

Pelosi  
Pomeroy  
Poshard  
Rahall  
Rangel  
Reed  
Richardson  
Rivers  
Roemer  
Rose  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Saxton  
Schiff  
Schroeder  
Schumer

Scott  
Serrano  
Skaggs  
Skelton  
Slaughter  
Smith (NJ)  
Spratt  
Stark  
Stokes  
Studds  
Stupak  
Tanner  
Tejeda  
Thompson  
Torkildsen  
Torres  
Torricelli  
Towns

Velazquez  
Vento  
Viscosky  
Volkmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Whitfield  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

Chapman  
Fields (LA)  
Gutknecht  
Montgomery

Peterson (FL)  
Sawyer  
Shadegg  
Thornton

Thurman  
Tucker  
Weldon (PA)

## NOT VOTING—11

□ 1220

Messrs. METCALF, LIGHTFOOT, FRISA, KING, KOLBE, HOEKSTRA, and BOEHLER changed their vote from "yea" to "nay."

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

So the motion to instruct was not agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 956:

From the Committee on the Judiciary, for consideration of the House Bill, and the Senate amendment, and modifications committed to conference: Messrs. HYDE, SENSENBRENNER, GEKAS, INGLIS of South Carolina, BRYANT of Tennessee, Mr. CONYERS, Mrs. SCHROEDER, and Mr. BERMAN.

As additional conferees from the Committee on Commerce, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. BLILEY, OXLEY, COX of California, DINGELL, and WYDEN.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2586, TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 258 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 258

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2586) to provide for a temporary increase in the public debt limit, and for other purposes. The following amendments shall be considered as adopted: (1) the amendment recommended by the Committee on Ways and Means now printed in the bill; and (2) the amendments specified in the report of the Committee on Rules accompanying this resolution. The previous question shall be considered as ordered on the bill, as amended, and any amendments thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, which shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for twenty minutes equally divided and controlled by the proponent and an opponent; (3) one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit, which may include in-

structions only if offered by the minority leader or his designee. During consideration of the bill, no question shall be subject to a demand for division of the question.

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

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks and to include extraneous material.)

Mr. SOLOMON. Mr. Speaker, House Resolution 258 is a modified closed rule providing for the consideration in the House without intervening point of order of the bill, H.R. 2586, providing for a temporary increase in the public debt limit.

Mr. Speaker, the rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority members of the Committee on Ways and Means. The rule provides for the adoption of the amendment reported by the Committee on Ways and Means now printed in the bill together with four other amendments specified in the Committee on Rules report.

Those amendments include—and Members ought to listen up, if they are back in their offices—the amendments include, one that I authored that commits the President of the United States and this Congress to enact legislation this year that will achieve a balanced budget no later than fiscal year 2002. Moreover, my amendment affirms that the Congress will not, and this is important, will not enact another increase in the public debt limit until the President has signed that balanced budget legislation into law.

The second amendment is one nearly identical to the one that was contained in the short-term continuing appropriations resolution. It will permit Medicare coverage of certain anti-cancer oral drug treatments for prostate and breast cancer.

The third amendment adopted by this rule is a habeas corpus or death penalty reform provision, taken from the Senate-passed anti-terrorism bill, a long overdue change in the now endless appeals system that is preventing the execution of those who are convicted murderers.

The fourth amendment, authored by the gentleman from Michigan [Mr. CHRYSLER] and developed by many committees of this House, is legislation to eliminate a major Cabinet department, the Department of Commerce, the first time that has happened in 40 years.

Mr. Speaker, in addition to those four amendments, the rule makes in order consideration of a regulatory reform amendment to be offered by the

## NAYS—231

Allard  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Billirakis  
Bliley  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Brewster  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chrysler  
Clinger  
Coburn  
Collins (GA)  
Combest  
Cooley  
Cox  
Crane  
Crapo  
Cremeans  
Cubin  
Cunningham  
Davis  
Deal  
DeLay  
Dickey  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen

Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gilman  
Goodlatte  
Goodling  
Goss  
Graham  
Greenwood  
Gunderson  
Hall (TX)  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Inglis  
Johnson (CT)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
Longley  
Lucas  
Manzullo  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McIntosh  
McKeon  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Molinari  
Moorhead  
Morella  
Myers

Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Parker  
Paxon  
Payne (VA)  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Scarborough  
Schaefer  
Seastrand  
Sensenbrenner  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Smith (MI)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Tiahrt  
Trafigant  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weller  
White  
Wicker  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

gentleman from Pennsylvania [Mr. WALKER]. That amendment, which is debatable for 40 minutes, is a compromise between already passed House and Senate regulatory bills that are aimed at bringing commonsense relief to American businesses that are so saddled with bureaucratic red tape and needless regulations.

The rule also allows for the chairman of the Committee on Ways and Means to offer a manager's amendment, if necessary, debatable for 20 minutes. It does not waive points of order against the amendment, so it must be a germane modification or something already in the bill or a motion to strike.

Finally, Mr. Speaker, the rule allows for a motion to recommit which, if containing instructions, may only be offered by the minority leader or his designee, a right that has been guaranteed to the minority for the first time in this Republican 104th Congress.

Mr. Speaker, nobody likes to extend or increase the debt limit, especially me. I have not voted for one in 17 years because I resent the fiscal irresponsibility of this Congress over all those years. On our side especially, we Republicans are committed to ending and reversing the spiraling debt that has been piled on our children and our grandchildren. That is why we are linking this debt limit extension to our commitment made in our contract to balance the budget.

It is so important to the future of this Nation and its economy, to the millions of American workers who have seen their wages being eroded and their

jobs being eliminated and exported to other countries, to ensure the revitalization of our economy based on balancing the Federal budget.

What could be more understandable and essential than this basic linkage between the public debt and the need to bring our Federal books into balance?

Mr. Speaker, the President has made overtures in the direction in recent months at least in his rhetoric. Now is the time for him to make that rhetoric a reality by joining with us in committing to balancing the budget within the next 7 years. My amendment in this bill, if signed into law, will determine whether the President really is serious about balancing the budget. When he ran for President in 1992, then-Governor Clinton said we could balance the budget in just 5 years. That is when he was a candidate for the Presidency, in other words, by 1997, or a year after his first term.

Since he became President, he has backed off that pledge that he made to the American people, and he has said, maybe we can do it in 10 years. Heck of a lot of difference between 5 and 10 years, my colleagues. As the 1996 presidential election grew even nearer, he said, maybe we can do it in 8 or 9 years. Most recently he indicated that, yes, it could be done in 7 years as we had proposed and proved by our 7-year balanced budget package recently passed by this House.

□ 1230

Members of this House, we are now in difficult negotiations to reconcile the

House- and Senate-passed reconciliation bills. Has the President stepped forward to show how he would balance the budget in 7 years in any way different? No, he has not. I even wrote to the President and to the President's Director of the Office of Management and Budget back when he was considering the budget resolution earlier this year inviting him, the President, to submit an alternative plan for balancing the budget in 7 years. We wrote a rule, we put out all of the proposals, and all of them balanced the budget in 7 years, even from the other side of the aisle, but no budget was presented by this President to balance that budget. I indicated in that letter we would put his resolution out on this floor and we would have an up-or-down vote on it, and I have yet to receive any response whatsoever from Mr. Panetta or the President, and, my colleagues, I do not think it was the fault of the U.S. Postal Service. We have the best postal service in the entire world; the mail went through to 1600 Pennsylvania Avenue. But we have yet to receive even a post card in response.

Mr. Speaker, as the saying goes, the time has come to fish or cut bait. The sign in front of the White House though still reads "Gone Fishing." So come on back, Mr. President, and let us get on with the business that the people sent us here to conduct. Let us pass this rule, let us pass this bill, and let us pass our budget reconciliation bill.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,<sup>1</sup> 103D CONGRESS V. 104TH CONGRESS

[As of November 8, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open <sup>2</sup>	46	44	52	67
Modified Closed <sup>3</sup>	49	47	19	25
Closed <sup>4</sup>	9	9	6	8
Total	104	100	77	100

<sup>1</sup> This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

<sup>2</sup> An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

<sup>3</sup> A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

<sup>4</sup> A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350-71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255-172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229-100; A: 227-127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230-191; A: 229-188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282-144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252-175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253-165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271-151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234-191 A: 247-181 (3/9/95).

## SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 8, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242-190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423-1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228-204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253-172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414-4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252-170 A: 255-168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233-176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225-191 A: 233-183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223-180 A: 245-155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232-196 A: 236-191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221-178 A: 217-175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258-170 A: 271-152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236-194 A: 234-192 (6/29/95).
H. Res. 185 (7/1/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235-193 D: 192-238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230-194 A: 229-195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242-185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232-192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217-202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230-189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409-1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255-156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323-104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414-0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388-2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241-173 A: 375-39-1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304-118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344-66-1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231-194 A: 227-192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235-184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228-191 A: 235-185 (10/26/95).
H. Res. 251 (10/31/95)	O	H.R. 2491	Seven-Year Balanced Budget	
H. Res. 252 (10/31/95)	MO	H.R. 1833	Partial Birth Abortion Ban	A: 237-190 (11/1/95).
H. Res. 257 (11/7/95)	C	H.R. 2546	D.C. Approps.	A: 241-181 (11/1/95).
H. Res. 258 (11/8/95)	MC	H.J. Res. 115	Cont. Res. FY 1996	A: 216-210 (11/8/95).
		H.R. 2586	Debt Limit	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

### H.R. 258, SUMMARY OF PROVISIONS OF RULE FOR H.R. 2586—TEMPORARY INCREASE IN THE STATUTORY DEBT LIMIT

- Provides a modified closed rule.
- Provides for consideration in the House without any intervening point of order.
- Provides for the adoption of the amendment recommended by the Committee on Ways and Means now printed in the bill and the amendments specified in the report of the Committee on Rules accompanying this resolution.
- Provides for one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.
- Provides one motion to amend by the chairman of the Committee on Ways and Means or his designee, which shall be considered as read and shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent.
- Provides for one motion to amend by Representative Walker of Pennsylvania or his designee, which shall be considered as read and shall be debatable for 40 minutes equally divided and controlled by the proponent and an opponent.
- Provides one motion to recommit which may include instructions only if offered by the Minority Leader or his designee.
- Provides that during the consideration of the bill, no question shall be subject to a demand for division of the question.

### SUMMARY OF AMENDMENTS MODIFYING THE TEXT OF H.R. 2586

(Considered as adopted by the adoption of the rule)

- Solomon (NY)—Committing the President and Congress to enacting in calendar year 1995 legislation to achieve a balanced budget, as scored by CBO, by fiscal year 2002, and affirming the intent of Congress not to enact a further increase in the public debt limit until the President has signed such legislation. (Printed in the Rules Committee report on the rule)
- Medicare Coverage of Certain Anti-Cancer Drug Treatments. (Printed in the Rules Committee report on the rule)
- Habeas Corpus Reform—Text of Senate-passed habeas corpus reform provisions of S. 735, the anti-terrorism bill. (Printed in the Rules Committee report on the rule)
- Chrysler (MI)—Compromise language on House-passed provisions from reconciliation legislation dismantling the Department of Commerce. (Printed in the Congressional Record)

### AMENDMENT MADE IN ORDER BY THE RULE FOR SEPARATE CONSIDERATION

- Walker (PA)—Compromise between House and Senate regulatory reform legislation (printed in the Congressional Record), non-amendable and debatable for 40 minutes equally divided between the proponent and an opponent.

Mr. Speaker, I ask unanimous consent that I be relieved and that the gentleman from Colorado [Mr.

McINNIS], a member of the Committee on Rules, be allowed to manage the remainder of time on this side during debate of this rule.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

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

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

Mr. HALL of Ohio. Mr. Speaker, House Resolution 258 is a modified closed rule which will allow consideration of H.R. 2586, a bill to increase temporarily the Federal debt ceiling. As my colleague from New York, the chairman of the Rules Committee, Mr. SOLOMON, described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Ways and Means.

Under this modified closed rule, only two amendments may be offered. One amendment, to be offered by Mr. WALKER of Pennsylvania, changes and standardizes the way Federal agencies analyze the effect of their regulations. In

addition, the chairman of the Committee on Ways and Means may offer any germane amendment.

Mr. Speaker, it is with reluctance that I oppose my committee on this rule. However, my opposition is so deep I feel I have no choice.

Increasing the debt limit is one of the most solemn tasks that Congress must face. The level of the debt ceiling is the amount of money that the Federal Government can borrow to pay its debts. As Federal borrowing increases, the debt ceiling must be raised.

Failure to raise the debt ceiling means the Federal Government cannot pay its bills. By defaulting on our creditors, we risk driving up the cost of borrowing in the future. In 200 years, this Nation has never, ever defaulted on its financial obligations. That is a reputation we, as a Nation, cannot afford to ruin.

I want to emphasize that the need to raise the debt ceiling is based on spending decisions that have already been made. Now, the bills have come due and we must pay our debts.

There is only one responsible course for this House today: To pass a simple, straight-forward bill that raises the debt ceiling to a level that will protect the faith and credit of the United States.

This bill does not do that. This rule does not do that.

This is what the rule does. It takes a relatively simple bill—that is 6 pages long—and adds a controversial, completely irrelevant 218-page proposal to abolish the Commerce Department.

It makes in order a floor amendment to add another controversial, and also completely irrelevant 112-page proposal to change the way Federal agencies issue regulations.

It also adds yet a third completely irrelevant provision related to habeas corpus.

These provisions have nothing to do with the debt ceiling. These provisions have nothing to do with protecting the credit and good name of the U.S. Government.

These provisions are kindly referred to as sweeteners. That is, they were added by the Republican leadership to ensure that enough Republicans would vote to pass this bill.

That is profoundly disturbing. As Members of the House, it is our duty to cast difficult votes when they are needed for the future of our country. Yet the Republican leadership cannot even get its own Members to vote for this bill without adding pandering riders.

And if these three sweeteners are not bad enough, here's the real kicker. This rule makes in order a Republican leadership amendment—on any germane subject—an amendment that could do almost anything—just in case these other sweeteners are not enough.

In other words, if it turns out at the last minute that the Republican leadership has not included enough sweeteners, they can be like Monty Hall in "Let's Make a Deal," and throw in a few more attractions.

Vote for the debt ceiling and you get this regulatory reform package behind curtain No. 1. And, you get this new habeas corpus behind curtain No. 2. And, if that is not enough for your vote, you get this mystery amendment behind curtain No. 3.

To make matters worse, the rule does not make in order important, improving amendments to the basic bill.

The bill is only a short-term extension of the debt ceiling that might have to be extended next month. The Democratic members of the Rules Committee attempted to make in order responsible amendments by Mr. GIBBONS, Mr. PAYNE of Virginia, and Mr. GEKAS that would provide more time to avoid a default. In each case, we were denied along a straight party-line vote.

The bill also contains unworkable restrictions on the Treasury Department's debt management. These are restrictions that have never been placed on any President before. Again, in the Rules Committee, we tried to strike the restrictions but the Republicans opposed us.

Mr. Speaker, I do not enjoy rhetorical attacks on my friends on the other side of the aisle. But this rule is a travesty of legislative complexity when the solution begs simplicity. This rule is a highly partisan attempt to ram irrelevant, controversial Republican initiatives through Congress. This rule gags the opposition. And this rule makes a mockery of our responsibility to the American people to protect our Nation's financial reputation.

The Nation needs a simple extension of the debt ceiling now. The task before us can be done with a 2-page bill, not a monster packed with Republican wish lists.

Mr. Speaker, I am ashamed of the Rules Committee for producing such a rule. I urge defeat of the rule. I urge defeat of the bill.

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

Mr. Speaker, first of all, and I say this constructively to my good friend, the gentleman from Ohio [Mr. HALL], and that is I think that his staff needs to do a little more research on his statement that this is the first time that the United States has defaulted or could possibly default on its debt. That is not true. If my colleague looks at the gold clause which occurred in the first year of Franklin Roosevelt's Presidency, he will find that the United States did in fact default on its debt, and that was upheld by the United States Supreme Court, so I think at the onset here to my good colleague across the aisle that we need to especially, when we speak to the other body here, that we need to be accurate in our historical facts.

Second of all, I think it is very easy to whine and complain about, look, what is on this bill, but I think what my colleague needs to do, instead of complaining about the amendments that are on the bill, take a look at what those amendments contain, talk

about breast cancer, talk about prostate cancer. Those are amendments on this bill.

Let us go further than that, and let us talk about the balanced budget. This Government is eating its debt at a rate of about \$37 million an hour. That is what we spend more than we bring in, and, no, I am not going to yield. Is it not about time that this Government stood up to the plate and said "We can't do that anymore"? Do my colleagues think we are going to get this through if we do not have some tough negotiating sessions?

What my good colleague from across the aisle, and I say this with all due respect because I have a great deal of respect for him: what he is saying is, "Let's go into this battle unarmed. Let's let the President run this thing the way he wants to run it." We have got to have some negotiating power on this side of Pennsylvania Avenue. We got to know what we are doing here. We got to be willing to go in with some strength, and we are not doing it.

I am not going to yield, but I certainly will yield to this gentleman as soon as I am finished, but of course the gentleman has his own time as well. But talk about the habeas corpus reform. Americans all across this country are crying for reform in death penalty cases in this country. We are not going to get it otherwise. We have got to go in negotiations with strength.

Finally, of course the Department of Commerce. I have yet to find somebody can really look me in the eye and honestly defend the Department of Commerce.

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

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

Mr. Speaker, I would just say to my friend, the gentleman from Colorado [Mr. MCINNIS], that I think some of the amendments that he talked about of course we have debated on the floor, but we do not even know what is in the bill.

For example, a lot of these amendments came to us right before we started the vote last night at about 10:30—quarter to 11, and what used to be a six-page bill, a bill that we have always passed on debt limit, a very simple bill, where all these amendments were added. As a matter of fact, the bill now is over 300 pages. We had an amendment on habeas corpus, and nobody, nobody, even came to the Committee on Rules and testified on it. There was nobody that even spoke about it. All of a sudden we see that as a major amendment that came before us, and these amendments continue to add just so much addition, and if the gentleman can tell me what is in these bills, what is in these amendments? I mean nobody had any idea what was going on last night when we passed these amendments to a simple debt-limit extension.

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

Mr. HALL of Ohio. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I thank the gentleman from Ohio for yielding and would inquire of the gentleman from Colorado, precisely my reason for inquiring, if he could explain the Medicare coverage of certain anticancer-drug treatments, an issue on which we never had hearings or never discussed, and could the gentleman enlighten us as to what exactly this amendment is other than the written bill which does not describe the bill, or how much it would cost, or why it was in there?

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

Mr. Speaker, first of all, again to address the comments of the gentleman from California or my colleague, the gentleman from Ohio [Mr. HALL], let us talk about the pages. The gentleman says in the past we have only had six pages. In the past we have not had the kind of negotiations we are facing right now. I think my colleague over there would freely admit that the toughest negotiations we have seen in Congress in a long time are going to be coming up in the next couple of weeks. We have got a President down there who has promised to veto almost everything we send to him. We have got a President who, when he ran for office, said he would balance the budget in 5 years. That was later changed to 8 years, then 10 years, and then about 2 weeks ago it went back to 7 years. These are the kinds of negotiations we are dealing with.

That 300 pages or whatever amount of pages, that is not frivolous paper put on there. Those are some pretty tough negotiating points that we have got to deal with, and I think it is perfectly in order, perfectly in order for us to expect this side of the House, for the House as a whole, to go into these negotiations as well armed as possible. We have got a lot to lose here. We have got to do something about this national deficit.

Mr. STARK. Mr. Speaker, will the gentleman yield briefly?

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

Mr. STARK. Mr. Speaker, this is to ask if the gentleman would describe that Medicare provision.

Mr. MCINNIS. The gentleman is correct. I am not ignoring the gentleman's question. I will, however, have a speaker here who can speak a little more profoundly on that issue.

The gentleman is here.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, briefly, what we are allowing to have happen in Medicare is for a cancer-fighting drug that is now not permitted under Medicare to be taken orally for fighting breast cancer and a treatment that is not permitted to be taken orally for fighting prostate cancer would now be permitted under the language which is included in the bill.

□ 1245

Mr. STARK. Mr. Speaker, if the gentleman will yield, I would ask the gentleman, was it considered for the screening of mammography and colorectal? Many of these people would be dead by the time they get to take this drug, because in our committee the Republicans voted against colorectal screening and mammography, which, of course, would negate some of these drugs being administered at the point at which it is too late.

Mr. WALKER. Mr. Speaker, I do not know under whose time the gentleman is speaking, but the fact is what we are putting in the bill right now would deal with the question of allowing people to take available treatments that, because of the outmoded nature of Medicare at the present time, they cannot get onto the prescribed drug list. We are going to say flatly that we think that it is high time that Medicare gets up to date and allows people to take these treatments which are available in the rest of the marketplace.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from the Massachusetts [Mr. MOAKLEY], former chairman of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio, for yielding time to me.

Mr. Speaker, the debt limit is not a political football.

The debt limit extension is the mechanism by which we make sure this country pays its bills. I think that is a very important issue, one that should not be trifled with, under any circumstances.

But today we will vote on a debt limit extension loaded down with partisanship. This is a very dangerous gamble on the part of congressional Republicans.

Although I am opposed to raising the debt limit, I recognize it is something we must do. If we do not, for the first time in the proud history of the United States, we will default on our loans. To some that may not sound very real. But let me tell you, this political gamble could affect practically everyone. You are gambling with the fiscal integrity of the United States. You are gambling with people's pension plans. You are gambling with people's mortgages. You are gambling with people's payroll deduction plans. The debt limit extension is a very serious, far-reaching issue and we owe it to the people of this country to put politics aside and act responsibly.

I urge my colleagues, defeat this rule, let us pass a clean debt limit.

The fiscal integrity of the United States is much too important to be sacrificed on the altar of partisanship.

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

Mr. Speaker, my good colleague and ranking member of the Committee on Rules talks about a political gamble. If

he wants to talk about a political gamble, he had better talk about the \$37 million an hour that this country spends more than it brings in. The biggest financial political gamble of this century is this deficit. This bill is going to help us address that.

If the gentleman thinks we are going to be able to go down to the White House and go into that White House unarmed to try and defend ourselves or to try and negotiate with that President, he is wrong. We have to be prepared for some very tough negotiations. The President is a good negotiator. We would be foolish not to go in there as well-equipped as we could possibly be.

When we talk about the gamble, let us talk about the overall picture of the gamble, what we have to lose in this country if we do not do something about this deficit.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], former chairman of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, as we so well know, there is only one reason we are here today. That is because the Speaker and his party have been unable to do the things that their duties require them to do. This debate that we are having right now should have been finished in August, at the latest, of this year.

If our constituents want to know what bribery looks like, this is a picture of it right here, these 400 pages. Who are they trying to bribe? They are trying to bribe their own Republican Members on voting for two lines, to strike out a figure for the debt ceiling and insert a new figure. All the rest of this bill is pure bribery, nothing else. That is all.

They are not trying to bribe anybody except their own members, their own members of their own Republican party to vote for this bill. They are not bargaining with us, they are not bargaining with the President, because we would tell them this, Mr. Speaker, as we have told you: Do the job that you are supposed to do.

There have to be 13 appropriations bills passed, Mr. Speaker. Two of them have become law. Eighty-seven percent of all the money that we are talking about is still floating around out there somewhere, because you have not been able to get a majority of your people who control this place to vote for what you advocate. That is how simple it is.

Mr. Speaker, there is a way to get admission to the White House. That is to pass your budget. You have not passed your budget. Your budget, I am on the conference committee on your budget, Mr. Speaker, and you have not even called a meeting of the conferees in 2 weeks to do this. And you are complaining about the President not inviting you to sit down and cut steaks with him?

When you get your act in order, Mr. Speaker, when you get your bills passed and you get them down there, then, obviously, the President will be in a position to speak and be in a position to negotiate. But he cannot negotiate with somebody who does not have a plan, who has not done their work, who cannot even get enough people on their own side to vote on it without adding all of this garbage, all of this garbage, all of this bribery to get a simple debt ceiling passed.

Mr. Speaker, you know, we have passed debt ceilings, in the time that you have been a Member of this body, that were only two or three lines long. It is a simple amendment. You strike out one figure and you insert another figure. But you cannot get your folks to vote for it. You are blaming the President. You were blaming the Democrats.

Mr. Speaker, you are to blame. The Republicans are to blame. They cannot get their own House in order. They cannot get a majority to vote for their own proposals.

Mr. HALL of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to insert extraneous material in the RECORD and that it appear at the end of the debate on House Resolution 245 in the permanent RECORD.

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

There was no objection.

The material referred to is as follows:

REPUBLICANS WAIVE THREE-FIFTHS VOTE REQUIREMENT ON TAX RATE INCREASES AGAIN

The rule for consideration of the reconciliation bill once again waives the new rule (clause 5(c) of rule XXI) requiring a three-fifths vote on any measure carrying a federal income tax rate increase, as did the rule for consideration of the bill cutting Medicare.

The reconciliation bill raises taxes on millions of American working families by modifying the earned income tax credit. The bill makes those who invest venture capital in qualified jobs-creating small businesses pay a higher rate of federal income tax than they would under existing law. This is the same tax rate increase that provoked an attempt to appeal the ruling of the Chair. The reconciliation bill raises income tax rates in the new Medicare provisions and includes other rate increases within the ambit of the new rule.

Republicans have backtracked on their promise to use this new rule to restrict tax increases. They have voted for tax hikes on working families and waived the new rule without a second thought.

Speaker Gingrich and the Republicans promised before last November: if we are elected, we won't raise your taxes. As the Speaker said, "Those of us who ended up in the majority stood on those steps and signed a contract and here is what it says: 'The new Republican majority will . . . require a three-fifths majority vote to pass a tax increase.'" (Congressional Record, January 4, 1995, page H6) In fact the early rhetoric extended beyond taxes to encompass all revenue increases. But something funny hap-

pened between the time a Republican majority was elected in November and opening day of this session in January. It was a quiet revolution within the Republican conference that led to narrowing the scope of the rules change away from covering all tax increases down to just tax rate increases. Did we say: "No tax increases?" Well, we meant, "No tax rate increases."

Republicans made a solemn promise—we won't raise income tax rates without a three-fifths vote; however, (READ THE FINE PRINT) we can raise income taxes, payroll taxes, excise taxes, effective rates, and everything short of statutory rate increases with impunity.

Even this narrow reading now proves too difficult for Republicans to live with. It took no longer than the Contract with America tax bill to provoke an attempt to further narrow the interpretation of tax rates. Did we really say ANY federal income tax rate increase? Maybe we should limit it further. And if we can't limit it, let's waive it.

Chairman Solomon for example has suggested that the rule be further narrowed, limiting it to a specific type of bracket rate increase, as he claims was the original intent. There is nothing in the legislative history to support a further narrowing of the rule. The legislative history in fact supports the broadest possible interpretation of the rule since every supporter speaks broadly about the rule touching all tax increases. Here's how Republicans described their rule change at the time it was adopted:

Rep. Dick Armey—"House rules will now require a three-fifths majority to raise taxes"—Cong Rec H31, Wednesday, January 4.

Rep. John Boehner—" . . . and we decided to change the rules to require a three-fifths majority to raise taxes"—Cong Rec H127, Thursday, January 5.

Rep. Gerry Solomon—"Mr. Speaker, the tax-and-spend Democrats are at it again. They are suing us Republicans, do you believe it, to overturn our rules change that requires a three-fifths majority vote to raise taxes.

"The three-fifths majority vote to raise taxes will stand as a hindrance to any Democrat attempt to foist more taxes on the American people. There ain't going to be any more"—Cong Rec H1469, Thursday, February 9.

Rep. Joe Barton of Texas—"This country was founded on the principle of no taxation without representation. Today many Americans believe that principle has been violated and that their elected Representatives in Washington have taxed them so that they can spend money on the special big-spending interests in Washington, DC. To correct this said situation the new Republican majority has now introduced section 106 of the rule change package. Section 106 would require a three-fifths vote to increase income taxes"—Cong Rec H70, Wednesday, January 4.

Rep. Gary Franks—"Under this [rules] package, any income tax increase must now be approved by a three-fifths majority of the House of Representatives"—Cong Rec H43, Wednesday, January 4.

Rep. Jon Fox—"The goal of this rule is twofold. First, it will require three-fifths majority vote for tax increase measures and amendments"—Cong Rec H63, Wednesday, January 4.

Rep. Jim Saxton—"As you know, this amendment to the House rules provides for a three-fifths or 60 percent vote as a necessity to pass any income tax increase"—Cong Rec H63, Wednesday, January 4.

Rep. Randy Tate—"I am in favor of the proposal of requiring a 60-percent majority in order to raise taxes so that the taxing ways of Congress are gone forever"—Cong Rec H68, Wednesday, January 4.

Rep. Joe Scarborough—"We have to have a three-fifths supermajority now to pass any tax increases on middle class citizens across this country"—Cong Rec H1898, Thursday, February 16.

Rep. Joe Scarborough—"When you pass a taxpayer protection plan that we passed this body to pass new taxes increase by a three-fifths vote in the 104th Congress, you are saving jobs . . ."—Cong Rec H2031, Wednesday, February 22.

Rep. Gil Gutknecht—"And we also required a three-fifths vote to pass any kind of tax increase"—Cong Rec H6824, Tuesday, July 11.

Every single Member speaks broadly of all income tax increases. No one even mentions rates, let alone a more limited reading. It is only after their own bills are caught by the rule that they try to insist on a narrower reading.

The gist of Chairman Solomon's views is expressed in the Rules Committee report on this rule. He boldly asserts, without argument or evidence, that there were no violations of clause 5(c) in the reconciliation bill and that the rule is now being applied too broadly by others.

It came as a great surprise to find this bold new (and controversial) position in the Rules Committee report. The first reason it is surprising is because I wrote to Chairman Solomon in May (see attached letters) requesting that the Rules Committee hold hearings on the application of the new three-fifths vote requirement. In his June 12 response, Chairman Solomon explained it "would not be useful" for the Rules Committee to hold hearings because:

"We [on the Rules Committee] are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact "reviews" of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future."

It is also surprising to find controversial new interpretations in the Rules Committee report because of the long-standing tradition of making the reports extremely brief and purely technical. The Rules Committee is specifically exempt from many requirements on committee reports, because of the long-standing tradition. In particular, the Rules Committee is the only House committee not required to provide additional time for dissenting views to be included in the report.

While the Rules Committee report appears to be from the entire Committee, it should be noted that the language was not shared with any Democratic member on the Committee until after the report was filed. The language in the report is clearly controversial. During mark-up, I moved to strike the waiver of the three-fifths vote requirement (Republicans voted it down on a straight party line vote) and Democratic members strongly expressed their views during debate on that motion. It is the considered opinion of the Democrats on the Rules Committee that the reconciliation bill includes tax rate increases within the meaning of clause 5(c) and that the rule was never intended to be applied narrowly to bracket increases—at least, not until Republicans found themselves running afoul of it constantly.

We hope the majority will return to the traditional Rules Committee report and will stop using the report to include clearly controversial statements or will share the language in advance and permit those opposed to include dissenting views.

But let me return to the subject at hand. The Contract with America tax bill raised the capital gains rate on those who invest in qualified jobs-creating small businesses. A

similar provision is in the reconciliation bill. The increase in the capital gains rate for qualified investors raised the issue of whether the Contract with America tax bill required a 3/5 vote. On April 5, a series of parliamentary inquiries led to a ruling of the Chair and a failed attempt to appeal the ruling of the Chair. That led to an exchange of letters a few months ago about the ruling of the Chair. In that exchange, even Speaker Gingrich noted that the Chair's ruling "did not seem either satisfactory or overly compelling at the time . . ."

WASHINGTON, DC,  
May 4, 1995.

Hon. GERALD B.H. SOLOMON,  
Chairman, Committee on Rules, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Rules Committee hold hearings to review clause 5(c) of rule XXI in light of recent interpretations. Clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a 3/5 majority to pass or agree to a bill, joint resolution, amendment or conference report "carrying a Federal income tax rate increase."

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision increasing from 28% to 39.6% the maximum rate of tax on the taxable portion of capital gains income. The bill increases the statutory maximum tax rate by repealing section 1(h) of the existing Internal Revenue Code which provides that the maximum rate on taxable capital gains can't exceed 28%.

One particular capital gain to which the existing law maximum 28% rate applies is described in the Internal Revenue Code section 1202 titled "50-percent exclusion for gain from certain small business stock." Section 1202 describes investments that qualify for the exclusion because they are investments in job-creating small businesses. Under existing law, other gains cannot take advantage of the 50% exclusion.

H.R. 1215 imposes a higher statutory rate on all capital gains including investments in job-creating small businesses. The statutory rate increase results in an increase from 14% to 19.8% in the effective maximum tax rate on qualified small business investments. In other words, the bill raises the maximum statutory rate on all capital gains but cuts the effective capital gains tax rate for everyone except those who invest in job-creating small businesses.

The Chair relied on "expert" advice to conclude that a maximum rate of 39.6% is not an increase over a maximum rate of 28%. Expert advice is surely appropriate for the Chair to rely on, especially on a matter of first impression such as this and especially if it comes from a nonpartisan source. Attached you will find the letter from the staff of Joint Committee on Taxation (JCT) on which the decision is based. Unfortunately, JCT's advice was hastily put together and the reasoning employed is plainly open to question.

The JCT argues that because the bill expands the category of gains that can take advantage of the 50% exclusion, the 28% maximum rate is deadwood, and the bill repeals the provision only because it is inoperative. That is simply not true; if the bill did not repeal section 1(h) those taxpayers in the top bracket could take advantage of both the expanded 50% exclusion on other gains and a maximum rate of 28% on those gains.

The JCT's "deadwood" argument is even weaker with respect to the income tax rate increase on qualified small business gains. Compare the treatment of this type of gain with collectibles. The bill did not affect the taxable portion of the gain from collectibles (gains remain 100% taxable) and retained the maximum 28% rate for this type of property. Had the bill not done so there would have been an income tax rate increase on gain from collectibles. The bill also did not affect the portion of gain from qualified small business stock subject to taxation. However, the bill did not retain the existing 28% maximum rate for this stock unlike the treatment of collectibles. Therefore, the bill increases the income tax rate on this type of property.

The JCT further argues that the bill repeals one maximum rate (28%) and leaves instead a higher rate (39.6%) but does not explicitly increase the rate. By this reasoning, the bill would have required a 3/5 majority for passage only if it had specifically included a rate higher than 28% instead of simply allowing the 39.6% rate to kick in. For example, a 29% tax rate would have been considered an income tax rate increase even though 39.6% is not an increase.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. Treasury had consistently called the provision in question a federal tax rate increase from its first testimony in February hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is also attached.

I also suggest the Rules Committee look into the role of committees giving advice to the Chair. The decision of April 5 brings into question the use of any partisan organization in giving advice to the Chair. The Budget Act requires the Chair to turn to the Budget Committee—rather than the Congressional Budget Office—to determine estimated levels of spending in deciding the applicability of Budget Act points of order. While the Budget Committee has not so far abused its responsibility, the ruling of April 5 reflects badly on the practice of relying on the advice of committees. The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House.

Again, I urge you to hold hearings on this new rule in light of the interpretation of April 5. The ruling of April 5 establishes a narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focused on how this change would inhibit any tax increase and the illustrative lists included in the Record contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the rules change appears to be undermined.

Does the April 5 ruling render ineffective the new clause 5(c)? Does the ruling call on us to redraft clause 5(c) so that it can work? These and similar questions deserve our careful attention and a full and public airing through the normal committee hearing process.

Sincerely,

JOHN JOSEPH MOAKLEY,  
Ranking Minority Member.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 4, 1995.

Hon. CHARLES W. JOHNSON III,  
Parliamentarian, House of Representatives,  
Room H-209, Capitol Building, Washington,  
DC.

DEAR MR. JOHNSON: We are writing to request that you personally review clause 5(c) of rule XXI and the ruling of April 5, 1995. As you recall, clause 5(c) of rule XXI was added on opening day, January 4, 1995, as part of House Resolution 6. The new rule requires a 3/5 majority to pass or agree to a bill, joint resolution, amendment or conference report "carrying a Federal income tax rate increase."

During debate on H.R. 1215, Contract with America Tax Relief Act of 1995, the new rule was interpreted in a peculiar way to permit a simple majority vote to pass the bill even though the bill carried a provision repealing a maximum tax rate of 28% on the 50% of gain from qualified investments in job-creating small businesses that is taxable under present law and leaving in its place a maximum rate of 39.6% on the same 50% of gain from such investments that will be taxable under the bill.

We are enclosing copies of letters sent to Speaker Gingrich and to the Chairman of the House Rules Committee, Representative Solomon, and one set of the attachments sent to each.

We hope that the parliamentarians will treat the ruling of April 5, 1995 (Congressional Record, H4316-H4319) as merely an incident in which the Chair relied on expert advice to reach its conclusion. We hope that other expert advice will be sought in deciding the applicability of clause 5(c) of rule XXI and not simply the advice of the Joint Committee on Taxation (JCT). We note the Chair disregarded the advice of the Treasury Department which had consistently called the provision an income tax rate increase, from its first testimony on the bill in February. We hope the April 5 ruling does not stand for the proposition that the staff advice of the JCT is the arbiter in these matters even when the Treasury Department disagrees.

In addition, it would be a mistake to rely on the line of reasoning the Joint Committee on Taxation staff employed—which we believe to be faulty—and we hope it will not be given the weight of precedent. The JCT staff letter also opined that the new rule was not intended to apply to effective rate increases. Even if effective tax rate changes are outside the reach of clause 5(c), JCT's expertise does not include the intent of House rules changes. We hope the April 5 decision does not give special weight to the views of the JCT in determining the intent of the standing rules.

In conclusion, we urge you to review the ruling of April 5 carefully.

Sincerely,

RICHARD GEPHARDT,  
Minority Leader.  
SAM GIBBONS,  
Ranking Minority  
Member, Ways and  
Means.  
JOHN JOSEPH MOAKLEY,  
Ranking Minority  
Member, Committee  
on Rules.

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 4, 1995.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives, Room H-204,  
Capitol Building, Washington, DC.

DEAR MR. SPEAKER: The more we consider the ruling of the Chair on April 5 with respect to clause 5(c) of rule XXI—on the question of whether the bill H.R. 1215, as amended, carried a Federal income tax rate increase and therefore required a 3/5 majority vote for passage—the more outraged we become. We are writing to request that you personally review the ruling and take whatever action is necessary to prevent such an outrage from recurring.

H.R. 1215, Contract with America Tax Relief Act of 1995, as amended, included a provision repealing a maximum tax rate of 28% on capital gains income and leaving in its place a maximum rate of 39.6%. The provision, on its face, is a statutory income tax rate increase though it is also an effective rate increase only on gains from qualified investments in job-creating small businesses that are subject to favorable tax treatment (50% exclusion) under current law.

Essentially, the Chair relied on "expert" advice to conclude that 39.6 is not a bigger number than 28. Imagine if you had hired outside counsel on a personal tax matter and the attorney advised you that a law did not increase your tax rate even though it repealed a maximum rate of 28% and left in its place a maximum rate of 39.6%. Would you ever again turn to that tax counsel?

Expert advice is surely appropriate, especially on matters of first impression such as this and especially if it comes from a non-partisan source. The Joint Committee on Taxation (JCT) staff advice, however, was hastily put together and the reasoning employed is plainly open to question.

The rulings of the Chair must be objective, nonpartisan and reflect the traditions and practices of the House. The conclusion reached in the April 5 ruling is so contrary to common sense that it must be questioned.

Relying solely on the advice of the JCT, the Chair ignored the position of the Treasury Department. The Treasury Department had consistently called the provision in question a federal tax rate increase from its first testimony in February in hearings on H.R. 1215 through the letter dated April 5 to Representative Moran from Assistant Secretary for tax policy—Mr. Leslie Samuels—reiterating Treasury's position. The April 5 letter includes a quotation from the February 22 testimony and the letter is attached.

Finally, the ruling of April 5 establishes an extraordinarily narrow interpretation of the applicability of clause 5(c) of rule XXI. The narrow approach is directly contrary to the expansive rhetoric that accompanied House passage of the rules change; the discussion on opening day focused on how this change would inhibit any tax increase; the illustrative lists included in the *Record* contained a wide range of tax increases, most of which would have been excluded by this ruling. In one of its first tests, the intent of the new rule appears to be undermined.

Again, we urge you to personally review this ruling (i) to see whether clause 5(c) of rule XXI must be redrafted to be an effective deterrent to Federal income tax rate increases and (ii) to take whatever steps are necessary to prevent any further outrageous rulings of the Chair.

Sincerely,

RICHARD GEPHARDT,  
Minority Leader.  
SAM GIBBONS,  
Ranking Minority  
Member, Ways and  
Means.  
JOHN JOSEPH MOAKLEY,

Ranking Minority  
Member, Committee  
on Rules.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RULES,  
Washington, DC, June 12, 1995.

Hon. JOHN JOSEPH MOAKLEY,  
Ranking Minority Member, Committee on Rules,  
H-152 the Capitol, Washington, DC.

DEAR JOE: I am enclosing for your information the letter I have received from the Parliamentarian, Charles W. Johnson, in response to your request for further information on the interpretation of clause 5(c) of rule XXI, the three-fifths vote requirement for tax rate increases.

I think you will see from the explanation of the circumstances surrounding the April 5 ruling of the Chair that this is indeed a very difficult and complex area that does not always readily lend itself to an instantaneous, informed ruling. In some cases, such as on the March 24, 1995, Mink amendments to the welfare reform bill, the question of whether a tax rate increase was involved was "self-evident." In other instances, such as the April 5 situation, there were numerous inter-related and technical provisions involved on which even the most objective of observers could disagree.

I appreciate your raising the question for further clarification. Obviously, this is still not a matter which has been fully and finally resolved, and the Parliamentarian welcomes further input from any interested party. Just as with clause 5(b) of rule XXI, regarding what constitutes a tax, this is an issue on which interpretations, guidelines, policies and precedents will evolve as the Chair is presented with new situations and questions.

However, two obvious lessons can be learned from the April 5 situation regardless of one's position on the ruling. First, Members who wish to raise or oppose points of order are well-advised to present their arguments and background information to the Parliamentarian, preferably in writing, well in advance of the point of order being made in order to ensure the fullest and fairest consideration of all sides of the question and the most objective and informed ruling.

Second, committees and Members should be especially careful in drafting bills and amendments to avoid potential points of order that their provisions may violate a House rule. This also should involve advance consultation with the Parliamentarians to be safe.

I cite these two lessons without prejudice to either side since I have not formulated any final position on the intricate and inter-related issues raised by the ruling in question. Frankly, not being a tax lawyer, I am, to quote from the Parliamentarian's first reaction to the question, still "perplexed by the complexity" of the issue.

I am satisfied by the Parliamentarian's assurance in response to your second question that the Chair will not rely exclusively on any committee or entity in determining the applicability of clause 5(c) or rule XXI. The Chair does have a responsibility, as I earlier mentioned, to consult with a variety of sources and experts in developing the best possible ruling.

As to the request in your May 4 letter that the Rules Committee "hold hearings to review clause 5(c) of rule XXI in light of recent interpretations," I do not think this would be useful for the reasons stated on page 3 of your letter regarding "the role of committees giving advice to the Chair" and "the use of any partisan organization giving advice to the Chair". As you put it so well, "The rulings of the Chair must be objective, non-partisan and reflect the traditions and practices of the House."

The principle you enunciate should apply with even greater force to the Rules Committee than to any other entity since we are generally considered as arms of our respective party leaderships. We should not be in the position of trying to second guess the Chair's rulings by holding after-the-fact "reviews" of those rulings, let alone attempt to dictate what interpretations the Chair should use in the future.

If, on the other hand, resolutions are introduced and referred to us that amend existing rules to clarify their application, then we certainly have authority to consider such proposals as matters of original jurisdiction. I would be willing to further discuss with you any such clarification resolution on clause 5(c) that you or any other Member might introduce. In the alternative, the Parliamentarian has indicated that he would welcome any input you or others might have towards further clarification of the rule.

In conclusion, I again want to thank you for raising the questions you have. You have made a valuable contribution to fleshing-out the application of this important new House reform provision. I greatly appreciate your interest in wanting this super-majority vote requirement for tax rate increases to be applied and enforced in the fairest and most effective manner possible.

Sincerely,

GERALD B. SOLOMON,  
Chairman.

Enclosures.

HOUSE OF REPRESENTATIVES,  
THE SPEAKER'S ROOMS,  
Washington, DC, June 9, 1995.

Hon. GERALD B.H. SOLOMON,  
Chairman, Committee on Rules, U.S. House of  
Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your letter of May 9, 1995, seeking my response to questions raised by Representative Moakley in a letter to you. Those questions concern clause 5(c) of rule XXI, which requires a three-fifths vote for approval of specified propositions "carrying a Federal income tax rate increase," and the interpretation of that rule by the Chair on April 5, 1995. You ask that I comment on the extent to which the Chair relied upon advice from the Joint Committee on Taxation in this instance and in past instances involving tax legislation.

Clause 5(b) of rule XXI, prohibiting tax and tariff measures in bills reported from a committee not having that jurisdiction, or in amendments to such bills, was adopted in 1983. Over the ensuing 12 years, the Office of the Parliamentarian has developed advice for the presiding officers of the House, Members, and staff, on interpretations of that rule. Rulings from the Chair based on that advice are documented in section 846b of the House Rules and Manual. Our analysis of provisions alleged to constitute taxes or tariffs often has evolved through consultation with staff of the Committee on Ways and Means and other committees having pertinent, substantive expertise. Over time, we have been able to articulate guidelines, e.g., for distinguished taxes and tariffs on the one hand and user or regulatory fees and other forms of revenue on the other. Some of those guidelines were formally enunciated by Speaker Foley on the opening day of the 102d Congress (Jan. 3, 1991, pp. H29-31, H507), and have been reiterated in the two succeeding Congresses (Jan. 5, 1993, p. H59; Jan. 4, 1995, p. H110). The Office of the Parliamentarian did not consider it necessary to consult directly with the Joint Committee on Taxation in the development of general guidelines under clause 5(b).

Clause 5(c) of rule XXI was adopted by the House on the opening day of the 104th Congress (H. Res. 6, Jan. 4, 1995) with an explanation reiterating the language of the rule, itself, following reports that earlier versions discussed in the Republican Conference had proposed to apply the requirement of a three-fifths vote to all increases in income tax revenue or even to all increases in revenue.

The rule has been found applicable to require a three-fifths vote only once, on an amendment offered by Representative Mink to the Welfare Reform bill (H.R. 4) on March 24, 1995. That amendment, which did not receive even a majority vote, proposed a direct increase in the top marginal rate of tax on corporate income in section 11 of the Internal Revenue Code of 1986. The Parliamentarian did not seek specialized expertise in developing advice for the Chair on that occasion because it was clear on the face of the amendment that it proposed to increase a Federal income tax rate. The application of clause 5(c) to that text was self-evident.

The circumstances surrounding the Chair's ruling of April 5, 1995, were more unusual. The possibility that a Member might assert that the treatment of capital gains in H.R. 1215 constituted an income tax rate increase came to my attention only late on that afternoon. It was presented to me orally and without benefit of most of the written matters later supplied for the Congressional Record. I was perplexed by the complexity of the argument presented in confidence by Representative Moran and asked his permission to present it to the staff of the Joint Committee on Taxation for their prompt analysis of the technical aspects of the question. I chose this approach based on my recollection of the professional reputation of the Joint Committee on Taxation during my time in the Office of the Parliamentarian. Representative Moran agreed to allow me to share the information he had furnished with the staff of the Joint Committee.

The letter from the chief counsel of the Joint Committee, Mr. Kenneth J. Kies, to Chairman Archer dated April 5, which Chairman Archer read in response to Representative Moran's point of order, was the entire response furnished that evening by the Joint Committee. I provided Mr. Moran with a copy of that letter when it was shown to me just prior to the Chair's ruling. In preparing to advise the Chair, I compared the analysis supplied by the staff of the Joint Committee with the explanation of the capital gain provisions of the bill in the report of the Committee on Ways and Means. The provision ultimately in question was described as follows:

The bill allows individuals a deduction equal to 50 percent of net capital gain for the taxable year. The bill repeals the present-law maximum 28-percent rate. Thus, under the bill, the effective rate on the net capital gain of an individual in the highest (i.e., 39.6-percent) marginal rate bracket is 19.8 percent.

The bill repeals the provisions in the Revenue Reconciliation Act of 1993 providing a capital gain exclusion for sales of certain small business stock (sec. 1202 of the Code).

A taxpayer holding small business stock on the date of enactment is able to elect, within one year from the date of enactment, to have the provision of present law (rather than the provisions of the bill) apply to any gain from the sale of the stock.

(H. Rpt. 104-84, pp. 36-37). The more general commentary earlier in the committee's report was couched in the context of a reduction in the taxation of capital gains. For example, it stated that "reducing the rate of taxation of capital gains would encourage investors to unlock many of these gains." (Id.

at p. 35). Thus, nothing in the committee report suggested that the rate of tax on capital gains for any taxpayer would be increased in any real or effective way.

The concerns expressed by Representatives Gephardt, Gibbons, and Moakley, in their letters of May 4, 1995, to the Speaker, to you, and to me, prompted me to ask Mr. Kies to elucidate his analysis of April 5. I enclose his response, dated May 12, 1995, for your information. As you can see, Mr. Kies remains convinced of the correctness of his advice to Chairman Archer on April 5.

In both of his letters, Mr. Kies proposes several alternate arguments, each concluding that the provisions contained H.R. 1215 did not constitute a Federal income tax rate increase within the meaning of clause 5(c) of rule XXI.

The first essential question yet to be properly determined is whether the new rule applies discretely to individual provisions of a bill or, instead, to the integrated whole formed by related provisions in the bill. Does a provision (including a repealer) that, standing alone, textually increases a statutory rate of Federal tax on income, necessarily trigger the application of the three-fifths voting requirement in clause 5(c) of rule XXI, regardless of the effect of other provisions of the bill that may ensure that the ostensible rate increase has no actual effect on any taxpayer? I suggest that this is the essential, initial question because the rule cannot sensibly be construed to require the Chair to assess "effective" income tax rate increases by weighing other provisions in the bill (including repealers) in the form of exclusions (e.g., the repeal of section 1202 of the Internal Revenue Code of 1986 in H.R. 1215), deductions, credits, or other factors that might determine a taxpayer's basis or other foundation of liability.

Mr. Kies also argues that, instead of proposing to repeal section 1(h) of the Code, the bill could have been drafted to render that section even more obviously "dead wood" (tax practitioners' jargon for a provision of the Code no longer applicable to any taxpayer). I would not advance that hypothetical argument as a sufficient response to the assertion that repealing section 1(h) would—as a matter of law—expose income derived by capital gain to the full range of statutory marginal rates, including those above 28 percent.

The more difficult question, as posed by Mr. Kies in both of his letters, is whether section 1(h) of the current Code is not a rate of tax on income, but rather "a formula derived cap on total tax liability." The provision reads as follows:

(h) Maximum capital gains rate.—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—

(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

(A) taxable income reduced by the amount of the net capital gain, or

(B) the amount of taxable income taxed at a rate below 28 percent, plus

(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii).

(26 U.S.C. 1(h)). Mr. Kies' contention that it is "generally recognized in interpreting Code provisions that their titles do not control their substantive effect" is supported by section 7806(b) of the Code as follows:

nor shall any table of contents, table of cross references or similar outline, analysis or descriptive matter relating to the contents of this title be given any legal effect.

(26 U.S.C. 7806(b)). Even if one applies this standard of statutory construction and accords no weight to the caption of section 1(h), the operative language immediately following the caption does not rule out that the provision establishes a "rate" of tax on income, as opposed to merely establishing a ceiling on the amount of a taxpayer's liability. On this question I continue to seek input from all interested parties.

In conclusion, I can only assure you and the Members who have corresponded with us on this subject that I would not advise the Chair to rely exclusively on a single entity or to be totally reliant on any single input in determining the applicability of clause 5(c) of rule XXI or the intent of the House in adopting that rule.

Sincerely,

CHARLES W. JOHNSON.

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON TAXATION,  
Washington, DC, April 5, 1995.

Hon. BILL ARCHER,  
House of Representatives,  
Washington, DC.

DEAR MR. ARCHER: The purpose of this letter is to further clarify, based on our prior discussion, the basis for our conclusion that the provision of H.R. 1215 repealing current law section 1(h) does not constitute an income tax rate increase for purposes of the House rules. The basis for this conclusion relates generally to the fact that this provision would be inoperative as relates to current law after the enactment of the pending legislation. This would be the case for the following reasons:

1. As a result of the enactment of the 50% exclusion applicable generally, taxpayers (other than those described in the following two paragraphs) would have a tax rate lower than 28%. Thus, the 28% maximum rate of section 1(h) of current law would not cause a reduction in tax liability as compared with that under current law, i.e., as relates to current law liability, the provision would be inoperative.

2. The 50% exclusion would not apply to collectibles under H.R. 1215. For this group of taxpayers the maximum rate of 28% is retained by H.R. 1215.

3. A question has been raised as to the potential application of the 28% maximum rate under current law for taxpayers currently qualifying for the special rules of existing law section 1202. In light of the fact that this provision would be repealed by H.R. 1215, the maximum rate of 28% would have no further application. Moreover, it should be noted that the special rules of section 1202 are an exclusion provision rather than a rate provision. Further, it should be noted that concerns as to whether repeal of current law section 1202, in conjunction with the repeal of current law section 1(h), constitute a rate increase are focused upon the effective rate impact rather than the occurrence of an income tax rate increase. The House rule in question is not intended to apply to effective rate changes.

A further factor impacting our view that the repeal of section 1(h) does not constitute an income tax rate increase relates to the nature of section 1(h). That provision operates as a cap on the maximum amount of tax liability imposed by the Internal Revenue Code which is determined by reference to a formula which includes a hypothetical 28% tax rate. Thus, section 1(h) itself may not constitute an income tax rate. Thus, even if the continued existence of section 1(h) were

to have a practical effect as relates to the liability determined under current law, we have some doubt as to whether its repeal would constitute an income tax rate increase under the House Rules. In light of the fact, as indicated above, that we have concluded that the provision would not impact the calculation of tax liability as relates to current law, we have concluded that the provision's repeal is neither within the spirit nor the letter of the House Rule in question.

Sincerely,

KENNETH J. KIES.

CONGRESS OF THE UNITED STATES,  
JOINT COMMITTEE ON TAXATION,  
Washington, DC, May 12, 1995.

Hon. CHARLES W. JOHNSON,  
Parliamentarian, House of Representatives,  
Washington, DC.

DEAR MR. JOHNSON: I am writing to further expand upon the advice that we provided to you concerning the ruling of April 5, 1995, regarding H.R. 1215, the Tax Fairness and Deficit Reduction Act of 1995. As you will recall, the ruling relates to Clause 5(c) of Rule XXI. I am writing to specifically affirm our view that the provision of H.R. 1215 repealing section 1(h) of the Internal Revenue Code of 1986 (hereinafter the "Code") was not within the scope of the above referenced rule requiring a three-fifths majority to approve legislation "carrying a Federal income tax rate increase." Your ruling of April 5, 1995, apparently has been questioned by some minority members of the House of Representatives. The purpose of my letter is to respond to the issues which they have raised in letters to you, the Speaker, of the House and the Chairman of the Committee on Rules (copies attached).

In reviewing the above-referenced letters, it is clear to me that the minority Members who have questioned the ruling have failed to thoroughly understand the intention of the various provisions contained in H.R. 1215. As a result, I am setting forth the analysis that I went through to conclude that consideration of the provisions involved did not trigger the application of Clause 5(c) of Rule XXI. The steps to that analysis are set forth below.

First, I consider the issue of whether the provision of H.R. 1215 repealing existing law section 1202 of the Code, the provision of current law providing a fifty-percent exclusion for the gain from the sale of certain small businesses stock, constitutes a Federal income tax rate increase under the provision of Clause 5(c) of Rule XXI. I concluded that such legislation is not within the scope of the rule because the Code provision involved is merely an exclusion provision, not an income tax rate increase. My conclusion that Clause 5(c) of Rule XXI is intended to apply only to specific income tax rate increases and, not to any of the following: (i) revenue increases; (ii) effective rate increases; or (iii) income tax increases, is based on two factors. First, the actual text of Clause 5(c) of Rule XXI specifically uses the language "income tax rate increase" rather than "revenue increase", "effective income tax rate increase" or "income tax increase." Thus, a construction of the actual language leads to the conclusion that the provision was only intended to apply to "income tax rate increases." Second, I am advised by those who participated in the development of Clause 5(c) of Rule XXI that earlier versions of the rule, that were considered but rejected, would have applied to all revenue increases. It is important to note at this point that the provision of H.R. 1215 repealing section 1202 did specifically grandfather any "taxpayer who holds qualified small business stock (as defined in section 1202 of such code, as in effect on the day before the date of enactment

of this Act) as of such date of enactment." This grandfathering provision was necessary to ensure that the repeal of section 1202 would not have retroactive effect which could have violated Clause 5(d) of Rule XXI.

The second step of my analysis was to consider whether legislation to provide a fifty-percent exclusion for all taxpayers, including those who no longer qualify for the specific treatment of section 1202, could be considered without triggering the application of Clause 5(c) of Rule XXI if it included as an integral part of the fifty-percent exclusion an amendment to current law section 1(h) of the Code by inserting the following sentence at the end of section 1(h): "This section shall be applied prior to the effect of the fifty-percent exclusion applicable to net capital gain income." Assuming that the fifty-percent exclusion was enacted in this manner, section 1(h), as amended, would apply to no taxpayer whatsoever. If one were to propose in the alternative repealing section 1(h) rather than leaving it in the Code in a form under which it applied to no taxpayer, it is inconceivable to me that Clause 5(c) of Rule XXI would be applicable in that it is reasonable to assume that the rule was not intended to prevent the elimination of deadwood provisions from the Code even if they included a reference to a hypothetical tax rate as in the case of section 1(h).

The third step of my analysis relates to the nature of section 1(h) itself. While some have argued that it constitutes an income tax rate, in substance it is not specifically an income tax rate but rather a formula derived cap on total tax liability.<sup>1</sup>

Another way to analyze the issue raised by the April 5, 1995, ruling is to consider whether Clause 5(c) of Rule XXI would have applied if the only provision contained in H.R. 1215 had been a provision which would have added a limitation to section 1(h) like that set forth above, i.e., to modify the application of the provision so that it was applied prior to the effect of any fifty-percent exclusion from capital gains. Such a change would have the effect of increasing the effective rate on capital gains subject to section 1202 of the Code from 14 percent to 19.6 percent. Again, I do not believe that such a change was contemplated by Clause 5(c) of Rule XXI. In order for the argument set forth by those who have written to you on this issue to prevail, I believe they would also have to assume that the effective income tax rate increase which would occur under such an amendment to section 1(h) would also be within the scope of Clause 5(c) of Rule XXI. This again would raise the prospect that any income tax increase would be subject to Clause 5(c) of Rule XXI, an interpretation

<sup>1</sup> A consideration of the actual language of the provision highlights this point. In this regard, it should be noted that it is generally recognized in interpreting Code provisions that their titles do not control their substantive effect. Section 1(h) reads as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—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—

"(1) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the greater of—

"(A) taxable income reduced by the amount of the net capital gain, or

"(B) the amount of taxable income taxed at a rate below 28 percent, plus

"(2) a tax of 28 percent of the amount of taxable income in excess of the amount determined under paragraph (1).

"For purposes of the preceding sentence, the net capital gain for any taxable year shall be reduced (but not below zero) by the amount which the taxpayer elects to take into account as investment income for the taxable year under section 163(d)(4)(B)(iii)."

which is clearly inconsistent with the specific language of the rule.

You have also asked me to comment upon additional input concerning this matter which was provided by Congressman Moran during the debate of April 5, 1995, but which neither you nor I had had the opportunity to review at that time. Specifically, you have alluded to a letter to Congressman Moran dated April 5, 1995, from Leslie B. Samuels, the Assistant Secretary of the Treasury Department for Tax Policy. A copy of this letter was placed in the Congressional Record of April 5, 1995 (H 4318). I have reviewed the letter involved and conclude that my analysis is in no way affected by the argument set forth in the letter of Mr. Samuels. The letter from Mr. Samuels relies entirely upon the proposition that effective rate income tax increases would be subject to Clause 5(c) of Rule XXI. For the reasons set forth above, I do not believe that this is a correct interpretation of the rule. It is clear that Mr. Samuels' letter is based upon such an interpretation in that his letter specifically asserts that the repeal of section 1202 would cause the rate of tax on this income to rise from 14 percent to 19.8 percent. In view of the fact that the Code contains no provision setting forth a rate of 19.8 percent, it is obvious that Mr. Samuels' reference to a 19.8 percent tax rate is a reference to an effective tax rate rather than an actual income tax rate. In view of this, I do not believe that the conclusion reached in the ruling of April 5, 1995, would have been affected by the information to which Mr. Moran alluded during the floor debate.

An example of a provision which is within the scope of Clause 5(c) of Rule XXI is the increases in tax rates included as part of the Omnibus Reconciliation Act of 1993, legislation which the Members who wrote to you are certainly familiar with. That legislation would also have violated the absolute prohibition on a "retroactive Federal income tax rate increase" set forth in Clause 5(d) of Rule XXI.

I hope that you find this additional analysis useful in confirming that the interpretation of Clause 5(c) of Rule XXI adopted as part of the ruling on April 5, 1995, is correct.

If you have any questions, please do not hesitate to contact me.

Sincerely,

KENNETH J. KIES.

HOUSE OF REPRESENTATIVES,  
THE SPEAKER'S ROOMS,  
June 26, 1995.

Hon. RICHARD GEPHARDT,  
Minority Leader,  
Hon. SAM GIBBONS,  
Committee on Ways and Means,  
Hon. JOSEPH MOAKLEY,  
Committee on Rules.

DEAR GENTLEMEN: I am writing in response to your letter requesting my review of a ruling of the Chair dealing with Rule XXI which calls for a 3/5 vote to pass any Federal tax rate increase.

I am sure you are aware of a letter sent by Mr. Charles W. Johnson, the House Parliamentarian, in response to a request from Rep. Gerald Solomon seeking clarification of this ruling. I believe his response accurately portrayed the circumstances surrounding this ruling. Rep. Solomon's letter to Rep. Moakley speaks to this matter sufficiently and I endorse its conclusions.

After reviewing the material contained in your letter, the language in H.R. 1215 dealing with the capital gains treatment of certain small business stock, the follow-up letter from Joint Taxation, and the response from the Parliamentarian, I can see how confusing the situation was and how the Chair's ruling itself did not seem either satisfactory or

overly compelling at the time of issuance. However, based upon the circumstances, I believe the Parliamentarian's guidance and subsequent ruling by the Chair were objective.

Yours very truly,

NEWT GINGRICH,  
*Speaker.*

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

Mr. STARK. Mr. Speaker, I would like to just talk about this so-called Medicare coverage of anticancer drug treatment. It is important to know that in the Committee on Ways and Means, the gentleman from Nevada, [Mr. ENSIGN], the gentleman from Pennsylvania [Mr. ENGLISH], the gentleman from Nebraska [Mr. CHRISTENSEN], and the gentlewoman from Connecticut [Mrs. JOHNSON], all voted to deny women annual mammograms. They all voted to deny colorectal screening because they said they did not have the money. This was at the same time when the Speaker was cutting a deal to give \$3 billion to the American Medical Association, and these people did not have the money.

Now they come in at the behest of some drug company in a payoff, slip in two pharmaceutical treatments that will not do you any good if you do not discover the cancer in time, and say they are trying to help seniors. Thanks. My mother does not need that kind of help.

The seniors need to find out in a timely fashion when they get cancer, and the Republicans, in an effort to pay for a huge tax cut for the rich, are denying the seniors the chance to have the screening and the testing that the American Cancer Society says is necessary. You should be ashamed of yourselves. You have no compassion, no willingness to help treat the seniors. All you want is to waive the capital gains tax for a few rich Republicans and give a payoff to a pharmaceutical company who has made huge contributions to the Republican coffers. That is criminal.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, it is almost sad that people who used to chair subcommittees and committees are reduced to coming to the floor and shouting and carrying on in terms like "bribery" and "payoff" and all of that. It is almost sad. But the fact is that some of this talk that we are hearing on the floor about not doing our business is somewhat reminiscent of the old story of the kid who shot his two parents and then complained that he was an orphan.

The fact is that all over the Hill, what we have met as we have attempted to push through a legislative program is obstruction and delay, in an attempt to do everything possible to stop the program. There are even people of the minority party around the Hill that are trying to stop the conference on the reconciliation from even

taking place, and have not yet even gotten to the place where conferees can be appointed.

Mr. Speaker, it is fascinating, then, to hear that the work cannot get done and the conference cannot meet because the minority party is in fact carrying on the blockading action. The minority party has attempted on the floor to delay many of these actions on appropriation bills and all kinds of things as they have come through the House. We have had a series of attempts to obstruct and obfuscate.

The bottom line is that it is amusing to have this kind of talk, and particularly to have people out here shouting at the top of their lungs about the fact that the work is not getting done. In fact, the work is getting done. The work is getting done in exactly the same way that some of these gentlemen voted on in the past. Back during the 1980's we ran the entire Government on continuing resolutions. When we pass a continuing resolution, that is regarded as not getting the work done. That is exactly one way of doing our work when in fact Democrats are obstructing.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, the gentleman from Colorado and others keep talking about being armed in negotiations and conflict and negotiating with strength and all that. I am not aware of any legislative gun control having passed here, and indeed, I think they are going to go into negotiations with a lot of armament. Indeed, what they have on the table is, between the two adversaries, they have a cocked pistol. If it goes off though, unfortunately, neither one of those gets plugged, it is the economy that gets taken out. That is what is at issue here.

The issue is whether this is what is called a clean debt ceiling, in which you just simply say the country can borrow more for a short period of time and avoid default, or you weight it up with so many obstacles that in order to get the votes and to pass it, you know it has to be vetoed, and in so doing risk that default. I do not think the country deserves that kind of gamesmanship.

I would like to also accept the gentleman's challenge who said, "I defy anyone to look me in the eye and defend the Department of Commerce." I am here, and I am looking the gentleman in the eye. Here is why. Because when Members vote for this rule, if they vote for this rule, they will dismantle the Department of Commerce. It is going to be done in the name, supposedly, of ending bureaucratic sprawl and inefficiency.

Let us look at what happens. Over here is the Department of Commerce as it presently exists. When it is taken apart, if this rule should pass, it now divides over into 11 different groups in creating eight new entities. The Department of Commerce, which coordinates trade and business, it is

business's main spot at the Cabinet table, now turns into a new Trade Representative, a bigger Department of the Interior, a bigger OMB, a bigger International Trade Commission, a bigger Department of Labor, a bigger Small Business Administration, and a bigger or new Office of Programs Resolution, and several more. We get Defense in there, too. They do a good job at commerce, of course. We get all that in there when we vote for this.

That is why it is so foolhardy, I think in this, which should be a clean debt ceiling extension, to dismantle an entire Cabinet agency. When we do that, we will take out the Economic Development Administration, with \$131,000 alone to the gentleman's State in Colorado since 1965 in vital water and sewer projects. That is not good economics.

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

Mr. Speaker, I hope, before the gentleman yields, and first of all I appreciate him looking me in the eyes and saying that, but I think he ought to complete his statement. The completion of the statement would say that we have a net savings of \$4 billion if we eliminate that department. Furthermore, I think the gentleman ought to go on to say that we are going to eliminate several thousand bureaucrats and we are going to make this operation much more efficient for American business.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia.

Mr. WISE. Mr. Speaker, in responding to the gentleman, I never saw efficiency come from greater inefficiency. The Department of Commerce is what coordinates the trade functions, and as I say, there is \$131 million to the gentleman's State in water and sewer projects, defense dislocation, and many other areas. He is going to spread it out over a lot of different places where it is not going to be very, very effective. That is not good efficiency, that is not good policy.

The worst thing of all, of course, what they have not dealt with, they are trying this onto a debt ceiling bill and pointing this gun at the Department of Commerce. I happen to think the Department of Commerce is good for the economy. That should be a debate for another day. But do not endanger simply a debt ceiling extension.

□ 1300

Mr. MCINNIS. Mr. Speaker, again, I hope the gentleman does not leave the Chamber, because I would like to continue this. I yield 2 minutes to the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget.

Mr. KASICH. Mr. Speaker, to look at the debt ceiling like an individual goes to the banker and says to the banker, I would like to have a loan. And the banker says, well, do you have any collateral? The person says, well, no, I do

not have any collateral. The banker says, well, I do not have a loan.

The elimination of Commerce is in a sense our collateral to the American people as we accumulate more debt. We are saying, we are willing on a temporary basis to accumulate slightly more debt; we need to borrow more money from the next generation. We are saying to the next generation, our collateral is that we are going to kill a department.

Now, there are 71 functions of trade right now in the Federal Government. We are going to consolidate this in one operation. We are going to kill the advanced technology program, which is corporate welfare. It is a big handout to businesses to do research at the taxpayers' expense.

We should abolish the Economic Development Agency, but we are going to downsize it. We are going to save money there, and we are going to save employees there.

What we are doing, rather than spreading responsibility, we are focusing responsibility. When you take 71 trade functions and you consolidate it into one operation, you have a lot more consistency of policy and you save an awful lot of money.

So what we are saying to the American people is, we are going to get rid of a department. Now, if you do not want to get rid of a department, you can make a lot of excuses as to why you do not want to do it. But at the end of the day, we are, in fact, saving billions of dollars for the American people, and at the same time saying, as a good-faith effort, we are going to give you this and we are going to incur a little bit more debt. I remind you, although the little bit more debt that we are going to incur expires in December, as it should.

Then when we finally lay down our reconciliation plan, which is the plan we present to the next generation for incurring debt over the next 7 years until we balance, that is our good-faith effort. That is the reason why there is something attached to this bill. I would hope that the President in the final analysis will accept the fact that the American people want less bureaucracy and less Cabinet positions.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

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

Mr. Speaker, I could not help but observe the wry comment by our colleague from Pennsylvania about a kind of role reversal going on here. I might say to the gentleman, it is refreshing to see the gentleman come down to the well and lower his voice and speak with a smile, in contrast to a style, a very different style in previous Congresses.

Adoption of this rule will let us make it very clear, eliminate the Department of Commerce, a proposition concocted in the dead of night by the Republican majority leadership, takes a

Department of Commerce crafted by a Republican administration in earlier years, creating one-stop shopping for all American businesses, combining economic development, trade and technology in a way to promote growth in our economy and job creation, and scatter this all to the winds in a disjointed shuffled jumble of unrelated functions and proliferation of agencies that are now combined under the umbrella of the Department of Commerce.

If the Republican leadership were serious about this proposal, they would not join it in this fashion with time spooned out in limited debate; they would bring it to the floor under an open rule subject to amendment and subject to adequate debate before the American public and air the issue, its merits, its demerits. But no, they want to hide this thing under their bushel and bring it here to the floor and abolish programs like the Economic Development Administration, which has survived numbers of administrations, numbers of attempts to abolish EDA, and on a bipartisan basis, by three- and four-to-one votes in this Chamber. EDA has been preserved because this is a program that creates jobs, that returns more in tax dollars every year than all of the money that has been invested in EDA over its entire period of time.

Even in this Congress on a bipartisan basis, an amendment during the appropriation bill consideration on this floor, the proposal to eliminate EDA, the amendment to abolish EDA, was defeated on an overwhelming vote of 310 to 115. It had the support of a majority of Democrats, a majority of the Republicans, and a majority of the Republican freshman class. Why would we want to in this cavalier fashion abolish a department of government without adequate discussion and debate?

We ought to stop the partisan politics. If we are serious about the Department of Commerce issue, bring it up fairly. Take the bushel off the issue. Let it be debated in the sunlight of open discussion and floor debate and open amendment process. Vote "no" on the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think we need to set the record straight. The fact is, we did debate this matter of the Department of Commerce elimination under the reconciliation bill. It passed this House under the reconciliation bill, so it has been on the floor before.

Second, with regard to EDA and because of those votes on the House floor we did in fact include EDA under the Small Business Administration in this bill. So EDA remains a part of the Federal Government, it simply goes to a different location.

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

Mr. GIBBONS. Mr. Speaker, I would like to correct the gentleman from Pennsylvania. I presided during a lot of

that reconciliation debate, and I do not remember a single word being uttered, maybe in some revision or extension put in the RECORD that he talked about, about the Department of Commerce.

Mr. Speaker, the Department of Commerce has done a good job. There have been some very distinguished Republican Secretaries of the Department of Commerce down there. It is amazing to me that, now that we have a black man as Secretary of the Department of Commerce, the Republicans suddenly decide that they have to abolish the Department of Commerce. You know, it was your darling department for years around here. You all nurtured it, you hugged it, you put your best people in it. But now that there is a black man in charge of it, you decide you want to abolish it.

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

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

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

Mr. Speaker, I have a question as to why are we considering a temporary debt extension? Why are we not considering a permanent extension for the 2-year period? After all, we have already approved in this House an increase in the debt by \$600 billion to \$5.5 trillion. Why should we not separate that? Let us pass a permanent extension for this term of Congress so that we do not hold hostage the credit of this Nation, which could affect the interest rates that our constituents pay on their mortgage payments or on their car loans or on their credit cards. Why do we not just do that, separate it, get it done.

Mr. Speaker, we could have bipartisan support for that type of a debt extension. But no, we have a temporary bill before us. Why is it temporary? Why? Because we have not gotten our work done. Republicans have not brought forward the appropriation bills or the changes in the entitlement programs to conform to their budget. It should have been done by October 1, but we are now debating this in November when it should have been done in October. So we need to do a temporary extension.

Well, we could have bipartisan support for a temporary extension, if we would just remove the issues that are not relevant to the debt extension. It is your fault that we have a delay. We are willing to have bipartisan support for a temporary extension if we just do a temporary extension. But no, you have to have all of these other issues to this temporary debt extension bill.

Mr. Speaker, they promised that we were going to have regular legislative process, that we would use the procedures properly in this House. That was one of their promises. This bill that is before us and the rule that is before us violates that promise. Another Republican promise broken.

I urge my colleagues to defeat the rule.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think it is well to point out that the last three Commerce Secretaries under Republican administrations all favor the elimination of the Department of Commerce. I would also think that someone who was given the distinguished position of leading one of our major committees in the House does undermine the debate on this floor when he brings racism into the argument.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from the State of Ohio [Ms. PRYCE], my colleague on the Committee on Rules.

Ms. PRYCE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am pleased to rise in support of this rule for consideration of the debt limit extension. The provisions of this debt limit increase respond to the very serious fiscal situation facing our Nation today. Along with the short-term continuing resolution passed by the House yesterday, this legislation will restore stability and competence in the U.S. Treasury's ability to meet its most fundamental financial responsibilities.

Now, this is not an easy vote for Republicans. We are not used to digging a hole deeper and deeper and deeper, but it is the responsible thing to do and we must do it. So, the self-enacting provisions of this rule will ensure that, as we vote to increase the debt ceiling, we will also be voting to make an important down payment on our plan to balance the Federal budget.

We include a provision to commit both the Congress and the President to achieve a balanced budget by the year 2002 before we consider any further increase in the public debt.

Now, those who criticize that plan have said that we are trying to blackmail the President into signing the CR and the debt limit. But the truth is, this legislation and the important changes made possible under it simply offer the President an opportunity to join with us in this historic effort to get to a balanced budget in 7 years and limit the size and scope of the Federal Government along the way.

So instead of criticism, we offer our friends on the other side a chance to vote for real change and fiscal responsibility. Instead of partisan rhetoric and misinformation, we offer the opportunity to cut spending, to shrink the Federal Government, and to get our fiscal house in order. That is what I believe the American people sent us here to do, and that is what this legislation will accomplish.

Mr. Speaker, now is the time for bold action to carry out a vision for a more stable and secure future for our children and grandchildren. I urge my colleagues to support this rule, pass this important legislation, and let us get this country to a point where we can get our budget balanced.

Mr. HALL of Ohio. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, this is the kind of experience that gives politics a bad name. Consider for a minute this six-page bill which will extend the debt ceiling of the United States, will make certain that our Government does not default on its debts. The United States of America has never defaulted on its debts. We want to make certain that our word is good, not only in the United States, but around the world.

The failure to pass this six-page bill will have a dramatic impact on every family in America, particularly those who happen to have something called an ARM, an adjusted rate mortgage. If the Gingrich Republicans are successful, if they force America into default for some political strategy, it will force interest rates up on every American homeowner paying an ARM, an adjusted rate mortgage. So, for the Gingrich Republican strategy, there is a tax on homeowners.

□ 1315

That, of course, would suggest that maybe we ought to just pass this six-page bill and do the responsible thing. But my friends on the Republican side of the aisle have much more in store.

Look at this. This is the beginning of the amendments which they want to offer to the six-page bill. Do not take the time to ask any Member on the floor if they have read these amendments, the answer is no. And guess what, there is another 200-page amendment the gentleman from Pennsylvania wants to offer that we have not even seen. And then the gentleman from Texas [Mr. ARCHER] has the opportunity under the rule to come in with another mystery amendment.

Mr. Speaker, this is the most suspicious meatloaf that has ever hit this floor of the House of Representatives. What is sad is that we are putting ourselves through these mental and political gyrations so that Speaker GINGRICH can have leverage on the President of the United States. See, they want to load this bill up with so many things that Bill Clinton will veto it and that our Government will go into default and that homeowners will pay the bill.

I think that is wrong. People sent Members of Congress here, Democrats and Republicans, to solve problems, to work together, not to impose more burdens on working families and homeworkers across America.

It is about time to stop the politics. Six pages, that is the responsible thing for us to address; 200, 300, 500, is a political game, the kind of political game that gives politics a bad name.

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

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

Mr. HOYER. Mr. Speaker, the gentleman makes an excellent point, but this is not without precedent. The gentleman came, I believe, in 1982. I was

elected in a special election in 1981. The Republicans were effectively in control of the House of Representatives and took the rule away from us, and a 1,400-page bill, reconciliation bill, was put on the floor in June. It was still warm from the Xerox when they asked us to vote on it. So, there is precedent for doing this. It is business as usual from 1981 to today.

Mr. DURBIN. Mr. Speaker, make no mistake, this amendment is not public interest, good government. The amendment here is generated by special interest groups, special interest groups which some way or another did not get a bite of the apple in the Republican reconciliation bill.

With this, with the amendment that the gentleman from Pennsylvania is going to come in with, and the mystery amendment from the gentleman from Texas, I have to say to my colleagues on the floor, I have been around legislatures and Congress for a long time, and I have seen a lot of lobbyists and special interest groups. What is happening on this floor today is turning the House of Representatives into a dismal swamp of special interests. It is shameful.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to address their remarks to the Chair.

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

Mr. Speaker, I would like to point out a couple of things. First of all, I am appalled by the language that has just been used by the previous speaker. Maybe consideration at some point in time ought to be given to the Americans of the next generation who are going to face this deficit of \$37 billion an hour.

My colleagues talk about impact on homeowners. They talk about impact on the children and the next generation. That is where the impact is. And they want to talk about special interests. Are my colleagues saying special interests are the people that want cancer treatments or special interests are small businesses? I think those are the things they ought to consider.

Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, what is this debate all about? Let me try to bring this debate into some perspective.

We are raising the debt of the United States of every man, woman, and child for the next 34 days in the amount of \$67 billion added debt. I went down and took out \$269 from my savings account. This new debt is \$269 for every man, woman, and child in the United States for 34 days.

Mr. Speaker, by the time you eat your Thanksgiving turkey, it will be \$118 per man, woman, and child. Get this into some perspective. We are already \$4.9 trillion in debt. Get this into some perspective.

For 30 years, these good intentions have driven us into the poorhouse. And

here we are, we could take the money and pay for the entire country's Medicaid with this; \$67 billion is 74 percent of all the money we spend for every Medicaid recipient in the country, that is what we are going into debt for in the next 34 days. We only reorganize one department, the Department of Commerce, one department, 36,000 employees, 21,000 within 50 miles of where I am standing, 21,000. We will eliminate over 7 years, 11,000 positions. Why do we need that many people?

Mr. Speaker, we are eliminating 40 programs. We are saving \$6 billion. This is just a downpayment on the mess that has been created over these three or four decades. So, we have run ourselves into the poorhouse. It is only a downpayment. Bring it into perspective: For every man, woman, and child in this country, \$269 between now and December 12.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I want to point out again, this is 40 days after the homework was due. The fiscal year ended 40 days ago and only 12 percent of the budget has been dealt with. So, here we are with the debt extension and now Members are adding all sorts of things to it and saying the President has to have a budget.

Mr. Speaker, how can this side of the aisle yell that, when they cannot get a budget? They are still trying to get a budget, because they cannot get the two Houses together. This is really all about show business, and how tragic. It is the American people who are going to pay.

One of the fastest-growing items in our budget is interest on the debt. If we hold hostage the full faith and credit of this Government, wait until my colleagues see what happens to interest rates. It will absolutely subsume almost everything that we pay in taxes. That is ridiculous.

Mr. Speaker, I am a person that does not want to pay more interest than I have to. What we are doing here today is guaranteeing Americans will pay higher interest. And also, those who have an adjustable rate mortgage are going to pay higher interest.

Mr. Speaker, we hear all this stuff about the Department of Commerce and why do we need it. We need it for the same reason all of our allies we are competing with in the global marketplace have one. It is called: To create jobs; to hold the position we are in; to get us out there and to keep being more and more competitive.

If every western industrialized country has business recognized at their cabinet level, can my colleagues believe we would say no, we do not need this anymore? How are we going to create jobs for the American people? Where are we going to go? Why are we not having debates on this? Why are they shoving it into bills and then shoving it to the President's desk and playing this "High Noon"? Here we are, it is John Wayne.

Mr. Speaker, this should not be John Wayne. This is the full faith and credit of this Government. Nobody has played so fast and loose with it, and we should not either. Vote "no."

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

Mr. Speaker, the gentlewoman from Colorado [Mrs. SCHROEDER], my colleague, talks about show and tell. How much cooperation has the gentlewoman given us on this budget? How many balance budgets has the gentlewoman voted for during her career? Now very many, if we take a look at it.

Mr. Speaker, if the gentlewoman wants to talk about what is going to help business in this country, small business in this country, it is not the Department of Commerce. They do not help my little business in New Castle, CO, or small business in the gentlewoman's district in Colorado.

Mr. Speaker, talk about tort reform. Where was the gentlewoman, my colleague from Colorado, on tort reform? Talk about regulation relief. Where was the gentlewoman on regulation relief for the small businesses in Colorado?

Mrs. SCHROEDER. Mr. Speaker, would the gentleman yield?

Mr. MCINNIS. Mr. Speaker, no, I will not yield on my time. I do not have enough time remaining.

Mrs. SCHROEDER. Mr. Speaker, I have not answered.

Mr. MCINNIS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I just want to point out that one of the so-called extraneous matters in this bill is something very, very important and it is not really extraneous. It would end the endless appeals of death row inmates. It would finally enact, after years and years, if the President signs this into law, reforms of habeas corpus petitions in death penalty cases; something that many of us have been trying to accomplish for a long period of time.

Mr. Speaker, I would suggest that the victims, for example the victims in Oklahoma City in that bombing, are as concerned if not more concerned about getting this accomplished than anything else that we could pass in this Congress.

Mr. Speaker, it is a very, very opportune time, a very timely moment in this particular provision that the President has to face to put it in here to finally get a confrontation of this issue, and give him the opportunity to sign into law a provision that stops these forever-extending carrying out of death penalty sentences that so often have delayed that throughout the Nation in many, many, many cases.

Mr. Speaker, I hope this does not go down to the President. I am pleased that it is in here today, and I would certainly hope that he would not veto this bill with that in it.

Mr. HALL of Ohio. Mr. Speaker, can you tell me how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 2½ minutes remaining, and the gentleman from Colorado has 5 minutes remaining.

Mr. HALL of Ohio. Mr. Speaker, how many speakers does the gentleman from Colorado have left?

Mr. MCINNIS. Mr. Speaker, I think probably two, possibly three.

Mr. HALL of Texas. Mr. Speaker, I would reserve the balance of my time.

Mr. MCINNIS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I think it is important that we talk a little more about the Department of Commerce and the importance of making it more efficient in this Government. First of all, this is an issue that has been talked about. Every major newspaper in the country has written about it and debated about it. This is not something that came in the late of night and suddenly appeared on the House floor today. We did talk about it in the reconciliation package.

Mr. Speaker, I think it is important to take a look at the business community. A recent poll by Business Week revealed that by a 2-to-1 ratio, Business Week executives say, "Eliminate the Department." How many of us in these House Chambers have received letters from small businesses in our district that are not direct beneficiaries or do not have a contract with the Department of Commerce, how many of us have received correspondence from these people saying, "Save the Department of Commerce," or, "If the Department of Commerce is eliminated, we are not going to be able to compete out in that world"?

Mr. Speaker, the important elements of that Department, and they are very, very few in my opinion, the important elements of that Department have been preserved on transfer out of that Department to other agencies.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I am glad chivalry is alive in Ohio, anyway. It does not seem to be in Colorado. I thank the gentleman.

Mr. Speaker, I just want to say that all the people that have written to me from Colorado about the Department of Commerce have been small businesses. They claim that big business does not need the Department of Commerce; it is the small business.

Mr. Speaker, I also would like to set the record straight that I have voted for many a balanced budget and I have helped draft some, and I resent very much the gentleman from Colorado [Mr. MCINNIS] taking my name and pointing those things out and not yielding back.

Mr. Speaker, I thank the gentleman from Ohio. All chivalry is not dead.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, the gentlewoman from Colorado, my colleague, resents the

fact that I have the courage to stand up and debate with her? Sometimes people will not stand up to the gentlewoman. Mr. Speaker, it is about time some of the facts of the gentlewoman be called to order.

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

Mr. MCINNIS. Mr. Speaker, I think probably some of the correspondence the gentlewoman has received on the elimination of the Department of Commerce is from some of the employees of the Department of Commerce.

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

Mr. MCINNIS. Mr. Speaker, no I will not yield.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Speaker, I do not know how to debate the gentleman. Parliamentary inquiry. Parliamentary inquiry.

Mr. MCINNIS. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will be in order. The gentleman from Colorado [Mr. MCINNIS] controls the time.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, having been involved in the private sector in international trade before I got here, and coming from business, I can tell my colleagues that this proposal is a tremendous improvement over the current disjointed, disorganized trade mess.

We have taken the USTR office, which only has about 150 people, and

consolidated into that office from the Department of Commerce all of the trade activities that serve medium and small business and can do a great job in improving our competition in the international market.

Mr. HALL of Ohio. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 2 minutes remaining, and the gentleman from Colorado [Mr. MCINNIS] has 3 minutes remaining.

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

□ 1330

Mr. PAYNE of Virginia. Mr. Speaker, I rise in strong opposition to this rule.

Yesterday in the Committee on Rules, I offered an amendment that offered a fair and rational way to keep pressure on both the Congress and the President to reach a compromise to balance the Federal budget and without risking default. We will not have an opportunity though to vote on my commonsense amendment because the Committee on Rules rejected it.

My amendment represented a fair proposal. It would have given us 30 days after the President sent the reconciliation or after the President has received the reconciliation bill from the Congress to work out policy differences and to get to our shared goal, which is a balanced budget. It was simple. It was straightforward. It kept this debt ceiling extension clear of these partisan distractions.

This is essential if we are to work together to reach a balanced budget, which the American people have told us that they want, not a Republican effort or a Democratic effort to reorder our spending priorities but a bipartisan effort to bring fiscal responsibility to this Government.

We must not allow the United States to default on its debt. We must move forward with balancing the budget, free from partisan distractions represented by this rule.

I strongly support and advocate getting this country's fiscal house in order. However, I believe that this historic effort is one which will take more time than is permitted in this Republican bill before us today. I believe balancing our budget by the year 2002 is too important an issue for this country not to allow the President 30 days after this important legislation hits his desk.

Mr. Speaker, this rule does not allow time for bipartisan cooperation on our Nation's budget. I strongly urge my colleagues to vote against this rule.

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

Mr. Speaker, this is a lousy rule. I think it is dangerous. I think since 10:30 last night we added almost 300 pages to this bill which nobody has read. I think we are messing around with the credibility of the United States, and we should not do that.

Mr. Speaker, I include the following for the RECORD.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (0J)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R.
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive: waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive: Makes in order 4 substitutes under regular order: Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive: Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive: Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive: Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive: Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive: Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title.	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive: 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(1)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive: waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Biely amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive: provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive: provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority.	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	*RULE AMENDED* Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive: waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVII and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.

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

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. Provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing gets priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (1/2 requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all points of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (1/2 requirement on votes raising taxes).	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min); If adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule: Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min) on regulatory reform.	5R

\* Contract Bills, 67% restrictive; 33% open. \*\* All Legislation, 57% restrictive; 43% open. \*\*\* Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. \*\*\*\* Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. MCINNIS. Mr. Speaker, I yield the balance of my time to the gentleman from Florida [Mr. GOSS], my colleague on the Committee on Rules.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. GOSS] is recognized for 3 minutes.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Colorado for yielding time to me, a hard working and hard charging member of the Committee on Rules. I commend him and the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules for their tireless efforts to bring balance to our Federal budget. That is what this debate is about. I know we have gotten off the track here, but that is what this debate is about. It is about money. It is about America and it is about taxpayers.

Other than some spending-addicted liberals, there are very few Members who take pleasure in voting to raise the debt limit because it says to the United States of America, we are failing in our responsibilities here. In casting such a vote today, which I have never voted for one of these things before, Congress has got to admit that to date we have been unable to control our Federal penchant for spending beyond our means. It is like endlessly increasing the credit limit on a credit card when you cannot pay off the debt

you have already accumulated, and Americans go to jail for doing things like that.

In past years the Democratic leadership has sought to protect their Members from having to cast this tough vote, burying the debt limit extension deep in the budget resolution because there was no end in sight to the red ink they could pour out. But here, as in so many other ways, the new leadership in the House has courageously charted a different course, a more responsible course. We are today casting this tough vote out in the open with nowhere to hide, right here in the sunshine. We owe it to the American people to tell the truth about the mess that the liberal spenders have put us in, and we have to fix it and we have to plan to do it.

As we come clean on the debt, we are also cementing our commitment on the majority side anyway that such debt extensions will in 7 years become a thing of the past, because we are going to stop spending more money than we have. We are going to balance our budget, and we are going to do it by the year 2002.

This bill today will allow our leaders to work with the White House, if, of course, the White House wants to negotiate with us. It allows us to make the necessary down payment on our children's future by cutting spending, by freeing up taxpayers' dollars for investment in productivity and jobs and by shrinking the bloated Federal bureauc-

racy. One of our colleagues on the other side said we are trying to hide the dismantling of the Commerce Department. Wrong; we are shouting it from the roof tops. It is time. It is time to do this thing.

Incredibly, some of the rhetoric suggests that many of our Democratic friends still do not get it. Nearly a century ago, one of this Nation's wisest leaders, Thomas Jefferson, wrote, and I quote:

I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution; I mean an additional article, taking from the Federal Government the power of borrowing.

If Thomas Jefferson's view had prevailed, perhaps today we would not be more than \$4.9 trillion in debt. Thomas Jefferson saw the public debt as "the greatest of the dangers to be feared."

There were a lot of things to worry about when he was alive. His prescient comments should ring in Members' ears. We should past this temporary measure so we can get on with the business of paying down our debt once and for all.

I urge support for the rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 200, not voting 12, as follows:

[Roll No. 778]

YEAS—220

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

NAYS—200

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

NOT VOTING—12

Archer	Hunter	Thornton
Bateman	Kasich	Tucker
Chapman	Peterson (FL)	Weldon (PA)
Fields (LA)	Shaw	Wilson

□ 1355

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I have asked to speak for the purposes of engaging the distinguished majority leader in a colloquy about our schedule given the fact that tomorrow is Veter-

ans' Day and Members have travel plans, and parades and other events to honor our veterans.

Could the gentleman from Texas [Mr. ARMEY] enlighten us on the schedule, what the schedule will be in the next couple of days as we move forward with these debt-limit bills and continuing resolutions?

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

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR] for yielding.

Mr. Speaker, of course we are all aware that the end-of-the-year scheduling difficulties that are commonplace, especially to the first session of any Congress, are upon us.

We have passed the continuing resolution over to the Senate, and they are working on that right now as I understand. We are now beginning to proceed on the short-term debt limit. We should expect to perhaps finish that sometime around 5 o'clock this evening. It will take us something in the neighborhood of an hour, maybe a little longer, to get the paperwork over to the Senate. The Senate, I am advised, will begin consideration of the short-term debt limit as soon as we have all our papers to them.

□ 1400

We are not certain how long it will take them to work on that. We must be prepared. At least at this time, let me say, until we know something more certain about possible Senate action, we will stand prepared to receive their work back on either of the two bills tonight, and hopefully we can do that tonight and perhaps complete the process. But I must say to the Members, having been through this many times in the past, I would not expect to be able to catch a plane home before sometime tomorrow morning at the earliest, and, quite frankly, I think we would probably be most well prepared if we prepared ourselves to be here working until noon tomorrow.

I think that right now would represent a fair degree of optimism, depending on how things go between the House and Senate, and as they go, of course, we will have additional announcements. At any point we have something more definitive that we can share with the Members, we will do an announcement of this type and keep you apprised.

Mr. BONIOR. Mr. Speaker, I would ask the gentleman, how late does he expect to go this evening.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, I think what we would have to do is take the measure of the Senate's action. We would be, of course, prepared to stand in recess to await the Senate's work, presuming they could get it done in anything like a reasonable hour.

I think there comes a time when one perhaps makes the decision we are better off to surrender the evening and