MCCOLLUM, Mr. INGLIS, Mr. HILLEARY, and myself. It is also opposed by grassroots supporters of term limits: the Term Limits Legal Institute, the Christian Coalition, Citizens Against Government Waste, the National Taxpayers Union, United We Stand, and the American Conservative Union.

A vote for the Peterson-Dingell-Frank amendment is a vote against term limits. I urge Members to vote ''no'' and support any of the three real term limits amendments that will follow.

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

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume for just a reply to my colleague the gentlewoman from Florida.

This is a real amendment. This is the toughest amendment. This affects every sitting House Member. This is a cop-out if anybody walks away from this.

Mr. Chairman, I yield 3 minutes to my friend, the gentleman from Michigan [Mr. DINGELL].

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

Mr. DINGELL. Mr. Chairman, this is the real thing. I say to my colleagues, if you're for term limits, you're for this amendment. If you're not for this amendment, you're not for term limits.

What this says is that term limits go into effect immediately upon the ratification of this amendment if the States act upon it. A large number of Members will depart. If that is the will of this body and the will of the people, then so be it. I, as the dean of the House, will be amongst the first to go. Many of my colleagues think that this is just fine because, ''It's not going to affect me in the immediate future.'' The answer to all of this is that immediately, upon the adoption of this amendment, if you have served your 12 years, you will be ineligible for reelection.

A lot of people think that the people are in favor of term limits. If they, in fact, are in favor of term limits, they are in favor of this amendment because it is immediate, and the polls so show. If the Members are trying to identify whether people are angry with them, and with whom they are angry, and on whom they want term limits, my colleagues, it is upon you, it is upon me, and it is upon all of us because that is what the situation is.

Let us reflect a bit on what we have:

First of all, it will be 5 to 7 years before term limits are approved by the States. Then it will be an additional 6 years or an additional 12 years. So we are now up to somewhere between 11 to 19 years before term limits will go into effect. The newest of the new Members will at the time that term limits have gone into effect have served probably as much as 20 years. During that time they would have achieved all of the emoluments of long-term service, and, if a Member who serves here for a long time is achieving some measure of corruption by having so done, they will become amongst the most corrupt then of the Members.

Now here is again what happens with regard to term limits under the Contract With America:

Years of service. At the time this goes into effect, instead of having served 40 years, I will serve 59 years. The gentleman from Georgia [Mr. GINGRICH] under the McCollum-Hilleary amendment will have served 36 years, almost as long as I have served today. The gentleman from Missouri [Mr. GEPHARDT] 38 years; the gentleman from Texas [Mr. ARMEY] 30 years; the gentleman from Michigan [Mr. BONOIR] 38 years; the gentleman from Tennessee [Mr. HILLEARY] and all of his class will have served 20 years. They will have achieved the status of old bulls. They will have served here a long time.

Now I say to my colleagues, contemplate yourself going home and trying to explain to the people that you serve. ''I'm for term limits,'' you say, and they say, ''Hooray,'' but you don't tell them that you are for term limits which will begin somewhere between 13 and 20 years from today. It's pretty hard to say that you are expecting that people are going to believe you if they know the facts as to whether you're really for term limits or opposed. The hard fact is, if you don't vote for the amendment which is cosponsored by the gentleman from Florida [Mr. PETERSON], the gentleman from New York [Mr. ENGEL], the gentleman from Illinois [Mr. GUTIERREZ], the gentleman from Texas [Mr. BARTON], and I, you're voting for something which essentially is an illusion. It is, in fact, regrettably something which deceives the average person because you will never make a person believe that you are out to clean up a situation with which you say they find fault if you don't vote to make this of immediate effect.

What this says is that immediately upon ratification term limits goes into effect. Under McCollum-Hilleary it will go in somewhere between 17 and 19 years in the future, and under Inglis, somewhere between 11 and 13 years. My counsel for my dear colleagues is, ''If you want to be judged fairly as having been somebody who believed in what you did and believed in what you said,

vote for the Peterson-Dingell substitute, vote for a real honest limitation on term limits, and then go home and justify what you have done.''

Mr. Speaker, George Santayana once said that, ''Fanaticism consists of redoubling your efforts when you have forgotten your aim.'' This point seems particularly relevant today. You might recall that in 1947, a constitutional term limit on Presidents was ratified by a Republican Congress, which had been entrusted by the American people to make the difficult decisions necessary to move our Nation forward in the postwar era. In reality, the 22d amendment was a Republican attempt to get even with Franklin Roosevelt and the New Deal.

Almost a half century later, we find a Republican Party still spooked by FDR's legacy, and 40 years of progress under a Democratic House. Showing a renowned lack of originality, they have dusted off term limits as part of their new agenda in the Contract With America, this time to limit the length of service for Members of Congress. I am pleased that, despite the inclusion of term limits in the contract, that this plank is in trouble because of opposition from Republicans and Democrats. These are Members on both sides of the aisle who share a faith in the ability of Americans to make up their own minds when they go to the polls.

Those who charge that retroactive term limits are unfair may recall that President Truman was grandfathered from the 22d amendment. At the time, the Republicans did not want to appear too partisan by attacking Truman.

For them, the pleasure came in attacking his deceased predecessor—who was elected to the Oval Office four times and is viewed by most historians as among our best Presidents. Despite the Republican special exemption given to President Truman, he limited his own service and chose not to run for reelection in 1952.

In the spirit of this Truman exemption, the Republican leadership has presented us with four amendments under a closed rule. Three of these choices exempt the service of current Members of Congress, so that when this debate is over, the Speaker will have the chance to serve almost as long as I have. This is because under the main amendment, it could take another 19 years before any constitutional amendment would completely remove current Members of the House.

Mr. Speaker, beside me is a partial list of current Members who would be forced into retirement the Peterson-Dingell amendment were ratified by the States today. As you can easily see, it limits all sorts of people from both side of the aisle.

To give a little more perspective, in 2014, that would give me just over 59 years of service—if I run and the people of Michigan's 16th Congressional District so choose. The Speaker would have 36 years under his belt, although not all of those could be as Speaker, since under the new House rules, he is under a self-imposed term limit of four consecutive terms that will force him to leave the Speakership for a 2-year sabbatical every 8 years.

Santayana also observed that those who fail to learn from history are condemned to repeat it. Today's debate fulfills that prophecy. When one examines the history of the Presidential term limit. Moreover, only two Presidents—Republicans—have found themselves constrained by it, and the Republicans sought vigorously to find away around it for the patron saint of their party, President Reagan.

One of the major arguments for adopting a term limits constitutional amendment is because its popular. We have been bombarded by reports in the press that up to four out of five Americans wants term limits. If any of my colleagues are basing today's decision on popular opinion polls, I feel it is my duty to inform you of one fact: that same majority wants congressional limits applied to you.

Only the Peterson-Dingell amendment gives Members a chance to avoid the charge of hypocrisy by addressing immediacy; in other words, the immediate application of all time served by sitting Members of the House and Senate. The Peterson-Dingell amendment is simple: apply to yourself that which you would apply to others. Under the amendment, all service counts, whether you're in your first term or your 20th term. In the 104th Congress, this means that 157 House Members would be ineligible to run for another term if Peterson-Dingell were ratified today. A list of those Members is available for those who wish to consult it. In addition, 67 Senators could never again run for the U.S. Senate under the Peterson-Dingell amendment.

As some of your might guess, I must confess that Senate term limits would trouble me quite a bit less than House term limits.

It was expressed in earlier debate that Peterson-Dingell might lead to a very disorderly transfer of power. However, a look at recent history shows that chaos is unlikely. In fact, the House has just completed a transfer of power between the parties, and the Republic is still in tact. In 1993, 11 freshman Members took seats in the 103d Congress. So 157 retirements would not be devastating on a numerical basis. As I have long stated, the loss would be in terms of legislative experience which would empower bureaucrats, lobbyists, and congressional staff to make decisions made today by all of us, who are held accountable by the people every 2 years.

It's no secret. I oppose term limits. Why? Because I believe in the power of democracy, the sanctity of the ballot box, and most of all, the ability of voters to decide for themselves who will best represent them. I am joined by like-minded people from both sides of the aisle, Republicans and Democrats who understand that term limits would imperil democracy. However, if in a rush for results, we decide to impose congressional term limits to address problems better solved through meaningful campaign finance reform, we have a duty to approve a constitutional amendment which is free from hypocrisy. The other amendments cast a shroud of self-interest over the Constitution. There is only one amendment which puts truth in term limits. Vote only for Peterson-Dingell.

□ 1600

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, it is time to expose those who now piously stand as would-be term-limit martyrs. I stand as an unquestionable supporter of term limits, and as unalterably opposed to this amendment.

Eight out of ten Americans support term limits, yet, for years the Democrat-controlled Congress ignored the will of the people and in their arrogance, refused to even debate the issue. But, when the American people swept a new majority into the House for the first time in 40 years, Democrats scrambled for a purely political position. And retroactivity is the rock they are hiding under. Members on the other side of the aisle have wrapped themselves in the banner of term-limits and proclaim themselves as having the only consistent position: applying term limits retroactively.

But as the term-limit debate has unfolded this year, I realize that many of those who most vigorously support retroactive term limits are the very same Members who worked to block consideration of term limits in the past.

Because I wanted to know what my colleagues had previously said about making term limits retroactive, I went through the transcript of the hearings held in the last Congress—the 103d Congress—on term limits. Mr. Chairman, I could not find any reference by my colleagues to applying term limits retroactively.

Twenty-two States have passed term limits, yet not one State has made term limits retroactive. In fact, only one State has put a retroactive term limit on the ballot, Washington State, and that initiative was defeated. Why? Because the voters are smarter than the retroactivity proponents think they are. The voters know that this is a debate about principle, not personality. The voters are not looking to send half this Congress home next year automatically—through retroactive term limits. The voters are looking to ensure that the abuses wrought in past Congresses by too much seniority—ranging from the post office scandal to the national debt—can never happen again.

As this debate began, I considered the principle of retroactivity very carefully. I looked at both pros and the cons. I looked at what the voters have done in 22 States already. But when I looked at who was pushing retroactivity the hardest, I realized it was the same people who tried to kill term limits in the past. Retroactivity is a stumbling block that has been thrown up to stop term limits. Members who oppose term limits have dressed themselves in the proverbial sheep's clothing in an attempt to suppress the will of the people.

Mr. Chairman, term limits will restore the idea of a citizen legislature to this Congress. It will forever block the excesses of seniority that have marred this House and robbed the people of their faith in their Government.

If term limits fails in the House this day, it will not be because of the over-three-fourths of Republicans who will vote for it. It will be because of those on the other side who hope to regain and hoard their political power and seniority, and who are now seeking to

save their own political image. I urge my fellow Members to reject this false attempt to kill term limits. Let us listen to the people who sent us here and pass the term limits that they have passed. Vote ''no'' this substitute and vote ''yes'' on final passage of term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there have been four national polls on term limits in the past 4 or 5 months, and all have overwhelmingly supported retroactivity.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTON].

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

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the Dingell-Peterson amendment, and I want to make several things absolutely crystal clear.

No. 1, I drafted this amendment as the Barton amendment, not knowing that the gentleman from Michigan [Mr. DINGELL] and the gentleman from Florida [Mr. PETERSON] had already drafted the amendment. When I found out that they had already presented it to the Committee on Rules, I asked if I could add my name to the bill. But I had drafted the identical amendment that is before us, so I do not consider this to be necessarily the Democratic amendment.

No. 2, if this passes, I am going to vote for it on final passage. I am not doing this simply as some sort of subterfuge. I am doing it because, as has been pointed out repeatedly on the floor this afternoon, overwhelming numbers of American citizens support term limits. They happen to think that if we pass a term-limit bill, it should be effective immediately, not 12 years from now, not 19 years from now, that it should be effective immediately.

Now, I have the greatest respect for people like the gentleman from Florida, Mr. BILL MCCOLLUM, and the gentleman from South Carolina, Mr. BOB INGLIS, who have steadfastly for many years campaigned on term limits and support term limits and say they are going to abide by their self-imposed limit whether the Congress passes anything or not. So I think they are totally sincere. But the bills they are supporting do not take effect immediately.

There is only one bill that automatically takes effect immediately. That is this one and, you can perhaps make the argument, the bill of the gentleman from Tennessee [Mr. VAN HILLEARY], which gives the States the right to set a term-limit bill that would be effective immediately.

If there is a problem that term limits is the real solution to, the problem is current Members of Congress that have already been here too long. This is the only vote that affects those people today. If we pass the Dingell-Peterson amendment, they will not apply for reelection in their primaries in the spring of 1996. They would not be allowed to.

Term limits are an issue which needs to be debated on the floor of the House of Representatives. We should commend the Republican leadership for doing that. We should commend the Republicans like the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from South Carolina [Mr. INGLIS], and others who have worked so hard to bring the issue before the American people.

Mr. Chairman, I would hope that all Republicans would vote for this substitute because again, it solves the problem that term limits are supposed to solve. It affects us in this body today. Today. And if we are not willing to vote for this, unless you are willing to limit yourself individually, like the gentleman from South Carolina [Mr. INGLIS] is, then you are really not a supporter of term limits.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of term limits, but I am not going to participate in what I perceive to be a sham, in suggesting that after we have had term limits adopted by the people of 22 different States and all of them have adopted them without retroactivity, that somehow people want to have retroactive term limits. In fact, the proof is in Washington State. The voters there had term limits offered to them with retroactivity. They rejected them, brought them back 2 years later without a retroactive provision, and they passed them.

Mr. Chairman, let us not fool ourselves. This is an effort to provide cover for people who do not truly support term limits. If you do not believe it, look and see what they do on the final vote for final passage of a constitutional amendment for term limits. They are not going to vote for it unless it has this retroactivity in it, when, in point of fact, term limits will apply going forward prospectively anyway.

Why not support it even if you do not get your retroactivity that you seem to want to have, when you can still impose term limits on yourself if you are a Member of Congress?

Now, the reason why retroactive term limits are a bad idea is very simple: We hear those who oppose term limits all the time telling us we should not lose the institutional memory of this House of Representatives. Yet they want to turn around and in one single election cycle, turn over half of the membership of the House of Representatives, and you take those who have been here more than 12 years, add to those who will voluntarily leave, as many Members do before they ever get to term limits, add to that those who are defeated and those who run for other offices, and you will have close to, if not in excess of, one-half of the Members of this House leaving at one time.

Term limits should be phased in. That is why they have been made prospective in every single State that has enacted term limits, and that is why they should be made prospective only as we vote on them in this House of Representatives as well.

Mr. Chairman, I urge my colleagues to reject what is a sham, and I urge everyone to look at who votes for real term limits on the final vote today to tell you who really supports them.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I often hear Republicans say we need term limits because ''It's time to clean out the barn.'' I have never said that in a campaign. First of all, in Chicago I am not sure what kind of response we would be getting because there are not a lot of barns. Maybe in Chicago we would say something like ''It is time to shovel the snow off the street.''

When I hear someone say ''We need to clean out the barn,'' it sounds like something that is awfully important, not a few years down the road, but today, right now. And it should not wait until you have sold the farm and turned over the cleaning to someone else.

So I do not understand when those who have been in Congress for 12, 20, 25 years say they support term limits, but they plan to stick around Washington just a little bit longer, because these are the same folks that said ''We have got to clean out the barn.''

Fine, grab a broom, clean out the barn. But what happens when it turns out that you are the one who is making the mess? What happens when you look at your own resume and realize that you have been here for 12 years or more and your limit is up? Well, then you better get out of the barn, too.

That is what the Dingell-Peterson amendment does. It turns term limits from rhetorical cheap shot into real change. Retroactivity, Mr. Chairman, cleans out the barn now.

Look, this amendment is not a cheap shot. It is not a threat to you or anyone else. It is an opportunity for everyone, an opportunity to prove that you are serious.

Now, if you still want a 12-year limit and you have been here more than that, there is a very simple option. There is the door. It is very easy to get to National Airport. It takes about 10 minutes from here. And if you are a Member of Congress, they have even got a free parking lot there for you.

You know, people say that they are opposed to retroactivity because the people are not for it, and as evidence for this they point to various polls. Well, Mr. Chairman, in a recent CNN-USA Today-Gallup poll, respondents were asked, if there is a 12-year term limit for Members of Congress, do you think Members should be allowed to

run for another 12 years in office, or should current Members who have been in Congress 12 years not run again?

Seventy-one percent of the respondents replied that such Members should not be allowed to run again. Mr. Chairman, if we are going to put our faith in polls, we should put our faith in all the polls and be consistent.

Mrs. FOWLER. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding this time. She knows my general position on term limits and is most generous in offering that time.

Term limits, my colleagues, were a part of the Articles of Confederation. During the debates leading to ratification of our Constitution, our Founding Fathers soundly rejected that idea.

Today term limits as a populist issue has come about because of a deep-seated frustration that has boiled over because of the people's sense that their Congress was not responding to the public's priorities.

During the last two elections, that same public reflected by their actions that the genius of our Founding Fathers continues to work in our system. They simply decided to throw many of the rascals out. Today over one-half of my conference is made up of people who have been here essentially 2 years or less.

With that in mind, let me share with you the words of one of those early founders. ''The people are the best judges of who ought to represent them. To dictate and control them, to tell them whom they ought to elect, is to abridge their natural rights.'' He goes on to say, ''We all know that experience is indispensably necessary to good government. Shall we, then, drive experience into obscurity? I repeat, this is an absolute abridgement of the people's rights.'' That quote is from Robert Livingston during the New York debates on ratification of our Constitution.

Robert Livingston, reflecting the genius of our earliest leaders, made two points which I wish to emphasize. First, the people's right to choose should not be abridged. Term limits today reflects the people's frustration with Members elected in other people's districts. Today in America people across the country essentially want their own Member to remain in Congress. Let us not detract from the people's right to choose whom they wish to serve as their Representative.

Livingston's second point, experience is a necessary ingredient in our representative system. That is very fundamental to our work. Without it, we completely turn our Government over to the unelected bureaucrat.

I do not know about you, but it took this Member a few years to really understand the challenges involved in making the people's government work. Maybe some of my colleagues were struck with inspired genius the day they were elected to office. I would submit, however, that for most of us it takes a few years to really do this very tough job, and even more to do it well.

So one more time, do not leave our Government in the hands of the unelected. Experience is necessary, and citizens in each district have the good sense and, indeed, the responsibility to know there is a difference.

A last point, not from Robert Livingston, but from myself. I will not vote for the retroactive amendment because I do not believe in term limits. I believe in the people's government that is the result of the people's choice. If applied retroactively, this proposal would overnight eliminate from the House the likes of HENRY HYDE, Speaker NEWT GINGRICH, RICHARD GEPHARDT, LEE HAMILTON, and, yes, even our own BOB LIVINGSTON, giants of our time without whose leadership and dedication the people's House would be severely diminished.

But if you, my colleagues, happen to be one of those who is considering to vote for term limits, I would suggest in all sincerity that you ought to go down the hall and take a look in the mirror. Look very closely. Are you sure you are not just reacting to the fear of a populist firestorm and, in doing that, you have traded in your responsibility in this body to lead.

□ 1615

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Chairman, first let me state for the record that the voters of Houston have voted twice for retroactive term limits. I think some of the speakers should do their research so that they know that. Twice they voted for retroactive term limits and the city of Houston continues to be strong and vibrant.

My colleagues, if we feel compelled to change the Constitution,which has worked effectively for over 200 years, in order to limit the people's right to choose their representatives, then we must do so not haphazardly, but fully. It is hypocritical of this House to say it is for term limits, and yet give members 6, 12, or 24 more years in Congress as House Joint Resolution 73 and the other substitutes would do.

What is the point of term limits if they do not take effect immediately? Why should my friend, the chairman of the Ways and Means Committee, who hails from the great State of Texas, who was first elected when I was 11 years old, be given 12 more years? Thirty-six years is a career to many Americans.

I do not want to single out my fellow Texans. Many Members on both sides of the aisle could be examples of the folly of House Joint Resolution 73. Rather, I do so out of fairness.

I further notice that one of the advocates of House Joint Resolution 73 was quoted as stating that retroactive term limits would violate the American sense of fairness and change the rules in the middle of the game. Let me submit to you that any term limit changes the rules in the middle of the game. And speaking to the freshman, how is it fair that we perpetuate the seniority system?

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank my colleague and friend, the gentlewoman from Florida [Mrs. FOWLER] for yielding time to me.

Mr. Chairman, I rise today in opposition to this amendment, which is a charade.

Caveat Emptor. Let the buyer beware. We should all beware of this amendment, given that two of its three sponsors oppose any and all term limits. Given their opposition, why would they offer a trojan horse limit? Simply put, to scuttle any chance of term limits passing in this House.

The only term limit amendment debated and passed by Congress was in the Republican 80th Congress in 1947. This term limit became known as the 22d amendment. It was specifically not retroactive, and specifically excluded the sitting President of the United States—Harry S. Truman. For very logical reasons, a precedent was established when Congress voted against retroactive term limits in 1947.

I oppose retroactive laws in general, as I opposed President Clinton's retroactive tax increase in 1993. Personally, I pledged, prior to my election in 1992, that I would voluntarily serve no more than six terms, so retroactivity will not affect my length of service.

Of the 22 States whose voters have passed term limits, none—I repeat, none—have imposed them retroactively. Clearly, the voters of 22 States have spoken on the issue of retroactivity.

Serving in Congress should not be a lifetime career. I urge my colleagues to vote against this charade of a substitute, and vote for genuine term limits.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Alabama [Mr. BROWDER.]

Mr. BROWDER. Mr. Chairman, I rise in support of retroactive term limits. As a matter of fact, Mr. Chairman, I am going to vote for anything up on that board regarding term limits and for final passage.

Last year, when we were closing the term and I saw that we were not going to pass campaign reform, we were not going to pass lobby reform, I decided if we are not going to change the way we do business around here, then maybe term limits is a good idea. And I think that is true today.

I look around on the agenda. I do not see cleaning up the way we do things around here with lobby reform or campaign reform. I do not even see it on

the horizon. So let us do something different. Let us vote for term limits and let us make them retroactive.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Chairman, as Forrest Gump might say, the Democrats are like a box of chocolates, you never know what you are going to get.

But unlike Forrest Gump, the American people are not gullible enough to believe that the Democrats are taking this amendment and proposal seriously. This is how the Democratic-sponsored proposal will affect House Democrats: 82 of them can just resign right now. Under this amendment, 82 of them would no longer be here. Thirty should have left 8 years ago at least. Even two of the proponents of this retroactive proposal have been in Congress longer than 12 years and thus will be ousted by their own proposals.

One sponsor has served 40 years. He is like 3½ Congressmen. When you go out and talk to the average people, they understand the hypocrisy of this particular amendment since we have not had a first hearing on term limits in the House until November 1993. They have been opposed by the prior leadership.

During the 40 years prior to that hearing there was never a single vote on term limits. The former speaker even sued his own constituents on the term limit law.

I, like other of my freshman colleagues, have made a pledge. We will only serve 12 years, whether or not Congress passes an amendment. We are not just voting; we are actually acting. I challenge others who plan to vote for this amendment, as I plan to do, to act, not just talk. People are tired of politicians who just talk. Join with me in committing to resigning after 6 or 12 years, whatever you vote for, whether or not this passes.

Actions speak louder than words.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, unlike many Members of Congress, I have actually had term limits applied to me. The San Mateo County Board of Supervisors in California, on which I served, was the first legislative body in California back in the 1970's to adopt term limits. I have seen for myself the value of replacing incumbents with new leadership which brings fresh perspectives to the body politic.

Now we hear Members saying that they are for term limits. They were for them during their campaigns, but they do not insist that a term limits bill apply to everyone here today.

In this Congress I introduced a bill which would allow Members of Congress to serve three terms of 4 years each. I personally believe that the terms should be expanded. Two years and campaigning all year-round I do not think is what our Founding Fathers had in mind. But like many other bills, that has not reached the floor.

My legislation would apply to all of us in this Congress and would be retroactive. Every single day of this 104th Congress has started with a Republican telling America that under the new regime Congress will be required to ''live under the same laws as every one else.'' I think it is time to make this law apply to every one in this House.

If we are going to talk about congressional accountability, it should be applied to term limits as well.

I think the American people deserve some political genuineness in this. I am afraid that with the retroactive issue being left out of the debate, that there is a great deal of political disingenuousness. So I rise in support of the Dingell-Peterson substitute, certainly in terms of the legislation that I sponsored in the 104th Congress, and I urge my colleagues on both sides of the aisle to vote in favor of congressional accountability and term limits for every one here and retroactivity.

Mrs. FOWLER. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. INGLIS].

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

I would rise to make two observations. First, it is very important for everyone to realize that every single person speaking in favor of this particular substitute is opposed to term limits with the exception, I believe, of the gentleman from Florida [Mr. PETERSON]. Every other person who has spoken is against term limits.

That makes an important point. In fact, with all due respect to the gentleman from Michigan [Mr. DINGELL], earlier I asked him on the floor to yield and he was gracious enough to yield. And he told me he is absolutely opposed to term limits. Certainly he is opposed to term limits. Very important point to make.

Folks that are proposing this amendment are adamantly opposed to term limits. So let us make it clear what they are trying to do.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. Mr. Chairman, that is absolutely false. I stand before you a strong supporter. I know the gentlewomen from California, Ms. ESHOO, Ms. HARMAN, a whole host of us here are very strongly in support of term limits. And so I would ask the gentleman to retract that.

Mr. INGLIS of South Carolina. Reclaiming my time, I saw you were not listening when I mentioned you as the one person that I knew of at the time. Now I understand there are two more.

Mr. PETERSON of Florida. Mr. Chairman, if the gentleman will continue to yield, there is a whole host of us here.

Mr. INGLIS of South Carolina. That makes three that I know now that support term limits that are for this substitute. Every other one is opposed, am I not correct? Name another one.

Mr. PETERSON of Florida. There are at least 40 Members on this side. If I can name them, I have got a list. It was printed in the Roll Call this morning. And so it is public knowledge. We are not alone, and this should not be a partisan issue. It is only partisan because it was printed as part of a contract that you all signed.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, it is a very important point to make, though, with all due respect, that one of the chief authors of this, and I think everyone who has spoken on the floor, with the few exceptions you have named by name, are adamantly and fundamentally opposed to term limits. So it does not take a rocket scientist to figure out what is going on here.

This is designed to be a poison pill in two ways. The point is, it is a poison pill for the Senate and for the State legislatures. It is very important that we defeat this substitute.

There is another important point to make here. That is, we are talking here about the Democratic alternative. I see my good friend from Massachusetts here, the batter on deck, to get ready to speak. I would point our that we needed to have more Republican votes. It is a very interesting situation here. Eighty percent of the American people favor term limits; 80 percent of the Republican conference favors term limits and will vote for it today.

If the Democratic caucus would simply vote by the same margins and represent America, we would have term limits by the end of the day. But the fact is the Democratic caucus will not represent America at the end of the day. They will not vote by an 80-percent margin for term limits. We will. You will not.

As a result, we will not have term limits. It is very important that we actually come forward and produce the votes. We need votes on your side for term limits today.

Vote in proportion to the American people, 80 percent of you, vote for term limits and we will have it by the end of the day. We will be way over the 290 margin.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, I am one of a number of Democrats who rise in strong support of term limits and of this amendment. I have always believed that politics is public service, not a career, and there are many ways to serve. Term limits ensure a constant supply of new ideas and new energy. Term limits are good for both parties. They are good for Congress and, most of all, they are good for the American people. I support them prospectively

and retroactively, and I did so when Democrats were in the majority.

But term limits are not enough. Unless term limits are coupled with tough campaign finance reform, I do not believe true reform will be achieved.

Today a broad bipartisan group that supports term limits is sending a letter to Speaker GINGRICH strongly encouraging him to include campaign finance reform as a high priority for the second 100 days of this session.

I look forward to working with Members from both sides of the aisle on campaign finance reform, regardless of the vote today and tomorrow.

Let us enact true reform, term limits and campaign finance reform.

Mrs. FOWLER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

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

Mr. GOSS. Mr. Chairman, I thank the gentlewoman from Florida, my colleague, for yielding time to me.

This sudden interest in promoting term limits by the advocates of this amendment is a little misleading and, I have to admit, a bit intriguing.

I think we have got to be clear on one thing, because the time is short and it is time for candor. Many who are supporting the Peterson-Dingell-Frank amendment are the same Members who freely admit, at least to the press they freely admit, that they oppose term limits.

□ 1630

They are the same people who helped ensure that under 40 years of Democrat rule no debate or vote on term limits would take place. They are the same people who have shown little interest in responding to the will of the American people on this issue.

We know almost 80 percent of Americans support term limits. They want us to deal with it. We also know that 22 States have adopted them. In every case, those term limit proposals predominantly written by citizens are not, repeat, not, retroactive.

If, as the proponents of this smokescreen amendment argue, Americans want retroactive term limits, then why have those 22 States passed citizen referenda that are not retroactive? Why, in the one State that voted on such a proposal, was the proposal of retroactivity soundly defeated?

It is because Americans are smarter than the status quo Democrats seem willing to believe. Americans know a true term limits supporter from one who is simply seeking to score political points on its way to the dust bin, which is what this amendment will do.

Vote against this amendment. Its sole purpose is to provide political cover for those politicians who like the status quo and want term limits to go away.

Of the man who wrote the first Bill of Rights in this country, George Mason the Fourth, a man who did not sign the Constitution, even though he penned that Bill of Rights for the Commonwealth of Virginia which was the model for our Bill of Rights:

> Nothing so strongly impels a man to regard the interest of his constituents as the certainty of returning to the general mass of the people, from whence he was taken.

So said Mr. Mason. I think those are valid words, and I think he was right not to sign the Constitution until he had a commitment to the Bill of Rights, and when he finally did get the Bill of Rights in there, I think he would have been glad to sign it.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] has 15 minutes remaining, the gentlewoman from Florida [Mrs. FOWLER] has 10 minutes remaining, and under the rules of the House the gentleman from Florida [Mr. PETERSON], as the proponent, has the right to close.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself 10 seconds to respond to one point.

Mr. Chairman, the Committee on Rules, of which the gentleman from Florida [Mr. GOSS] was a member, allowed the Democratic side one substitute, and therefore we had only one opportunity to present the Democratic side. This is the bill that is before us today with the retroactivity.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by saying how appropriate it is that a former prisoner of war for 7 years in Hanoi Hilton is the sponsor of this amendment. Unlike many Members of this body who claim to be promilitary but sought student deferments, the gentleman from Florida [Mr. PETERSON] is promilitary and enlisted in our country's Armed Forces.

I say this because he also, on the first day of this body, voted to put Congress under the same laws as every other member of the American society, as did I, and as did the majority in this body. We did not say we are special; we said we should live by the same laws as everyone else.

Yet, some people in this room this very day will say they are better than a prospective Congressman because they should be allowed to serve their 20 years, their 18 years, their 50 years, and then and only then should the 12-year limit go on top of that. That is wrong. That is egomaniacal of the worst sort. That is the sort of thing that really makes America mad at Congress.

I want to commend my good friends, the gentleman from Florida [Mr. PETERSON], the gentleman from Michigan [Mr. DINGELL], both former service people serving our country, both of whom realized that Congress ought to live by the same laws as everyone else.

I will say one last thing, Mr. Chairman, I am a cosponsor of an amendment to prohibit the burning of the flag. Until it becomes law, I am not going to burn any flags. For those of the Members who feel so strongly about term limits and who have served more than 12 years, I encourage them not to run for reelection.

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

Mr. Chairman, I would like to point out that several of us, the gentleman from South Carolina [Mr. INGLIS] and myself, many proponents of term limits, have committed to abide by the term limits either passed by our State or by the ones we have self-imposed, so there are many supporters of term limits who are abiding by them and will do so, no matter what is passed today.

One other point I would like to make: The average time for ratification of a constitutional amendment during this century has been 18 months. In fact, it only took 100 days to ratify the 26th Amendment, so when we talk of taking 7 years to ratify this amendment, people have not looked at their history. It would only take probably, at the most, 18 months to ratify this amendment. We could get it in effect.

Mr. Chairman, I yield 2 minutes to my colleague and one of the leading proponents on term limits, the gentleman from Tennessee [Mr. HILLEARY].

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

Mr. HILLEARY. Mr. Chairman, I rise in opposition to the Peterson amendment. This bill is totally retroactive, as has already been mentioned. We know the voters reject retroactivity. Just as retroactivity in the Tax Code is a bad idea, it is also a very bad idea in the term limits area.

This amendment would preempt the term limits laws passed already in 22 States in this country. The Peterson-Dingell amendment does allow States to impose term limits as long as the restrictions do not exceed the Federal term limit in their amendment.

This is very similar to the Hilleary amendment. However, the term limit imposed is clearly retroactive in this case. All the term limits statutes on the books in all the 22 States, whether it is 6, 8, or 12 years, are prospective in nature. The 12-year retroactive Federal ceiling in Peterson-Dingell preempts the prospectivity provisions in all 22 of those States.

It does not protect the 25 million voters who cast ballots in favor of imposing term limits on Members of Congress from their States. It does not protect the thousands of dedicated individuals, not Republicans, not Democrats, no liberals, not conservatives, but people who just want to do something to change this country for the better. It does not protect their wishes and their hard work in gathering signatures on those petitions in those parking lots all over this country to get those issues put on the ballot.

Mr. Chairman, I urge my colleagues to oppose the Peterson-Dingell amendment.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

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

Mr. ORTON. Mr. Chairman, I rise first of all to answer the question why have 22 States who have passed legislation not made it retroactive. Why? Because we have not acted. They do not want to put themselves in their own State at a disadvantage during the time that we are debating and attempting to deal with term limits at a national level.

It has been suggested that this is a retroactivity amendment. It is not. It simply says that the terms that Members have served apply toward the limit of total terms they can serve.

Mr. Chairman, it has also been suggested that only those people supporting this amendment are the ones who oppose term limits, and that this is a smokescreen and somehow a dastardly attempt to kill term limits. Absolutely untrue. I have supported term limits from before I came to this body. I am a cosponsor with my good friend, the gentleman from Florida [Mr. MCCOLLUM], of his legislation. He is a cosponsor of my legislation. I support applying term limits to everyone.

Let us unmask the real hypocrisy going on in this debate. It is not people who oppose term limits, but say if you are going to apply it, at least be honest and apply it to everyone. It is those people who, first of all, voted to apply all the laws to us in Congress, stood upon a soap box and said ''Look what we have done: The first thing we did in this Congress is apply all the laws to us,'' and then they vote for term limits, but not to us.

That gives a new meaning to hypocrisy, I tell the Members. I could not look my voters in the eye if I stood up and told them I voted to apply all of the laws to Congress; I voted, as you have told me to vote, for term limits. You support term limits, I voted for term limits, for everybody else that comes in the future, but I don't want that term limit to apply to the time that I have spent in Congress. I want to be able to serve another 6 or 12 or 18 years; a new meaning to hypocrisy.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I mentioned earlier when we were talking about term limits the fallacy of what has been told to the American people. Some mentioned that it is a total fallacy.

The gentleman from South Carolina said if Democrats would represent Americans, and I would have them know that I represent about 500,000 Americans and have for 22 years, but let me put out the fallacy here. We are talking about 12 years. Even if we ratify it in 2 years, all the States, you are talking about 14 years, you are talking about 14 years.

Under this amendment, I will be out, the gentleman from Michigan, JOHN DINGELL, will be out, all the leadership on the Democratic side will be out, but that is the way the cookie crumbles. If you are serious, if you are serious about term limits and you want to go to the American people and be truthful to them, and not do slogans and signing contracts and doing 30-second sound bites, you will say to the American people ''As soon as the States ratify this, we are out of here, if it takes 2 years, if it takes 4 years, or if it takes 6 years.'' So put your money where your mouth is. I am talking about a fallacy. Twelve years is a total fallacy and it is a sham on the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I thank the gentleman from Florida for yielding time to me. I thank the gentleman from Florida [Mr. PETERSON] and the gentleman from Michigan [Mr. DINGELL] for bringing this amendment to the floor, because truly this amendment says it is time to put up or shut up.

If you are really for term limits, term limits, this is the ultimate term limit amendment. Trying to have term limits prospectively is saying, ''We want term limits, but don't limit my term. It is great for everybody in the future, but please, please, let me be all right.'' That is not a person who is really for term limits.

What I say, Mr. Chairman, is I challenge my colleagues, not only on the other side of the aisle, but on both sides of the aisle, if you are really for term limits, let us make it real, let us make it retroactive, let us make it apply as soon as the States ratify it.

I heard my colleagues say, ''Well, the States could probably ratify this in a year and a half, 18 months.'' If they do, then fine. But at the time they do ratify it, it should be effective. That means whoever has to bear the burden of that retroactivity then would have to be honest and would have to accept that as a way and as a voice of the American people.

Mr. PETERSON of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE. Mr. Chairman, I rise to support the Dingell-Peterson amendment, the only honest term limits amendment and legislation.

The U.S. Constitution clearly sets forth the requirements that are necessary to serve in Congress. Those requirements are age, citizenship, and residence. The American people already have term limits for their Federal elected officials. Every 2 years, the Members of the House must stand for reelection and the American people have the right to select the Representatives of their choice to serve in this Chamber.

My position on this issue has been very consistent. If we were serious about term limits, the House of Representatives would pass the term limits bill sponsored by my colleagues, PETE PETERSON and JOHN DINGELL. I will vote for their bill because it is the only bill that would actually apply to Members who are voting on the bill because it would apply retroactively. All of the other bills would apply prospectively.

Let us not take away any rights from American citizens. Let us respect the abilities of our constituents to act in their best interests. Let us support free and open elections. This right is a key component of our democratic system of Government.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from New York [Mr. ENGEL].

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

Mr. Chairman, I am not for term limits, but I am for honesty. If we are going to have term limits, let us have true term limits. I am not doing this for cover, as was suggested by some of my friends on the other side of the aisle. I am doing this for honesty.

If we are going to impose things upon Congress that we say are for the rest of the American people, then let us impose this as well for current Members. I am for truth in term limits packaging. That is why I am proud to be an original cosponsor of this substitute. Let us stop the nonsense and arrogance. If we are going to pass a constitutional amendment on term limits for future Members of Congress, let us make sure it also covers current Members.

The Republican term limits resolutions are nothing short of incumbent protection, because they only hold future Members to its standards. Let us not hold a future generation to its standards, let us hold our generation to its standards, and I am willing to abide by that.

The Peterson-Dingell substitute is the only term limits bill that counts time already served by Members of Congress. Many of our colleagues say they support term limits to prevent Members from becoming arrogant and entrenched politicians. However, it is obvious these same colleagues believe they are immune from this temptation by exempting themselves from the Republican term limits legislation.

Voting for any of the other 3 term limits legislation proposals do not count previous service, and that to me, Mr. Chairman, is the height of arrogance. Voting for the Republican term limits bill will only delay the effect of our Government that this legislation will oppose.

If the bureaucrats are going to start running this country, let them start now. Why wait 12 years down the line, or 19 years down the line? If you have already served here for 20 years, how can you say you are for term limits

when you want to serve here another 19? It is absolutely ridiculous.

Mr. Chairman, we have a contract with the voters of our districts that can be renewed or ended every 2 years. Clearly the backers of the contract for America only support their contract if they are not held to its standards. Support the Peterson-Dingell substitute.

Mr. PETERSON of Florida. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, this is not the first time our Republican friends have held out the view that virtue is a good idea, but you should not rush into it all at once. With the balanced budget amendment it was 2002. This one will take effect in 2009. Unfunded mandates, it is again for the future, while at least for Massachusetts, they are making worse the unfunded mandate under which we currently struggle.

People have said ''You can't be for making this apply immediately unless you are for the concept.'' Many Members in this House who do not like OSHA and do not like the Fair Labor Standards Act and NLRB voted to apply it to Congress. Many of us feel Congress has suffered from the perception of seeking special treatment for itself. We are saying that if you are going to do something, do not single out the institution or the current Members of the institution from being covered by it. That is all this says.

□ 1645

That is all this says. But I am especially intrigued by the argument that this, if it passes, would kill the amendment.

Understand what that means, because a lot of Democrats are for this substitute. Therefore, there must be Republicans who are prepared to vote for this and impose it on others but whom if they become immediately susceptible to it will vote against it. Because I submit there is no other logical basis on which this could damage the amendment. After all, it is not going to turn away State ratifications. The State legislatures will not be affected by this. This deals only with Congress.

So to the extent that you argue that this hurts the process, it must mean that there are, as we have long suspected, some very unenthusiastic supporters of term limits over there, and they will vote for it if it will lose and they will vote for it if it will have no effect, but God forbid that it should actually go into effect and affect them.

So, therefore, we have an admission. They tell us if this amendment becomes the pending one, it will not do well. Why? Because we know there are Democrats who will vote for only this version.

Therefore, what the Republicans are telling us is that if this applies immediately, not retroactively, this does not say that Tip O'Neill only served 12 years and he has got to give back 30, this says it applies immediately, it means that there are Republicans there who are for it in theory but do not want to have to live with it.

Mrs. FOWLER. Mr. Chairman, I yield 1 minute 15 seconds to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I would like to respond to my friend the gentleman from Massachusetts. I am one of these Republicans who really believe this stuff. I am going to vote for your amendment even though you do not believe it. When I get through voting for your amendment, I am going to vote for the other three that come after it.

You have had 40 years as a party to do something about career politics. To say that we do not care and the Republican Party is a sham is an absolute insult to the voters in 1994.

I am going to vote for your amendment. Will you vote for the three that come after yours?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First, 40 years ago I was recovering from my bar mitzvah so I cannot be held accountable for what happened then. But I will say this. The gentleman is apparently joining us. I heard people on his side say anybody who votes for this amendment is a saboteur and is trying to undermine it. I am glad the gentleman is going to vote with us. I just want to defend him from his fellow South Carolinian who was suggesting that in voting for this he is somehow trying to undermine it. I think he has effectively repudiated that unfair accusation. I welcome his vindication.

Mr. GRAHAM. I think the problem that my colleagues have is they know that you do not mean it and it bothers them for you to play a game. I think it bothers the American public. I am willing to play the game with you. Maybe I am not quite up to their level.

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I have never said that I was for term limits. I do believe one should listen to the people and that people in my district in a referendum voted against term limits, and I think they were right. I understand why they did that.

But I have said this. As many of you who oppose OSHA voted to cover Congress under OSHA, there are two principles here. Do you have the term limits and if you have them, do you give a special exemption to sitting Members who will be the only ones hereafter who will not be subject to a strict 12-year limit?

So, no, I am not for term limits, but I am also not for a double standard that protects sitting Members.

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

Mr. PETERSON of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. It is not important what I think about term limits. It is important what is right and what is wrong. The substance is important.

I never heard any of my colleagues on that side complaining about the fact that this matter was to be pushed into the future some 19 years. What we are talking about is truth in term limits.

The Speaker yesterday said the United States no longer needs or desires a class of permanent career politicians. Neither he nor anyone on that side of the aisle has ever told us that what was really here before us in the amendment they laid before us today is a 19-year delay in the effective date.

Mr. PETERSON of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, it is interesting because last week my friend the gentleman from New Jersey [Mr. FRANKS], a Republican, sent a letter to all the Members of Congress asking them to come down and join him in a press conference and submit their resignation.

I have heard 80 percent of the Republicans support term limits. I thought 80 percent of the Republicans would be at this press conference to submit their resignation in whatever appropriate year it was, whether it was 8 years, 10 years, or 12 years.

There were only 8 Members who showed up. Eighty percent of the Republicans are for term limits but only 8 Members showed up to submit their resignation at the appropriate time.

Mr. Chairman, I insert into the RECORD an op-ed piece by Speaker GINGRICH that appeared in yesterday's Washington Post. In the piece, the Speaker called on Democrats to join him in passing term limits. The op-ed piece accurately points out that at least 60 Democrats are needed to vote for term limits passage.

Well, I say to the Speaker, I estimate there could be anywhere from 70 to 100 Democrats who will support this amendment. What a golden opportunity to pass term limits today. Seventy to 100 Members.

Let us get all of the Republicans behind this amendment and pass it right here because this is the amendment Democrats are willing to support. There is nothing wrong with putting your votes where your principles are. If we have to institute term limits retroactively, then it is worth it to get term limits passed today.

I have heard at least 10 different Members on the other side of the aisle declare that Republicans cannot pass term limits on their own, they need the help of the Democrats. This is your opportunity. You have the votes, 70 to 100.

Mr. Chairman, I include the following for the RECORD:

[From the Washington Post, Mar. 28, 1995]

TURNOVER TIME

(By Newt Gingrich)

Americans should turn their TV sets to C–SPAN today to witness an important debate. The citizens of the nation can determine for themselves whether their elected representatives trust them to take an increased role in leading this country. The debate is about term limits.

Term limits is, at heart, a statement on how our country has been run over a certain period of time and how it should be run in the future. Some might say that the demand for a constitutional amendment for congressional term limits is, like a balanced budget amendment, merely a temporary, impulsive mood on the part of a public frustrated by wasteful, free-spending actions of an arrogant Congress. This would be an incorrect reading of the current sentiment.

House Republicans see it differently, and that is why we are as committed to bringing term limits to the House floor for a meaningful debate and vote as we were on Sept. 27, when we signed the Contract With America.

House Republicans see the overwhelming public support (nearly 80 percent in some polls) as more than a brief feeling of disgust with government on the part of the American people. Rather we understand what our citizens know in their hearts: This is an America, standing on the doorstep of the 21st century, which no longer needs or desires a class of permanent career politicians who are there to solve each and every problem.

Admittedly, this view is a stark contrast to the history of the 20th century. The ''American century'' saw a young country grow to adulthood and accept leadership responsibilities. The 20th century saw two world wars and a Cold War that demanded an America with a strong federal government standing at the ready to keep the world from falling into complete totalitarian rule. Furthermore, a legitimate argument could be made that between the Depression and the civil rights movement, a strong federal government was appropriate at the domestic level as well.

Regardless, the American people realize that that time has passed. Today, a professional political class produces inertia. This, understand, is a time when technological and cultural change put a premium on swift response and adaptability to changing circumstance. The current state of the federal government is totally unprepared for this new reality. A 20th century America, almost in a perpetual ''state of war,'' may well have benefited from having seasoned leaders whose experience was essential for the next campaign.

But the 21st century America will benefit more from having regular turnover in its elected leaders; the 21st century America will gain insight from the influx of new ideas; the 21st century America will thrive with continual waves of new leaders with fresh alternatives. Upon doing their period of service, these citizen-statesmen will return to their private-sector lives and remain productive resources for their own communities.

House Republicans understand this vision of the new America and want to bring it to reality. That is why this week, for the first time ever, the House will vote on a constitutional amendment to limit the terms of members of Congress. It should not come as a surprise that this historic vote is being brought by Republicans. By contrast, the last Democratic speaker joined in a suit against his own state's constituents to challenge a term limits ballot initiative that had passed overwhelmingly.

Republicans cannot by themselves executive the will of the American people. A constitutional amendment requires two-thirds support, or 290 House votes. Thus, we will need significant Democratic support. The Republican commitment to seeing term limits pass is shown in the fact that two out of three House Republicans have co-signed at least one term limits bill. Even if every Republican (230)—including those who currently might oppose it on philosophical grounds—voted for term limits, we would still be 60 votes shy of passage in the House. Yet, fewer than two dozen members of the Democratic Caucus have signed on to any of the term limit proposals so far suggested—including those sponsored by Democrats. Our Democratic president has continually opposed term limits even though his own home state of Arkansas overwhelmingly passed a term limits initiative in 1992.

The opposition of the president and the majority of congressional Democrats is unfortunate. We hope they will consider the time and reassess their position (as, in fact, several Republicans have). As a new millennium approaches, people pause to reflect upon their communal rights and responsibilities. At the end of the 19th century, the movement began for the direct election of United States senators. It took 20 years, but eventually the people's will was fulfilled in the 17th Amendment. A constitutional limitation on congressional terms is no less significant.

This vote says to the American people that this is their country. It says to our citizens that they are entrusted with greater control. The people must now work harder to run their country; it's no longer ''autopilot'' votes for entrenched incumbents. Term limits will stimulate voter interest and, therefore, voter participation.

House Republicans are committed. If a term limits amendment does not pass this year, subsequent Republican-lead Congresses will introduce a bill until one eventually passes. We invite our friends on the Democratic aisle to join us in ending the political careerism of the past to cast the first important vote for the new realities of the 21st century. Vote for term limits.

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

Mrs. FOWLER. Mr. Chairman, I yield 5½ minutes to my good friend and colleague, the gentleman from Florida [Mr. MCCOLLUM], one of the original leaders in the term limits movement.

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

Mr. MCCOLLUM. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I do not believe the term limits cause is a throw-the-bums-out or a clean-out-the-barn movement that some folks I have heard say this afternoon characterize it as.

The term limits movement that I have been associated with the whole time I have been in Congress has been a movement to provide fundamental change in the structure of Government designed to create a different attitude on the part of those who serve in Congress. That is the reason why I support term limits. That is why I think it is important. That is why I think that 12 years and a permanent change is there. It is something we need to be careful about, we need to put it in the Constitution with due deliberation, and we need to have it take effect.

Because what has happened is that since the days of our Founding Fathers, we have become a full-time, year-round Congress. Instead of having Members like they did in the old days come here and only serve 2 months out of the year, they serve the whole year, they have to give up jobs, we are not allowed to have professions any longer, so on and so forth, no outside earning for most Members. Consequently, the attitude has been created of being career-oriented. That is, naturally there is a tendency on the part of many to want to stay here and to get reelected because they do not have a job to go back to back home.

We need to break that cycle because it leads to distortions in the voting pattern, it leads to the results where Members will tend to try to protect every interest group in order to get reelected. That means we do not get balanced budgets and we get other bad policy decisions that the Founding Fathers could never envision.

I take term limits and term limits amendments very, very seriously. I take it seriously as I know some of my colleagues who support this amendment do. Some who believe in retroactivity are very genuine term limits supporters. I have heard them this afternoon, I have known them before, and I believe that they are. There are others who support this amendment, though, who are indeed opposed to term limits as several of them have admitted on the floor this afternoon. They view this as simply an opportunity to get up and poke at those of us who have long supported it.

They should know full well as has been stated out here many times before that 22 States that have adopted term limit initiatives have not included retroactivity. That Americans generally think there is a fundamental unfairness about anything that is retroactive, whether it is in tax laws, or term limits or whatever.

They also should know and probably do that in the one State where retroactivity was proposed, in the State of Washington, it was voted down by a fairly sizable margin.

I do not think retroactivity is the question here. The real question is going to be, though many of us like this Member oppose this particular version for that and another reason I will get to in a moment, the real question is going to be, will these Members march out after this vote if they do not succeed and vote for final passage, not necessarily for another particular version, but for whatever stands there at the end of the day?

I am willing to say I will do that. I am not going to vote for every amendment out here today, but whatever is standing at the end of the day, though I have preference, I am going to vote for it.

There is another reason that I am not going to vote for this particular amendment that has not been discussed today and it does not apply to

all of my colleagues over here. We all have different views.

The underlying proposal here beyond the question of retroactivity is not the original McCollum 12-year amendment that I have offered that is the base bill. It is the Hilleary proposal that would engraft into the Constitution a permanent opportunity for the States under a 12-year cap to set limits of length of time less than 12 years for House Members.

I do not think that that is a smart thing to do. I do not agree with that. It would create in my judgment a permanent hodgepodge of 6, 8, and 12-year limits around the country, and there is nothing we are going to be able to do about it after that. Whereas the underlying bill remains silent on that issue and lets the decision of the Supreme Court, whatever it is in the Arkansas case, be the deciding factor. State initiatives would be protected if indeed the Court rules that currently under the Constitution they have a right to do this, but on the other hand if the court shortly rules that the procedures of the State is unconstitutional, the underlying amendment, the McCollum amendment would apply for uniformity throughout the Nation, which I think is a far better course.

I do not agree with some also who think that 6 years are better than 12. I think we ought to do the same balance with the Senate and the House.

I am opposed to this amendment for a number of reasons, not just to retroactivity. I would like to also point out the idea that several Members have suggested that we all ought to voluntarily walk out of here who believe in a certain number of years at the end of that time. That is fine. If some Members want to do that, great. But that does not promote the cause of term limits and that does not necessarily serve the constituency well.

Until we have a uniformity throughout this Nation and everybody is under a term limit and everybody understands what that is, then it does not really make logical sense to leave right at the time when you are going to get a chance to be a committee chairman or a senior member of the minority party on a committee and to gain the most influence around this place.

I have always favored 12-year limits, I believe they should be engrafted into the Constitution, I think they should be permanent in nature. I do not believe in retroactivity, but I definitely believe they should have a starting point, an ending point and let's go out of here together.

I have always said that when KENNEDY and GEPHARDT and BONIOR and DINGELL are ready to walk out together voluntarily, that will be a great day, I will walk out with them if that would really serve this cause, but I know that it won't. And just like some people listening to me say this, I know that they are thinking, ''Aha, what's he saying?''

The answer is, though, retroactivity is nonsense. Retroactivity is not a means that is justifying a ''no'' vote at the end of the day. It is something that a lot of us simply do not think will work, it will not gain the kind of votes in the end that we would like to see it have, and it is nonsense to support this. Twenty-two States have not done it.

It really is a killer amendment, I think, in the true sense of that word even though I understand some people genuinely support it. I strongly urge a ''no'' vote on this proposal. It does not get at what we need to get at.

Let's at the end of the day, though, all of us who support term limits, get together and vote for whatever comes out.

Mrs. FOWLER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BONO].

Mr. BONO. Mr. Chairman, I have been watching the dialog down here. I want to make a comment. Put all the term limits aside and when you refer to the public, I think the big issue here is that you are gaming, you are running a game, and that is exactly what the public hates. You are just shoving it right back in their face. You don't care about term limits.

I just want to say, stop gaming the public. Stop playing games at the public expense. You are saying I don't like term limits, yet I like retroactive. That is absolutely a game. You are going to damage yourself and you will with this vote.

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

Mr. Chairman, in closing I just would like to urge my colleagues to vote against this amendment. Term limits was intended as a gradual and an orderly transfer of power from professional politicians to citizen legislators with firsthand perspective of how Federal laws affect ordinary people.

This amendment would cause a sudden and chaotic shake-up of Government. I urge Members to vote ''no.''

□ 1700

Mr. PETERSON of Florida. Mr. Chairman, if I may start by replying to some of the last comments. This is not a game, sir. I have been in Congress a little longer than the gentleman has, and my record is very clear. And to have someone stand and say we are gaming something at this time and to impugn my integrity, I take that personally.

For the gentleman from Florida [Mr. MCCOLLUM], please, just last week everyone on the gentleman's sided voted time and time again to say take it to the States, they do it better, they know better than you. Now the gentleman has stood before this crowd today and said essentially he will not vote for this amendment because it gives the States the right to determine term limits. And I would only suggest that is a reversal.

Finally, if there is any argument today, the argument is that the Republicans say they are for term limits, the Democrats say we are for honesty. We are more honesty, because today is the day when we stand before Members and say we will vote for term limits and we will vote for them for ourselves.

Before us we see two questions that were done for two national polls. There have been four. But it says term limits for Members of Congress are established. Should the years already served by current Members count toward the time? Fifty-four percent said they should apply, 40 percent said no, and 6 percent were not sure.

In another poll, a similar question, 71 percent said yes, term limits should apply to sitting Members.

Clearly retroactivity is the real defining moment for term limits.

This provision clearly separates the sincere term limits supporters from the pretenders. Members who have publicly shouted the praise of term limits for years freeze in their tracks when confronted with the realization that term limits means them too.

I would have Members focus back to the first order of business for the 104th Congress. We just said it was a wonderful thing, we are going to pass laws that apply to Congress too, except for term limits; no, no, that is a toughie, we do not want to do that.

Anything short of immediate application of this constitutional amendment will be an affront to the people of the United States, because I can tell you the people of the United States believe term limits means now, not 19 years from now.

Opponents cry over and over that this is a killer amendment. This is simply wrong. These doomsayers just do not want it to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly, as I say, what the American people want us to do.

These two polls and two others that I do not have time to cite are clearly indicative of what America wants us to do here today.

Another thing that people say, that this detracts from, the retroactivity aspect, from your ability to enact because the States said it was a killer amendment. That discounts the fact that a ratification process is required at a Federal level and not at State level.

Ladies and gentlemen, this is an easy vote for those who really believe in term limits. It is a cop-out for those who vote ''no'' today.

Support for term limits: First let me make it absolutely clear, PETE PETERSON strongly supports term limits in principle. I made my position clear during my first congressional campaign in 1989 and have continued to support that original position. Further, I introduced my own term limits bill in the House on January 11 this year, well before opponents of term limits jumped on the retroactivity bandwagon. I have not supported my colleague from Florida, Mr. MCCOLLUM's amendment because it

lacked immediacy. Nevertheless, I will vote for every proposal offered for term limits during this debate except for Mr. INGLIS' plan limiting terms to 6 years. That limit is unreasonable and counterproductive.

Term limits moves us closer to the original image of the citizen legislator envisioned by our Founding Fathers and as specified in the Republican Contract on America.

This act will help break the gridlock associated with national legislation by ensuring a greater turnover of senior Members, who are often able to use the perks of their seniority to tie up publicly popular legislation in the interest of personal gain.

Statistics on length of service: The average length of terms for Members of the 104th Congress is 7.5 years. However, most people do not realize that high turnover rates are largely confined to junior Members. As an example, during the 103d Congress average length of service for senior Members—those serving more than 6 terms—was 21 years.

Let me relate to you some very somber statistics:

During the 19th century, less than 3 percent of the Members elected to serve in the House served over 12 years. In the Senate, only 11 percent served more than 12 years. In contrast, during the 20th century the percentage of Members serving for more than 12 years has skyrocketed to 27 percent in the House and 32 percent in the Senate. Studying the data during the post-World War II era is even more alarming. From 1947 to the present, 37 percent of House Members and 42 percent of Senate Members have served longer than 12 years. A problem clearly exists and a correction is clearly in order.

We are not setting a precedent when addressing term limits. The 22d amendment to the Constitution, ratified in 1951, limits the terms of office of the President of the United States to two terms.

Why did a Democrat craft this substitute? Simply because, as I stated before, term limits will ultimately lead to better representation by giving the people of the United States greater confidence in those who serve them in Congress. I believe the serious lack of confidence the people have in their elected officials today could one day place the Republic in jeopardy. We must renew the people's faith in representative government. It is that simple.

Originally, term limits was not a partisan issue. Only after it became part of the Contract on America did it become a Republican litmus test. Many Democrats, including me, have been way out front on this issue for a long time. But now that it is clearly partisan it is up to my Republican friends to deliver on their promise. Many Democrats will vote for this substitute—each for their own reasons—the vast majority because they believe like me that it is in the best interests of the Republic. Plus they understand that this substitute represents the honest alternative; it states exactly what the people on the street have said they want in limits.

This is the people's term-limit proposal: 12-year lifetime limit for House and Senate; allows State preemption up to 12 years, and immediacy-retroactivity; which applies immediately upon ratification.

The 12-year limit is identical to that contained in H.R. 73. There should be no argument against this provision.

I strongly support this limit on congressional service because 12 years is the logical time to end service in the House and the Senate. At 6 years a Member is truly at his/her peak, leaving 6 additional experienced years to guide legislation and to bring thoughtful debate to the floor.

There should be no fear of creating a void of experience in the Congress with a 12-year limit. As I alluded to earlier, the vast majority of Members of the House serve here for less than 8 years. In fact, over half of the membership of the House has turned over since 1990 alone. Just 2 years ago 114 new Members arrived in Congress and no one spoke of the void created by those new Members number replaced.

Further, not unlike a military commander taking over a new major command assignment or a new CEO taking over a major corporation, one moves into Congress and immediately must assume the vast responsibilities associated with that service. These are tested individuals who are expected to be prepared to assume whatever level of responsibility necessary to carry out their representatives duties. The only reason that younger members do not now have their capabilities truly tested in their first years of service is because the seniority system has them locked into a junior role.

A by-product of imposing a 12-year limit to congressional service is the benefit ordinary communities would gain from the experience of former Members of Congress who have returned to the local area. Importantly, these individuals would help to provide a more realistic grasp of what can and cannot be constructively accomplished at the Federal level of Government. This is a very valuable factor that exceeds current estimation.

The State preemption clause is designed to commemorate the work of the 22 States that have already passed term limits for Members of Congress. Under my amendment a State may limit terms of its congressional delegation to any year limit so long as it does not exceed 12 years.

State preemption was not part of my original term limit proposal; however, given the fact that 22 States have already determined length of service for its Member of Congress it is only common sense to honor those expressed State wishes. Otherwise, without the State preemption, those of us who represent States with less than 12-year limits would actually be voting to extend out allowable length of service.

Further, just last week virtually every one of my Republican colleagues voted repeatedly to move more responsibility for Federal programs to the States. The base argument is that the States can ''do it better''. Clearly, following that logic, my colleagues would surely agree that States are best qualified to determine length of service in the Congress for their Members.

The retroactivity clause is unlike that contained in any other amendment made in order under this rule. Simply stated, once term limits are ratified by 38 States and become the law of the land, previous congressional service would be counted toward the term limit. Therefore, current Members of Congress who have served more than 12 years would be prohibited from seeking reelection.

This provision clearly separates the sincere term limit supporters from the pretenders. Members who have publicly shouted the praises of term limits for years freeze in their tracks when confronted with the realization that term limits means term limits for them too.

I would have you focus back to the first order of business of the 104th Congress. With near unanimous support we quickly passed legislation that said the law Congress passes must also be applicable to Congress itself. It doesn't require a leap of faith to understand that this is one of those laws we pass that should indeed apply to every sitting Member. Anything short of immediate application of this constitutional amendment will be an affront to the people of United States.

Failure to make term limits immediate in their application will have the effect of allowing members to serve another 17 to 19 years. This takes into account the 5 to 7 years required for ratification by the States plus the additional 12 years of service authorization by the amendment. For a member like the Speaker of the House, that means that with passage of a bill without retroactivity, he can serve a total of 36 years, 17 already served plus 7 years of ratification, plus 12 years in the amendment.

Opponents will cry over and over that this is a killer amendment. They are simply wrong. These doomsdayers just don't want term limits to apply to them. Immediate application of this constitutional amendment to all sitting Members of Congress is exactly what the American people understand term limits to be all about. Many on the other side of the aisle cite the overwhelming public support of term limits as the reason we are here debating this today. Well, in the past 5 months four nationwide polls have been taken to test the American people's views on term limits and specifically on the issue of retroactivity. I cite these polls for your information: November 28, 1994—CBS News—51 percent for counting previous service; 13 percent opposing retroactivity; 33 percent opposed to term limits altogether; December 5, 1994—CNN/USA Today/Gallop—71 percent of those favoring term limits support counting previous service; 23 percent oppose retroactivity; December 13, 1994—Wall Street Journal—54 percent of Americans believe years served prior to the enactment of term limits should be counted toward the limit, 40 percent opposed, and January 13, 1995—Newsweek—53 percent of Americans support retroactive term limits, 37 percent oppose retroactivity.

In all, 157 current Members of Congress would be affected if the Peterson amendment was ratified today. For those who say that is a dangerous loss of experienced Congressmen at one time let me remind you that just last year 114 new Members entered Congress in the 103d Congress and nothing dangerous occurred. In fact, the Republic was likely strengthened.

The detractors say that retroactivity has not been enacted in the States because it is a killer amendment. That discounts the difference between a Federal constitutional amendment and State constitutional amendment. In the case of a State an amendment is often effective virtually immediately after the vote. For Federal ratification, on average it takes 5 to 7 years for 38 States to complete work on the amendment. Even the highly popular term

limit for presidents took 4 years to ratify. In fact, the most recent one took over 200 years. Although I know that we now impose a 7-year limit under which a State must complete action—it is clear it will take some time. That time is wholly adequate for any sitting Member to adjust to the reality of the law.

Further, the Washington State experience is not as clear as one would suppose. First, their 1991 amendment was for 6 rather than 12 year limits, which would have made the entire Washington State delegation ineligible for reelection. In addition, there was a major debate brewing in the State about California and the Columbia River Basin dams water issue. Reapportionment was about to give California 7 new congressional seats, and many in Washington State feared that California was gaining too much political clout at the same time Washington would be losing most of influence at a critical period of decision over the use of the Columbia Basin water.

Again, immediacy or retroactivity, whatever you call it is the very heart of any term-limit amendment. If you support term limits on principle or just flat out do not support term limits in any form—this is an easy vote. On the other hand if you are supporting term limits as a political vehicle for your own reelection, this is an extremely tough vote because this is truly a term limit amendment.

If you promised your constituents term limits as part of your political campaign—this is their idea of true term limits.

Yes, we will indeed lose some very effective professional members if this amendment passes, and perhaps its true that we will have several less effective members in the same process. However, this is a huge country and I remain confident that the shoes of those leaving Congress would be replaced with dedicated, competent people. Plus the country will not lose the services of this quality people. They will carry out perhaps even more important tasks as a private citizen, unencumbered by congressional rule or constraints.

There was a time in my life that I thought I was indispensable to the U.S. Air Force. I was a highly trained fighter pilot, instructor pilot, with considerable combat experience. Guess what? Due to circumstances beyond my control I was removed from my regular duties and did not return for nearly 7 years. I would like to say that I was so sorely missed that the mission suffered, well as much as I would like to think I was that important, the fact is, a pilot of equal or better qualifications filled the void created by my departure immediately without the air force missing a single step. My colleagues, rest assured there are many highly qualified people in your district right now fully capable of filling your shoes.

Won't staff take over if we impose term limits. The short answer is no, not anymore than they do presently. We just had a major change in the 104th Congress yet by and large most committees and congressional offices are filled with competent, professional staff who learned their trade right here. Staff acquire power and clout through their member association. With a higher turnover in Members staff will likely be unable to continue clout from one Congress to the next. I do not see staff being either responsible for the changes that are currently occurring in this Congress nor do I see them preventing change.

Finally, if one truly believes in the validity of term limits rather than taking a political ride on the issue for reelection—that person must honor their position and vote for the Peterson-Dingell amendment. I know those on the other side of the aisle want to blame democrats if term limits do not pass here today. But the facts are clear: our amendment goes further than any other proposal, and if we get the support of those of you on the other side, this amendment will pass here today. The American people support this effort; there can be no excuses. This amendment is exactly what the American people think term limits is all about. Listen to the people, vote yes.

The CHAIRMAN. All the time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Florida [Mr. PETERSON].

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

RECORDED VOTE

Mr. PETERSON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 135, noes 297, not voting 2, as follows:

[Roll No. 274]

AYES—135

Baldacci
Barrett (WI)
Bartlett
Barton
Bentsen
Bilbray
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TN)
Bunn
Burr
Chabot
Christensen
Clay
Clyburn
Coble
Coburn
Collins (MI)
Condit
Cramer
Cremeans
Danner
Davis
Deal
Deutsch
Dickey
Dingell
Doggett
Dornan
Engel
Ensign
Eshoo
Everett
Farr
Fattah
Fields (TX)
Foley
Forbes
Fox
Frank (MA)
Funderburk
Furse
Gejdenson
Gonzalez
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Jones
Kanjorski
Kim
Klug
LaFalce
Lantos
Largent
LaTourette
Laughlin
Lincoln
Livingston
LoBiondo
Lofgren
Luther
Manzullo
Martinez
Matsui
McCarthy
McCrery
McHugh
McIntosh
McKinney
McNulty
Meehan
Minge
Moran
Neumann
Ney
Ortiz
Orton
Parker
Payne (NJ)
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Pryce
Salmon
Sanford
Scarborough
Schiff
Schroeder
Schumer
Scott
Shadegg
Smith (MI)
Solomon
Souder
Stark
Studds
Talent
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornberry
Thurman
Tiahrt
Towns
Traficant
Tucker
Ward
Waters
Weldon (FL)
Whitfield
Wilson
Wise
Wyden
Young (AK)
Zimmer

NOES—297

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brown (FL)
Brownback
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
DeFazio
DeLauro
DeLay
Dellums
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Evans
Ewing
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Johnston
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Longley
Lowey
Lucas
Maloney
Manton
Markey
Martini
Mascara
McCollum
McDade
McDermott
McHale
McInnis
McKeon
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Norwood
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Packard
Pallone
Pastor
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Porter
Portman
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Seastrand
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)

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

NOT VOTING—2

de la Garza Gephardt

□ 1721

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

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

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

The result of the vote was announced as above recorded.

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

MESSAGE FROM THE PRESIDENT

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

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

MESSAGE FROM THE PRESIDENT

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

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

□ 1724

TERM LIMITS CONSTITUTIONAL AMENDMENT

The Committee resumed its sitting.

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

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

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

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

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

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

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

''ARTICLE—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1730

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Support the Inglis amendment and support real term limits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1745

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

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

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

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

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

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

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

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

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

Reject term limits.

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

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

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

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

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

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

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

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

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

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

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

Who among them will be President of the United States?

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

Who will have the answer to making peace?

Who will preserve the environment?

Who will make a better future for our children?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1800

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1815

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1830

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support the Inglis amendment.

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

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

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

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

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

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

I urge Members support for this substitute.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 275]

AYES—114

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

NOES—316

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

NOT VOTING—4

de la Garza
Gephardt
Pomeroy
Torricelli

□ 1857

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

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

The result of the vote was announced as above recorded.

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

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

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

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

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

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

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

''ARTICLE —

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

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

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

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

□ 1900

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1915

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

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

ANNOUNCEMENT BY THE CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. KLINK. Regular order.

The CHAIRMAN. The gentleman from Florida was not recognized.

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

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

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

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

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

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

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

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

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

ANNOUNCEMENT BY THE CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vote ''yes'' on the Hilleary amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. FRANK of Massachusetts. That answer is astounding.

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

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

□ 1930

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. SERRANO. I thank the gentleman for yielding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge your support.

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

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

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

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

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

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

□ 1945

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

populist movement that is sweeping America.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 2000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

[Roll No. 276]

AYES—164

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

NOES—265

Abercrombie
Ackerman
Andrews
Archer
Baesler
Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Bliley
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
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Dingell
Dixon
Doggett
Dooley
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Dreier
Duncan
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Edwards
Ehrlich
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Farr
Fattah
Fawell
Fazio
Fields (LA)
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Ford
Frank (MA)
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Hall (OH)
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Hastings (FL)
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Hostettler
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Hoyer
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Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
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Knollenberg
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Lewis (CA)
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Lightfoot
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Matsui	Pelosi	Stark
McCollum	Pickett	Stenholm
McDade	Pombo	Studds
McDermott	Porter	Stupak
McHale	Poshard	Tanner
McHugh	Quillen	Taylor (MS)
McKinney	Rahall	Tejeda
Meek	Rangel	Thomas
Menendez	Reed	Thompson
Meyers	Regula	Thornton
Mfume	Reynolds	Thurman
Mica	Richardson	Torres
Miller (CA)	Rivers	Torricelli
Mineta	Roberts	Towns
Mink	Roemer	Tucker
Moakley	Rogers	Upton
Molinari	Rose	Velazquez
Mollohan	Roukema	Vento
Montgomery	Roybal-Allard	Visclosky
Moorhead	Rush	Volkmer
Moran	Sabo	Vucanovich
Morella	Sanders	Walsh
Murtha	Sawyer	Ward
Myers	Saxton	Waters
Nadler	Schroeder	Watt (NC)
Neal	Schumer	Waxman
Nussle	Sensenbrenner	Wicker
Oberstar	Serrano	Williams
Obey	Shays	Wilson
Olver	Shuster	Wise
Ortiz	Sisisky	Woolsey
Owens	Skaggs	Wyden
Oxley	Skeen	Wynn
Packard	Skelton	Yates
Pallone	Slaughter	Young (AK)
Parker	Smith (NJ)	Young (FL)
Pastor	Smith (TX)	Zeliff
Payne (NJ)	Spence	
Payne (VA)	Spratt	

ANSWERED ''PRESENT''—1

Longley

NOT VOTING—4

de la Garza	Pomeroy
Gephardt	Stokes

□ 2026

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

The result of the vote was announced as above recorded.

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

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

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

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

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

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

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

''ARTICLE —

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

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

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

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

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

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

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

There was no objection.

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

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

□ 2030

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

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

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

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

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

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

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

It is nothing more than and nothing less than that.

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

I would urge a ''yea'' vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 2045

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Obviously, not all the Members of this body share the same opinion about term limits, which explains why we have four alternative versions of the bill before us today. We can vote for whatever bill we like best. But the crucial vote is not on which of the four versions you like best, it is on final passage. Support whichever substitute you want, but band together for the American people and vote for final passage.

Remember the people back home and cast the vote you know will be best for them. My colleagues, vote for final passage of House Joint Resolution 2—vote for term limits.

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. BUYER], a member of the Committee on the Judiciary and a strong term limit supporter.

(Mr. BUYER asked and was given permission to revise and extend his remarks.)

Mr. BUYER. Mr. Chairman, I rise in strong support of the McCollum amendment. I do not believe that the Founders ever visualized a system of incumbency that produces lifetime politicians here in Congress.

The uniformity issue I think is extremely important. We can talk about whether or not the Supreme Court is going to act on that issue, but I think we have to be very careful.

Mr. Chairman, if we are going to set a constitutional amendment, it would be very unfortunate if we had Members serving in this body, those only here for three terms, some here for only four terms, some five, some six. It would be very difficult to operate in this body, especially if you could try to visualize a system of seniority, I think it would be very, very difficult.

I think that the gentleman from Montana [Mr. WILLIAMS], who spoke,

tried to visualize some form of political eloquence with regard to the sinking of the Contract With America. I would only say to the gentleman, I do not believe that he meant to insult conservative Democrats who have been supporting most of the issues in the Contract With America with regard to his issues.

Mr. Chairman, I support the amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply want to say that this is our opportunity to vote for term limits. It is the last opportunity. It is going to be a victory tonight for term limits, regardless of whether we get 290, but we certainly need it to get there.

The fact of the matter is, a few years ago we only had 33 Members, three or four years ago, willing to support term limits. Last Congress it was 107. Now we are going to go well over 200 on this vote, I am sure. It is a movement whose time has come.

It is time to vote for term limits. Eighty percent or so on our side of the aisle are going to vote for term limits. I would urge at least 50 percent, and hopefully 80 percent, on the other side to do it. This is the opportunity for term limits.

Mr. Chairman, I reserve the balance of my time. I only have one closing speaker.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

(Mr. FLAKE asked and was given permission to revise and extend his remarks.)

Mr. FLAKE. Mr. Chairman, I rise in strong opposition to the amendment. The people have determined who they want to represent them and how long. I think we should let the people speak.

Mr. CONYERS. Mr. Chairman, it has been a long day. We have had an excellent debate. I yield the balance of my time to the gentleman from Massachusetts [Mr. FRANK], our ranking member on the Constitutional Subcommittee, to close the debate for our side.

Mr. FRANK of Massachusetts. Mr. Chairman, I congratulate the Republican leadership, because they have outmaneuvered the U.S. term limits people. They have gotten where they wanted to be.

The Committee on the Judiciary reported out a bill which preempted State term limits less than 12 years. That caused a great hullabaloo. What ensued was not a charade, because charades do not have words that are spoken. It was an elaborate grand opera.

The result is, we are right back just about where the Committee on the Judiciary was because, be very clear, this amendment is intended to preempt. The gentleman from Arizona who spoke against it on this ground was correct.

It is silent on the question, but the Supreme Court is now dealing with it. If it is true the Supreme Court would decide that States have the right to set their own, then this will not preempt, but if the Supreme Court decides that the States cannot do it on their own, then this would preempt the States.

If Members doubt that, they have to ask why 90 Republicans voted against the Hilleary amendment, because the Hilleary amendment differed from this one in one particular: It explicitly allowed the States to do what they want. The only difference between the McCollum and the Hilleary amendments is that the McCollum amendment is intended to preempt.

What does that mean? First of all, all this invocation of public opinion gets invalidated because, as has been pointed out, the States, 20-some-odd States that have voted by referendum for term limits, have voted for less than 12 years, so vote for this amendment and you probably overrule all those States.

How are you going to claim to wrap yourself in the mantle of pure democracy and public opinion when you will be overruling the States?

California will get 12 years instead of 6. Massachusetts will get 12 years instead of 8. Therefore, this amendment cleverly puts it right back where it was. It is intended to preempt.

The gentleman from Florida [Mr. MCCOLLUM] said that, and the previous Speaker said that. They said, and I have heard the gentleman from Florida say it, ''This is too important to be left to the States to make their own decisions. We have to state it uniformly. This is not poor people's income, some trivial subject like that. This is not whether or not kids get enough to eat. This is our careers. We cannot allow that to be done on a State-by-State basis.''

There goes the democratic argument, because Members are going to overrule 20-some-odd States.

The leadership, I understand the Speaker is going to close, and that is a great day, because the Members of the leadership have been as scarce on the floor of this House as it is possible to be. The gentleman from Mississippi showed us a list of Members who cosponsored a 12-year limit who have been here more than 12 years. They may have been here more than 12 years, but they were not on this floor for 12 seconds today. Not one of them spoke except the gentleman from Florida.

This side of the aisle is full of Members who are in their 15th and 20th year, and they are very consistent. In their 15th and 20th years, they have been saying for 12 years, ''You have got to get out,'' but they do not want to make it effective immediately.

My friend, the gentleman from Florida, said ''You know, if you are here more than 12 years you start to get sour. You start to lose your integrity to the process.'' I asked him at what point did this happen?

I want to know. Maybe they did not tell us this. Maybe the rest of us could benefit from the superior moral fiber that has enabled so many on this side to resist the corruption that inevitably occurs when you have been here 12 years, but they will not tell us how, because all of them who have been here more than 12 years skedaddled. They did not want to be here. They did not want to be asked ''How can you do this?''

Let us be very clear. We have an amendment which would preempt the States, so we have no democratic argument here, because you are overruling every referendum if you vote for this amendment. Every referendum will be overruled.

In fact, the philosophical argument comes down again to this: Yes, the majority of the public in a poll says they are for this today, but democracy is not permanently enshrining what a majority thinks at any one time. Democracy is a system which guarantees to people the right to participate, the right to debate, the right to change the minds of others, and a majority cannot give away the fundamental democratic right of others.

If some people think that you should not serve more than 12 years, and others think you should, let them contest that at the polls. Do not rig our basic document and say ''From now on we will not have free and open elections, we will from here on forever have elections that reflect one particular viewpoint, and we will lock that in.''

This is the most restrictive amendment ever adopted to the Constitution. The Constitution began somewhat restrictively. I do not believe we never change it, but almost every other change has gone to the expansion of democracy: so black people could vote and women could vote and 18-year-olds could vote. This one says that because Congress recently fell into disrepute, and because we had during the 1980's a large deficit, we will lock in forever under our constitutional system a restriction on the right of the voters.

□ 2100

This is not about the individuals here. No, we are not the important ones, although we were important enough for you all to vote for preemption because you want to protect your uniformity, but we are not the key. The key is the right of the voters.

Do not enshrine in this Constitution the biggest restriction on the untrammeled right of the voters to vote for whomever they want. If some voters think that someone should be here for more than 12 years and others do not, the place to solve that is in debate and at the ballot box. Don't rig that contest now by this particular amendment. I hope that you will be consistent to democracy in the broadest sense, that you will not overrule all those State referenda and that you will not for the first time put the Constitution in reverse and say the result of this particular amendment will be less democratic choice and not more.

Mr. MCCOLLUM. Mr. Chairman, while holding a few seconds for the purpose of asking unanimous consent in a few minutes to withdraw the substitute amendment, I yield 4½ minutes to close the debate to the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House.

Mr. GINGRICH. I thank my friend the gentleman for yielding me the time.

Mr. Chairman, I listened with great fascination to the extraordinarily articulate gentleman from Massachusetts, and I tried to remember back to the platonic concern about the ability of one to argue any side of a question with equal facility. I looked up the word ''sophistry''.

A subtle, tricky, superficially plausible but generally fallacious method of reasoning.

And I realized that speed of language is not the same as wisdom. Let me give just a few examples.

This amendment does not preempt the States. It sets a cap. The Supreme Court will decide what that cap means, but the cap is not in any way worded to be binding and, in fact, in no way would change any of the current relationship of the States to their ability to do what they wish to do.

I can assure the House that if the Supreme Court rules later on this year that the Congress need act, that we will visit that question and it may well be on a legislative rather than constitutional basis which will take 218 and not 290 votes.

Let me say second that I believe this is a historic vote. I have been frankly surprised by our friends on the left. I would have thought, having been defeated last fall for the first time in 40 years, that paying some attention to the American people would have been useful.

But I will tell you where I think we are historically. This is not a new experience in America. In the late 19th century, a radical idea emerged, that Senators should be elected by popular vote, that State legislatures should no longer select the Senators. This was a change in the Constitution, an effort to take power away from professional politicians, the State legislature, and return it to the people.

It took about 20 years for the idea to permeate Washington. But in that 20-year period, it became obvious and even the most entrenched old-time political machine came to realize that in fact there was no alternative.

I think term limits is a very similar pattern to the election of U.S. Senators. When it first came up, I rejected it. I am troubled by it. I think in some ways it is anti-democratic. I think that part of the argument is fair. On the other hand, from city council to county commission, to school board, to State legislature, to governor, to the Congress, everywhere in America the people say they are sick of the professional politicians, they are tired of those who use the taxpayers' money to stay entrenched, and they want to find a device to take power back from the professional political class. They say it in New York City, they say it in Los Angeles. They say it in Idaho, they say it in Florida. Everywhere in America.

Now, we are being visited tonight by the fifth grade from Cliffside School in Rutherford County, North Carolina. I would bet a great deal of money that by the time they are old enough to vote, we will have passed term limits, because in the end, the will of the American people is sovereign, no matter how much sophistry, and no matter how many reservations. The fact is that if over time in State after State in county after county the American people say this is an experiment they are willing to risk, sooner or later they will get their way.

One of our good friends the gentleman from Montana got up and said. ''This is the sound of the Contract dying.'' Let me tell you, my friend, tonight 85 percent or more of the Republican Party will vote with the American people for term limits. My guess is tonight 60 to 70 percent of the Democratic party will vote against the American people and against term limits. We will go to the country in 1996 with a simple pledge. It will be a new version of the contract. We are not going to have one of these between now and 1997, but a new version. It will say H.R. 1, Term Limits, will be voted on as the first item in the new Congress if we are the majority.

The Democratic Party has it in its power tonight, if half the Democrats, only half, vote with 85 percent of the Republicans, term limits will pass tonight. It will take deliberate decision of the Democratic Party to deny the American people an opportunity, and we are not even fully passing it, we just send it to the Senate, then the Senate has to send it to the States.

We are not afraid to allow the American people to have a chance in their State legislatures to render judgment. We are not afraid to allow the Senate to look at this amendment. But I can promise you, if the Democratic Party tonight defeats term limits, the Contract may have been postponed in one of its 10 items, but it will be back and when we have picked up enough additional seats in 1996, we will pass it as H.R. 1 in 1997.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the remaining 30 seconds for the sole purpose of offering a unanimous-consent request in order for us to avoid an unnecessary vote tonight. The underlying bill is precisely the same as the amendment that I would have offered or would be offering here tonight we have been debating on the agreed-upon timetable.

With the agreement with the gentleman from Michigan and the gentleman from Massachusetts and others on that side of the aisle, I now then request unanimous consent to withdraw the substitute amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I take this time just because I had had some questions. Previously some of us talked about the gentleman's amendment being one more substitute. If he gets unanimous consent, as I hope he will, that will be withdrawn as a substitute and we will go immediately to a vote on whether or not we adopt his version as the amendment. So there will be no more vote about substitutes. The next vote then would occur on whether or not we adopt the joint resolution.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, I yield to the gentleman from Florida.

Mr. MCCOLLUM. The gentleman is 100 percent correct. We would be going to final passage. I do not believe the minority is going to offer a motion to recommit. I think we will be going to the next vote, and it will be on the final passage of the underlying bill.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Further reserving the right to object, Mr. Chairman, I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I was hoping that at some point this body would be made aware, at which point in his 17 years as a Congressman did the Speaker decide that he was for a 12-year term limit.

Mr. FRANK of Massachusetts. I did not know the gentleman was going to say that.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TORKILDSEN) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the joint resolution (H.J. Res. 73) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives, pursuant to House Resolution 116, he reported the joint resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

(By unanimous consent, Mr. ORTON was allowed to speak out of order).

PERSONAL EXPLANATION

Mr. ORTON. Mr. Speaker, on yesterday evening, I was unavoidably detained at the hospital with my wife who gave birth to our first-born child.

I preferred to be there but had I been here, I would have voted ''aye'' on recorded vote No. 270, ''aye'' on recorded vote No. 271, and ''aye'' on recorded vote No. 272.

I ask unanimous consent that my statement be included in the RECORD at the end of those votes.

The SPEAKER pro tempore. Without objection, so ordered.

The Chair joins the House in congratulating the gentleman from Utah.

The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 204, answered ''present'' 1, not voting 3, as follows:

[Roll No. 277]

AYES—227

Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
Deutsch
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lucas
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Packard
Paxon
Peterson (FL)
Peterson (MN)
Pombo
Portman
Poshard
Pryce
Quinn
Radanovich
Ramstad
Regula
Riggs
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shuster
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Allard
Andrews
Archer
Baesler
Baker (LA)
Barrett (WI)
Barton
Bateman
Becerra
Beilenson
Bentsen
Berman
Bishop
Bliley
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Christensen
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
DeFazio
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Durbin
Edwards
Ehrlich
Engel
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Hunter
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McDade
McDermott
McHale
McHugh
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Pickett
Porter
Quillen
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wicker
Williams
Wise
Woolsey
Wyden
Wynn
Yates

ANSWERED ''PRESENT''—1

Stockman

NOT VOTING—3

de la Garza
Frost
Pomeroy

□ 2133

Mr. CLYBURN changed his vote from ''no'' to ''aye.''

Mr. STOCKMAN changed his vote from ''aye'' to ''present.''

Mr. LONGLEY changed his vote from ''present'' to ''no.''

So (two-thirds not having voted in favor thereof) the joint resolution was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution just considered.

The SPEAKER pro tempore (Mr. TORKILDSEN). Is there objection to the request of the gentleman from Florida?

There was no objection.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 831, PERMANENT EXTENSION OF HEALTH INSURANCE DEDUCTIBILITY FOR THE SELF-EMPLOYED

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–93) on the resolution (H. Res. 121) waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON ADMINISTRATION'S RECORD OF SUPPORT FOR SOUND INVESTMENTS IN SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore, laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

This Nation's future depends on strong public and private support for science and technology. My Administration's decision to make sound investments in science and technology even as the Federal Government cuts other spending is premised on three basic assumptions:

—Technology is the engine of economic growth.
—Scientific knowledge is the key to the future.
—Responsible government advances science and technology.

The Congress and the American people can find evidence of the Administration's dedication to responsible government support for science and technology in our defense and economic policies as well as our management of the science and technology enterprise. We have decreased the Federal deficit, helped to create millions of new jobs, and improved the tax treatment of small businesses and of investments in research and development. Hemispheric and global trade agreements as well as relaxation of outdated export controls have opened huge export markets to America's high-tech industries. My *National Security Strategy of Engagement and Enlargement* (February 1995) depends on farsighted and efficient science and technology investments. Our foreign policy and security interests are also supported by mutually beneficial international cooperation in science and technology.

We have consistently endorsed technology policies to increase prosperity and enhance environmental quality. In *Technology for America's Economic Growth* (February 1993) and *Technology for a Sustainable Future* (July 1994) this Administration conveyed to the American people our plans for public/private partnerships to improve the business environment, enhance access to quality education and training, support development of information infrastructure, ensure continued excellence in health care, and strengthen America's global competitiveness.

Streamlined government based on strong partnerships—within the government, with the private sector, and among nations—is a hallmark of the Clinton/Gore Administration. The ''virtual department'' I created by establishing the National Science and Technology Council (NSTC) has cut bureaucratic red tape and produced a historic first: an integrated research and development budget that focuses on national goals. The NSTC has also produced large savings by enabling agencies to coordinate their efforts, divide tasks, and share resources.

My Committee of Advisors on Science and Technology (PCAST) provides critical links to industry and academia. Their oversight of NSTC activities, such as development of strategies for the management and disposition of fissile materials, promises to improve the Federal effort. So, too, do the forums and workshops that have drawn in thousands of experts and stakeholders to help develop priorities in areas as diverse as fundamental science; environmental technology; and health; safety; and food research.

I am also very proud of the steps we have taken to improve international cooperation in science and technology. Through the Gore-Chernomyrdin Commission we have used science and technology cooperation to ease the Russians' transition to democracy and a market economy. We have received valuable new technology and cultivated a crucial partner in global affairs through Russian participation in the international space station. We have used the Megasciences Forum of the Organization for Economic Cooperation and Development and other international forums to explore ways to share the increasing costs of cutting-edge research while maintaining our position of world leadership. Bilateral science and technology cooperation with other nations, including advanced industrial economies such as Japan, and big, emerging markets such as the People's Republic of China, serve us well in the global economy—giving us access to new ideas and new technologies while creating new opportunities for business.

Economists have estimated that the social rate of return on investments in research and development averages about 50 percent, or about double the average private rate of return. Clearly a solid Federal investment program is justified even in the leanest times. It is especially important for the Federal Government to maintain its investments in science and technology when the pressures of the international competition are leading businesses to focus on shorter term payoffs at the expense of more basic, longer term, and riskier research and development.

In *Science in the National Interest* (August 1994), the Vice President and I reaffirmed our longstanding commitment to world leadership in science, mathematics, and engineering. Scientific discoveries inspire and enrich us. Equally important, science and mathematics education provides all Americans with the knowledge and skills they need to prepare for and adapt to the high-technology jobs of the future and to exercise the responsibilities of citizenship.

This Administration has articulated clear goals and established priorities for Federal spending, and our economic policies have improved the climate for private investment as well. We intend to work closely with the Congress to ensure the well-being of our children and grandchildren. These investments will prepare us for the challenges of the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 29, 1995.*

COMMUNICATION FROM THE HONORABLE BOB FRANKS, MEMBER OF CONGRESS FROM THE STATE OF NEW JERSEY

The SPEAKER pro tempore laid before the House the following communication from the Honorable BOB FRANKS, a Member of Congress from the State of New Jersey:

SEVENTH DISTRICT, NEW JERSEY,
March 21, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each:

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

[Mr. HOEKSTRA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, what was the final vote there? Do any of my colleagues know? 227 to 204? So our brilliant Speakers prediction was right on the nose almost. We got way in the high 80's on the Republican side of the aisle and let me see, let me do a little arithmetic, 205 Democrats in this Chamber, the oldest party in America, Andy Jackson, great tradition, and, yeah, they did not give us enough here to get through.

OK. Do we not already have term limits by way of elections? Well, obviously not when 90 percent of all the incumbents in the House and Senate who wanted their seats back got it. Forty-two people did not even have an opponent. I guarantee you that number will not be that high on November the 5, 1996. Particularly if this great oldest party in America puts up Clinton, we are not going to have 42 unchallenged seats. The goal of the Grand Old Party is to have no unchallenged seat in the United States of America comes 1996 election year.

Number two, is it hypocritical for anyone to advocate term limits who have already served longer than that?

Now, they were throwing around a lot of false figures here. I have announced that I am in my last term. Nobody gave me credit for that all during the debate. I served 6 years, had my seat chopped in four parts because they could not find a candidate, including Gregory Peck's son, to whip me twice, the most expensive race in the history of the House. I raised over $2 million, he raised over $1.5 million in 1980, then, bingo, they cut my seat up.

I said to President Reagan, ''What do you think I should do?'' He said, ''Bob, there is a Democrat liberal down there in Orange County and don't you guys call that Reagan country. Why don't you go down there and knock him off.'' So I did and I said I would only stay for 12 years because one of the most arrogant things I heard here all night is that in each district in America, and some compliments went back and forth, each district has found the greatest statesman or stateswoman that that district was ever going to produce in American history.

Well, I can tell you something, in every district in America there is a woman, there is a man, there is a retired military person, there is a sharp young man or woman just out of college that would like to serve for 6, 12 years, get it over with and then go in the private sector and create jobs and carry that government experience with them the rest of their life.

Has it ever occurred to anybody that since Jeremiah Dent left the House there is not a single admiral or general over in the other body and only SONNY MONTGOMERY in this House, and then people complimented all the World War II people in this House. I have watched Watergate babies, pro-Sandinista, pro-Hanoi demonstrators try to knock off all our World War II people in this majority party and take their chairmanships away from them. So where was the respect factor for World War II veterans there?

Then it was inherent on both sides of the aisle, arguing against term limits that somehow or other the process is not broken. If this process is not broken, how do we get into bloody $5 trillion worth of debt this coming September? Every man, woman and child, every newborn baby on September 20 of this year and every man or woman about to meet their maker owes $20,000. Just how did that happen, if this process is so wonderful?

And we are the greatest assemblage of statesmen and women that this Nation has ever seen. No, I loved it when our dynamic Speaker said this will be H.R. 1 next year.

□ 2145

Look, folks, here is the countdown watch. I may market these later in the year if I can get it through the Committee on Ethics. Here is the countdown watch. I do not like that backward running watch. I am an analog guy. I want it to go the right way, clockwise. Here is the countdown. Here is Clinton taking a little tumble there and it says 587 days to the election day. My wife has one that is 76 days longer. Her watch counts down to the inauguration, January 20, 1997, 587 days. And if the American people give us the White House to sink it up for the first time since I was too young to vote, and we have the House and the Senate and the White House, as Eisenhower had in January of 1953 when I got sworn in that same week into the Air Force, you are going to see amazing things happen in this country. The gentleman from New York [Mr. SOLOMON], one of our finest Congressmen, was saying in the cloakroom after the vote, imagine, imagine, he said, if we get the White House, and hold the House and Senate, what we can do for this great country of ours. Faith, family and freedom. That should be the focus of this House, and that freedom means liberty from big, oppressive taxing-taxing, spending-spending government. $5 trillion, term limits, maybe in the next Congress. God bless you, Madam Speaker. Thank you for those 5 minutes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. MFUME] is recognized for 5 minutes.

[Mr. MFUME addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

STUDENT LOAN PROGRAMS IN JEOPARDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BECERRA] is recognized for 60 minutes.

Mr. BECERRA. Madam Speaker, I would like to discuss something of grave concern to me, because although I do not have a child who is of college age yet, in about 6 years I will, and in about 18 years, God willing, I will also have another child that will be preparing to go to college.

Today I would like to address the whole issue of what is happening in this Congress, and to me what is happening and what will happen perhaps next week is the devastation of the opportunity of young people to become professionals and become productive members of our society.

The Republican Contract With America calls for cuts. It calls for tax cuts that will go to those privileged few in our society that are very wealthy. And it calls for cuts, cuts to programs that help seniors, cuts to programs that help children, and cuts to people who are preparing to go on to college.

Whether you are 5 years of age or whether you are 22 years of age, it does not matter; the Contract With America is bad news for you. Last week we passed in this House welfare proposals that were contained within the Contract With America. Unfortunately, what this proposal did was cut school lunch programs, it cut child care, it cut aid to disabled students, all for the purpose of trying not just as we were told to try to reform welfare, but also to provide billions of dollars to pay for these tax cuts that we will see next week on the floor of this House for discussion, which will ultimately go mostly as I said before to the privileged few.

Within the next weeks we will also see something that will be of interest not to just to those that are 5 years of age, not just to those who have children 5 years of age, but to those who wish to go on to college, and that is, of course, what we see written, for example, in U.S. News and World Report where they say that ''Every major Federal college aid program is considered a target in one form or another by the new Republican majority in Congress.''

What does that mean? Financial aid for middle-class students today is in jeopardy. In fact, it is not only in jeopardy, it may become a thing of the past. Why? The Contract With America calls for the Congress to pay for these tax cuts. And one of the ways they plan to do that, as we understand so far from the majority, is they plan to eliminate four major student aid programs. The first is subsidized Stafford student loans; the second is work study programs; the third is supplemental education opportunity grants for very low income and disadvantaged students; and fourth is a Perkins loan program, which also provides loans to low- and middle-income students. These four programs constitute about 75 percent of all the student aid that we see given out in this Nation.

Why are the Republicans in this Contract on America doing this? As I said before, they have to pay for their tax cuts, which amount to about $200 billion over 5 years, and I believe over $800 billion over 10 years. Somewhere they need to find the money, and they are doing it going after not just the kids and school lunch, but we now see college students will have to pay the price.

What we find is that on November 8 people said they wanted to vote for change, but what we are finding is people are beginning to realize this is not the kind of change that they wish to have. When you talk to people, they say that along with things like Social Security, we wish to preserve programs that help people become professionals, to become productive citizens. We do not wish to deny them the opportunity to become full-fledged members of our society.

These cuts to student aid programs will be devastating. Millions of individuals may very well see their economic futures go down the drain. This in turn,

of course, will threaten the economic future of our own country. Getting rid of these four student aid programs will cost about $20 billion over the next 5 years for middle-income families.

Now, let us look at it this way. It is not just the cost, it is a tax. Because these are middle-income families that otherwise would have been able to help their children go on to college. But because they are being taxed in higher fees, less money for student loans, they will now be paying the cost of these tax cuts that will be going mostly to the privileged few in their Contract With America.

This is the worst time, by the way, to be cutting back on student aid. Tuition is rising rapidly throughout the country. Without any assistance, the cost of attending college will go up even more. Some will be forced to forgo school altogether.

In California, tuition rates have skyrocketed. The goal of California's master plan of giving every young person the chance to go to college, whether it is community college, State university or the University of California campuses, is evaporating rapidly. Those students who represent the first generation of college students in their family just might come home without a degree, a devastating blow for parents, students and siblings alike.

I can give an example: I myself am the first in my family to get an education. My parents were immigrants. I would not have been able to go, but I took advantage of work study and student aid and student loans.

I hope we will understand this is not the way to go, and we will not support the Contract With America's attempt to go after our college students.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

[Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

JULIA BAILEY IS MISSISSIPPI WINNER IN VFW VOICE OF DEMOCRACY SCHOLARSHIP PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, I want to share with my colleagues the winning entry from Mississippi in the VFW's annual Voice of Democracy contest. It was submitted by Julia Bailey of West Point, MS.

Julia is a senior at West Point High School and the daughter of Eugene and Elizabeth Bailey. I had the chance to meet and visit with this outstanding young lady when she came to Washington recently. Her patriotic essay is one of the best I have read and commend it to all my colleagues.

''MY VISION FOR AMERICA''

The people who fought for the American Revolution had a vision of a country they governed themselves. The South had a vision of keeping their slaves. The North had a vision of defeating the South. Abraham Lincoln had a vision of forming a Union again, and the slaves had a vision of being free. History is a picture show of many groups with many visions. I am following in a long line of history because I, too, have a vision.

Everyday I go to school, and, to me, it is a small scale America. In our school we have black people, white people, people with learning disabilities, and straight A students. We have as many visions as we do groups of people, but all the students and faculty come together five days a week for one purpose, whether it is conscious or buried under all their other concerns. We come to school to educate and to be educated because we all have a vision of success. My vision for America is that, like the school, we will recognize that we, too, have a common goal to work towards—unity.

The civil rights movement was perhaps a time when many people combined dreams to form one vision. Sit-ins, boycotts, and marches were all a part of a people's fight for justice. The civil rights movement was special because it included everyone. The object of the movement was unity. A person did not have to be black to fight for civil rights but simply a person with an eye for justice and a belief that it was time for the truth to be acted upon that all people are created equal, not ''separate but equal,'' equal.

We tend to focus on the qualities that we can see are equal—like our color or our financial status—rather than the qualities that we cannot see. In my vision our new focus will be on equality of mind and spirit, of opinions and beliefs, equality, not agreement, unity of spirit, not race. Spirit has no color; it has no age, it is not divided into categories.

I had the privilege of standing on the steps of the Lincoln Memorial in Washington, D.C. The Washington Monument pierced the air, and the green glow of the Capitol filtered from behind it. I felt powerful, humble, and thankful. Not only are those monuments reflected in the water they rise above, they are reflected in me.

I realize that even though the states are not always united, and that corruption threatens our freedom, in the capital of my country I can stand and ponder and pray for as long as I want without being threatened or dragged away or embarrassed. We have a starting point for equality. We are all free. The answer for a truly united nation is not at the top of the Washington Monument or clutched by Lady Freedom on the tip of the Capitol. It is as low and as humble as we make it in our hearts. Those monuments are not representing a country about to fall, but a country with the potential to rise, not in concrete, in power, or money, but in unity and goodness. My vision for our nation to be united through spirit begins in the seedbed of real freedom—our hearts.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

[Mr. DAVIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. MALONEY] is recognized for 5 minutes.

[Mrs. MALONEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

KEEP LONG ISLAND SMALL BUSINESS ADMINISTRATION OFFICE OPEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Madam Speaker, I rise today on behalf of the hundreds of thousands of small businessmen and women and the potential hundreds of thousands of small businessmen and women on Long Island. Earlier this week the Clinton Administration announced that they were going to streamline and consolidate departments at the Small Business Administration, something that I on the face of it applaud, and I commend the administrator, Phil Lader of the Small Business Administration, for his leadership in that endeavor.

Unfortunately, included in this measure to downsize the agency is the closing of a very valuable office, the Small Business Administration's Long Island office in Melville. I am most supportive of the efforts to consolidate. As a former head of the Small Business Administration in New York, we led a pilot program to do just that. I strongly urge, however, that the Clinton Administration reconsider closing the Long Island office.

Long Island is in a unique situation. For most of the century, Long Island's economy has been dependent on a healthy defense industry. However, in recent years, draconian cuts to the defense budget have left the Long Island economy reeling, and today we are searching for an alternative. Forced to diversify, Long Island now more than ever looks to the small business sector as its major source of jobs, revenue, and income. Small businesses on Long Island look to the local Small Business Administration office for valuable help and counsel. The closing of the Long Island office would be devastating to an economy so dependent on a viable small business sector.

Madam Speaker, the administration's plan to close the Long Island office would negatively impact, as I have said, over 82,000 small businesses in Nassau and Suffolk County. This is an area larger in population than some 20 States. While the economy in most of the Nation has rebounded of late, the Long Island economy continues to lag. Long Island has endured extensive cuts in defense spending and the loss of the SBA office on Long Island would be another blow to an economy already struggling to right itself.

For the months ahead, Congress will have some very difficult decisions to make about the budget and the future

spending by the Federal Government. But instead of eliminating an SBA office that is a value-added commodity to the taxpayers, that the Small Business Administration generates more in local income and is a stimulus to the local economy and is not, I repeat, not a drain on Federal taxpayers, it would be wrong-headed to go forth and close an office that is a value-added commodity to the taxpayer.

I propose that instead the Small Business Administration consider closing down the Office of Advocacy. This Office of Advocacy was created in a political climate and for political reasons, and with today's budget of $7 million, it is an economy well worth considering. The Office of Advocacy is often the source of reports and research that many have come to understand to be 7, 8, 9, 10 years old, research that is often outdated.

By retaining the Long Island office of the Small Business Administration, we can generally give a hand up to the local people in Nassau and Suffolk County. I urge that the Clinton administration reconsider the closing of that office.

Let me just mention one case in point. There are many small businesses that have been helped through the guaranteed loan program that works with private lenders. One such case is J. D'Addario and Company, a family owned small business that produces guitar and other instrument strings.

This company benefited from several loans administered by the Long Island office of the Small Business Administration that eventually allowed the business to relocate from rented space where they employed originally 25, to a new location where they are now employing over 250 people. They purchased the land and constructed a site that was four times the size of the previous location.

There are literally hundreds and hundreds of success stories as a result of the efforts made by the men and women who work for the Small Business Administration on Long Island. I know the difficulties administrator Phil Lader faces in making the tough decisions, and he is right to consolidate duplicating programs. To date his efforts have been superb. But again I would ask that the Clinton Administration and the Small Business Administration in particular reconsider closing the Long Island office, and add that this important resource to the small businessmen and women of Long Island be kept open.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

[Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

TERM LIMITS AMENDMENT SHOULD HAVE PASSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Madam Speaker, I was very disappointed today that we were not able to pass the resolution to limit our own congressional terms. I was very disappointed. I think it is a sad day for us. Shame on us. I cannot understand it, because more than two dozen states sent a strong message to us that they want some kind of term limits. The people are tired of all these professional politicians entrenched in Washington, D.C. They want some circulation. Yet we ignore them, because we are so arrogant that we know the best. Today, again, we ignored those people's wishes.

I was listening carefully why some Members are opposed to term limits. Let me tell you how ridiculous it is, the arguments I heard today. The first argument is experience. We need the experience here. What kind of experience do we need, experience how to play politics? Experience how to present speech, feel good speech? Experience how to understand the parliamentary procedure? Is that experience we need?

All this Washington, D.C. experience we do not need. All we need is experience, fresh experience from the outside, the real world. What is happening there us people are suffering every day. Small business is suffering, trying to maintain their business, trying to meet the payroll. That kind of experience we need, not inside-the-beltway experience. It is a ridiculous comparison.

Also one Member from the other side of the aisle mentioned Gen. Colin Powell's statement that it took him 30 years to learn the job, implying that it will take us 30 years to learn this job. That is a ridiculous comparison.

□ 2200

I think it is a sad day that Members using that kind of comparison try to justify why term limits should not be implemented. The second argument I am hearing is that people should decide, not us. Especially from the gentlewoman from California, I was surprised. Only 30 years ago the California voters voted overwhelmingly to supporting term limits. How quickly we forgot. That is another reason why we have got to have some rotation here. How arrogant it is. Only 30 years ago the California people overwhelmingly passed this term limit, yet we forgot. Say they, people should decide. They did, they spoke already.

The other one I am hearing is this nonsense that we are going to give more power to nonelected staff members. Come on. Our staff members, until we passed the bill not too long ago, they do not have very much power. They can be fired, they can be dismissed any time. Laws do not apply to them even. Look at California, we have term limits out there and state assemblies, the state Senate, the staff does not bother us. They do not take over any powers. They are running fine in Sacramento. That is another stupid argument that I cannot understand.

Finally, this retroactive. I voted yes on that, 12 years retroactive. What is wrong with it? Is not 12 years long enough?

The argument is we need an orderly transfer, otherwise we are going to have a chaotic situation, that so many Members will resign. That is nonsense. The last 2 years ago, when I came to Congress, we had 110 freshmen. This year something like 87. Added together, more than 200 changes in the last 3 years. I do not see any chaos. It was very, a very orderly transfer. As a matter of fact, we made so much change, so much dynamic changes the last two years, I think it is good that we should have such a dramatic change.

Look at California. I do not see any disorderly chaotic situation out there serving only 2 years, only 6 years and give up the seat.

Also they say that they are against it because Democrats are playing games. They do not want to have a term limit. They are playing games. They are using this as an excuse to play games. I do not understand that. I do not know what kind of playing games they are doing. If it is true, then shame on them. But that is another reason why we have to get rid of those folks who know how to play games. They have been here too long. That is why they are playing games. I do not know how to play games. Maybe I should be here 10 years, and then I know how to play games. This bunch of rhetoric that I cannot understand coming from the private sector, it is totally beyond my comprehension why we are rejecting our own term limits.

I think it is really a sad day.

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

[Mr. POSHARD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PERMISSION TO SUBSTITUTE SPECIAL ORDER

Mr. HOKE. Madam Speaker, I ask unanimous consent to speak in substitution for the gentleman from California [Mr. RIGGS] for 5 minutes.

The SPEAKER pro tempore. Is there objection to the gentleman from Ohio?

There was no objection.

TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I want, first of all, to commend the gentleman from California [Mr. KIM]. He is a genuine American hero. Those were great remarks. Absolutely truthful, absolutely right on the money, right on the mark, cutting through the, well, I cannot say that, just cutting through it all. And really telling it exactly like it is. Maybe a lot of people are in mourning tonight because they feel like they have been betrayed by this Congress because the American public understands that term limits is the cornerstone of congressional reform. The public understands that.

But do not be in mourning. Do not be in mourning. There is no reason to, because really, this is a situation of pay me now or pay me later. Vote for term limits tonight or your replacement will vote for term limits in 2 years.

That is exactly what goes on here. What you are going to have tonight or what we have seen tonight is with the defeat of this bill, we are going to see a ton of replacements in two years.

Mr. HAYWORTH. Madam Speaker, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Speaker, I thank the gentleman for yielding to me. It has been very interesting to listen to the debate, and I would associate myself in full with the remarks of the gentleman from California who preceded you in the well.

But, Madam Speaker, it was very interesting earlier tonight to hear one of our friends on the other side talk about the ship Contract with America listing and creaking and the bow breaking and all these terrible things. Amazingly, and undoubtedly since so many members of the media in this town work in complicity with those on the left, I just think they have missed the story.

The fact is that we pledged to bring 10 items to the floor for an up or down vote. And even though there is disappointment tonight, as my friend from Ohio mentions, the fact is there is cause for jubilation because now we have enjoined the dialogue. And coming from a State in which the major city is named Phoenix, I assure the American people tonight, Madam Speaker, that this issue will again rise from the ashes.

Mr. HOKE. Let us look at the numbers on this. The fact is the Republicans voted 189 yes, 40 no. That is about 82, 83 percent of the Republican Conference voted in favor of term limits. On the other hand, Democrats voted 38 yes, 163 no; 80 percent of the Democrat Caucus voted against term limits. Who defeated term limits? Democrats defeated term limits.

Who is going to be defeated in November of 1996? Well, the public will decide. The public will decide. But what I would urge, right out there tonight, there are people who should be stirred. There are men and women who have thought, I want to serve my country, I have something to offer. I have wanted to do this for some time, but I have not had the courage, the motivation, the specific interest, the specific initiative to do this. Doggone it, there are 22 States out there that have already enacted term limits. Or is it 24? Twenty-two?

Mr. HAYWORTH. Twenty-two.

Mr. HOKE. Twenty-two States have enacted term limits; 24 million people in this country have voted for them. They have carried by a margin of 70 to 80 percent in every single one of those States. In each of those 22 States, there are men and women who ought to use this as their issue, because if your representative voted against term limits in one of those 22 States, that representative is saying, I know better than the people. I do not care what the people say. I do not care that 70 or 80 percent of the people demand that we have limited terms. I do not care that the public understands that this truly is the cornerstone of congressional reform, that this is the way that we are going to eliminate congressional careerism forever.

I do not care because I know better. And I know better because, gosh, after all, I have been here 20, 30, 40 years. How else would I not know better?

Those people should be inspired tonight and they should grab this and take this opportunity and get involved. And this is your campaign issue for November 1996.

Mr. HAYWORTH. Madam Speaker, I think the gentleman from Ohio has noted, as many of us have, during the course of these first 100 days, that indeed many folks who walk to the chamber in fact become walking advertisements for term limits, walking examples of the reasons why we should enact them.

Let me pause here to make a distinction because I also want to point out that good people can disagree and no doubt others will follow us in the chamber, making distinctions of conscience, of conviction, but we abhor the gamesmanship that was played during the course of this debate, really spurning the notion of what the will of the people might be.

MORE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman form Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Madam Speaker, I think sometimes it is appropriate, again, to reflect a little bit on history. I happened to be sitting in the well this evening and looking up to the ceiling. Just behind the speaker's platform and above the clock is a saying on the wall and it is a very appropriate quote. It says, ''Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered.''

Those words were uttered by Daniel Webster, a former member of this body and a former member of the United States Senate.

Intrigued by that, I happened to check his biography and noted that he served in both the House and the Senate, that he first served in the House for 4 years, was defeated, took 6 years in the private sector, ran again for the House, this time from another State. Initially he had been in New Hampshire, moved to Massachusetts, and then switched, ran for the Senate, served 14 years, resigned, spent 4 more years in the private sector and ended his career in the Senate with a term of 4 years before he resigned in, I believe, 1851 or 1852.

I mention that because there has been a lot that has changed in this country since men of the caliber of Daniel Webster served here. Let us hope that the actions that we take today and in the future will encourage more men and women of his caliber to serve in this body.

But I was very torn today on the issue of term limits. As many may know, my State enacted a referendum in the fall of 1994 imposing a 6-year limit, which I intend to honor, and which I believe is binding on representatives from the State of Maine. But given the fact that we were presented with a bill tonight on the floor that did not provide me with the required degree of certainty that it would not preempt State law, I voted against the bill and I did so reluctantly. But I want to add a message because it would be inappropriate to say that the debate has taken place entirely on this floor. Because I think the debate has taken place across the country in all 50 States and in the thousands of communities that make up this great land.

I think the people are speaking very loudly and clearly that they want some form of system that will guarantee that the lack of professionalism in the sense of people making a lifetime career out of service in this body, and we have seen enough information about the longevity of service, I think an average of some 25 or 30 years, particularly for committee chairs, and extended service by others well past their prime of life and well past their ability to display the type of sensitivity to the private sector that we would like to see displayed by representatives in this body. And so I call upon the three groups that have been active across the country, the groups supporting the 6-year term limit, the group supporting the 8-year limit, and the group supporting the 12-year limit, to get together and, in the words of our speaker, be prepared to support H.R. 1 on the first day of the next session that will somehow or other find a way to respect the difference in the diversity among the 50 States and provide for a term-limit because that will allow us to have once and for all one standard that we can apply in this country and not

confront representatives such as myself with a very difficult dilemma where we are being asked to support a concept that we believe in very deeply but, yet, which we find at odds with the laws of our own State.

Madam Speaker, I appreciate the opportunity to serve in this body.

ANOTHER VIEW ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, I rise as one who voted against the term-limit limitations, because as I have heard the arguments tonight, it is not how many terms you have, it is what you do with the term, the term, the one term at a time. It is what you do with that term and then it is what the voters think that you have done with that term and how they feel about that term that determines or should determine whether or not you return.

In the case of my State, West Virginia, we are a small state. We have three House Members. Other States have far bigger delegations. I think that my State would be, the majority of my State would say, why is it that we should be limited as to whether or not we can vote for ROBERT C. BYRD, for instance, and the distinguished service that he has had? Why is it that we should be limited in whether or not we can vote for other leaders who may rise and show themselves to be able?

In the case of a small State like West Virginia, with three House Members, please remember that when you have term limits what you are going to do is to turn this place over to the large States. And so the Californias, the Floridas, the Texases will dominate every 2 years who it is that becomes chairs and subcommittee chairs and ranking Members.

So small States have a vested interest in making sure that there is some kind of equality here so that we have an equal say as well. There are many here who say, term limits, we will really rein in the Members on this thing. Nobody ever talks about the staff. Nobody limited the staff. Nobody limited the lobbyists. Nobody limited the others that all are part of this mix called democracy and called a legislative body.

So what happens is then the institutional memory now resides entirely with those who are truly the paid professionals here. I do not say that disparagingly of them, except just to make that observation that those people who become the ranking members and subcommittee chairs and the chairs will have less and less to say about what actually happens in their committees.

□ 2215

I would also like for people to think for a second, what is it that everyone is to be ashamed about for having some kind of experience, particularly if that experience has been reinforced every 2 years in something wonderful called an election? I refuse to be ashamed for the fact that I have developed more experience, and feel that I am a more able representative of my constituency, but knowing all the time that my constituency decides every 2 years whether or not that is the kind of experience they want, or whether I am exercising that properly, or in what they think is a proper format.

Does anyone around here ever walk into a law office, a physician's office, or any there office, into a store, and say ''Hey, could I have the most junior person around here? I want the one who just got here, the one who just got out of medical school, the one who just got their certification. Please, I want to skip over the most senior person. I don't want to get to somebody who has had even maybe 13 years, of course not.''

What is it that is supposedly bad about experience if the voters are truly exercising their control? That gets to a very important point, Madam Speaker, that what we are talking about here is the frustration that is very real in our country about whether or not Congress is responding. That frustration needs to be dealt with in campaign finance reform.

It would be my hope that H.R. 1 would not be a term-limit bill. Actually, let us hope there does not need to be a campaign finance reform bill in 1997, because I would like to see it out on the floor in 1995. That, I think, limiting the amounts of money, curbing the money chase, making it easier for challengers to take on incumbents, that is real term limitation.

Somebody pointed out that 90 percent of incumbents, 91 percent, were reelected last time, but what they did not point out was that so many chose not to run because they saw the odds, they read the polls, they talked to their constituents. The fact of the matter is that over half this Congress, 219 Members, have been here 5 years or less. Almost one-half has been renewed in just the last two elections, the last 4 years.

Madam Speaker, I think those are important statistics. The average lifespan, political lifespan of a Member of Congress in the House is less than 12 years, that very term, that very limitation which many would seek to impose.

Madam Speaker, for all those reasons I happen to think that term limits is one of those bumper sticker phrases which sounds good, but which in reality does not further our democracy.

I think our voters, in West Virginia our voters do not need term limits. I would point out that in our State, for instance, over half of the House of Delegates, on any given election 40 to 50 percent of our House of Delegates is changed. Indeed, many members of our State Senate this year were changed. Our voters know how to judge people and how to limit terms on their own, and that is through a process, a wonderful process called an election.

A HISTORIC NIGHT WITH VOTES ON TERM LIMITS

The SPEAKER pro tempore (Mrs. SEASTRAND). Under a previous order of the House, the gentleman from South Carolina [Mr. GRAHAM] is recognized for 5 minutes.

Mr. GRAHAM. Mr. Speaker, rather than to try to make a speech, I just have a few minutes of reflection on what I think happened tonight and what is going to happen in the future.

It is a historic night. The Contract With America said we would allow votes on term limits, and we did. Now it is up to the public to see who voted and how they voted on all the votes. If you really want term limits, you are going to have to act on what the body did tonight. If you think there is some correcting that needs to be done, it is up to you to do it.

I can assure you this, after having been here almost 100 days, that this body is not going to give in to the will of the people easily. There is plenty of blame to go around, and the numbers speak for themselves. Eighty percent of the Democratic Party voted against final passage on this bill. Eighty percent of the Republican Party voted for final passage. Those are pretty compelling numbers. However, to be honest, Mr. Speaker, there is shared blame here. The Republican Party needs to push term limits harder, from the bottom and the top. My class, 73 Republican freshmen, about 90, 95 percent of us believe in term limits and believe in it deeply. I admire people who disagree with me who have equally strong beliefs, and they do exist, but what we have to do as a party is to get more focused and make sure the bill does not get messed up in committee and have to explain our positions here and get off track.

I think we will learn something from tonight, that we will be more focused next year, and when the vote comes in the first part of the 105th Congress, that we will be more focused as a party and we will really, really push for term limits.

The good news is that people have voted, they are sort of out in the public's eye now, and you can determine who is with you and who is against you. The bad news is that the people who are not members of a term limits organization, and I do feel sorry for those people who are Members of term limits organizations that have worked so hard to get their message across, that it fell short, but the average, everyday citizen who is not a member of anything, other than maybe their church, who is trying to raise their kids, trying to make it through life, we let them down. That is what really bothers me the most.

The only hope that we have in changing this country, in my humble opinion, is to pass some form of term limits. I ran on four issues. I am the first Republican to be elected in 120 years in my district. I ran not so much on Republican-Democrat differences, and they are great, and I am very proud to be a Republican, but I ran on the idea of let us change Congress for the good of our country.

Let us have a balanced budget amendment and make sure both parties, regardless of who is in control, spend within their limits. Let us give the President of the United States, regardless of party, the line-item veto so he or she can strike from our budget pork barrel projects to get us reelected, which both parties can succumb to.

Let us make every law in the land apply to every Member of Congress, so we will understand what it is like to live in America, not just in Washington, DC, in a protected class.

The fourth institutional reform I ran on was term limits. After being up here 100 days, that is the cornerstone of reform. We need to have people come to this body with a different motivation, with a different mind-set. People should come here wanting to make the world where they came from better, not the world in Washington better for themselves. The game should not be ''How can I become a committee chairman or subcommittee chairman?'' The game should be ''How can I make my community better, how can I make my Nation better, and go home?''

There are so many people in America who have been denied the opportunity to serve in this body because when you are an incumbent, the money is great. I agree with the gentleman about lobbying reform and finance reform. I came from a State, South Carolina, where 18 people went to jail, who served in the General Assembly, for taking bribes. We have the strongest ethics law in the country. You can operate government and have reform, lobbying reform, campaign finance reform. I am for that.

However, the gentleman who just spoke misses the point for the needs of term limits. It works hand-in-hand. Money is a problem, but motivation is the real problem. People come up here and get trapped in the world which they become a part of, Washington, DC. It is unlike any world I have ever been in in my life. People spend money up here like you are not going to make it anymore. It is the most detached place I have ever been. It is so different from the world that I know.

The only way you are going to change our country, in my opinion, is to make sure that people come up here for a limited period of time and that they are working on improving the world from which they came.

Term limits, unfortunately, in many ways, is the only vehicle I know to bring that about. I am optimistic in 1996 that the votes of the American public will reflect the votes tonight, and that there will be a correlation between the people who defied the will of the American people in this body and those who get reelected on both sides of the aisle.

THE VOTE ON TERM LIMITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, I want to also join with my colleague, the gentleman from South Carolina, LINDSEY GRAHAM, who I think spoke eloquently about the fact that the fight is not over. We may have fallen short tonight by not having 290 votes, but we had 208 votes, which as compared to years ago when they had 107 votes, we are much closer to our goal.

The Contract With America pledged to the American people that the House Republicans would bring this to a floor vote, and we are pledged to getting a successful 290 votes. This is going to happen one day.

Remember what brought us to this point. Forty years of Democratic rule in the House has created an institution less accountable by the American people. The longer Members have served in Congress, the more removed they become to the people who elected them. That lack of accountability in prior Congresses forced an environment that resulted in corruption of the House bank and the House post office.

Those scandals, along with Congress' inability to balance the budget and control runaway deficit spending, have rallied a significant majority of the American people in support of term limits. Term limits will end careerism in Congress. The Founding Fathers never envisioned the House as a House of Lords, but rather as a citizen legislature.

Term limits provide real choices for voters. Term limits do not restrict voter choices. On the contrary, they create more choices. After California, for instance, passed its term limits in 1990 for State legislators, the number of candidates running for office increased by 40 percent.

The American people also overwhelmingly support term limits. That is why tonight we should have passed it. There should have been more Democratic support for this legislation. Eighty-three percent of the Republicans supported it and only 18 percent of the Democrats. Yet poll after poll shows overwhelming support for term limits, in some polls as high as 85 percent of the public. There are already 22 States that have adopted term limit laws.

Finally, I would say this, Madam Speaker. The term limit laws are already imposed on other political offices. There is legal precedent for this. The President is limited to two terms of offices. Thirty-five States impose term limits on their Governors, as they do in our State of Pennsylvania.

I would ask those listening tonight and those in the gallery and my colleagues who are still here in the Chamber and those in their offices, consider when this legislation is brought back up, if you were not part of the movement to make the change, please talk to your constituents, talk to your friends and neighbors, and realize that along with the kinds of reforms we are going to have with franking and the gift ban and with campaign reform, this is just one more reform that the American people want us to do, because they realize that Congress can be accountable and can be accessible, and with their help and God's, we will make the final reform of term limits.

AN IMPORTANT FACTOR IN TERM LIMITS: CHANGING PEOPLE'S ATTITUDES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, this has been a very historic day. For many years the Congress has wrestled with whether or not they would have an open vote under rules in which amendments could be offered to the whole issue of term limits.

I come to the Congress from the State of Minnesota, and having served 12 years in the Minnesota legislature, I became a late adapter to the whole notion of term limits. On the front of the House Chamber in the Minnesota House of Representatives, there is a sign in gold leaf. It says ''Vox Populorum est vox Dei.'' In Latin I guess that translates to the voice of the people is the voice of God.

Before I was in the legislature, I was in sales, and went to a number of sales training programs. One of the most important words in terms of changing human behavior is the word ''attitude.'' Before you can change people's behavior, you have to change their attitude. I think one of the most important arguments in favor of term limits is changing the word attitude or changing people's attitudes.

I think if people go to the Congress or if they go to the State legislature, if they go to the presidency, whatever the public office may be, if they know they are only going to serve for a limited amount of time, I think they go into that office with a much different attitude than if they see that as a lifelong career.

I think the American people are way out in front of us on this. I think in the final analysis they will prevail. In fact, the late Senator Everett Dirksen perhaps said it best when he said ''The more I feel the heat, the more I see the light.'' I think more and more Members of Congress now are beginning to feel the heat from the American people, and they are beginning to see the light.

Am I disappointed, I would ask the gentleman from South Carolina [Mr. GRAHAM], in the outcome tonight? To be sure, I am. I thought we were going to do much better. As a matter of fact I am an incurable optimist, and I thought if we could ever get this item up for a vote, the pressure of the American people alone would cause us to vote for it.

This is only round one in what will probably be a 15-round fight. I am reminded again when I think of the people of the immortal poem of Carl Sandburg. He wrote the poem ''The People, Yes.'' He said ''The people will live on. The learning and blundering people will live on. They will be tricked and sold, and again sold, and return to the nourishing earth for root holds. The people, so amazing in their resiliency, you can't laugh off their capacity to take it.''

Well, the people have been tricked and the people have been sold, and the people will be tricked and sold again, but sooner or later, the people will prevail. The people of this country will stand loudly and strongly on the next election and they will say ''We want people to go to Washington who will vote for term limits.''

I believe and I predict that if we don't pass term limits yet in this session of the Congress, they will be passed in the 105th Congress, because I believe the Speaker was correct. It was not a hollow threat. I think he was only stating fact, that sooner or later the will of the people will prevail. As Sandburg said, ''The People, Yes.''

The SPEAKER pro tempore. There being no designee of the majority leader, under the Speaker's announced policy of January 4, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes as the designee of the minority leader.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 60 minutes.

[Mr. SANDERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes.

[Mr. SCARBOROUGH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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. BECERRA) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.
Mr. MFUME, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mrs. MALONEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. POSHARD, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. FORBES, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, on March 30.
Mr. BEREUTER, for 5 minutes, on March 30.
Mr. KIM, for 5 minutes, today.
Mr. RIGGS, for 5 minutes each day, on today and March 30.
Mr. LONGLEY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WISE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GRAHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. GUTKNECHT, 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. BECERRA) and to include extraneous matter:)

Mr. NEAL.
Mr. ROMERO-BARCELÓ.
Ms. RIVERS.
Mr. HAMILTON.
Mr. STOKES.
Mrs. MEEK of Florida in three instances.
Mr. GIBBONS.
Mr. ENGEL in two instances.
Mr. HOYER.
Mr. MONTGOMERY.
Mr. BERMAN.
Ms. LOFGREN.
Mr. ACKERMAN.
Mr. KILDEE.
Mr. SANDERS.
Mr. JACOBS.
Mr. MANTON.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. DAVIS.
Mr. GILMAN.
Mr. BILIRAKIS.
Mr. PACKARD.
Mr. LAZIO of New York.
Mr. WALSH.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Ms. FURSE.
Mr. FILNER.
Mr. KLECZKA.

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ADJOURNMENT

Mr. GRAHAM. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Thursday, March 30, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

636. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, ''National Defense Technology and Industrial Base, Defense Reinvestment, and Defense Conversion''; to the Committee on National Security.

637. A letter from the Comptroller of the Currency, transmitting the annual report on enforcement actions taken by the Office of the Comptroller of the Currency during the 12-month period ending December 31, 1994, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

638. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend the authorization of appropriations for programs under the Native American Programs Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Economic and Educational Opportunities.

639. A letter from the Secretary of Commerce, transmitting the Department's final spectrum reallocation report, pursuant to title VI of the Omnibus Budget Reconciliation Act of 1993; to the Committee on Commerce.

640. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to the Netherlands (Transmittal No. 16–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

641. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 95–17: Drawdown of Commodities and Services from the Inventory and Resources of the Department of Defense to Support Activities of the Palestinian Police Force, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

642. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. C–95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1) AECA certification 93–22 of June 24, 1993, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

643. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department has authorized danger pay for DEA employees assigned to Colombia, Bolivia, Peru, and Mexico, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

644. A letter from the Federal Housing Finance Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

645. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the annual report on the status of the Board's audit and investigative coverage, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Government Reform and Oversight.

646. A letter from the General Counsel, Department of Commerce, transmitting a draft of proposed legislation entitled, the ''Patent Reexamination Reform Act of 1995''; to the Committee on the Judiciary.

647. A letter from the Director, Federal Judicial Center, transmitting the Federal Judicial Center's annual report for 1994, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

648. A letter from the Director, U.S. Office of Personnel Management, transmitting OPM's report on actions taken to implement the metric system of measurement, pursuant to Public Law 100–418, section 5164(c) (102 Stat. 1452); to the Committee on Science.

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. ARCHER: Committee of conference. Conference report on H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–92). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 121. Resolution waiving points of order against the conference report to accompany the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–93). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1271. A bill to provide protection for family privacy; with an amendment (Rept. 104–94). 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. BURTON of Indiana:

H.R. 1344. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a research program to evaluate technology for depositing certain waste on the deep ocean seabed; to the Committee on Science, and in addition to the Committee on Resources, 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. DAVIS (for himself, Ms. NORTON, Mr. WALSH, Mr. DIXON, Mr. CLINGER, Mrs. COLLINS of Illinois, Mr. MCHUGH, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. FLANAGAN, Mr. FATTAH, Miss COLLINS of Michigan, Mr. WOLF, Mr. MORAN, Mrs. MORELLA, and Mr. WYNN):

H.R. 1345. A bill to eliminate budget deficits and management inefficiencies in the government of the District of Columbia through the establishment of the District of Columbia Financial Responsibility and Management Assistance Authority, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. SPENCE (for himself, Mr. DELLUMS, Mr. BATEMAN, and Mr. TAYLOR of Mississippi) (all by request):

H.R. 1346. A bill to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936; to the Committee on National Security.

H.R. 1347. A bill to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on National Security.

H.R. 1348. A bill to amend the Panama Canal Act of 1979 to reconstitute the Panama Canal Commission as a United States Government corporation, and for other purposes; to the Committee on National Security.

H.R. 1349. A bill to authorize expenditures for fiscal year 1996 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on National Security.

By Mr. SPENCE (for himself, Mr. DELLUMS, and Mr. BATEMAN) (all by request):

H.R. 1350. A bill to amend the Merchant Marine Act, 1936 to revitalize the U.S.-flag merchant marine, and for other purposes; to the Committee on National Security.

By Ms. DANNER (for herself, Mr. EMERSON, Mr. SKELTON, Mr. TALENT, Mr. VOLKMER, and Mr. HANCOCK):

H.R. 1351. A bill to ensure the primary principle and priority of the Missouri River system focus on the control of water relative to navigation and flood control, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. DE LA GARZA (for himself, Mr. ROBERTS, Mr. EMERSON, Mr. CONDIT, Mr. STENHOLM, Mr. BOEHNER, Mrs. THURMAN, Mr. CANADY, Mr. ROSE, Mr. EWING, Mr. DOOLEY, and Mr. POMEROY):

H.R. 1352. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to the minor use of a pesticide; to the Committee on Agriculture.

By Mr. MINGE (for himself, Mr. DICKEY, Mr. SHAYS, Mr. KLUG, Mr. BARRETT of Wisconsin, Mr. MCHALE, Mr. CASTLE, Mr. DEAL of Georgia, and Mrs. WALDHOLTZ):

H.R. 1353. A bill to amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally; 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. PAYNE of New Jersey:

H.R. 1354. A bill to eliminate the Department of Agriculture and certain agricultural programs, to transfer other agricultural programs to an agribusiness block grant program and other Federal agencies, and for other purposes; to the Committee on Agriculture, 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. SANDERS:

H.R. 1355. A bill to amend the National Labor Relations Act, to establish the National Public Employment Relations Commission, and to amend title I of the Employment Retirement Income Security Act of 1974 to provide for joint trusteeship of single-employer pension plans; to the Committee on Economic and Educational Opportunities.

By Mr. SANDERS (for himself, Mr. HINCHEY, Ms. MCKINNEY, Mr. DEFAZIO, and Ms. VELAZQUEZ):

H.R. 1356. A bill to amend the Ethics in Government Act of 1978 to strengthen financial disclosure requirements, and for other purposes; to the Committee on Rules, and in addition to the Committee on House 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. SANDERS:

H.R. 1357. A bill to provide certain employee protection benefits for railroad employees; to the Committee on Transportation and Infrastructure.

By Mr. TORKILDSEN:

H.R. 1358. A bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, MA; to the Committee on Resources.

By Mr. HOYER (for himself, Mr. HYDE, Mr. BERMAN, Mr. SKAGGS, Mr. SENSENBRENNER, Mr. GIBBONS, Mr. WILSON, Mr. OXLEY, Mr. SABO, Mr. FRANK of Massachusetts, and Mr. PALLONE):

H.J. Res. 81. Joint resolution proposing an amendment to the Constitution of the United States repealing the 22d article of amendment to the Constitution; to the Committee on the Judiciary.

By Mr. MASCARA:

H.J. Res. 82. Joint resolution proposing an amendment to the Constitution of the United States relating to the terms of office of Senators, Representatives, and the President and Vice President; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. SOLOMON, Mr. TORRICELLI, and Mr. ACKERMAN):

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the United States; to the Committee on International Relations.

By Mr. STEARNS:

H. Res. 120. Resolution expressing the sense of the House of Representatives regarding American citizens held in Iraq; to the Committee on International Relations.

By Mr. GORDON:

H. Res. 122. Resolution expressing the sense of the House of Representatives that the levels for higher education financial aid programs should not be reduced; to the Committee on Economic and Educational Opportunities.

By Mr. ROHRABACHER (for himself, Mr. TORRES, Mr. MORAN, Mr. BURTON of Indiana, Mr. PAXON, Mr. CALVERT, Mr. WILSON, and Mr. NETHERCUTT):

H. Res. 123. Resolution relating to the conflict in Kashmir; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. TORKILDSEN introduced a bill (H.R. 1359) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Triad*; which was referred 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:

[Omitted from the Record of March 28, 1995]

H.R. 849: Mr. PETERSON of Minnesota.

[Submitted March 29, 1995]

H.R. 65: Mr. SAXTON.

H.R. 95: Mr. HOLDEN.

H.R. 103: Mr. COOLEY, Mr. HILLIARD, and Mr. PICKETT.

H.R. 127: Mr. LEWIS of Georgia and Mr. MARKEY.

H.R. 218: Mr. WELDON of Pennsylvania.

H.R. 303: Mr. SAXTON.

H.R. 311: Mr. LUTHER.

H.R. 312: Mr. LUTHER.

H.R. 326: Mr. TORKILDSEN.

H.R. 467: Mr. STEARNS.

H.R. 485: Mr. TAYLOR of North Carolina.

H.R. 500: Mr. ALLARD, Mr. BLILEY, Mr. COMBEST, Mr. CREMEANS, Mr. EVERETT, and Mr. SOUDER.

H.R. 530: Mrs. LINCOLN, Mr. WELLER, Mr. BACHUS, and Mr. CHRISTENSEN.

H.R. 582: Mr. ENGLISH of Pennsylvania.

H.R. 592: Mr. TAYLOR of North Carolina and Mr. SHADEGG.

H.R. 731: Mr. FRAZER, Mr. CLYBURN, Mr. JEFFERSON, Mr. THOMPSON, Mr. SCOTT, Ms. BROWN of Florida, Mr. DIXON, Mr. MFUME, Ms. NORTON, Mr. BISHOP, Mr. FATTAH, Mrs. CLAYTON, Ms. JACKSON-LEE, Mr. TUCKER, Mr. FLAKE, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. HILLIARD, Ms. WATERS, Mr. CLAY, Mr. PAYNE of New Jersey, Mr. WYNN, and Mr. OWENS.

H.R. 797: Mr. MARTINEZ, Mr. UNDERWOOD, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. EVANS, and Ms. RIVERS.

H.R. 801: Ms. DELAURO and Mr. OBERSTAR.

H.R. 804: Mr. CANADY.

H.R. 820: Mr. SENSENBRENNER, Mr. SCARBOROUGH, Mr. CLYBURN, and Mr. DUNCAN.

H.R. 833: Mr. BEILENSON.

H.R. 843: Mr. ENSIGN and Mr. ENGLISH of Pennsylvania.

H.R. 860: Mr. LINDER.

H.R. 932: Mr. MCHUGH.

H.R. 940: Mr. TORRES and Mr. ENGEL.

H.R. 941: Mr. HILLIARD, Mr. FATTAH, Mr. CLEMENT, and Mrs. MINK of Hawaii.

H.R. 967: Mrs. LOWEY and Mr. EVANS.

H.R. 997: Mr. FILNER.

H.R. 1024: Mr. BURTON of Indiana.

H.R. 1033: Mr. FOX and Mr. SHAYS.

H.R. 1073: Mrs. LOWEY, Mr. DEFAZIO, Mr. FROST, Ms. MOLINARI, Mr. TEJEDA, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1074: Ms. LOWEY, Mr. DEFAZIO, Mr. ABERCROMBIE, Ms. RIVERS, Mr. DELLUMS, Mr. FOGLIETTA, and Mr. EVANS.

H.R. 1085: Mr. DAVIS.

H.R. 1090: Mr. DEUTSCH.

H.R. 1103: Mr. RADANOVICH and Mr. HASTINGS of Florida.

H.R. 1118: Mr. HANCOCK and Mr. KIM.

H.R. 1127: Mr. WELLER and Mr. BROWN of Ohio.

H.R. 1143: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1144: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1145: Mrs. KELLY and Mr. HUTCHINSON.

H.R. 1150: Ms. NORTON.

H.R. 1233: Mr. COLEMAN, Ms. ESHOO, Mr. FATTAH, Ms. FURSE, Mr. HINCHEY, Mr. LIPINSKI, Mr. UNDERWOOD, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.R. 1256: Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. PAYNE of New Jersey.

H.R. 1258: Ms. MCKINNEY, Mr. HASTINGS of Florida, Mrs. CLAYTON, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SCOTT, Mr. OWENS, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TUCKER, and Mr. FROST.

H.R. 1278: Mr. JACOBS, Mr. MEEHAN, Mr. DEUTSCH, Mr. ROMERO-BARCELO, Mr. UNDERWOOD, Ms. WOOLSEY, Mr. LIPINSKI, and Mr. DEFAZIO.

H.R. 1302: Mr. CLYBURN, Ms. ESHOO, Mr. BOUCHER, Ms. FURSE, Mr. JEFFERSON, and Mrs. MINK of Hawaii.

H.J. Res. 79: Mr. EWING.

H. Con. Res. 5: Mr. LEWIS of Kentucky, Mr. LUCAS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 12: Mr. YOUNG of Alaska.

H. Con. Res. 23: Mr. DEAL of Georgia, Mr. LIGHTFOOT, Mr. STUDDS, Mr. WATT of North Carolina, Mr. ROBERTS, Mr. BOEHLERT, Mr. TANNER, Mr. TORKILDSEN, Mrs. KELLY. Mr. MINGE, Mr. ENGLE, and Mr. SMITH of New Jersey.

H. Res. 21: Mr. PETERSON of Minnesota, Mr. MINGE, and Mr. FILNER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1215

OFFERED BY: MR. GOODLING

AMENDMENT NO. 3: In section 23 of the Internal Revenue Code of 1986 (relating to family tax credit), as proposed to be added by section 101 of the bill—

(1) strike ''$200,000'' each place it appears and insert ''$95,000'',

(2) strike ''100 times'' in subsection (b)(2) of such section 23 and insert ''50 times'',

(3) strike subsection (d) of such section 23 (relating to inflation adjustment), and

(4) redesignate subsection (e) as subsection (d).

H.R. 1215

OFFERED BY: MR. SANDERS

AMENDMENT NO. 4: Strike sections 103 and 104 of the bill and insert after section 102 the following new subtitle (and conform the table of contents accordingly):

Subtitle B—Middle Class Flexible Savings

SEC. 111. HIGHER MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS; INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND PHASEOUT LIMITS.

(a) HIGHER MAXIMUM IRA DEDUCTION.—

(1) IN GENERAL.—The following provisions of the Internal Revenue Code of 1986 are each amended by striking ''$2,000'' and inserting ''$3,000'':

(A) Subsections (b)(1)(A) and (c)(2) of section 219.

(B) Subsections (a)(1), (b), and (j) of section 408.

(2) CONFORMING AMENDMENT.—Sections 219(c)(2) and 408(d)(5) are each amended by striking ''$2,250'' and inserting ''$3,500''.

(b) HIGHER INCOME PHASEOUT LIMITS.—

(1) Subparagraph (B) of section 219(g)(3) is amended—

(A) by striking ''$40,000'' and inserting ''$60,000'', and

(B) by striking ''$25,000'' and inserting ''$40,000''.

(2) Clause (ii) of section 219(g)(2)(A) is amended to read as follows:

''(ii) $15,000.''

(c) INFLATION ADJUSTMENT OF MAXIMUM IRA DEDUCTION AND INCOME PHASEOUT LIMITS.—Section 219 is amended by inserting after subsection (f) the following new subsection:

''(g) INFLATION ADJUSTMENT OF MAXIMUM DEDUCTION AND INCOME PHASEOUT LIMITS.—

''(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, each applicable dollar amount shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) APPLICABLE DOLLAR AMOUNT.—For purposes of paragraph (1), the term 'applicable dollar amount' means—

''(A) the $3,000 amount in subsections (b)(1)(A), (c)(2), and (c)(3) of this section and in subsections (a)(1), (b) and (j) of section 408,

''(B) the $3,500 amount in subsection (c)(2) of this section and in section 408(d)(5),

''(C) the $60,000 and $40,000 amounts in subsection (g)(3)(B), and

''(D) the $15,000 amount in subsection (g)(2)(A)(ii).

''(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 112. IRA FOR NONWORKING SPOUSE WITH YOUNG CHILDREN COMPUTED ON BASIS OF COMPENSATION OF BOTH SPOUSES.

''(a) IN GENERAL.—Subsection (c) of section 219 (relating to special rules for certain married individuals) is amended by adding at the end thereof the following new paragraph:

''(3) HIGHER LIMIT FOR SPOUSE WITH YOUNG CHILDREN.—

''(A) IN GENERAL.—In the case of a qualifying spouse, the amount allowable as a deduction under paragraph (1) shall not exceed the lesser of—

''(i) $3,000, or

''(ii) the sum of—

''(I) the compensation includible in such individual's gross income for the taxable year, plus

''(II) the compensation includible in the gross income of such individual's spouse for the taxable year reduced by the amount allowable as a deduction under subsection (a) to such spouse for such taxable year.

''(B) QUALIFYING SPOUSE.—For purposes of subparagraph (A), the term 'qualifying spouse' means any spouse of an individual if—

''(i) such individual and spouse file a joint return for the taxable year,

''(ii) such spouse has less than $1,000 of compensation (determined without regard to section 911) for the taxable year, and

''(iii) such spouse has a child (as defined in section 151(c)(3)) who has not attained age 6

as of the close of such taxable year and who is a dependent (as defined in section 152) of the taxpayer for such year.''

''(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 113. PENALTY-FREE WITHDRAWALS FROM CERTAIN PLANS TO PAY EDUCATIONAL EXPENSES, MEDICAL EXPENSES, BUSINESS START-UP EXPENSES, AND FIRST-TIME HOMEBUYER EXPENSES.

''(a) EDUCATIONAL EXPENSES AND BUSINESS STARTUP EXPENSES.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

''(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR EDUCATIONAL EXPENSES AND BUSINESS START-UP EXPENSES.—

''(i) IN GENERAL.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii) to the extent such distributions do not exceed the sum of—

''(I) the qualified higher education expenses (as defined in paragraph (6)) of the taxpayer for the taxable year, and

''(II) the start-up expenditures (as defined in section 195(c)) of the taxpayer for the taxable year.

''(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

''(I) $60,000 in the case of an unmarried individual,

''(II) $80,000 in the case of a joint return, and

''(III) $40,000 in the case of a married individual filing a separate return.''

(2) QUALIFIED HIGHER EDUCATION EXPENSES DEFINED.—Section 72(t) is amended by adding at the end thereof the following new paragraph:

''(6) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)—

''(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

''(i) the taxpayer,

''(ii) the taxpayer's spouse, or

''(iii) a child (as defined in section 151(c)(3)) of the taxpayer,

at an eligible educational institution (as defined in section 135(c)(3)).

''(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.''

(b) CATASTROPHIC ILLNESS EXPENSES.—Subparagraph (A) of section 72(t)(3) is amended to read as follows:

''(A) CERTAIN EXCEPTIONS NOT TO APPLY TO INDIVIDUAL RETIREMENT PLANS.—

''(i) IN GENERAL.—Except as provided in clause (ii), subparagraphs (A)(v), (B), and (C) of paragraph (2) shall not apply to distributions from an individual retirement plan.

''(ii) DISTRIBUTIONS FOR MEDICAL EXPENSES FROM CERTAIN INDIVIDUAL RETIREMENT PLANS.—Subparagraph (B) of paragraph (2) shall apply to distributions from an individual retirment plan if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed the applicable limitation under paragraph (2)(D).''

(c) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

''(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

''(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

''(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year.''

(d) EXPENSES FOR FIRST-TIME HOMEBUYERS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new subparagraph:

''(F) DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR FIRST-TIME HOMEBUYERS.—

''(i) IN GENERAL.—Distributions to an individual from an individual retirement plan which are qualified first-time homebuyer distributions (as defined in paragraph (7)).

''(ii) ADJUSTED GROSS INCOME LIMIT.—Clause (i) shall apply to distributions from an individual retirement plan only if the adjusted gross income of the distributee for the taxable year in which the distribution occurs does not exceed—

''(I) $60,000 in the case of an unmarried individual,

''(II) $80,000 in the case of a joint return, and

''(III) $40,000 in the case of a married individual filing a separate return.''

(2) DEFINITION.—Section 72(t) (as amended by the preceding provisions of this section) is amended further by adding at the end the following new paragraph:

''(7) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(F)(i)—

''(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or such individual's spouse.

''(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

''(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 10-year period ending on the date of acquisition of the principal residence to which this paragraph applies.

''(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

'(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

''(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

''(II) on which construction or reconstruction of such a principal residence is commenced.

''(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

''(i) section 408(d)(3)(B) shall not be applied to such contribution, and

''(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.''

(e) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) is amended by striking ''or'' at the end of subclause (III), by striking ''and'' at the end of subclause (IV) and inserting ''or'', and by inserting after subclause (IV) the following new subclause:

''(V) the date on which distributions for qualified higher education expenses (as defined in section 72(t)(6)) or start-up expenses (as defined in section 195(c)) or qualified first-time homebuyer distributions (as defined in section 72(t)(7)(A)) are made, and''.

(2) Section 403(b)(11) is amended by striking ''or'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', or'', and by inserting after subparagraph (B) the following new subparagraph:

''(C) for the payment of qualified higher education expenses (as defined in section 72(t)(6)), start-up expenses (as defined in section 195(c)), or qualified acquisition costs (as defined in section 72(t)(7)) with respect to a principal residence (as so defined) of a first-time homebuyer (as so defined).''

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

After the title heading for title I of the bill insert the following (and conform the table of contents accordingly):

Subtitle A—Family Tax Credit; Credit to Reduce Marriage Penalty

At the end of title III of the bill insert the following new subtitle:

Subtitle F—Minimum Tax on Foreign and Foreign-Owned Corporations

SEC. 361. MINIMUM TAX ON FOREIGN AND FOREIGN-OWNED CORPORATIONS.

(a) IN GENERAL.—Subchapter A of chapter 1 (relating to determination of tax liability) is amended by adding at the end thereof the following new part:

''PART VIII—MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS

''Sec. 59B. Minimum tax on certain foreign and foreign-owned corporations.

''SEC. 59B. MINIMUM TAX ON CERTAIN FOREIGN AND FOREIGN-OWNED CORPORATIONS.

''(a) IMPOSITION OF TAX.—In the case of a corporation to which this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to the excess (if any) of—

''(1) 35 percent of the product of—

''(A) 9 percent, and

''(B) an amount equal to 75 percent of the gross receipts of the taxpayer from the sale or leasing of property manufactured by the taxpayer or by any foreign person that is a related party of the taxpayer, over

''(2) the aggregate tax imposed under sections 11, 55, and 1201 for such year.

''(b) TAXPAYERS TO WHICH SECTION APPLIES.—This section shall apply to a corporation for the taxable year if—

''(1) such corporation is—

''(A) a domestic corporation which is 25-percent foreign-owned, or

''(B) a foreign corporation engaged in a trade or business within the United States, and

''(2) the gross receipts from the sale or leasing of property manufactured by the such corporation or by any foreign person that is a related party of such corporation are greater than the lesser of—

''(A) $2,000,000, or

''(B) an amount equal to 10 percent of the total gross receipts of such corporation.

''(c) DEFINITIONS.—For purposes of this section, the term '25-percent foreign-owned', 'foreign person', and 'related party' have the respective meanings given such terms by section 6038A(c).''

(b) CLERICAL AMENDMENT.—The table of parts for such subchapter A is amended by adding at the end thereof the following new item:

''Part VIII. Minimum tax on certain foreign and foreign-owned corporations.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

H.R. 1215

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5; At the end of title III of the bill insert the following new subtitle (and conform the table of contents accordingly):

Subtitle F—Investment for America

SEC. 361. REINSTATEMENT OF 10-PERCENT DOMESTIC INVESTMENT TAX CREDIT.

(a) ALLOWANCE OF CREDIT.—Section 46 (relating to amount of investment credit) is amended by striking ''and'' at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting '', and'', and by adding at the end thereof the following new paragraph:

''(4) the domestic investment credit.''

(b) AMOUNT OF CREDIT.—Section 48 is amended by adding at the end thereof the following new subsection:

''(c) DOMESTIC INVESTMENT CREDIT.—

''(1) IN GENERAL.—For purposes of section 46, the domestic investment credit for any taxable year is an amount equal to 10 percent of the qualified investment for such taxable year.

''(2) QUALIFIED INVESTMENT.—

''(A) IN GENERAL.—For purposes of paragraph (1), the qualified investment for any taxable year is the aggregate of—

''(i) the applicable percentage of the basis of each new domestic section 38 property placed in service by the taxpayer during such taxable year, plus

''(ii) the applicable percentage of the cost of each used domestic section 38 property placed in service by the taxpayer during such taxable year.

''(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage for any property shall be determined under paragraphs (2) and (7) of section 46(c) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

''(C) CERTAIN RULES MADE APPLICABLE.—The provisions of subsections (b) and (c) of section 48 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this paragraph.

''(3) DOMESTIC SECTION 38 PROPERTY.—For purposes of this subsection, the term 'domestic section 38 property' means any section 38 property if—

''(A) the property was completed in the United States, and

''(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

For purposes of the preceding sentence, the term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

''(4) SECTION 38 PROPERTY.—For purposes of this subsection, the term 'section 38 property' means—

''(A) tangible personal property (other than an air conditioning or heating unit), or

''(B) other tangible property (not including a building and its structural components) but only if such property—

''(i) is used as an integral part of manufacturing, production, or extraction or of furnishing transportation, communications, electrical energy, gas, water, or sewage disposal services, or

''(ii) constitutes a research facility used in connection with any of the activities referred to in clause (i), or

''(iii) constitutes a facility used in connection with any of the activities referred to in clause (i) for the bulk storage of fungible commodities (including commodities in a liquid or gaseous state), or

''(C) elevators and escalators, but only if—

''(i) the construction, reconstruction, or erection of the elevator or escalator is completed by the taxpayer, or

''(ii) the original use of such elevator or escalator commences with the taxpayer, or

''(D) single purpose agricultural or horticultural structures; or

''(E) a storage facility (not including a building and its structural components) used in connection with the distribution of petroleum or any primary product of petroleum.

Such term includes only property to which section 168 applies without regard to any useful life and any other property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and having a useful life (determined as of the time such property is placed in service) of 3 years or more.

''(5) COORDINATION WITH OTHER CREDITS.—This subsection shall not apply to any property to which the energy credit or rehabilitation credit would apply unless the taxpayer elects to waive the application of such credits to such property.

''(6) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to rules of subsection (c)(4) and (d) of section 46 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this subsection.''

(c) TECHNICAL AMENDMENTS.—

(1) Subparagraph (C) of section 49(a)(1) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end thereof the following new clause:

''(iv) the basis of any new domestic section 38 property and the cost of any used domestic section 38 property.''

(2) Subparagraph (E) of section 50(a)(2) is amended by inserting ''or 48(c)(6)'' before the period at the end thereof.

(3) Paragraph (5) of section 50(a) is amended by adding at the end thereof the following new subparagraph:

''(D) SPECIAL RULES FOR CERTAIN PROPERTY.—In the case of any domestic section 38 property which is 3-year property (within the meaning of section 168(e))—

''(i) the percentage set forth in clause (ii) of the table contained in paragraph (1)(B) shall be 66 percent,

''(ii) the percentage set forth in clause (iii) of such table shall be 33 percent, and

''(iii) clauses (iv) and (v) of such table shall not apply.''

(4)(A) The section heading for section 48 is amended to read as follows:

''SEC. 48. OTHER CREDITS.''

(B) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 48 and inserting the following:

''Sec. 48. Other credits.''

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 1994, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 362. CREDIT FOR PURCHASES OF DOMESTIC DURABLE GOODS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

''SEC. 25C. PURCHASES OF DOMESTIC DURABLE GOODS.

''(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the aggregate amount paid during the taxable year for the purchase of domestic durable goods.

''(b) DOMESTIC DURABLE GOODS.—For purposes of this section—

''(1) IN GENERAL.—The term 'domestic durable good' means any durable good if—

''(A) the property was completed in the United States, and

''(B) more than 50 percent of the basis of the property is attributable to value added within the United States.

''(2) UNITED STATES.—The term 'United States' includes the Commonwealth of Puerto Rico and the possessions of the United States.

''(c) LIMITATION.—The amount of the credit allowed under subsection (a) for any taxable year shall not exceed $1,000.''

(b) CONFORMING AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25B the following new item:

''Sec. 25C. Purchases of domestic durable goods.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 363. CREDIT FOR CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 25C the following new section:

''SEC. 25D. CERTAIN COSTS INCURRED IN PURCHASING AN AMERICAN-MADE PASSENGER VEHICLE.

''(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified payments made by the taxpayer during such year.

''(b) QUALIFIED PAYMENTS.—For purposes of this section, the term 'qualified payments' means any payment of—

''(1) any State or local sales tax imposed on the purchase by the taxpayer of any qualified automobile, and

''(2) any interest on any loan which is secured by a qualified automobile and which was incurred by the taxpayer to purchase such automobile.

''(c) QUALIFIED AUTOMOBILE.—For purposes of this section, the term 'qualified automobile' means any automobile (as defined in section 4064(b))—

''(1) which is purchased after December 31, 1994,

''(2) which is domestically produced,

''(3) the original use of which begins with the taxpayer, and

''(4) substantially all of the use of which is for personal, nonbusiness purposes.

For purposes of the preceding sentence, an automobile is domestically produced if more than 50 percent of the automobile is produced in the United States and its final assembly occurs in the United States.

''(d) DENIAL OF DOUBLE BENEFIT.—No deduction or credit shall be allowed under any other provision of this title for any payment for which a credit is allowable under this section.''

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 25C the following new item:

''Sec. 25D. Certain costs incurred in purchasing an American-made passenger vehicle.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 1994.

SEC. 364. PLACEMENT OF MADE IN AMERICA LABELS ON PRODUCTS.

(a) REQUIREMENTS FOR USE OF LABELS.—No product may bear a label which states or suggests that the product was made in America unless—

(1) the product has been registered with the Department of Commerce under subsection (b); and

(2) the Secretary of Commerce has determined that—

(A) 60 percent of the product was manufactured in the United States; and

(B) final assembly of the product took place in the United States.

(b) REGISTRY OF AMERICAN-MADE PRODUCTS.—Not later than 12 months after the Secretary has promulgated regulations regarding the registration of products with the Department of Commerce under this section, a person shall register with the Department of Commerce any product on which there is or will be affixed a label which states or suggests that the product was made in America.

(c) PENALTIES FOR FRAUDULENT USE OF LABELS.—

(1) CIVIL FINE.—Any person who, with an intent to defraud or mislead, places on a product a label which states or suggests that the product was ''made in America'' in violation of this section may be assessed a civil penalty by the Secretary of not more than $100,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. The validity of such order may not be reviewed in an action to collect such civil penalty.

(2) INJUNCTIVE RELIEF.—The Secretary may bring an action to enjoin the violation of, or to compel compliance with, this section, whenever the Secretary believes that such a violation has occurred or is about to occur.

(d) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall promulgate regulations establishing procedures under which a person shall register a product under this section.

(e) DEFINITIONS.—For purposes of this section:

(1) LABEL.—The term ''label'' means any written, printed, or graphic matter on, or attached to, a product or any of its containers or wrappers.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.

H.R. 1215

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6: Strike subtitles A and B of title III of the bill (other than section 322) and insert the following (and conform the table of contents accordingly):

Subtitle A—Reduction of Tax on Capital Gain If Proceeds Used To Purchase Public Debt Obligations

SEC. 301. REDUCTION OF TAX ON CAPITAL GAIN IF PROCEEDS USED TO PURCHASE PUBLIC DEBT OBLIGATIONS.

(a) IN GENERAL.—Subsection (h) of section 1 (relating to maximum capital gains rate) is amended to read as follows:

''(h) MAXIMUM CAPITAL GAINS RATE.—

''(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

''(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

''(i) taxable income reduced by the amount of the net capital gain, or