

103  
**BUSINESS MEETINGS ON CONGRESSIONAL REFORM  
LEGISLATION**

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Business Meetings on Congressional...

**MEETINGS**

OF THE

**JOINT COMMITTEE ON THE  
ORGANIZATION OF CONGRESS**

**ONE HUNDRED THIRD CONGRESS**

**FIRST SESSION**

**MARKUP OF CONGRESSIONAL REFORM LEGISLATION**

---

NOVEMBER 10, 16, 18, 19, 21, and 22, 1993

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[Authorized by H. Con. Res. 192, 102d Congress]

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# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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WEDNESDAY, NOVEMBER 10, 1993

U.S. SENATE,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The Joint Committee met, pursuant to notice, at 9:16 a.m. in room SC-5, The Capitol, Hon. David L. Boren (co-chairman of the committee) presiding.

## OPENING STATEMENT BY HON. DAVID L. BOREN, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

Chairman BOREN. The committee will come to order.

Oftentimes frustrations with our institution are expressed in negative ways. We've seen the public opinion polls indicating a very low level of confidence in the institution, while in many cases individual members of the Congress remain admired by their constituencies.

This reflects, I think, a feeling on the part of the public that we can do a better job of organizing the institution and structuring the institution so that people of good will who come here to serve and want to represent their constituents can be more effective in doing so. We've seen term limitation questions pass on the ballot in several States, all this expressing frustration on the part of the American people.

Today we have a chance to do something more than merely express frustration. We have something that we can do that is far preferable to that. We can take constructive action to make this an even greater institution, an even stronger institution, and to make it more possible for us to carry out our basic mission of representing the American people and dealing with the problems our country faces, so that we can hand on the institution and the country in a situation that will be even stronger than we found it.

I want to begin by laying out to our committees how the co-chairmen, Senator Domenici and I, would propose we proceed this morning. I want to thank, again, all Members of our committee for their participation and their input in putting together the draft proposal which is before you. It was delivered to your offices last Friday after a lot of discussion, staff discussion and member level discussion, over not only just the last few days, but indeed over several weeks and after and before hearings over the past several months.

We will open the whole bill up for amendment. I would propose that after introductory statements, I will ask consent that the bill

be considered the draft document for the purpose of opening it up to amendment. We have not required that copies of the amendments be delivered to the committee before our markup today, and I know that some Senators have indicated to me that they will be offering amendments to the bill. If there are others who intend to offer amendments today, we have staff and photocopy machines here to make sure that all Senators, staff, the press and others have copies of the amendments.

It is our intention to fully consider and debate all amendments to the degree that Members want to discuss those amendments. However, because our committee rules do not allow voting by proxy, we will accommodate Senators to ensure that they are present to vote. So we may stack votes. It's our hope today to complete our work fully today on the draft before us and to consider all amendments and then to report out the recommendations of the Senate Members of the Joint Committee.

We will await possible action by the House Members next week. But we do expect to complete our markup in terms of Senate proposals on Senate matters and joint matters today. And therefore, we will see how many amendments we have, and if there is a need to stack votes at a time certain.

Only Senate Members of the Joint Committee are here today, of course. In our consultations with House Chairman Hamilton and Vice Chairman Dreier, Senator Domenici and I have been told that House Members of the Joint Committee may be conducting a similar markup next week. That's still uncertain. They hope to do so. If that is completed in time, before the Congress adjourns around Thanksgiving, we will then call the Full Committee back to consider the package as adopted by the Members from both chambers.

As all Senators know, the Reform Committee was set up to be in operation for only 1 year and our authorization ends on December 31. That's why time is of the essence, and that is why we want to complete our markup of Senate items and joint items from a Senate perspective today.

If indeed the House comes back to us next week prepared to enter into discussions with us on joint matters, we will then operate in some ways like a traditional conference committee and we will consider the House and Senate proposals on joint matters and see if they can be merged into one recommendation of the Joint Committee. If not, under our rules, the recommendations that would be adopted today on joint matters, as well as on Senate matters, would be the recommendations, obviously, of only the Senate Members of the Joint Committee and not of the full Joint Committee.

This morning we begin the next stage of our effort to reform Congress. Almost 11 months ago, the committee started what became the most comprehensive set of hearings and consultations ever done by a reform committee, including the first Joint Committee on the Organization of Congress since 1945. We held 6 months of hearings, heard from over 240 witnesses, and received over 500 different recommendations. When enacted, these reforms adopted by this committee will result in the largest overhaul of Congress since World War II.

I have with me a report of the first Joint Committee on the organization of Congress. In the first page of that 1946 Monroney-LaFollette Joint Committee report, it stated that all of its proposals were subject to one simple test: will they strengthen Congress and enable it to do a better job. I believe sincerely that the proposals which Senator Domenici and I have proposed in consultation with you as well as those that will be offered by other Members of our committee today will meet that test.

The Congress in many ways has lost its ability to focus on the major problems our Nation faces. We must improve the efficiency and the accountability of this institution if we are to regain the confidence of the public.

I believe the package which is before us will change for the better the way Congress does its business. The proposal will streamline the Senate committee system. It will limit Senators to three full committees and five subcommittees in terms of membership, a total of eight. Now, the average is above 12, many Members of the Senate serving on 15 to 20, sometimes even more than 20 committees and subcommittees, resulting in what Senator Byrd and others have called fractured attention, lack of focus.

We would limit committees to no more than three subcommittees, except for the Appropriations Committee. We would abolish the four joint committees and save money by merging their functions and staffs into existing committees. We would reduce Congressional staff as a result of reducing the number of subcommittees and taking other actions, and also hopefully achieving savings with support agencies.

We propose that Congress make comparable reductions as the staffing reductions proposed by President Clinton and Vice President Gore for the Executive Branch, but that we do so by going through a performance review, led on the Senate side by our Rules Committee, rather than taking a sledge hammer or meat axe across-the-board sort of approach, that it be carried out by the Rules Committee and then by the Senate in a very thoughtful way, carefully crafted and carefully targeted.

These proposals will improve floor procedure and make the Senate schedule more predictable. We propose that committees meet only on certain days and that the Senate leadership have more authority to set the legislative schedule. Our proposal to limit the debate on the motion to proceed will allow the leaders to bring up bills without requiring the consent of all 100 Senators. This should help with the current practice involving holds, at least as it applies to legislation.

We have proposed that the ethics process be reformed and that we would separate the grand jury process from the jury process, as is in the case of normal judicial procedure. Under our proposal, and I know this is something that Members will want to discuss, as we have a task force appointed by the two leaders working on this matter, Senator Domenici and I at least have proposed that we consider allowing the Ethics Committee the option of using outside individuals, such as former Senators, to perform the fact-finding or the grand jury process, not requiring, but allowing the option. Some Members have indicated they want us to withhold judgment

on this matter until the task forces report back to us that are working on it at the instruction of the leadership.

We also intended to include specific proposals to bring Congress under labor and other laws which we have applied to the Executive Branch and the private sector. Two of our Joint Committee Members who are here today, Senators Reid and Stevens, are leading a Senate task force on this very issue as it applies to the Senate. They have told Senator Domenici and me that they are near completion of their work. Senator Ford is also a Member of that Task Force.

So we've decided to defer to them in terms of the details of this proposal. We have announced our intention and our desire that we do bring the Senate and indeed both houses more fully under the laws and rules that apply to others, including health and labor laws, as well as civil rights laws under which we have already brought ourselves.

But we have not included at this point the mechanisms which would bring that about, awaiting the final report from Senator Reid, Senator Stevens, Senator Ford and the others that are working on that group. So you see in that section of the proposed bill simply a notation that we would await the recommendations of that group, and supply the details when those recommendations are forthcoming.

We also would help to streamline the procedures and make more consistent the procedures for filing complaints for employees of support agencies for the Senate, like the Library, the Printing Office, the General Accounting Office and others, those that are filing complaints of a civil rights nature or jobs action, health matter, labor action or otherwise.

As I've said, I believe the package is comprehensive, integrated and represents true bipartisan reform. I'm sure there's something here that every Senator can disagree with in terms of some detail. But as a comprehensive plan, I think it gives the Senate, and more importantly the American people, the hope that we will fundamentally improve how we conduct our business in the Congress.

Let me say that this has indeed been a bipartisan effort. We have not at any point in time had a division among ourselves on a partisan basis on any of the matters before us, and that should be reassuring to the American people. They often say, "Why can't you get together and work together as Americans without regard to party?" We've been able to do that on this committee, and I want to thank every Member for allowing that to happen.

Especially I want to thank the co-chair of this committee on the Senate side, Senator Domenici, for being a part of that process. Every step of the way he has been constructive. He has sought to involve the views of all Members of the committee, and he has conducted himself in a completely bipartisan spirit. I could not have had a better working partner as we have tried to come forward with these proposals than Senator Domenici.

This in many ways parallels the experience—Senator Cohen just arrived. I had the similar experience when he and I were working together as chair and vice-chair of the Intelligence Committee, being able to work together on very important matters in a totally bipartisan fashion. It's the same experience I've had here, it's an



experience that I hope all of our colleagues will have with increased frequency on all issues before the Congress, because the country needs that kind of spirit.

At this point, I want to turn to my colleague, Senator Domenici, for opening comments, and turn then to any other Members of the committee that are here for opening comments, after which we will then seek to lay down this document as a working document, subject to amendment, then consider amendments and hopefully complete our process today.

Senator Domenici?

**OPENING STATEMENT OF HON. PETE V. DOMENICI, A U.S.  
SENATOR FROM THE STATE OF NEW MEXICO**

Senator DOMENICI. Mr. Chairman, today we start what for you and me seems like the end of a long path, but I suspect it's just the beginning. Because these recommendations are serious, these recommendations affect a lot of Senators, a lot of staff, a lot of relationships around here.

I'm very hopeful we will report this measure out intact, maybe there might be an amendment or so. Because we will have to go through various committees and then get to the floor. I'm very hopeful that we're going to get something done that helps every Senator and helps this institution become a better place.

Having said that, it was about 2 years ago when you met with me and said you were interested in doing this, and would I consider, if Senator Dole was interested in appointing me, in doing it. I never thought we'd quite get here as we are today, with as good a proposal as we have. I joined you with a great deal of enthusiasm, because as I indicated early on, my great concern is that we now have a system that minimizes the opportunity to be courageous, diminishes the opportunity to lead, and clearly intends, because of its pressures and its multiple assignments, to wilt our willpower.

I'm convinced that what we're recommending here will go a long way in two areas that the Senators have regularly said they want change. First, if I have heard once, I have heard a thousand times that Senators want to gain control of their schedules. The notion of fractured attention which Senator Byrd brought before us is the result of many things. But it is led by the fact that we have multiple meetings, multiple subcommittee hearings at the same time. We have markups in various committees at the same time.

So we try to do everything, and we do most of it very poorly. This leads to a lot of things that we don't like, and that the public doesn't like. One, you can't spend enough time on an issue, therefore the chairman and ranking Member do most of the work, the subcommittee Members aren't there frequently and don't participate. Secondly, there is a great concern that we rely too much on our staff, as great as they are.

And I believe this fractured attention and lack of being in charge of our schedule and having time to devote is partially responsible for the great power that the people have properly assumed now rests with our staffs here in the United States Senate. And I believe the same about the Congress.

I think we recommend a simple approach to this. It won't satisfy everyone. I'm sure that the Senators who are here, in particular my good friend Senator Stevens, will not quite agree with us on that point in terms of how we're doing it. But I think he will agree with us in terms of what we're trying to do.

The second point I would like to make, if I have heard once, I have heard a thousand times, "Why do we vote on defense issues three times in the same year? The Budget Committee, even though not binding, we debate almost the same issues we have in the past that a few months later we debate on your authorization bill. And then a few months later, we debate it on an appropriation bill."

Now, you would think in a Congress, that might be enough. But no, the next year of the same Congress, we do it all over again, Senator Pryor. And if Senators have said, "Do we have to vote on those things over and over?" What is the public thinking about this? If they're interested, they say, "You already voted on that." And then we say, "Well, it wasn't binding, or it was authorizing, it wasn't appropriating."

There is a very simple proposal that will change the United States Congress drastically and I believe for the better. It says budget for 2 years, since you're in a 2-year Congress. It says appropriate for 2 years, since you're in a 2-year Congress, and don't authorize for 1 year, it has to be at least 2. It then says the year you don't do that, the second year of this cycle, which you're in and it's a Congress year, same Congress, we are urging by every way we can that the committees engage in oversight during that period of time, that they produce their authorizing bills without fear that we're on the floor on an appropriation bill again.

We just did it a month ago, but it's back, because it's almost time to start another year. So the 2-year budget, 2-year appropriation, 2-year authorization, leaving 1 year for the other functions of the Congress, seems to me to be a very exciting and tempting proposal.

And I see my friend Senator Ford, he was in favor of the 2-year budget cycle before many people around here were talking about it. I just hope we don't strip it and say it applies only to budgets and not to appropriations and not to authorizing. We need to streamline this endeavor.

So there are many other things we would recommend here, and I want to stress again, if we want oversight, and we want our committees to have time to be responsible for their programs, so we don't have to expect Governmental Affairs Committee investigations, which my friend Senator Cohen, ranking Member with Senator Nunn, so we don't have to expect that committee to find programs that are not working is under the rubric of investigations.

We ought to have oversight by the committee that authorized that Pell Grant program. And we ought to have them doing the work. To that end, we make one little change. We say that the Government Accounting Office, the GAO, during the second year of our cycle, be charged with the primary responsibility of helping the committees do this oversight, Senator Ford. We're very hopeful that they will work hand in glove with committee chairmen and ranking Members to use their expertise in an annual calendar approach to oversight.

I'm sure many of you have questions about the remaining issues that are here, but I am satisfied that we ought to report this measure out relatively intact. We will have other opportunities to attack it or to amend it, but I think we ought to get started.

Thank you, Mr. Chairman.

Chairman BOREN. Thank you very much, Senator Domenici. Let me just say again, as a word of explanation, since we are Senate Members only, and by the way, the Vice Chairman from the House side, Congressman Dreier, is here. We appreciate him being here today. He has come in to watch our proceedings, and he's providing oversight from the House side.

[Laughter.]

Chairman BOREN. He and Chairman Hamilton from the House side have, as I've said, in regard to Senator Domenici, been wonderful working partners, both of them. They are very committed to this process. We have continued to have consultation with them, and we're very hopeful we will be able to draw this all together, or if need be, work on separate tracks but still work very, very closely together. Both of them have concurred, I might say, and are proceeding ahead with this markup today. We have not done so without consulting with our colleagues on the House side, and they have consulted with the House leadership as well.

We will, of course, if we succeed in reporting out this bill today, as I've said, we will attempt to join it with the House in a conference-like process if the House is able to join in that process. If not, it would become just the recommendation of the Senate Members of the Joint Committee, not the recommendation of the full Joint Committee, at least on joint matters, and it will then of course be introduced in legislative form and go through the normal committee process. It will be assigned to the Rules Committee for normal legislative action, including amendment by that committee, and probably some parts of it would go to the Budget Committee and the Governmental Affairs Committee.

Then I've been told by Senator Mitchell and Senator Dole that they hope to complete that process very, very early on next year so that the matter could be on the floor for full Senate action very, very early next year before the floor schedule becomes clogged with other matters.

I'm just going to call on people in the order of their attendance today for opening statements, if any wish to make any statements. Let me give you the order: Senator Stevens, Senator Reid, Senator Lugar, Senator Sarbanes, Senator Pryor, Senator Ford, Senator Cohen.

Senator STEVENS. Thank you, Mr. Chairman. I want to commend both of you for what you've done, and your staffs. You have prepared and moved this along so I think the Senate is capable of reacting on this series of issues. As you have indicated, each of you, I have some serious questions about the recommendations. I can articulate some of them.

For instance, the Intelligence Committee, a committee on which I've served for 8 years, is to become a B committee. The Intelligence Committee can only function if it has representatives of other committees, some which are A and some are B. The problem of it being a B committee to me is that a Senator who serves 8

years and then is going to go back to a B committee and find that he is at the bottom of the rung again, starting all over, I did that twice, for reasons that affected my State. And I will be the first Senator in history to have served 25 years here and not been a ranking Member of any full committee. I can tell you it is not habit-forming, it is not something that one should even contemplate putting in the rules.

Secondly, I do not believe we should continue to have the four Super As. I do not think that Foreign Relations and Armed Services should be Super As any longer. I think you ought to be able to be a Member of Foreign Relations and Armed Services or Armed Services and Finance, or Armed Services and Appropriations. That came out of the period of the past, as you mentioned, the build-up right after World War II, that is no longer a necessity.

The only thing that's really a necessity is to make sure that the person might not end up being in the senior side of both Finance and Appropriations. Now, that would be dangerous to the Republic, in my opinion. But it would be very good for that individual.

I do believe we ought to——

Senator DOMENICI. That would be very good for our friends.

#### OPENING STATEMENT BY HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Yes, you will always be my friend.

But I think we ought to recognize what you've said, and since the two of us are here, we'll be very blunt about it. I would like to see the bill introduced so the bill could be referred to the Rules Committee and we can strip out the portion we can do by rule.

But I don't expect that we will be able to get together with the House. The House has this foolish demand that we reform our rules in order to reform the Congress. Those are two separate positions, as far as I'm concerned. I will not accede to that concept of the House at all until they realize—of course, if they want to come in here and change the Rules Committee and some of these foolish rules that they've got of changing amendment and disagreement to amendment and full agreement by the wish of one man, we might be able to look at reform of the rules in another forum. But this was, as far as I'm concerned, totally outside the purview of the possibility of success in this group.

Thirdly, let me say, the concept of the committees in terms of the numbers of seats I don't think has been properly addressed. The assumption here is that the next committee, next Congress, would have the same number of committees, but the seats would automatically be reduced to 200 as far as A committees, because each committee, each Senator, would only serve on two A committees.

I've got to tell you, that just won't work. The reason it won't work is that there are some committees which must exist for the future of the Republic, Governmental Affairs, for instance, and Labor. And yet they are the ones that people select only under pain of real sanction if they don't serve on them. You and I, we all know that. Interestingly, they're the two committees that have the heaviest workload of all the Senate.

Now, there ought to be a lesson for us there. People are hesitant to take those. They produce more legislation than any other committee. And they are very important committees. But the Senators have been very reluctant to accept them. You can look at the record and you see that over the years, the Senators, particularly new Senators, have been very reluctant to accept Governmental Affairs and Labor. They have been assigned there, literally, by the caucuses as we go on. This assumes that that selection process will result in people taking the jobs they should take.

Lastly, I'll tell you this. The feeling that a Senator should not have more than two committees is an interesting one, and it may look good in terms of the public. But people that have two, three or four committees, if they do their work, they can keep up with all of them. It's a question of commitment of time and being able to marshal your time to do the job.

I think automatically denying a person the right to be on three committees—take people that represent small populations but very large States, such as I do. We have one Member of the House. If our State is going to have adequate representation in the committees that have a great impact on our future, there are committees that we must serve on. And yet the three of us cannot cover the waterfront. We have to be able to serve on more than two committees when we have such enormous impact of some of these committees on our State.

I shall not support the concept that a Senator cannot serve on more than two committees. I will accept the concept that a Senator must serve on two. And as you know, there are some that don't serve on two.

My comment to you in terms of the financing of this is, I think the public wants us to reduce our staffs. I think the public wants us to work longer during the day. I think the public wants us to get our job done quicker and more efficiently. I don't see that the outcome of this. This says that we're going to reduce our staffs over a 7-year period by 4,000 people.

Now, I would like to see a study sometime of the Senate and its staff back at the time when Senator Byrd took over for Mike Mansfield, or when Senator Baker took over from Senator Byrd in terms of the staff both for the leadership and the committees and the individual Senators, and compare it to what we have now. There is no question that staff has continued to multiply. But it's continued to multiply from the top down.

The leaders themselves have expanded their staffs immensely. The committees have expanded their staffs immensely. And individual Senators, in order to keep up with those, have been given allowances to increase their staff. I think we have to attack the staffing problem, the cost problem of the Senate, and that is the largest demand I hear, that we find some way to reduce the cost of the operation of the Congress. I don't think this does that in terms of the immediate future. It might after 7 years, but I do not think it will now.

Now, I have spoken a long time. Let me ask you this. You have a quorum. Is it possible the two of you would conceive letting us who are here now have a motion to report this subject to amendment, so that some of us can go to other meetings? I think that this town

is full of 16,000 of the world's great neuroscientists. I find this to be one most exciting weeks I've had, and I fear I'm going to be locked here until I can vote on this unless you let us vote on it now. I would like to vote. Or to set a time.

Senator DOMENICI. I would second that.

Chairman BOREN. I would be happy—I think procedurally, so that we can vote on amendments to it, I had intended to ask that we report this document out subject to amendment, so that it becomes a vehicle for amendment. Is there any objection to us doing that and reporting it out subject to amendment, and that way we then will—

Senator STEVENS. Mr. Chairman, I'm not quite sure what we're doing here, but I want to make a point about some aspects of this. Most of the committees I serve on, when you have a markup document, you approve it subject to amendment and we do it also in most committees. That's all I would do, so that every can vote on that aspect, and then obviously it's subject to amendment for the next couple of hours.

Chairman BOREN. And not shut off any amendment as long as there are any to be offered.

Senator SARBANES. Well, I want to make a point of order right at the outset.

Chairman BOREN. Senator Sarbanes?

Senator SARBANES. Of course, I think there is much that's good in this document and I intend to try to be supportive of it.

Senator REID. If I could interrupt, I thought we were going to do the opening statements.

Chairman BOREN. I think what Senator Stevens was saying is he's going to have to depart, and would you have objection, before we do that—

Senator REID. I just had my grazing amendment ready here, and—

[Laughter.]

Chairman BOREN. Somehow I knew there would be a vehicle for that around here. Let me ask, we're obviously going to take the time, and we'll stack votes on amendments later today if we need to do that, to accommodate everyone. Senator Sarbanes wants to raise the issue of whether it's appropriate for us to proceed. Could we perhaps do that, and then consider Senator Stevens' request, and then we'll go back to our opening statements and then the consideration of amendments.

Senator Sarbanes?

#### POINT OF ORDER ON CONSIDERATION OF JOINT ISSUES

Senator SARBANES. Well, I'm not questioning whether it's appropriate to proceed. It's just a question of what items it's appropriate to proceed on. Of the charter for the committee and the committee's own rules say, and I'm now quoting, "the committee may establish subcommittees comprised of Members from only one House. A subcommittee comprised of Members from one House may consider only matters related solely to that House." May consider matters related solely to that House. That's very clear and very explicit.

I, of course, as the Chairman knows, differ with his recommendation to drop the Joint Economic Committee, and I'm prepared to make the argument on behalf of retaining that committee in the proper forum at the proper time. That argument may prevail or it may not. I'm obviously ready to put it to the judgment of my colleagues. But this is not the proper forum for that issue on the basis of this provision that's both in the charter of the committee, and of course then had to be carried over into the rules, since the charter is the governing document.

So I don't think that we're, having constituted ourselves in effect as a subcommittee comprised of Members from one House that it's in order for us to consider any matters beyond those that relate solely to that House. Now, I'm focusing this point essentially on the—well, I'm focusing it particularly on the JEC.

Chairman BOREN. On joint matters.

Senator SARBANES. It would apply to all of the joint committees. There is nothing more clearly, that involves both Houses, than these joint committees. And I'm very frank to say to you, I think that issue needs to be dropped from this document and deferred for consideration when we go into the full committee with the House.

Chairman BOREN. Let me answer this way, and let me be absolutely candid. I think that, and again, this is after conversation with the co-chairs from the House, there is some doubt at this point as to whether the House will be able to proceed in their markup on the House matters, and particularly on the joint matters.

I have been told that as it relates to the joint matters, that it may be the decision of the House Members simply to defer joint matters to floor consideration, and therefore, if we do not come forward with joint matters as a recommendation of the Senate Members of the Joint Committee, and introduce them in the form of an "S" numbered bill, obviously it will still have to go to the House. And these matters would then have to be voted on on the House floor, so that the House would have input, obviously, on the legislative product on those matters.

I don't read the rules as constraining us, as long as we do not purport to speak for the Joint Committee. If we speak for the Joint Committee, we say that it is the recommendation of the Joint Committee that these actions be taken on joint rules. I think, Senator Sarbanes, you would be correct.

But I don't believe that there's anything that prevents us on an informal basis, since obviously when we say we're reporting out a bill as a recommendation, we're not really reporting that out in the same sense that the Rules Committee will when it takes this up in the normal legislative process. What will happen is, the co-chairman and I will introduce our recommendations, and if they are only the recommendations of the Senate Members, we will have to so state, of course, in our report. They will not be the recommendation of the Joint Committee, they will be the recommendations of the Senate Members.

They will then be introduced by us as a bill. We would circulate, of course, report language, giving every Member of this committee the right to also file individual views, either concurring or dissenting or additional views. And it would be made clear that we were

not purporting to speak for the Joint Committee in terms of our joint recommendations.

Let's say we decide to go with the 2-year budget. That's a joint matter. Or we decide to do away, in our recommendations, with the joint committees. That would be a joint matter. But it would be, we would have to make it clear that it's the recommendation only of the Senate Members of the panel, unless the House, and we hope this might happen, but I think it's very uncertain at this point, comes back to us and is ready to go on a joint basis.

Our recommendations, then, embodied in a bill form, to be introduced by the co-chairs with any individuals on the committee who wish to join us as co-sponsors, will then go through all the legislative process. Obviously, from what Senator Stevens says, he has some ideas for refining our proposals when they come before the Rules Committee of which he is a Member. And others will, some will go to the Governmental Affairs Committee, some to the Budget Committee, and before Senator Sasser's committee, as a Member of this committee.

So I would simply urge that we proceed on the basis, as I've indicated that this would be viewed not as a recommendation of the Joint Committee, it wouldn't purport to be the recommendation of the Joint Committee, therefore it would not run afoul of the rules, and that we—

Senator FORD. Mr. Chairman, let me just say that apparently the House is coming out with legislation about the committees, irrespective of this committee.

Chairman BOREN. I think that's correct.

Senator SARBANES. Well, then, that legislation would have to be considered. But I think this committee ought to adhere to its charter, and it's very clear that meeting only as Members of one House, we can only consider matters related to that House. It couldn't be more explicit. And it was obviously written for a purpose at the time, and the purpose was obviously that anything that affected the joint operation of the Congress would be the consequence of the joint meetings.

Chairman BOREN. I think it would not prevent us from making a recommendation. I think we couldn't make it as the recommendation of the Joint Committee. I would like to then just ask if we could vote on the Stevens motion, which has been seconded by Senator Domenici, that we report out this bill as a recommendation, subject to amendment, with the understanding that it is the recommendation—again, subject to amendment, and we'll make sure that every amendment that anybody wants to offer will be voted upon and stacked, if necessary, later today.

What we're in essence voting on is to make this the draft document, subject to amendment, and that it be reported out when we have completed our amendment process. I would hope we would do that. I have respect for the views of Senator Sarbanes as expressed.

But with all due respect, I think if we were to follow that procedure, we would really not have the hope of really having forward motion on most of the reforms. Because many of the items that we're looking at Senators, including Senate procedure, I know Senator Domenici feels strongly that some of these matters are related also to getting joint reforms, such as the 2-year budget.



Why don't we proceed and call the roll?

Senator SARBANES. Can I make a point? Is your motion subject to points of order as well, or only to amendments?

Chairman BOREN. Well, I suppose both.

Senator SARBANES. I would like to get a separate—if we're going to violate our charter right off the bat, I would like to get—

Chairman BOREN. Why don't you raise the point first?

Senator SARBANES. Yes, I do make the point of order.

Senator FORD. I'm not a lawyer, and I want to be sure that the rules are followed here. Is his point of order a narrow point, or is it a broad point?

Chairman BOREN. You're talking about the joint matters only, right?

Senator FORD. Are we talking about joint matters in the budget? There are a lot of other things in here joint.

Senator SARBANES. I'm raising the point of order specifically on the joint committees.

Chairman BOREN. That we should not proceed to consider the joint committees—

Senator SARBANES. That they should not be part of the draft, because they are not a matter related solely to one House.

Chairman BOREN. The Chair would rule that since we are acting as a subcommittee of the Senate only, and are not purporting to speak for the Joint Committee, the recommendations will only be viewed as recommendations of the Senate Members of the Joint Committee in that sense, and not in the formal sense of recommendations of the Joint Committee, including House Members, that we would be allowed to proceed, since we are proceeding on this matter on an informal basis, it might be said, in terms of recommendations of the Senate only.

Senator DOMENICI. Mr. Chairman, I think we ought to proceed, and I concur in your decision regarding the point of order. I would just comment, in the totality of the Joint Committee rules, there is a Rule 14, about us, but it says the co-chairman and vice-chairman may agree to establish such other procedures and take action as may be necessary to carry out the foregoing rules. I frankly believe, if we don't do this, what we are really saying is that if the House chose not to do anything, we would be unable to move. And frankly, I don't think that's what the Senate ought to do.

Chairman BOREN. We've always felt that—

Senator SARBANES. I'm not saying that. I'm saying that we just have to adhere to our rules on matters that involve both Houses.

Senator DOMENICI. Well, we have other provisions that are for both Houses, a lot of them in this bill.

Chairman BOREN. Senator Pryor?

Senator PRYOR. Mr. Chairman, I don't think Senator Sarbanes's point of order was intended for adoption. As I understand his point of order, it was only intended to prevent us from at this time going forward with the issue of the Joint Economic—

Chairman BOREN. No, the joint committees, all the joint matters. It would set the precedent that we couldn't consider joint matters. And I think again, I want to stress that we're considering joint matters not in terms of trying to speak formally for the Joint Com-

mittee, but simply in terms of informal recommendation, which the co-chairs would just include in their recommendation.

Senator PRYOR. Question. At what point is Senator Sarbanes going to get to move on his point of order?

Chairman BOREN. Later on, just as soon as we have acted on the Stevens motion, it would be open to amendment, and Senator Sarbanes could propose that we strike that.

Senator STEVENS. And the end result of this is a bill that's introduced and referred to the Rules Committee and several other committees. Ultimately the question is on the floor.

Chairman BOREN. Ultimately the question will be decided—

Senator STEVENS. As I said I think some of these things can be done by rule, and we I hope will make that recommendation.

Chairman BOREN. And obviously, if we end up passing a Senate bill number, it has to be referred to the House. I think obviously what will probably happen is the House will pass an "H" bill number, and we will end up with a normal conference procedure in the normal course of legislation. Then if we fail in that whole process, as Senator Stevens said, we could still go back and separate out some items for Senate action by Senate resolution.

We'll call the roll. The Chair would rule in the negative on the point of order and rule that we could proceed on an informal basis as to joint matters, as long as we do not purport to speak for the Joint Committee, and therefore would rule against the point of order. And Senator Sarbanes has appealed the ruling of the Chair.

#### VOTE ON SENATOR SARBANES'S POINT OF ORDER

So we will call the roll, and an aye vote would overrule the Chair, and a no vote would sustain the Chair.

The CLERK. Senator Sasser?

[No response.]

The CLERK. Senator Kassebaum?

[No response.]

The CLERK. Senator Ford?

Senator FORD. Pass.

The CLERK. Senator Reid?

Senator REID. Aye.

The CLERK. Senator Stevens?

Senator STEVENS. No.

The CLERK. Senator Sarbanes?

Senator SARBANES. Aye.

The CLERK. Senator Cohen?

Senator COHEN. No.

The CLERK. Senator Pryor?

Senator PRYOR. Aye.

The CLERK. Senator Lugar?

Senator LUGAR. No.

The CLERK. Senator Lott?

[No response.]

The CLERK. Vice-Chairman Domenici?

Senator DOMENICI. No.

The CLERK. Chairman Boren?

Chairman BOREN. No.

Senator REID. Reid, no.

Chairman BOREN. Senator Reid votes no.

Senator FORD, do you wish to vote?

Senator FORD. No, it affects me directly as Chairman of the Joint Committee on Printing, and I felt like it was not appropriate for me to make that vote.

Chairman BOREN. Fine.

Senator FORD. There may be some time that I will get into the trench with you, but not right now.

The CLERK. Two Senators voting aye, six no.

Chairman BOREN. The majority not having voted to overturn the Chair, the Chair is sustained.

## SENATE

Date: November 10, 1993

Vote on: overriding the Chairman's ruling on Senator Sarbanes point of order concerning whether joint issues can be considered in a single-chamber setting.

Senators	Yeas	Nays
Senator Sasser		
Senator Kassebaum		
Senator Ford	present	
Senator Lott		
Senator Reid		X
Senator Stevens		X
Senator Sarbanes	X	
Senator Cohen		X
Senator Pryor	X	
Senator Lugar		X
Vice Chairman Domenici		X
Chairman Boren		X
Total	2	6

**MOTION BY SENATOR STEVENS TO REPORT BILL SUBJECT TO  
AMENDMENT**

Chairman BOREN. Now we will go to the Stevens motion that the bill be reported out subject to amendment.

Senator STEVENS. Let me explain what I'm trying to do. I think you all have done a good job putting forth a document that ought to be worked on, and I want to get that document to the committee and the full House. That's why I make this motion.

Chairman BOREN. Would you agree to amend your motion that when we complete the process, that a draft report be circulated to Members and that Members have 3 additional days to submit additional views, dissenting views or individual views as well?

Senator STEVENS. On the report, yes.

Chairman BOREN. Okay, on the report.

Senator SARBANES. The Stevens motion that this should be the markup document—

Chairman BOREN. And that it is reported out subject to amendment.

Senator SARBANES. Without a final vote on the document as amended? It's now open to amendment—

Senator FORD. The final vote is really the first vote.

Chairman BOREN. The final vote is really the first vote, but it is subject to amendment.

Senator DOMENICI. If it gets amended, then the amendment is encapsulated in it.

Senator SARBANES. But suppose it gets amended in a way that you don't want to support it in its final version?

Senator DOMENICI. If there's enough votes to support it, if that amendment deletes something that's important, we would have to take into account what we want to do. That's what we do in all these committees.

Senator SARBANES. I've never done it in any committee I'm on. I mean, I don't see how you can go through an amending process, which would change the document and perhaps, in significant—I'm for a lot of things in this document, and I anticipate in the end I would be for it. But if you change a lot of things in the document and then you just report it out without a final vote on the document as amended?

Senator STEVENS. That's happened quite often.

Chairman BOREN. Obviously we're in a little different situation, in that our final product is going to go through the normal process anyway when we get through. Everyone here will be able to file individual views, dissenting views and concurring views as they desire.

Senator SARBANES. Well, I want to be registered in the negative on it. This is an interesting process in terms of trying to reform the Congress, and have an open, transparent process, whereby in effect you're saying, regardless of what amendments are made along the way, we're in favor of this document at the end of the amending process.

Chairman BOREN. Let me say this. Senator Stevens, would you be willing to make your motion subject to, if the Members of the committee desire, to vote again at the end?

Senator STEVENS. That might do it. No, I don't want to argue with the Senator. He's apparently not on committees where we do this. We do this as a way of expediting the work of the Congress.

Chairman BOREN. We have this in the Finance Committee all the time, I know that.

Senator FORD. Can we just get a time certain?

Senator STEVENS. Just get a time certain to vote, and we'll come back.

Senator FORD. That will satisfy the protocol.

Senator STEVENS. Some of us have other things to do.

Chairman BOREN. You do make the motion this is the text subject to further amendment?

Senator STEVENS. I make the motion you set the time when it's going to be voted on.

Chairman BOREN. All right. Does your motion still include this being the text subject to further amendment?

Senator STEVENS. Yes. I'm open to report it, if you make amendments, you make amendments. Let's get a time certain on when it's going to be reported.

Senator SARBANES. The motion is that this be the text for the markup, correct?

Senator FORD. Right, and the Chairman set a time certain for vote.

Chairman BOREN. For final vote.

Why don't we say 12 p.m.? Is there a series of votes?

Senator DOMENICI. Do you think we can take up all the amendments between now and 12 p.m.

Chairman BOREN. Well, let's set it at 3 p.m.

Senator FORD. Why don't you set it at a time certain right after the first vote.

Chairman BOREN. That first vote could be sooner than you think. Why don't we do it at 1 p.m.? Is there anything wrong with 1 p.m. or 1:30 p.m.? Two o'clock? All right, 2 p.m.

I think we should do it in this room. Is that agreeable? Let's do it in this room. Do you want to vote on this now? Is there objection?

[No response.]

**UNANIMOUS CONSENT TO HOLD FINAL VOTE AT 2 P.M. ON  
NOVEMBER 11, 1993**

Chairman BOREN. All right, by unanimous consent, the vote will be at 2 p.m. on final report, and the bill is adopted as the text for further amendment.

Are there amendments?

Senator REID. I have a statement I still want to make.

Chairman BOREN. Oh, opening statements. Senator Reid?

**OPENING STATEMENT BY HON. HARRY REID, A U.S. SENATOR  
FROM THE STATE OF NEVADA**

Senator REID. And it's not on grazing fees.

Mr. Chairman, I want to, and I know Senator Stevens' staff is here, I have a number of things to say, but one is, I don't think anyone should be under the notion that Members do not work hard. Senator Stevens left the impression in my mind, and I think

many people here, that we don't work hard and that our staffs do all the work. I come to work very early, I leave very late, and I think I speak for everyone here.

The workload has increased significantly, even in the 11 years that I've been here, from a small State like Nevada, I get as many as 4,000 letters a week. That's a lot of mail from a small State like Nevada. My people that write those letters want responses. I think Senator Ford can confirm the fact that committee staff has not ballooned during the past decade. In fact, it's gone down. Personal staff has gone up a little bit, but very little. And the reason for that, of course, is indicated in the workload that we personally have.

So I want to make sure, even though this wasn't part of my prepared remarks, that no one is under the illusion that we're going to solve the workload of this Congress by giving us more to do. I think that the mark we have here, limiting the number of subcommittees and committees, is a tremendous step forward. And we're all willing to look at specific problems. You were chairman of the Intelligence Committee, and you should know as well as anyone, you and Senator Cohen, what the problems are with that. If we have to make an exception for that committee, which I think is very important for the survival of this Nation, I will be happy to make an exception, if those people with some experience tell us that's necessary.

But let's not have anyone under the thought, here in this room or anyone in the sound of my voice, that we're going to solve the problems of Congress by creating more work for us individual Senators. I have more than I can handle now, and I think everyone else does also.

Mr. Chairman, there are some things that I want to say, and I know we're all busy to get out of here. But by virtue of the fact that I serve as chairman of the Legislative Branch Appropriations Committee, I think our overriding priority should be to strengthen and improve performance capabilities of Congress and the supporting agencies of Congress.

It's imperative to maintain and enhance the institutional independence of Congress. Any reforms we agree to recommend should improve the structure and progress of the Congress so as to enhance its ability now and in the future to function as an independent, and I stress co-equal, branch of Government. I think too many on the outside, and sadly some on the inside, want to weaken the ability of us to be an independent branch of Government.

And I would ask everyone to at least have their staff read the speeches that Senator Byrd gave on the independence of the legislative branch of Government. I know that all we talk about is his lectures on Roman history. Those lectures were about the Congress of the United States, and how we must maintain our independence. He used, of course, the Roman Empire as an indication of what happens to a great empire of the legislative branch of Government becomes weakened.

Every proposed change means to me that the first branch of Government must be evaluated from a constitutional, conservative perspective. We must remind ourselves that our system of Government is unique in the world. Ours is not a parliamentary system

under which executive power is exercised by the leadership of the legislature.

Our constitution, in contrast, establishes three explicitly separate and coordinate branches of Government. Each is endowed with distinctive power and functions, with certain checks and balances, assuring their independence, the independence of the executive branch, the judicial branch, and what we must strive to accomplish, the independence and equality of the legislative branch of Government.

The foremost problem plaguing the modern Congress is weakness of its leadership institutions. For the past 30 years, we have witnessed a progressive and paralyzing atrophy in both the committee and party leadership structures. When I first came here, I had people say to me, "Boy, what we need is Lyndon Johnson."

Well, we don't need Lyndon Johnson. We do need the ability of the leadership to have some of the power that Lyndon Johnson had. Reversing this trend should be the top of our list of priorities. This in fact is a primary test I intend to apply to any recommendation proposed for inclusion in the committee's report and in accompanying legislation. Those that strengthen the party and committee leadership will have my support. Those that undermine the structure of internal authority within the Senate I'm going to oppose, and those that do neither fall into a much lower priority category. Some may be desirable and some may not.

In any case, our priorities should not, and indeed cannot be, simply to save money, reduce costs, or realize organizational efficiencies. These are laudable goals, to be sure. We all want to reduce costs, eliminate unnecessary bureaucracy, increase our overall productivity.

But surely everyone here knows that we're not going to solve the Federal Government's fiscal problems by trimming and streamlining the legislative branch. The deficit for the fiscal year just closed, and we were happy that it was as low as it is, it's \$255 billion. The legislative branch appropriations bill for 1994 included a sum of \$2.3 billion. So we could eliminate everything in the legislative branch of Government, and it wouldn't make a dent in the deficit of any significance.

If of course recognize how tempting it is to pretend otherwise. Today's political climate seems to reward those who engage in great displays of public breastbeating about the presumed excesses of the institutions of the people's branch. But everyone acquainted with the facts, and I hope all of us, and I believe we are, except perhaps the most determined know-nothings among us, understand that this is just so much as Dave Obey from the House says, "posing for holy pictures." We have to recognize that what we do and see as Members of the Senate and Members of this Joint Committee will have real consequences.

So we should be very careful about both. There will be an effect, whether intentional or not, on the way this branch of Government operates, and on whether we as elected Representatives of our States or the Congress as an institution will be able to discharge the responsibilities that we were given by the founding fathers of this country.



I would hope that we understand that posturing and symbolic gestures are no substitute for hard evidence and careful analysis in choosing the recommendations we will endorse here. Our responsibilities as Members of this Joint Committee are informed, I would hope, by a somewhat higher purposes.

Our first obligation is to ensure that the Congress is able to play the role assigned it by the framers of the Constitution in today's vastly changed and rapidly changing environment. In this respect, we would do well to pay attention to the first rule of medicine, we shouldn't do harm first.

And let there be no mistake, Mr. Chairman, so-called reforms designed to appease or appeal to the worst demagogic impulses in the media or the public at large can inflict a lot of harm. If we're not careful, and we don't have the courage to resist this demagoguery, this committee could go down in history as the first committee on Congressional reorganization to ruin the independence of the legislative branch of Government.

This is not an outcome with which I wish to be associated, and if provisions of this sort are introduced and survive this markup, I will do everything under my power to kill them, and if need be, the entire package. I don't believe that's going to be necessary. I think the procedure that we have set up here, where we're going to do our will and then we take it to the Rules Committee, it will in effect go to the Rules Committee, or Senators Ford and Stevens, with their experience, and I've already indicated here, and I'm sorry Senator Stevens isn't here, I disagree almost totally with what he said. And I would hope that the independent review that the Committee on Rules will have will give us a product that, when it's reported to the Senate floor, will be one that we can all be proud that we have been associated with.

Chairman BOREN. Thank you very much, Senator Reid.

I want to again thank you for all the time that you've put in, working with us, and your input into the draft, and also your comments, which were made publicly last week as well, when Senator Domenici and I made public the broad outlines of the proposal that would be presented to the committee.

Let me say for those who have just arrived, and we've had more Members of the committee just arrive, that we have adopted the draft before you as the markup vehicle. We will vote on final passage at 2 p.m. The draft is now going to be open, after introductory comments are completed, to any and all amendments. There is going to be no effort here to stifle amendments. It may be necessary to accommodate Members; it's probably likely that when we come back into this room at 2 p.m. we will also stack the vote on amendments so that all the Members can be here to vote on amendments at that time.

But every Member will have an opportunity. I've been told Senator Kassebaum might have an amendment, Senator Reid might have an amendment. I'm not sure on committee scheduling. Senator Sarbanes has indicated he's likely to have an amendment, and there may be others.

So we will, I just want to say for Members who have just arrived, we will certainly take the time, every amendment will have an opportunity to be offered and considered, and we will, when we come

back here at 2 p.m., be able to vote on these amendments, unless there is a very, very clear consensus of the Members here that would not change the result.

Senator REID. Permit me an inquiry. I would hope that at 2 p.m. when we come back to vote that the Chair would set a very limited time to explain the amendments, so that we don't have to go through everything all over again.

Chairman BOREN. Yes. That would be my hope, that we would in essence come back to vote, but we would have the explanation between now and then. And as I say, there may be some amendments where there is unanimity here, and they could be dealt with without having to have the votes stacked. But if there is a close division of opinion, the outcome might hinge on absent Senators, then we will stack those votes.

Senator Lugar?

**OPENING STATEMENT OF BY HON. RICHARD G. LUGAR, A U.S.  
SENATOR FROM THE STATE OF INDIANA**

Senator LUGAR. Thank you, Mr. Chairman.

I believe that the package that has been presented is a good one. But I would comment, I suppose in common sense, it will only work if Members really want the reforms, especially those that pertain to the committees.

I tend to think that the strength of what we're doing is the thought that Members would serve and try to serve well on two committees, and be present for the work of the committee, present for the votes, and the idea of not having proxies implies that you are there, and you have participated, heard the arguments of other Members, and the quality of the committee work would be enhanced by your presence and by your debate and by your votes in person. That, I think, is the heart of the reform.

Now, Members may take the position, and my colleague from Alaska has taken it this morning, that it is more valuable for members to serve on many committees, thus to enhance the views of their State being represented. And that has been a conventional view for a long time. Members may enjoy serving on a lot of committees, and may in fact reject the product of what we're doing simply because they like the way it is now. If a majority of Members like the way it is now, we're not going to succeed.

But I presume that we are in this business because many Members appreciate there really are scheduling difficulties, that a lot of the Congress's work does occur without their being present, and that somehow the quality of the work suffers because of that, as well as their own lifestyles in the Senate.

So I'm hopeful, and I'm open to any suggestions as to how the two committees are selected. But I hope that we finally end up with two major committees and a minimum number of subcommittee options, so that in fact much of the work, with the exception, perhaps, of appropriations, is done by the full committee. That is the case in many of our committees now. It's true in Agriculture, for example. Almost all of our work occurs with the committee as a whole. The need for subcommittees is not obvious, whether they be two, three or many.

In addition, Mr. Chairman, I'm going to at some point suggest that we wait upon the task forces dealing with ethics, because a number of our colleagues who are involved in the Ethics Committee now or have been are trying to think through the whole procedure of the outside intervention or an inside grand jury and a second stage.

I don't reject the work that has been done here. I would just counsel, and I hope that Members will agree to wait at least until we have their findings. I think many of our colleagues have made that point to Members of this committee, strongly. They are at work, and have been delegated to do that, and ought to do that.

Finally, I will raise just as a question, I don't know whether I have strong opinion about the independent groups, the GAO and others that are suggested for 4-year reauthorization. Some have raised whether it is useful for these agencies to be independent of the Congress or subject to the Congress in a very real way, as the 4-year authorization implies.

Clearly, we're trying to get control of expenses, trying to get accountability of everybody who works and serves for us and for the public. And the desire to have this kind of accountability might imply that. But I think that needs to be explored and walked around a little bit before we—

Senator REID. Would you make that point again, I didn't understand. I understand the 4-year reauthorization, but what is your concern?

Senator LUGAR. Well, the agencies, at least GAO, for example, is an agency that believes that it may have a degree of independence, or should have. To the extent that it must be reauthorized every 4 years, that independence would clearly be clipped. That may be desirable, may be undesirable. But that's one, at least, on which I would like to hear views of other colleagues before we finally make a decision.

Senator REID. On that issue, did Mr. Bowsher have anything to say?

Chairman BOREN. I think he's opposed to it.

Let me say, I would like to let everyone go ahead and make their opening statements, and we can enter into discussion on individual matters. I know this is a matter Senator Ford has spoken on, and he may want to say a word about that on the need for reauthorizations. I think again from a budgetary and financial side, there have been Members of the committees who felt, perhaps maintaining in substance the independence of organizations like the GAO, but at least for budget control reasons, reauthorization might be necessary.

Senator LUGAR. I just have one final comment, Mr. Chairman. And that is that all of us in both parties know how difficult it is to work out the committee assignment business. I just think that we have to, as we take a look at this, and the Rules Committee may take a look at it more, both party caucuses may take a look at it, in the past one reason why two committees per Member did not work out very well is that the leadership in both of our parties for a variety of reasons decided to authorize additional memberships. Then the other party had to have equal say, and before long, even

though we all selected two committees, there were all sorts of vacancies that had to be filled.

And for the committees to work, we understand that. This is a part of what Senator Stevens is saying. However neat you may have made this, in actuality, unless you really thought through the rules of the game and all the dodges and weaves in this sort of thing, you'll find that it won't work out. I think his skepticism is well-founded, although I think it can be met, if you think through the procedures very carefully.

So these are guidelines. I think we have to recognize that unless there is some will on the part of the Senate to honor the idea of two committees, the numbers of possibilities for Members to finally acquire third and fourth assignments are legion. And I'm just simply hopeful that we will finally effect rules in both parties that adhere to the spirit.

Chairman BOREN. Thank you very much. I know we've heard from both leaders, that they welcome being prodded in that direction, and hopefully that system will work. Of course, this proposal requires that if waivers are granted beyond the two A committee limits and the one B, they would have to be voted on and by name of the Senator by the full Senate, as opposed to just being taken up in party caucuses.

Senator Sarbanes, for your opening statement.

Senator SARBANES. Thank you very much, Mr. Chairman. First of all, I fortuitously followed Senator Lugar, because I agree with much of what he said. And in fact, I had listed some of those points to be in my own opening statement. I think there is much that's in this package that's very good. Obviously I differ with some parts of it, and I have some questions about other parts of it.

But I think that the effort to control committee assignments is being done here about as skillfully as it can be. The alternative is you try to eliminate particular committees, but that always is a difficult process, obviously. What this does is by containing the number of committees Members can be on, it in effect attains that curtailment indirectly rather than directly. And it still leaves to the Member the chance to choose particular committees, if that's where their interests lie or that's where their concerns lie.

I do think that you need some flexibility, and I think we have that here, in other words, you could depart from it, but the leaders would have to bring that to the floor, and the whole membership would have to vote on it. So that's much more of a restraint than currently exists, where it's just sort of simply done.

Therefore, every time it happened, it would be out in the open, it would be an issue, it would be a clear issue and the membership—now, if the membership wants to do that, in the end the membership will run the institution the way it wants to run it. But I think that does impose an important constraint.

I think the oversight agenda is very important, and I commend the Co-Chairmen for including that. That's right at the tail end of this thing, and I think there's probably a tendency to overlook it. But I think that's an important recommendation, and if we could really implement an effective oversight agenda in the Congress, I think that would be a very important thing to do.

It doesn't take much text here, but its potential impact, I think, is quite significant. We ought to do more oversight, and there ought to be some recognition, which unfortunately there tends not to be, either in the press or in the public, that we may best be doing our job when we're reviewing existing arrangements rather than putting a new one into place. Perhaps this oversight agenda will make a contribution towards achieving that frame of thinking.

I do think that the point that was raised about the ethics proposals is one that's quite important. In other words, there is a committee right now that's been appointed by the two leaders, as a matter of fact, by Senator Mitchell and Senator Dole, that is examining how the ethics activity ought to work. They've been doing, as I understand it, quite a bit of work on this. They've been engaged in the quite extensive process of hearings and consultation and review.

I must say, it's my understanding it's a process far beyond what we've done here on this Joint Committee in terms of looking at that particular problem. Therefore, it seems to me to make some sense to withhold a proposal in that area and wait to see what they come forward with.

I've not talked to the leadership about it, but I would be surprised if they didn't think that would be a more orderly way to go about our business.

Senator DOMENICI. Would the Senator yield on that? I concur, and I have talked to our leader, and he thinks we should wait. That's the best word I can use. We're surely not expected to abandon jurisdiction, but to wait. I had talked with Senator Lugar about it, and I believe we'll accomplish that in some way.

Senator SARBANES. I think Senator Lugar's point on the GAO is an interesting point. We give the Comptroller General a 15-year term, which is quite extraordinary, and we do that for obvious reasons, to give them some independence on the course of their work. Now, of course you in effect fairly well eviscerate the 15-year term if you put them on a 4-year reauthorization. So there is a potential conflict there, and I think we need to examine that carefully.

I think we may be being too simplistic on setting these days for these committees. Some of these committees, the other A committees do very important work. You're in effect putting them on 1 day a week. I understand why we want to do it, because the rationale is that we limit the assignments, you have these assignments, you don't have two committees meeting at the same time, which is a posture in which I find myself right now, so I'm going to excuse myself in just a moment, because there is a markup, and I sort of have to be there, at least for a while.

So I don't have an answer. I kind of appreciate the model you're trying to construct. On the other hand, I'm not sure it's going to respond to the practical needs of the institution to put us into that rigid sort of framework.

Chairman BOREN. I certainly agree with what you're saying. What we thought we would try to do is lead us in this direction on the framework. But just as now, for example, the leader, and it would kind of give the leaders a little more control over scheduling.

Now they often, for example, get consent for committees to meet while the Senate is meeting and other things. It would simply require a committee going through the leadership to request to meet at other times. And as you say, there are going to be times when there are urgent matters before committee, and they are going to have to do it. They are going to have to meet more than 1 day that week or something else.

I agree with you. It's not a perfect solution. It's our attempt to guide in that direction as the normal course, and then leave it open to the leadership to be able to waive that. But I think your point is well taken.

Senator SARBANES. And then I guess Mr. Chairman, at some point, I would want to offer an amendment with respect to the Joint Economic Committee and make the argument for that committee, which in my own view is quite strong. I know this is not the time, because you're doing the opening statements right now.

I just make this observation. In 1946, when they passed the Employment Act which established the committee, one of the things people talked about trying to encourage were joint committees, as a matter of fact. And writers on Congressional reform continue to talk about that, even today, not necessarily the JEC itself, but the concept of joint committees and a closer working relationship between House and Senate.

Now, we have it in a few areas. I would argue it's worked fairly well. But to simply recede from it may be in effect abandoning a development that we would really want to encourage, not to eliminate. So it does have, in a sense, that kind of broader implication. But I will reserve the substantive arguments on that issue until the appropriate time, and offer my amendment, which I take it we're going to stay in session until the lunch hour.

Chairman BOREN. We probably will, depending on how many amendments there are. We will have the other opening statements. Would you want to stay and offer that as the first amendment after the opening statements, or would you want to go to the other committee and then return? I don't know how our attendance will work. Would you like to offer it as the first amendment after the opening statements? I think the others may have brief opening statements, then we could turn to you as our first amendment. We would make sure that way that you would have a chance to argue it.

Senator Pryor has indicated to me he will be back in about 10 minutes. He had to go meet with a veterans group.

Senator Ford?

#### OPENING STATEMENT BY HON. WENDELL FORD, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator FORD. I'm just going to file my opening statement and make a point or two.

I worry somewhat about Senator Sarbanes's motion to exclude the Joint Economic Committee. We could all make the same argument. I can tell you that if you, just on the dissemination of public information, if it goes to all the executive offices, it costs us \$50 million more per year. And then we would have it so spread out

that the libraries would be trying to get it from all our agencies instead of from one area. And if we're going to disseminate the information, we ought to keep it in the Government Printing Office and save \$50 million.

So I would start making those kinds of arguments for my committee, and I think everyone can, Mr. Chairman. If you're going to exempt one, I want them all exempt. It's either all or none, the way I look at it. And I would like to keep the Joint Committee on Printing, I think we've done a pretty good job, we've already saved over \$100 million this year on purchases alone. What we have now, if we go with it the other way, it's, "Here's money, go do good." And the good old boy system is back on us again. I don't think that's proper.

One of the items I want to discuss is the reductions. Everyone must realize that all cuts cannot be absorbed by others. All cuts cannot be absorbed by others. Every entity in the legislative branch will feel this impact. So we might as well get ready for it. I got my letter from Stuart Balsam this morning that he corrected the statement about the funding for our office. There's no little increase. We got 2½ percent reduction. So all of us are going to begin to feel it.

I want to follow on Dick Lugar's statement as it relates to ethics. I talked to a gentleman I have a lot of confidence in outside, who's been part of this institution. He said he wouldn't come back and do that for anything, not that he wouldn't accept the responsibility, but he may want to come up here and lobby us one of these days, and he won't be able to do it after that.

He's got to file his financial report. He's got to do all these things, and he's not going through that harassment. We're not going to find many people that well. Hell, we're already getting the hell beat out of us because we filed our papers and all that. What difference does it make? So we might as well just keep it here, in my opinion. Because I think this committee we have now has been pretty gutsy.

I would hope that we just take that sucker out and wait until the reports comes from committee and go from there. From the ethics portion, yes. I filed my statement for the record.

Chairman BOREN. We will receive Senator Ford's full statement for the record.

[The prepared statement of Senator Ford appears in the Appendix.]

Chairman BOREN. Again, let me say that his experience chairing the Rules Committee has been invaluable to us and the work of his staff as well in helping the staff of our committee in preparing this report.

Senator Cohen?

**OPENING STATEMENT BY HON. WILLIAM S. COHEN, A U.S.  
SENATOR FROM THE STATE OF MAINE**

Senator COHEN. Thank you, Mr. Chairman. I'll try and be brief to accommodate Senator Sarbanes.

I first want to commend Senator Dole and Senator Mitchell for appointing the two of you. I would like to consider you both to be

passionate moderates, if I can use that inconsistent phraseology. Most moderates are hardly ever passionate.

Senator SARBANES. Sounds like the name of a book, the title of a new book.

Senator COHEN. I don't think that would make the best-seller list.

Senator SARBANES. Passionate would.

[Laughter.]

Senator COHEN. But in any event, I think that as a result of the kind of leadership that both the Chair and Co-Chair have demonstrated have led us to this point where we are rapidly approaching some kind of a consensus.

I also took note that as we were deliberating as to when we might fix a vote or time certain to vote for final passage, members of the press were quite amused at our inability to do so. And I might say that that really does simply point to a larger problem. That is, if we were to hold up our individual schedules for someone to examine, you would see exactly why we face the problems every single day that we do. We are scattered all over this Hill, in the Senate and sometimes the House, at any given moment with a multitude of demands placed upon each Senator's schedule.

So our inability to reach an immediate consensus on the time certain, I think, is only reflective of a much larger problem.

I also took note of Senator Domenici, who indicated that we have to vote three times on issues like defense. I'm going to say this about him now while he's here, because he is our recognized expert on budgetary matters. He said there were three votes. Actually, he miscounted. There are six votes.

Senator DOMENICI. That's right.

Senator COHEN. There are six votes we have to take on defense matters, and 12 votes in one Congress. That's what we have to take. That to me really is the crux of the problem that we're facing. We have too many Senators who are working on the same subject matter. It's something that Senator Kassebaum has tried to raise, and apparently she may not be willing to go forward with it, because it may be a futile gesture.

But we shouldn't have an Appropriations Committee and an Authorizing Committee. We ought to merge them. Because we've got people, all experienced people, doing the same work twice or three times. There's Senator Sasser here, who makes a determined effort to be as knowledgeable about defense matters as anyone else on armed services or appropriations. We've got too many people dealing with the same subject matter. It seems to me that one fundamental reform we are not going to make and we ought to make, and that's eliminating this duplicative process of appropriations and authorizations.

We are now going through what I would call an inverse legislative process. We now are rushing on the defense, the authorization conference, to catch up with the Appropriations Committee. And we are now shaping our authorization to conform to what they are doing in appropriations, rather than the other way around. Something is fundamentally wrong with that particular process.

Yesterday, again I would point to a problem that seems to be indicative of where we are today, we held a hearing on the problems



of the FDIC, the Federal Deposit Insurance Corporation, mismanagement of the taxpayers' funds as such, gross mismanagement, files which are lacking, GAO, which has cited it for really very, very significant abuses in terms of managing its files properly, inefficiencies.

And as I was lecturing those who were coming to testify about their inefficiencies, I had to delay the hearing yesterday afternoon for almost an hour, and kept them cooling their heels while I went over to vote, because votes were stacked to accommodate Senators from the night before who had to go to various functions. So it put me in a rather uncomfortable position of lecturing about inefficiencies, when we point with equal passion to our own inefficiencies.

Senator Stevens made a valid point on Intelligence. Senator Boren and I have served together in Intelligence, did serve together for a period of 8 years. I don't think Intelligence ought to be a B committee unless you're willing to take the cap off the number of years of service. Right now, it's 8 years mandatory and you're out. I think people are going to be reluctant to serve on Intelligence if that's one of the B committees. So we have a choice, I think, of either moving it down to the C committee level, or taking the cap off. That's something perhaps we can debate during the course of the afternoon.

Senator Stevens said that the public wants us to reduce staff. The question I would have, is the public willing to reduce demand? Because if that's the tradeoff, I would be more than happy to do that. But I'm not sure that the workload is going down. The case-work in my office has exploded. We're doing more and more and more dealing with peoples' problems where more than 50 percent or 60 percent of the time is spent dealing with peoples' problems. So if we're going to reduce staff, we have to reduce the demand placed upon the staff.

He also said that he wants us to work longer during the day. My initial reaction was, I can't dance any faster than I'm dancing. I can't work any longer. I come in as early as Senator Reid does, and I go home—last night I got home at 11 p.m. or 11 p.m. Or 1 a.m. or 2 a.m. So I'm not sure what he was saying is we have to work longer during the day.

What I think he was saying, or suggesting to me, is we ought to have fewer quorums. There is nothing that is more disconcerting or discouraging or perplexing to the people who come to witness government in action than to look down and see no one or one person on the floor presiding, and no one in the chamber, saying "A quorum is not present, Mr. President," and we have delay after delay after delay. I think that is shocking to most people who come to witness Government in action. So what we are proposing hopefully will reduce the need for these quorums or time-outs to accommodate various Senators.

I also think he's correct in raising the suggestion that we work longer in the sense that we do our business during the day and not have to work at night. This is also a persistent complaint. If we get out of here at 8 p.m. or 8:30 p.m., I say, "What am I going to do with all my time tonight? We're getting out early. It's 8:30 p.m. My God, I don't know what to do with the time any more." Because we have become so accustomed to staying until 9:30 p.m. or 10 p.m. or

10:30 p.m., or as Senator Ford has said, maybe 1 a.m. or 2 a.m. in the morning. So I think we can make a better allocation of our time.

With respect to any of us serving on more committees, I would like to endorse what Senator Lugar has said. I enjoy serving on many committees. I serve on four, plus this one, which makes five. But I must say, it puts enormous strain on my ability to do all of them well. I try and keep up as best I can, and I've got great staff members, as everyone here does. But the fact of the matter is, I am scurrying about like everyone else is to make sure I put in as much intellectual effort into those committees as possible.

Senator DOMENICI. Would the Senator yield for one moment?

Senator COHEN. Yes.

Senator DOMENICI. Let me, without picking out any individual Senator over others, I don't know about the others, so I would just comment, Senator Stevens spoke, Senator Pryor, about not being able to represent your State well, that you might need more assignments. I hold up as an example to the United States Senator Richard Lugar. He's on two committees. He doesn't want five. And I don't think anybody around says Dick Lugar doesn't represent his State in serving on just two committees, Agriculture and Foreign Relations. Is that not right, Senator?

So you made a very good point.

Senator COHEN. You made the point. Senator Stevens is not here right now, and he's attending, I think, a very important meeting. It's not a Congressional meeting, but is dealing with brain surgeons, neurosurgeons and scientists, and he has a great interest in the field of scientific research into the brain.

Senator DOMENICI. Right.

Senator COHEN. And I should be in Armed Services right now.

But the fact is that most of us won't be able to stay here until the completion of the debate on this measure. So that tells you—

Senator FORD. I have to leave right now.

[Laughter.]

Senator COHEN. But anyway, that's the problem. We've got to reduce the number of committees and have a better scheduling, and I think this particular working draft accomplishes that.

Chairman BOREN. Senator Sarbanes is going to have to leave and come back and offer his amendment. He's ready to go now.

Senator SASSER. Wait a minute. I didn't agree to that.

Chairman BOREN. Senator Sasser didn't agree? We'll go through the rest of our work and then call you.

Senator Cohen?

Senator COHEN. I have concluded my remarks, Mr. Chairman.

Chairman BOREN. Thank you for your comments, Senator Cohen. I think again, we've seen the problems that we have, and the example we have now with the Sarbanes amendment is a problem. We've got a study of the number of committees on which Members serve and subcommittees, and we do range all the way up to a high of 23, which some Members serve on 23 committees and subcommittees. It's a real problem. That was, I would say, the number one item on the response from the questionnaire of Members, was fractured attention and the inability to focus.

We go next to Senator Pryor, who was originally here early in attendance.

Senator PRYOR. Let me yield my slot to someone else.

Chairman BOREN. Senator Kassebaum or Senator Sasser? Senator Sasser, then Senator Kassebaum, then Senator Pryor.

**OPENING STATEMENT BY HON. JIM SASSER, A U.S. SENATOR  
FROM THE STATE OF TENNESSEE**

Senator SASSER. Thank you very much, Mr. Chairman.

I want to commend the Chairman and the Vice-Chairman for the work they've done on this report. I think there is a great deal in the work product that we see here to recommend it. I think that if many of these reforms can be enacted, it will be in the long-term benefit of the Senate and many of us.

I want to particularly commend the Chairman and Vice-Chairman for those recommendations dealing with streamlining the Senate proceedings. Clearly, we all have an interest in protecting the rights of the minority. Because we never know when we might be in the minority, and I'm not talking particularly about partisan minorities. Many times we're in a bipartisan minority, or in a bipartisan majority.

But clearly at some point, the Senate must move on and do its business in matters. And to be in a situation where two or three or four people can tie the Senate in knots indefinitely I think is not good public policy. I think it reflects to the discredit, really, of all of us. And the public wants us to move forward or backward, depending on how you view the issue, at some point, and they want us to move forward and do the public's business.

So with regard to the items in here which streamline the Senate proceedings, just in a small way, I think that is indeed a large step forward. With regard to limiting ourselves to two A committees, now, I serve on more than two A committees. But I wholeheartedly agree with that concept.

Chairman BOREN. Same here.

Senator SASSER. We simply cannot allow ourselves to become stretched as thin as many of us have. I remember very well when the Stevenson Committee, the committee chaired by Senator Adlai Stevenson, came forward and recommended that we serve on two A committees and one B committee. There was a lot of complaining about that, I think some people were grandfathered in on A committees. I remember Senator "Scoop" Jackson was, because he complained so vociferously about being limited to two A committees.

But over the years, we have slowly gotten away from those Stevenson recommendations, and now we're spread, I think, entirely too thin.

Senator DOMENICI. Would the Senator yield on that?

Senator SASSER. I would be pleased to yield to you.

Senator DOMENICI. First, I thank you for your positive comments.

On the Stevenson reorganization, I was on it, and I can tell you that within 2 weeks after it was passed with the recommendations of two As and a B, all the waivers were granted, en bloc, and starting us down the path where we are today, where it's been mutilated either by waiver or grandfathering.

Senator SASSER. Mr. Chairman, on the question of proxy votes, I think in the abstract, I think it's good policy to have Senators there voting in person. But in the way the Senate works, and practically speaking, I have reservations about that.

Now, Senator Domenici knows we have a no proxy voting rule in the Budget Committee. And as Chairman of that committee, over the years, I have found that this works somewhat of a discrimination against senior Members of the committee who might be chairmen of other committees, and some of the better Members of our committee, and the more experienced Members of it, who might be away chairing committee proceedings that they've got to interrupt just to come back to vote on an issue, they just come in and say "aye" or "nay" and they're gone. They could just as well vote by proxy.

Or you have individuals on the committee who are very industrious, who work very hard, but because of some particular pressing crises in their State on that particular day, they cannot vote. And I must say to you that I think it works to the detriment of the majority.

Now, the majorities change around here. I've been here when my party was in the majority and when the other party was in the majority. So these things change. But the majority party usually is more deeply involved in holding hearings, more involved in presiding over hearings, has frankly more duties. So the question of proxy voting, I think in the abstract, we would all like to be there to vote in person. Just looking at it from the day-to-day practicalities of this institution, I frankly have some reservations about it.

I want to be very brief here. On the question of staff, I think Senator Cohen makes an excellent point. Perhaps we can make some staff reductions. And I am one who thinks that some Senators have too much staff. Some Senators probably don't have enough. This workload is increasing.

Now, Senator Cohen indicated that his case work portion was simply exploding. I would reflect his attitude on that, and simply say that in the first 90 days of 1993, my office received more mail than we received in all of calendar year 1992. We're simply drowning in mail there. And I find that that's being reflected in the offices of Senators of both parties, all across this body.

What we're seeing, everybody's got a grass roots organization. Everybody's listening to the talk show or radio people. There is almost an extraordinary and unparalleled interest in what's going on here in the Congress. And we're simply being flooded with inquiries.

So it's great to talk about reducing the staff, and I certainly want to do it, and I will vote to do it to some extent. But I think we had better be careful about that, because we're here, in the final analysis, to serve our constituents and they, in many and large measure, determine the effectiveness of our service by the effectiveness of our response to their particular needs.

As this Government has become larger and more complex and more bureaucratic, more and more of our time is simply spent getting the executive agencies to break through the bureaucratic red tape and get them to do expeditiously what they should have done expeditiously in the first place. We all know we've got countless

numbers of people who simply work on expediting things. If you don't do it, it simply doesn't happen.

Finally, on the question of using our time wisely, and here again, I think Senator Cohen raises some excellent points. All these quorum calls, we get out there and we wait and we wait and we wait for Senator X to call up his or her amendment. Now frankly, I think we ought to move these bills and move on to third reading. Many times, Senator X, he or she will be in their office doing something else, they discommode the whole session for their own particular purposes. A few Senators do that much more than others.

So I wish we had something in here, I know we can't order the leadership to move on, or order the bill managers to move on, but I wish there was something in here expressing a sense of the committee with that regard, so that the leadership could say, "Well, it wasn't my idea," or the bill manager could say, "Well, it wasn't my idea. The Committee on Reform has spoken on this, and when the Senate as a whole adopts the Committee on Reform's measures, then the Senate as a whole has spoken on this. They want to move forward and move this particular legislation."

Well, I have some more notes here, but they're so disorganized that I won't—

Senator PRYOR. That's because you're on too many committees. [Laughter.]

Senator SASSER. I'm on too many committees. Frankly, I've got to rush off to another committee meeting.

But one final word. On the question of 4-year authorization. The General Accounting Office is supposed to be the independent investigating arm of the Congress. And I know some of us, over the years, have had disagreements with GAO. I have had disagreements with them myself.

But I worry, if we're going to put them on a 4-year tether with regard to their authorizations if this would not be a way to influence at least the audit and review section of GAO. If Senators can say, if the Chairman of the Appropriations Committee, and I know that Senator Byrd wouldn't take this position, I just use this in the abstract, or the Chairman of the Legislative Appropriations Committee, the distinguished Senator from Nevada, Mr. Reid, I know he wouldn't take this position.

But let's say that an audit's underway, and they want to make sure it turns out a certain way, or want to influence it. If the GAO knows that this particular individual is going to be looking at their authorization next year or in 2 years, it could have a chilling effect on the objectivity of the auditor's work. I don't think any of us want to do that.

So I've got reservations about these 4-year authorizations with regard to the General Accounting Office.

I've spoken too long, Mr. Chairman, but again I want to commend you and Senator Domenici for some very excellent work here.

Chairman BOREN. Thank you very much, Senator Sasser. I think you've made some excellent points, points that we should think very, very seriously about, and I appreciate your comments very much.

Senator Kassebaum?

**OPENING STATEMENT BY HON. NANCY LANDON KASSEBAUM, A  
U.S. SENATOR FROM THE STATE OF KANSAS**

Senator KASSEBAUM. Senator Cohen just said to me, "Are you going to be the only person who doesn't have anything to say?" And of course, it gets to this point, and you really feel like you should.

On the other hand, I think there have been some very thoughtful comments that have already been made. One, to just say to the Chairman and Vice-Chairman and staff what a good job I think everyone has done. I think this is, as you know, a very important initiative. I think it's an important agenda. Senator Cohen, of course, made a persuasive argument for something that I believed was important, and it was a restructuring of the committees. But I'm also a realist, and know that won't occur.

So I agree with much of what has been said. I feel, and I don't know who said this, Senator Lugar maybe, that much will depend, however, on those who are either chairing the committee, the leadership on both sides of the aisle, to make it work. We have to be dedicated to making it work, or it will fall apart again, and we'll soon find one reason or another to put it aside.

When are we going to get to the amendments?

Chairman BOREN. Just as soon as the opening statements are over.

[Laughter.]

Senator KASSEBAUM. Okay, then, I'll wait. Thank you.

Chairman BOREN. Thank you very much.

Senator Pryor?

**OPENING STATEMENT BY HON. DAVID PRYOR, A U.S. SENATOR  
FROM THE STATE OF ARIZONA**

Senator PRYOR. Mr. Chairman, and Mr. Vice-Chairman, I would like to add my word of commendation to both of you for the good work that you have done all this year, and also to the very fine staff that you have assembled. I truly think they have done a remarkable job.

I have just one or two brief passing comments. If this committee does nothing more, Mr. Chairman, nothing more than change some of the procedures and the rules and the practices of the Senate itself, I think that we will have accomplished a great deal. In fact, I think that would be a great victory. If we go forward and do something also in addition to this, relative to committees and committee structure, and the limitation of how many committees we can serve, that in my opinion is icing on the cake. We will have really hit, I think, a triple on that one.

I think that there's one or two little concerns that I have here, and I'm still in a quandary about the 2-year budget cycle. I will look forward to listening to that debate and that discussion. I'm also in a quandary about the abolition of the Joint Tax and the Joint Economic Committee and the other committees.

There is also Section 105 in here that I would like to bring my colleagues' attention to. Section 105 provides that committee chairmen shall publish committee attendance and voting records in the Congressional Record semi-annually. I don't have any great con-

cern with that except to note that if I'm going to the Finance Committee and the Agriculture Committee and the Governmental Affairs Committee, run in, make certain the clerk marks me present, I run out and go to the floor to make a speech or participate in something else, I think that we're going to have to sort of refine the rules and the process of procedure there with regard to not abusing that Section 105.

Mr. Chairman, I'm very glad that you and the Vice-Chairman have decided sort of to put aside for the moment the issue of ethics. I am on the Ethics Reform Commission with Senator Bryan and others. I must say that I have come full circle. I have made this statement before, I used to think that we needed outsiders to come in and help us with the ethics process.

Maybe I'm getting old or crotchety or what have you. But I was watching especially this last issue that was before the Senate, and once again, Mr. Chairman, as painful as it was, the system worked. The system worked. No one wants to be on that committee. Everyone wants to count the days until they get off. But the system is working. And it may not be a good system, but it's one that I think I would prefer over another system.

And finally, as relating to Senator Cohen's and Senator Stevens's comments, Senator Stevens says people want us to work longer, and Senator Cohen says they want us to work in daylight and to get our work done and what have you. I would say that I interpret maybe what they want is that they want us to work better. They want us to work more efficiently. They want our work product, our work ethic and our work habits to sort of hit the target. I think that's what this committee is all about. I commend both of you, each of you, and all the staff once again. Thank you very much.

Chairman BOREN. Thank you very much, Senator Pryor, and thank all of you for your opening comments.

Let me raise the issue, I think Senator Lugar had raised the issue first, the question about our deferring on the ethics matters, we're deferring on the matter of the procedures and applying laws to Congress, how those procedures will work, waiting for the task force to report, the Task Force on Ethics. I have heard from a number of Members on both sides that they wish to do the same thing with ethics, in other words, defer the wording of that section until we get the recommendation of the Task Force on Ethics.

Now, let me say that I personally, and I usually agree with Senator Pryor on everything, I still am among those that believe that we should have outside Members in the process, or at least the option of outside Members in the process, and I wouldn't want to view us deferring that to prejudice the question. We would wait and see what the task force—I think the task force itself, as I understand it, is having a very lively discussion on that issue among themselves, and are uncertain as to where their recommendation will come down.

But just with that point, I would want to make that point, that it's apparent to me that the majority, if not all, of the Members, wish to follow the procedure of letting the task force make the recommendations to us that—I don't want to be understood as changing my view on the outside Members, because I still think, from the point of view of the perception of the institution, it is impor-

tant that there is a perception that we do judge ourselves and that others are not in that same position when they are accused of wrongdoing of some kind. I still hope that there will be very strong consideration being given by the task force, as I know there is by some Members of the task force, to outside Members.

#### DEFER WORDING OF ETHICS SECTION OF THE BILL UNTIL SENATE TASK FORCE REPORTS

Is that the general consensus, that the Members—I can just ask for a show of hands on this—are just, is it the general consensus, if you raise your hand, that we defer the details of the ethics provision until the report of the task force? How many would favor deferring until the task force?

[Show of hands.]

Chairman BOREN. All right. That will be the modification of the document, then.

Senator FORD. Let me ask one question, though. Are you saying once we get the recommendations of the task force then we'll make a decision?

Chairman BOREN. That may not be—what we would have to do is undoubtedly, when we introduce the legislation, which really then would be introduced by the co-chairs, and would go through the normal legislative process, I would think at that point in time we would simply say to the Rules Committee, ask the Rules Committee to seriously consider the recommendation of the task force as it considers the other legislative proposals. That's the process I think would be followed.

Senator LUGAR. Or incorporated on the floor by amendment.

Chairman BOREN. Or incorporated on the floor by amendment. I would think probably incorporated in the Rules Committee, based upon the recommendations of the task force.

Senator DOMENICI. Mr. Chairman, on that score, I want to join in your remarks, I might be convinced to the contrary, but I have come to the conclusion that one of the shortcomings, in spite of the Ethics Committee doing a very good job on the big case before them, and in fact an excellent job, I have come to the conclusion that it's very hard to get quick justice. Because sitting Senators as fact-finders and judges cannot devote the kind of time necessary to get it done quick.

I think we have to address that issue. Where do we find a fair way to have somebody finding these facts that has a lot more time to do it, and that's what caused me to lean toward outsiders as an option, and I remain convinced thus far that that's very important. But I do believe our own Republican leader is right. He suggested that we do what Senator Lugar has recommended, and wait on that. So I join with my hand saying I agree to that.

Chairman BOREN. Thank you all very much. It will be modified and we'll follow that procedure, then, when we introduce the legislation, just as we will on the Reid-Stevens-Ford Task Force on the ways in which the laws would be applied, and then in our individual comments on the report we can express ourselves as to our views on what should be included on both of these items.



I think clearly we're moving toward bringing the Congress under labor and health regulations as well as civil rights and the task force is, as I understand, working very much in that direction. They have to fine-tune the methods, the compliance office methods that will be set up.

Chairman BOREN. Let's move now to Senator Sarbanes, who is able to come back with us now and offer his proposed amendment. I would like to accommodate him by turning to that amendment at this time.

**OPENING STATEMENT BY HON. PAUL S. SARBANES, A U.S.  
SENATOR FROM THE STATE OF MARYLAND**

Senator SARBANES. Mr. Chairman, I'll be very brief. I was able to buy a little time in the other committee in order to do this.

First of all, let me say generally on the joint committees, I think there is a great tendency to eliminate joint committees and you get a box off the chart and that's considered to be reform. But a lot of these joint committees, you have to look at what it is they do, what work do they perform, and how is it going to be done otherwise. I think in many instances these joint committees do a good job. I don't see them as a problem. Like any committee, they ought to always be examined.

Now, I want to specifically address the Joint Economic Committee. I have served on that committee for some time now. I don't chair it in this Congress. I remember Dick Bolling, who I think was probably the best thinker about the Congress that there has been in the Congress, was a very strong proponent of it, and the rationale for it is you need some places where some thinking is done middle range and long range with respect to important national issues. It does not report legislation.

I think that's an advantage, not a disadvantage. I think that enables it to carry forward a hearing and a study agenda which has made some very significant contributions, and is able to look at broad economic policy. Now, the committee has done work on important issues like infrastructure, productivity, the Nation's competitiveness, investment policy, very important studies in international economics, countercyclical economic policy, high technologies, the scientific and technical frontiers of making us a highly advanced industrial Nation.

In addition, the JEC has done a lot of things. For years, we have monitored the Soviet economy and the Chinese economy. The CIA comes before the committee to make that presentation. That's an annual thing. Those reports are extremely sought after and highly valued in the academic fields. We relate, of course, to the sort of policy community in a very close way, in many ways much closer I think than a lot of the other committees.

Let me just give you a couple of examples of how this works over time. We did studies of the Taiwan, the Korean and the Japanese economy and the trade imbalances between the United States and those economies, and what those countries were doing. These were very careful studies, they brought general praise. On the basis of those studies we began the effort which ultimately culminated, that was included in the Trade Act to require Treasury to report

semi-annually on countries that were manipulating their currency or playing against the rules of the game.

And off the basis of that, we've gotten some very important changes that have taken place in the policies of those countries, much to the advantage of our U.S. economic prospects. We do a lot of work on countercyclical economic policy, the unemployment insurance is just one example of that. Senator Bingaman chaired the subcommittee that worked in the high technology field and came forward not out of our committee, because we don't do the legislation. But it was based on the studies and work of the JEC. They came forward with some major proposals to strengthen policy in the high technology area.

Everyone says we don't have enough time around here to think about things. We're always focused on the matter of the moment. And that's true, and of course when you handle legislation, by definition your agenda is defined by the legislation. There's practically no way to escape that. This is one committee that's been able to do some forward thinking, to address some broad economic questions. I think it's worked very effectively, and I obviously very strongly feel that it ought not to be abolished.

It's easy to come along and say, "Well, let's just abolish these joint committees." But I think if you probe what they do and how they work, there is a case to be made, and I think certainly a case to be made on the part of this committee. So I would put to the committee dropping the provision to abolish the JEC.

Chairman BOREN. Thank you, Senator Sarbanes.

Let me just say that all of these decisions are difficult, and there are strong arguments that can be made on individual cases. I find myself in honest disagreement with my colleague on this matter. I think it's important that we do take the step of beginning now the process of streamlining. We will not necessarily lose the work of those that have been preparing reports.

This is a non-legislative committee, and the Budget Committee could well, I believe, undertake some of the same economic studies and members of the staff, the budget of the committee is approximately \$3 million. Those members of the staff that were necessary to augment, for example, economic studies by the Budget Committee, that could be undertaken.

We're here dealing with the possibility that we could save by not having these four joint committees a considerable amount of money. The budgets total about \$10 million. These functions will not be lost in terms of being able to do studies. The same would be true of Printing and the Library, in that these functions would be carried out by the Rules Committee.

Let me say in making this recommendation, we're in the tradition of earlier reform committees. I have before me the recommendations from the Monroney-LaFollette Committee. They at that time recommended abolishing the joint committees. For example, it's interesting, their recommendation was the same on printing and privileges and elections which they advocated moving to the Rules and Administration Committee.

The Stevenson Committee also recommended the abolition of the following: all the joint committees, including the Joint Economic Committee. This was a recommendation of the Stevenson Commit-

tee as well. They were successful, I might say, in abolishing the Joint Committee on Atomic Energy and Defense Production, and Congressional Operations, which had become a committee I guess much like ourselves, which admit to being temporary, but had become permanent.

So I know that these are, and I respect, certainly, the work that has been done by Members of that committee and its staff. I particularly appreciate the leadership that Senator Sarbanes has given to that committee. But I believe if we begin to unravel at this point the composite reform and the reduction of committees that we have talked about by making exceptions that we put ourselves on a very slippery slope and that we will find that cases will then be made for the others and before we know it, we will not have been able to make the major impact we hoped.

Senator Reid and then Senator Ford.

Senator REID. When we met informally, I agreed that we shouldn't include Joint Economic. But frankly, you can't defend that. You can't defend leaving one joint committee when you do away with Joint Taxation and Printing and all this. So I think it has to be an all or nothing proposition.

One of the things, I don't know if the leadership of this Joint Committee talked about it, but one of the things that I talked about early on and I'm not sure that we shouldn't do something about that, and I would like to get some comment at the appropriate time, especially from you and Senator Cohen, and that is, why can't we have a joint staff for Intelligence? Why do we need two separate committee staffs for Intelligence? I think it would be much more efficient and effective, and we would save money if we had a joint staff for Intelligence.

Senator COHEN. Does that mean we should have a joint staff for Economics or Taxation?

Senator REID. We're going to get rid of those.

Senator COHEN. I understand. But what I'm asking is, do you want to do away with jointness or joint committees, but now you're talking about having a joint staff for Intelligence?

Senator REID. Yes, that the House and Senate would share.

Senator COHEN. I don't have any particular objection to it. I'm not sure how you would work it out.

Senator FORD. There's not a question on that.

Senator REID. No, but I'm just saying it's something I would like.

Chairman BOREN. There's been a proposal, and Congressman Hyde, for a number of years, proposed a joint intelligence committee. Maybe that's something that ought to be seriously considered.

Senator REID. I favor that.

Chairman BOREN. I think probably my answer would be, you either go joint on both, committee and staff, if you want to have a joint staff of a committee, you would almost have to have it made into a joint committee. I think that's something we might want to consider.

Senator REID. Tell me, separate and apart from Senator Sarbanes's motion, how would that be done? When would we have an opportunity to do that?

Chairman BOREN. It could be offered as an amendment to make it a recommendation.

Senator FORD. Mr. Chairman?

Chairman BOREN. Senator Ford, then Senator Sasser.

Senator FORD. Mr. Chairman, I understand Senator Sarbanes's recommendation here. I could do basically the same thing for the Joint Committee on Printing. Already this year we've turned down and saved through the Joint Committee on Printing almost \$100 million. We've turned back almost \$150,000 in payroll, we've had savings of 50 cents on the dollar for printing. We've encouraged the so-called minority and disadvantaged and small printing groups out there, and they've been bidding and we're keeping them in business. I think we've done one whale of a good job.

So I think my argument where they don't put forward any legislation, we have the authority on the Joint Committee on Printing to do certain things. On the dissemination of information, if we take the reinvent Government recommendation, it will cost \$80 million. We will save over \$50 million if you keep another Joint Committee on Printing and we have the ability with the Windows bill that we passed and is now law to disseminate that information to libraries and so forth. The public is high on that, and that's one of our responsibilities.

So when I testified you get back \$10 for every \$1 you invest, or better, it could be even higher than that for the Joint Committee on Printing. So I've got an argument, too, that this committee within its own sphere has the responsibility, I think, that's meaningful. So I have taken this position, that if you're going to eliminate all of them but one, then I'm going to be opposed to that. If you're going to eliminate none of them, I'll accept that. But it's either all or none, in my opinion.

And let me just make one other point. Under the Stevenson recommendation, we eliminated the Space Committee. I would have been here 2 years and would have become Chairman of the Space Committee when you had Senator Goldwater and Senator Stennis and all them on there, and I was the only freshman. The rest of them were chairmen. And we had 54 employees.

I went before Howard Cannon at the Rules Committee and testified that we ought to do away with it. We put it under Commerce, it's been working very well. So that experience, I think, indicates that this can be done. The joint committee would go to Rules. I think that might go to Banking or Finance. There are a lot of things that you can do with these, and I would be hopeful that if you're going to keep one, keep them all, or do away with all of them. In all deference to my friend Senator Sarbanes.

Chairman BOREN. Senator Sasser?

Senator SASSER. Thank you, Mr. Chairman.

Mr. Chairman, I want to associate myself with Senator Sarbanes position on this particular matter. Now, we have established, I think, a precedent in times past for these reform committees of doing away with committees when they have essentially outlived their usefulness. One was, as we have heard earlier, the Atomic Energy Committee. That used to be a highly secret committee. The secret room in the Capitol was built initially to accommodate the Atomic Energy Committee. But that committee outlived its usefulness and we did away with it.

The other one that was mentioned earlier was the Defense Procurement or expediting defense procurement. That also outlived its usefulness and we did away with that. Perhaps the Space Committee did outlive its usefulness, and we did away with that.

But I think the Joint Economic Committee brings to this Congress a level of economic expertise and a level of economic sophistication in dealing with long-term economic issues and short-term economic strategies that I don't think we're going to get anywhere else.

Now, I've never been a Member of that committee. But I did go to three or four or five of their hearings on a number of economic matters. They had a stable of excellent economists who short of spanning the whole range of economic philosophy there and were doing, I thought, some very splendid economic work.

I used to look forward to the reports, for example, issued when Lloyd Bentsen was chairman of the Joint Economic Committee. I thought very useful work was done there, and of course when Congressman Hamilton was chairing it, and then Senator Sarbanes, also I thought did very excellent work there.

Now, let's face it. What happens with the economy, both domestically and internationally, is the single most dominant issue of modern times. And I'm arguing against myself here, I say to my friend Pete Dominici. We could take this jurisdiction of the Budget Committee and we could say we're going to do all the economic work.

But we've got one economist, I've got one economist, there may be a minority economist, I don't know, Pete. But we've got one economist on the majority side. And we're concerned primarily in dealing with deficits and controlling spending and a whole host of things, and we're not that involved in economic studies. We're going to end up relying primarily on the Congressional Budget Office, I suspect.

Now, they do excellent work. But we're not going to get the kind of in-depth, I think, highly enlightened work product that we've been getting out of the Joint Economic Committee which I think has been useful. Yes, it costs some money. But I would say to my colleagues, let's don't be penny-wise and pound foolish here. In other words, we've got to have, I think, some tools to get the work done. I think this Joint Economic Committee, over a period of time, has proved its usefulness, and I think it's going to become increasingly useful if it's allowed to exist.

We've got to find a way, I'll say this and conclude, but we've got to find a way over the next few years in this country, which is in the process of restructuring our economy, and it's very painful, economically, socially, culturally and some of us are going to find and have found, it's very painful politically.

But we're in the process now of trying to restructure the economy here in the United States. I think we're seeing this restructuring now going on in the highly industrialized countries of Western Europe. And we need some strategies to deal with this. Frankly, I think this is not the proper time to do away with the Joint Economic Committee.

Chairman BOREN. Thank you, Senator Sasser.

Any last comments, Senator Sarbanes?

Senator **SARBANES**. No, I'm ready to vote. I just make this observation. The Monroney Commission, which you said recommended abolishing joint committees in 1946, it was that Congress that passed the Employment Act and established the Joint Economic Committee. So they made in a sense a very fundamental judgment.

Chairman **BOREN**. Senator Lugar?

Senator **LUGAR**. Let me just mention that in the Renewing Congress book, the second report of American Enterprise Institute and Brookings Institution, Norm Ornstein and Thomas Mann come to a conclusion on pages 25 and 26 that the joint committees ought to be concluded and wrapped.

Just for chapter and verse of some rationalization of this, many of us read this report with a considerable amount of approval, really, of how they have come out. They suggest a rationale that I will not go over again, but I just cite for Members, if they want some intellectual justification.

#### VOTE ON THE SARBANES AMENDMENT TO RETAIN THE ECONOMIC COMMITTEE

Chairman **BOREN**. The Clerk will call the roll, then, on the Sarbanes Amendment, as many as favor the Sarbanes Amendment will vote aye, and those opposed will vote no.

Senator **REID**. Can we do this by voice?

The **CLERK**. Senator Sasser?

Senator **SASSER**. What are we voting on?

Chairman **BOREN**. On the Sarbanes Amendment.

Senator **SASSER**. Aye.

The **CLERK**. Senator Kassebaum?

Senator **KASSEBAUM**. No.

The **CLERK**. Senator Ford?

Senator **FORD**. No.

The **CLERK**. Senator Reid?

Senator **REID**. No.

The **CLERK**. Senator Stevens?

[No response.]

The **CLERK**. Senator Sarbanes?

Senator **SARBANES**. Aye.

The **CLERK**. Senator Cohen?

Senator **COHEN**. No.

The **CLERK**. Senator Pryor?

Senator **PRYOR**. Aye.

Chairman **BOREN**. Senator Lugar?

Senator **LUGAR**. No.

The **CLERK**. Vice-Chairman Domenici?

Senator **DOMENICI**. No.

The **CLERK**. Chairman Boren?

Chairman **BOREN**. No.

Amendment Number One  
November 10, 1993  
Senate Markup

Offered by Senator Paul Sarbanes:

Delete the recommendation to abolish the Joint Economic Committee.

On page 54 of the Chairman's Mark, strike Part I, Section 361, lines 3-12.

## SENATE

Date: November 10, 1993

Vote on: Retaining the Joint Economic Committee

Senators	Yeas	Nays
Senator Sasser	X	
Senator Kassebaum		X
Senator Ford		X
Senator Lott		
Senator Reid		X
Senator Stevens		
Senator Sarbanes	X	
Senator Cohen		X
Senator Pryor	X	
Senator Lugar		X
Vice Chairman Domenici		X
Chairman Boren		X
Total	3	7



Chairman BOREN. The amendment fails of adoption. I believe Senator Kassebaum has an amendment to make.

Senator KASSEBAUM. Thank you, Mr. Chairman. I appreciate it. I have to get back to another committee.

Senator DOMENICI. Point of order, Mr. Chairman. Are we going to stack the votes on that?

Chairman BOREN. What I propose we do is continue to vote on amendments, but, because there may be some that have very decided lopsided votes, like eight to one, seven to three, whatever. If we get into a vote where there is a close vote, we will defer it to a stacked vote right before we vote at 2 p.m. on the final passage.

So if there is any vote where we don't have as many as seven, we will stack the vote. There are 12 of us on the committee, so obviously, and it's my understanding the leaders don't wish to vote on amendments, but may well wish to be recorded on final passage. I've been told by the two leaders, and I do want to say for the record how supportive, by the way, the two leaders have been.

We have gone over our draft recommendations with them, and they have been very, very positive in their response and I know Senator Mitchell had indicated to me that if he were able to be here when we vote on final passage, he hoped to be able to vote the report out if he could be physically present.

But otherwise, we'll proceed as long as there are seven votes on one side on an amendment. We'll complete action on it. If there are not, if there are six, and the person proposing the amendment wants to stack the vote, we will stack the vote. But otherwise, if we have a conclusive vote here, we won't need to stack the vote.

Senator Kassebaum.

#### SENATOR KASSEBAUM'S AMENDMENT ON ENTITLEMENTS

Senator KASSEBAUM. Mr. Chairman, I'll be brief. The thrust of this is to make the entitlement appropriated accounts excepting Social Security. This was, as you know, debated or mentioned a number of times during our hearings, and just to offer a few observations, when the Chairman testified, he told us we would make "a significant contribution towards better budget control if we shift more mandatory spending to the discretionary spending category, so that these programs are reviewed from two different perspectives."

I really do believe this is very important. Senator Bellman, when he testified, urged us to adopt "binding spending limits, including limits on entitlement spending." While this amendment would not of itself set those limits, it would bring the entitlement under a much closer review.

I think when we get into the debates on constitutional amendments to balance the budget and all of these things, we all say, "Well, we can't do anything about the entitlement." And we have, I think, clearly recognized this is a significant problem. We may end up appropriating the same amount as there would be for full funding. But I think by automatically protecting it, we don't give the review that I think is necessary, and that's what the thrust of this is about.

Amendment Number Two  
November 10, 1993  
Senate Markup

Offered by Senator Nancy Kassebaum

To require annual appropriations for all direct spending, including entitlement programs and excepting Social Security, and biennial authorizations for direct spending authority:

On page 49 of the bill, insert immediately before Subtitle B the following:

"Part 4 -- Direct Spending and Entitlement Accountability

Section 322. Appropriation of Direct Spending.

(a) BIENNIAL APPROPRIATIONS. -- Notwithstanding any other provision of law, funding for direct spending, including entitlement authority, shall be--

- (1) subject to biennial appropriations for each biennium; and;
- (2) included in biennial appropriations Acts for each biennium.

(b) BIENNIAL AUTHORIZATIONS. -- Notwithstanding any other provision of law, direct spending authority, including entitlement authority, may not be provided by law for more than 2 consecutive fiscal years.

(c) DEFINITION. -- For the purposes of this section, the term "direct spending" has the meaning given such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985 except that such term shall not include Social Security."

MOTION WAS WITHDRAWN

Chairman BOREN. Ms. Kassebaum, let me ask you, now, you would require an annual evaluation of entitlement?

Senator KASSEBAUM. As a 2-year.

Chairman BOREN. With the exception of Social Security?

Senator KASSEBAUM. Yes.

Chairman BOREN. What about other pension programs? They would still have to be appropriated?

Senator KASSEBAUM. Like the veterans pensions and Federal retirees. I think all—

Senator DOMENICI. Veterans already are.

Senator KASSEBAUM. Yes.

Senator FORD. How about military?

Chairman BOREN. Military retirees?

Senator KASSEBAUM. I think those are.

Senator DOMENICI. Military retirees are not appropriated annually.

Mr. Chairman, might I make a point? First, Senator Kassebaum, I tried early on, and perhaps you recall my talking with Senators on my side, and perhaps sharing with a couple of Senators on the Democrat side, the notion that I had that we ought to have one giant appropriations committee that did everything, including entitlement, a completely different idea on how we ought to run the expenditures of our Government.

Obviously, I found some very serious problems from the standpoint of tactics whether we could ever do that. But let me share a couple of observations about your amendment, because I think its goal is very good. But here's what my staff tells me. The total mandatory and/or entitlement budget as of 1994, which we choose to call entitlement, now, we're not going to put net interest in that, nor do you have net interest in yours. But it's \$808 billion, this category that I'm describing as total mandatory and entitlement.

We take out Social Security, which is \$319 billion, and then we take out those programs that are already subject to annual appropriation. And that's \$264 billion. That leaves a remainder of \$225 billion of the so-called mandatory or entitlement that are not subject to review.

I want to stop there for a moment and say what the Appropriations Committee does under the current budget process is do the best they can to estimate, and then they go ahead and include it in an appropriation bill, because they have no authority to change the entitlement. And I don't see anything in your language that would give them the authority to change the entitlement.

The remaining \$225 billion that are not currently being run through appropriations are principally the following: Medicare, \$160; military retirement, about \$27; and civil service retirement at about \$36. So my best evaluation is if you were to adopt your amendment, you would put those three into the annual appropriation.

But let me suggest all you could do then would be to include the dollar number in the appropriation process. But let's assume that you choose to not fund it totally because you want to send a signal that perhaps we shouldn't fund Medicare to the full extent of this \$160 billion that's in this year's budget.

All that will happen is that in 3 or 4 months, 6 months, Medicare would not have the money it needed as an entitlement to pay its beneficiaries. So what would happen is a supplementary appropriation would come through—

Senator KASSEBAUM. Well, that's what happens many times already.

Senator DOMENICI. And I don't see how we—

Senator KASSEBAUM. Pete, I would suggest its biennial authorization as well as biennial appropriations, so you've got the chance to review through authorization, if we really make our authorization process work as it should.

As you know, we're moving more and more to wanting to say we fully fund. And we've gone through that a number of times on the floor, and have been fairly successful recently on making the argument that it should not be an entitlement, and keep it in the authorization and appropriated account category.

I just think it helps us to understand a bit better, perhaps, some of these initiatives. I just suggest it.

Senator DOMENICI. Senator, I was just going to move on to your second aspect besides the appropriation process, and you have, notwithstanding any other provision of law, direct spending authority, including entitlement authority, as defined, may not be provided by law for more than 2 consecutive fiscal years. I assume you intend that nothing be grandfathered, because if you don't intend to include those programs that already exist, we're not going to pass a huge number of new ones. So you intend to include all of them.

Then what we're saying is, if we adopt your amendment that every entitlement, including Medicare, pensions for senior citizens, I mean civil service, excuse me, and military retirement, that we have to authorize them every 2 years, because you have made that a mandate.

Senator KASSEBAUM. We do everything else.

Senator DOMENICI. Frankly, I think the spirit of your amendment is great. But I can't support mandating that Congress review and pass new authorizations on these programs every 2 years.

Senator REID. Mr. Chairman?

Chairman BOREN. Senator Reid?

#### SENATOR REID'S AMENDMENT ON JOINT INTELLIGENCE COMMITTEES

Senator REID. I'll be very brief. I have an amendment that we've been working on for some time, but some aspects of yours is the same. I think the intent of yours is incredibly good. I think we let too much go on here without having any approval, but we get all the criticism for these large deficits that go forward each year, when in fact we should vote each year whether we're going to allow a deficit to go forward, whether it's Medicare, Medicaid, military retirement or whatever it is. I think that we really need to come up with is a way to do this.

Mr. Chairman, if I could just go on a little bit. The amendment that I have here I'm not going to offer today because it has not been approved by the leadership. I've got another amendment, but it has not been approved by the leadership on my side. I would

like, because I don't think that Senator Kassebaum has the votes to pass this here, I would bet that's probably the case, I would reach out to her to work with—well, I've been wrong before.

Senator KASSEBAUM. Senator Reid, you're right. I introduced this, actually, in the last Congress, and didn't have any co-sponsors.

Senator REID. I would like, Senator Kassebaum, to have you look at what I'm trying to do. My theory is this. I think that we have to have a program that Congress reviews all matters we've authorized over a period of time, that we have this over 8 years. There has to be a phase-out program that we review all these programs. I think that if you would work with me, we might be able to come up with some bipartisan approach in this bill to do this.

As I said, originally we talked the last time we met, Senator Sarbanes raised an objection, "Well, if you did that, then the minority could stop every program." So what I have come up with is an expedited procedure that the minority couldn't do it. It would take a simple majority to reauthorize each of these programs. Certainly that's fair. If a program is bad in a monetary sense, but good in the sense that it does a lot of good things for people, we have to make a decision based on the financial impact of the program also.

So Mr. Chairman, Mr. Vice-Chairman, I would be happy, I don't know, we're going to report out a bill, I guess the only way we could do it is appear before the Rules Committee and try to convince them of it.

Senator DOMENICI. But you might get us all on board.

Senator REID. At least I would hope that the report from this Joint Committee would recognize that Senator Kassebaum and I are trying to come up with something to deal not only with entitlement, I think that's an important aspect, but things we authorize. Why should I have to offer an amendment, as I did this year, to do away with the tea-tasting board? It's been going on over a hundred years.

Chairman BOREN. With the what?

Senator REID. Tea tasting.

Senator FORD. Did that pay a salary?

Senator REID. Yes, as a matter of fact, a couple of hundred thousand dollars a year.

Chairman BOREN. Is there any partisan bias on how tea tastes?  
[Laughter.]

Senator REID. So I would be happy to work with Senator Kassebaum on this, so that when it gets to the Rules Committee we can come up with a product that is one we both agree on and maybe can work towards that goal.

Chairman BOREN. Let me suggest, I see Senator Cohen also wants to make a comment on this. I, as is known by the Members of this committee, strongly am in sympathy with what both Senator Kassebaum and Senator Reid are talking about. When we were in the budget debate, the principal reason I felt I couldn't support the budget is I didn't think it constrained entitlement spending enough. We do talk a lot about how much money we appropriate, but the real cause of budget deficits is really the operation of the entitlement programs and the explosive growth of Medicare that is now running seven or eight times as much per year as the original cost estimates for that program at the time it was adopted.

So I think we all understand that. Senator Reid had talked earlier to me and others about offering an amendment to sunset entitlement programs, to require their authorization at a certain period of time. And really what Senator Kassebaum is talking about here is both really reauthorizing and reappropriating entitlement programs periodically as opposed to just permanently and letting them be open-ended.

One of the problems that was raised, Senator Reid referred to it, and I saw some puzzlement, was this problem that was brought up by some people, that if given our filibuster rule, if you had, let's say you had to reauthorize military pensions every 2 years, every 4 years or whatever the period of time selected was, every 5 years, if there were a determined number of people in the minority opposing a reauthorization, the filibuster could be used with 41 people or 40 people, 41 I guess, to prevent reauthorization even though 59 supported the reauthorization of a particular program.

So there was a worry that if you had an automatic requirement for reauthorization of all entitlement programs, that given the nature of our rules, the minority could perhaps block that. That's the reason Senator Reid was saying he was trying to figure out some way around that without destroying the right of the minority in general on legislative matters.

So these are things I think we can work on and perhaps refine also the Kassebaum concept. Maybe the two can be brought together and maybe we can find a way of making this work. And I would just suggest that perhaps, I don't think the committee today, because of these problems, and it might imperil our overall report to include something today, certainly if we go to a vote on the Kassebaum, I would have to vote no. But I would feel bad about voting no, because it wouldn't reflect my own concern.

But if we could work together and then by the time this gets to the Rules Committee, I think the two of you, and I certainly would join in, and I suspect many others will join in wanting to put views in the report of this subject, right, how the mechanics would work. If we could put report language in, all of us in our individual views also express this concern, then hopefully by the time we're before the Rules Committee, certainly by the time we're on the floor, have an amendment perhaps that could be jointly offered by several Members of this committee, and one which we could all support. Having looked at it, I think that might be the best way to proceed.

Senator FORD. Mr. Chairman, the Chairman of the Budget Committee wanted to be back for the stack, he had to go to the Banking Committee along with Senator Sarbanes. So since apparently you're going to withdraw it and work with Senator Reid, then we won't have to worry about stacking it.

Chairman BOREN. Would that be agreeable, Senator Kassebaum, and Senator Reid, that the two of you defer today in offering amendment on that particular subject, and that we then work together and express concern about the whole problem in our report language, and then that you two work together and draw the rest of us into it as you proceed. Hopefully we can all then join together in cosponsoring an amendment or proposal when it's before the Rules Committee or on the floor, one or the other.

Senator REID. Mr. Chairman, I have an amendment.

Chairman BOREN. Is that agreeable, Senator Kassebaum?

Senator KASSEBAUM. Yes.

Senator DOMENICI. Senator Kassebaum, Senator Reid, could I comment on the record on your effort? I look forward to working with you, Senator. Let me just make one observation, Senator Kassebaum. It comes to my attention that if we believe that the appropriation process vis-a-vis entitlement may be a significant controlling mechanism, and you had more than that, but let me just stay with that, because many people think we should put the entitlement in appropriations and then that would solve this problem.

Well, actually Medicare for the hospitalization part was estimated to cost us \$9 billion when we started it. In this year, it's going to cost \$66 billion. So one would say we're really off, and it's wild. But I submit to you that Medicaid, Medicaid which is appropriated, has gone up even more than the ratio of \$9 billion to \$66 billion. And we appropriate it every year.

So there's something that we need to do that is more than just running them through appropriations. We've got to find some way—

Senator KASSEBAUM. Well, that's why it has to be authorization. We also have the expanded Medicaid by the mandates we had last year. So there are a lot of things that enter into trying to look at how we deal with it.

Senator DOMENICI. Right.

Chairman BOREN. We have to look at budgetary caps, we have to look at authorization as well as appropriation for it all to work.

Let me ask Members, I was just shown an amendment by Senator Reid; other than Senator Reid, are there other amendments that would be proposed that would require a vote today?

Senator COHEN. Is this for the staff for Intelligence?

Amendment Number Three  
November 10, 1993  
Senate Markup

Offered by Senator Harry Reid

To establish a Joint Committee on Intelligence

To improve the operations of the legislative branch of the Federal Government, and for other purposes.

At the appropriate place, insert the following new section:

Sec. \_\_\_\_ Joint Committee on Intelligence.

(a) In general, effective beginning with the 105th Congress, there is established a Joint Committee on Intelligence to be composed of --

(1) Members of the Senate appointed by the Majority Leader and Minority Leader of the Senate; and

(2) Members of the House of Representatives appointed by the Speaker and the Minority Leader. The number of Members from the Senate and the House shall be equal.

(b) Responsibilities and Jurisdiction

The responsibilities and jurisdiction of the Select Committee on Intelligence of the Senate and the Permanent Select Intelligence Committee of the House of Representatives are transferred to the Joint Committee.

(c) Termination of Old Committees

The separate committees of the House and Senate referred to in subsection (b) are terminated at the end of the 104th Congress.

MOTION WAS WITHDRAWN



Senator REID. I have two. One is——

Chairman BOREN. Are there any others, other than Senator Reid, who are going to offer amendments?

#### DECISION TO CHANGE REAUTHORIZATION OF SUPPORT AGENCIES FROM 4 YEARS TO 8 YEARS

Senator LUGAR. Mr. Chairman, could I offer an amendment to exempt GAO from the 4-year reauthorization?

Chairman BOREN. Do you want to exempt it totally, or change the length of time of its reauthorization?

Senator REID. We should reauthorize it some time.

Chairman BOREN. Because of the spending and the budget for just how many personnel——

Senator DOMENICI. Why don't we do 6 years on all of them instead of 8?

Senator REID. Okay.

Chairman BOREN. Does that satisfy you?

Senator REID. That's good.

Chairman BOREN. Would it satisfy the committee?

Senator PRYOR. What are we doing?

Chairman BOREN. On the reauthorizations of the support agencies, like GAO. The thought being, we don't want to politically intrude too often, but yet we must have budgetary control over the number of personnel and that sort of thing, that we extend the period, instead of 3 years on reauthorization and support agencies, that we require they be reauthorized every 6 years? Not less than every 6 years? Would that be a generic agreement that would be worthwhile?

Senator PRYOR. For the moment, Mr. Chairman, I may support this. But I certainly reserve the right to revisit this. I'm not sure of what all we're including.

Chairman BOREN. The support agencies include the Government Printing Office, the General Accounting Office, the Library, Congressional Budget Office, Office of Technology Assessment. The feeling is, Senator Ford is not here at the moment, but he's discussed this before.

One of the problems we have, we hope we can achieve some efficiencies, budgetary efficiencies in the operation of these organizations. And when we talk about trying to have a parallel effort along with the executive branch and the Commission that the Vice President has chaired, and we have already by the way, made very significant progress, we have already had a substantial number of personnel reductions off our base from this past year.

The feeling was, we really wouldn't have control if we exempted the support agencies from our reauthorization, because we wouldn't have budget control over them. So let me just ask, on the other hand, we don't want to become too politically intrusive, like with the General Accounting Office. The suggestion the Vice-Chairman has made is, would there be objection of the committee if we change the draft which now says reauthorization every 4 years, this is on page 50 of the draft, to change that to say every 6 years generically on the support agencies, no less than every 6 years?

Senator REID. Senator Lugar, what about 8 years? These years whip around quickly.

Senator LUGAR. It's all right.

Chairman BOREN. It would say no less than 8 years.

Senator REID. Yes.

Chairman BOREN. Also, you want to let the Rules Committee and those responsible committees schedule it so that they don't do them all in the same year.

Senator REID. They could do one every Congress.

Chairman BOREN. One every Congress. There are four large support agencies, so it would be one every Congress, in essence, that would come up for review.

The problem I think that Senator Ford has indicated to us is that by never reauthorizing them and never looking at the reauthorization of them, we never really bring them under the same kind of fiscal scrutiny that we do other agencies. That seems to me to be a very good point. If we did do it every 8 years, the Chairman then could plan this so that you look at a different one every 2 years. Is there objection to that?

Senator DOMENICI. Mr. Chairman, I have no objection, but I just want to make one additional point. I have been, and perhaps with a little more single purposedness than on other support agencies, I have looked very carefully at the GAO. And frankly, I believe that 8 years is a good compromise. But I don't think anybody should think that it's only an issue of fiscal oversight. It's a question of are their reports professionally as good as they ought to be.

How do we find that out? I ask them, and they say they are. Of course they would, right? Then I say, what about anybody else that looks at them? And they think they are. Then I asked the national group that looks at these things, and they say, "Look, about half are truly professional, about half are half-baked." They're not necessarily wrong, but they're not great.

So I said to GAO, "Why don't you put peer review in, meaning that every couple of years you have a sampling submitted to a very authentic group and tell us whether they are as professional as this peer group says?" Well, nobody wants to do that. And if we don't have an authorization around, we can't get that working its way through for whatever—

Senator REID. I know everyone's in a hurry here, but in defending GAO, I do their budget every year, this year they are going through some significant oversight.

Chairman BOREN. Good.

Senator REID. They fought us last year and got the help of the House, and as a result of that I think it hurt them. Now there is a national society of public administrators doing a review, we also have money in the budget that they're going to be reviewed by another national group that has not been chosen yet.

Chairman BOREN. Great.

I think we understand the sort of competing values here, that there should be some oversight and some periodic review of them, but it not be on such a short leash that it would compromise the independence of the auditing process. Is there objection to modifying this, then, changing it from 4 years to 8 years in terms of the period of reauthorization?

Senator PRYOR. I want to support it now, but I'm going to still reserve—

Chairman BOREN. Reserve the right, sure.

Without objection, we will change the draft to that degree and of course that's—now, we have other amendments, I believe, by Senator Reid. We may have to stack these.

Senator REID. No, I'm not going to offer this amendment. But I think it's important that I get a commitment from you and the staff that you will take another look at this. This is page 15, beginning with line 4 through 24. I don't think that's necessary. Let me be real brief. It deals with excess of appropriations. I think we're all trying to accomplish the same thing.

But let me just tell you why the staff I think should delete that. You have additional language in the bill already that covers it. This amendment strikes language in the bill providing that any Member may direct the Secretary of the Senate to return the excess of appropriations allotted to his personal office to the Treasury.

This language will not work. The allowance for personal offices is not an appropriation. The appropriation for a Senator's personal offices is separate. It covers the costs incurred by all the allowances to personal offices which are in the law. The appropriation is always less than the total of these allowances, because we lose it on historical patterns of personal office expenditures so we don't appropriate more than is necessary.

That's where we may save money and reduce the deficit. The only way this language would work is if we fully funded all allowances for personal offices. Then if a Member did not use all of his allowances, the corollary appropriation amount would lapse. This is possible, but it would mean appropriating more for personal offices than necessary.

The result would be that we would have to cut more deeply into the other areas to provide unnecessary funding for personal offices. The gap between the appropriation and the total allowance for this year is on the order of 20 percent. To make the appropriation and total allowance equal amounts means that we would number one, either have to cut the allowances by 20 percent, I'm sorry, adding the allowance by 20 percent, or increasing the appropriation by 20 percent—I'm sorry, cutting the allowance by 20 percent or increasing the appropriation by 20 percent or some combination. And I would ask the staff to take a look at this.

Chairman BOREN. Right.

Senator REID. Because people think that we're appropriating these monies for individual offices, and we're not. Under my proposal, every Senator that saved money would get the benefit of having a report of how much money they saved, but we wouldn't have to appropriate the money unnecessarily.

Chairman BOREN. Let me say, and I appreciate the Senator not moving that in the form of amendment now. I know we have been working with your staff. I think our hearts are in the same place here. Here's the frustration that Members now have. Many Members, from their office allocations, and the Senator is right, it is not technically an appropriation to an individual office, and there is a

technical error in the drafting here, because it refers to the appropriation to individual offices.

We do not receive, there is no where in the law which says, "We hereby appropriate an office to Senator Pryor or Senator Cohen or Senator Lugar X amount of dollars." There is the legislative branch appropriation, and then there are formulas and Rules Committee allocations and the rest of it, and Senator Reid's subcommittee which he chairs on legislative appropriation. They are allocations that are made to offices for certain purposes.

Now, some of us have had a practice, many on this committee have had a practice, of returning, not using, all of your allowance, and usually reporting, I know I always issue some kind of statement at the end of the budgetary year that I have turned back X thousand dollars, and not used it, that I could have used, under my allocation. I think people have a sense of, "Oh, that's wonderful, that means the deficit will be that much less."

What really happens is that money doesn't go to reduce the Federal budget deficit. It goes back into, in essence, the revolving fund to run the legislative branch, which is then really used by someone else or some other committee or some other part of the process that is not as frugal as the Senator that turned it back.

Our goal is, in the long run, and this will take some time, it will take time to mesh these things, as Senator Reid has said, mechanically, there is not a way to do that in 1 year. Because if you did, you would end up having to make a supplemental appropriation back to the legislative branch for that amount of money. It's simply not possible to do that.

But in the long run, we could develop a system which would allow the individual member to know that if they turned money back, once we have fine-tuned the appropriation of the legislative branch, that we really would be getting deficit reduction for the total Federal budget deficit under it.

Senator REID. If the Chairman would yield, also not only have the savings, but the individual Senators—

Chairman BOREN. Be able to say it.

Senator REID. Yes, and we could list it someplace. Even though, other than that, we wouldn't have to change the process. All I'm asking at this time is that we be able to work with this a little more, otherwise we're going to have lots of problems.

Chairman BOREN. Right. I would hope that we—I appreciate the Senator not offering his amendment, because this is something, we've also been working with the Rules Committee staff on this as well, which are very much involved with Senator Reid and his committee on the subcommittee staff on legislative appropriations.

And I think there's a way we can work it out. We're aware of the fact that this excess appropriation to an office is incorrect technical language. For example, there are some things that have to be changed here. I think our goals are the same. I think all of us want a system that will encourage individual Members to be as frugal and accountable as they possibly can be in terms of operating their own offices or operating committees of which they chair, and that there be an incentive for them to report back to their constituents the amount of money they've actually saved the taxpayers. And I think we can find the appropriate language to do that.

Senator REID. Mr. Chairman, the amendment that I have deals with the subject brought up earlier this morning, and that is a Joint Intelligence Committee. I am not an expert on the Intelligence Committee. So I would have to defer to you and Senator Cohen. I think the amendment that I have here is one that's based on the old Quayle Commission that was set up in, what Congress was it? The 98th Congress.

And again, I would have to defer to people that have served on it, one as chairman, one as the Ranking Member, you may have been chairman, I don't know, Senator Cohen, when the Republicans controlled the Senate. But regardless, and I would hope that this would be given some consideration also.

Now, for me to move the amendment which I have here prepared, and defend it with the two of you, I can't do that. All I know is conceptually I think it's a good idea to have, as I acknowledged earlier, a joint staff. I would settle for that. I think it would even be more appropriate to have a Joint Intelligence Committee, so that Colin Powell is going to the House one day, the Senate the next, trying to figure out what's going on.

Senator COHEN. If I could just respond briefly, I was under the impression that Senator Reid was going to recommend a joint staff, and I was going to address my remarks to that. But let me go to the question of a joint committee. I suppose you could make the same argument, shouldn't we have a joint committee on Armed Services? After all, why should Colin Powell or his successors—

Senator REID. Okay, you won that argument. What about a joint staff then?

Senator COHEN. Well, let me finish, because I think you either have to have a Joint Committee or separate committees. And let me come to the issue of a joint staff.

When Senator Boren was Chairman and I was the ranking Republican Member, we instituted procedures in the Senate which I think are the most stringent in terms of security requirements that they have ever had in the history of the Senate Intelligence Committee or its predecessors. I am not convinced, I'm not sure at all that the House has the same security provisions that we do. Perhaps the Chairman can enlighten us on that, but I doubt it.

I think our procedures are far more stringent. In fact, we had an outside investigation or review of our procedures, and we found them to be even superior to those in the executive branch.

Senator REID. Which isn't saying much.

Senator COHEN. Pardon?

Senator REID. Nothing, never mind.

Senator COHEN. You may not be saying much, but nonetheless, I think it's evidence of what Senator Boren and I tried to do.

We also would have to have the same hearing room, I would suppose. If you have a joint staff, they have to sort of consolidate their efforts in the same place, same situs, so you would have to have, I think, a single hearing room, and you would also have to have single storage files. Those are more mechanical in nature and I suppose they could be achieved.

But let me come back to the problem that we would have. If Senator Boren were Chairman and I were Ranking Member, we would then pick our professional staff, and the same would be true on the

House side. I suppose you could construct a situation where four members get together and pick one group of professional staffers.

The next question would be, what about allocation of staff? How many on the House versus how many for the Senate?

Senator REID. I told you I didn't know what I was talking about.

Senator COHEN. I think I know what you're trying to achieve, and it may be desirable. But you run into a third problem, and that is, and I may be out of line on this, but I don't think so, that during the decade of the 1980s, let's say, during the Reagan-Bush years, I think there was a perceptible difference in terms of partisanship in one body versus the other.

I think the House as a rule tends to be a bit more partisan, particularly on foreign policy issues, particularly where you have had a significant majority, the Democratic party, in control, versus a Republican White House, and differences on policy decisions dealing with Central America or some of the other issues. And you tended to have a little more politicization of the intelligence issues which were merged with defense issues.

So I think you have a different, I would say mood, in each House. They are difficult to merge. We found this out, I might say, during the Iran Contra investigation, where we had a joint investigation into the abuses of Iran Contra. It did not work out. It did not work out well, because of the differences in philosophy and approaches.

So while there is merit to trying to simplify the reporting requirements for the Central Intelligence Agency and other agencies, there are a lot of differences you have to take into account, and maybe they can be overcome. I'm not sure, but maybe the Chairman favors a joint committee. I'm not sure of that now. I think he did at one point. But I think we have to look at it, and not a last-minute amendment to take it up. I don't think a joint staff is possible.

Senator REID. I haven't offered my amendment.

Chairman BOREN. He has not offered it.

Senator REID. Almost did.

Chairman BOREN. Senator Reid has said he has not officially offered this amendment. He almost offered it, but he didn't. In all seriousness, let me say, and I say this in regard to several of the matters that Senator Reid has raised, because I'm always stimulated by him, he's a very thoughtful person, and I think the issues, and as I sat here, and I thought he was going to offer this amendment, I was torn as to whether I would vote for the creation of a joint intelligence committee or not. I think it's something that ought to receive serious consideration. I don't rule it out in my mind at all.

Had this been offered in the 1980s, I would have opposed it, and people might say, "Well, you would have opposed it because you were chairman of one of the intelligence committees at that time." No, that's really not the reason. I do believe that during the 1980s there was a significantly different approach to the operations of the Intelligence Committee between the House and the Senate.

As Senator Cohen has said, and I don't say this as a matter of criticism, on the House side there was a very strong and sharp partisan division. Members of the two parties caucused separately on the Intelligence Committee. They had a majority and a minority

staff. It was operated very, very differently, and a lot of that had to do with the controversies that erupted, particularly during the Reagan Administration.

On the Senate side, for example, we never had a majority and a minority staff. We had a unified staff. We didn't have a single party line vote in the whole period of time that Senator Cohen and I joined in chairing that committee. And there was a very different approach. We had our own very strong rules in regard to disclosure of information and the rest of it, which I might say the House has now largely adopted as well.

There are probably fewer differences between the House and Senate Intelligence Committees today than there were in the 1980s. And circumstances have changed, the kinds of things that we're now dealing with, in the 1980s, we have covert operations all around the world, as we all know. It was part of the Reagan doctrine to make the Soviet Union and its allies pay a price for exporting aggression around the world and not to be able to do it without a cost.

I happen to think that basically that policy was a sound one. But it meant that the tasks of the Intelligence Committee were very different. When you had paramilitary operations all around the world to oversee, you had in many ways important policy decisions being made, and I think Senator Lugar would agree, rather than being made in the open forum of the Foreign Relations Committee, many of these very important policy decisions were being made in the closed forums of the Intelligence Committee. And you had all sorts of policy questions then that embroiled us in great controversy.

A lot of that's different now. We don't have these paramilitary covert operations going on around the world. Circumstances have changed. There is much more of a focus now on budget of intelligence process, on the mechanics of collecting intelligence and how it can be efficiently done. As the focus changes, I think there is an opportunity, I would say to Senator Reid, to revisit this whole issue. I think if we were to try to have a joint staff but not a joint committee, you would really have problems.

One of the problems already in the Intelligence Committee is that individual Members each have a designee staff member that is not under the control of the Chairman and Vice-Chairman. If you added that problem that already exists to the problem of joint staff, I'm afraid you would have a staff that really would not be under the control of the chairs at all, and that could cause a lot of problems.

So let me invite Senator Reid, let me say, Congressman Hyde and others on the other side of the aisle, and from both parties, on the other side of the Capitol, I mean, in the House, have thought this should be done. And I think it is time for us to look at this again. I would welcome this being raised again when we get on the floor with our bill. Because between now and then, we can also obtain the views of Senator DeConcini, who now chairs the committee, Senator Warner, the Vice-Chair, Congressman Dornan and Congressman Combest, and we may well find that the times have changed significantly and that we should consider it. I think it's worthy of consideration.

Are there any other amendments that we need to vote on or stack?

Senator DOMENICI. Mr. Chairman, before Harry leaves, I just want to make one comment.

Go ahead, Senator.

Senator PRYOR. I have no amendment, I just want to make a statement, if I might. But go ahead, Pete.

Senator DOMENICI. Well, I was going to say to Senator Reid, on the issue that you quite appropriately brought up with reference to if a Senate office does not spend what it's allocated, what happens to that part that is not used. I want Senators to be pushed in the direction of being as frugal as possible, but I think we here ought to understand, and perhaps those listening should get a glimpse of how the rest of the Government deals with programs that are reduced in size or terminated.

Now, let me give you an example. Senator, when the Superconducting Super Collider was up for debate, regardless of what side of the issue you were on, and certainly I heard it in the House from many people who wanted to kill it, the proposal went like this: If we kill the Superconducting Super Collider, we have saved the taxpayers, and I'm just going to pick a number. I think you saved them—you didn't save them anything—but you cut a \$2.3 billion program.

So they would say, "We saved the taxpayers \$2.3 billion." The truth of the matter is, you did not save the taxpayer anything. Because when you cut a program that is discretionary, all you have said is a matter of priority among all the programs, we don't want this. But the caps that govern how much you can spend are not changed.

Senator REID. I understand.

Senator DOMENICI. And so Congress sets about to spend up to the cap and the savings that you thought you were getting are really put into other programs.

Now, I don't like that process, but I say if you begin to piece meal try to say each time a little program is cut, you've got to lower the caps, we're in an absolute mess up here on how to conduct business. So essentially, Mr. Chairman, if we were to say that there was \$4 million saved in the allocation to offices, and we were to say we want it go to the deficit, the only way you can do that and save the taxpayers money is to literally reduce the caps that bind us by \$4 million.

Senator REID. Yes, and you explained part of what I didn't, and the point that I'm making with what we're trying to do in this bill, with the language we have in it, will not accomplish what is deemed to have been accomplished. And I think it's appropriate, if Senators want to get credit for money that they don't spend, then we'll list it, we'll put it in the Congressional Record or someplace. But don't in the process mess up how the money is allocated and what is appropriated. Because you will wind up that we'll appropriate more money.

Chairman BOREN. Senator Pryor and then Senator Lugar.

Senator PRYOR. Mine is an invitation, by the way, Mr. Chairman, a comment.



In Annapolis last summer, in our meeting, which was an excellent retreat, we really had some time to look at some of these issues we're talking about today that are coming to fruition today, we discussed in a very forthcoming and I thought a very constructive session, a portion of that meeting was dedicated to the budget resolution itself, if you will recall that.

Chairman BOREN. Yes.

Senator PRYOR. That was very fascinating to me. I know that I'm not going to offer anything at this point, I don't have anything to offer. I must say I don't at this time have anything totally positive to offer to substitute. But I think that's something we ought to pursue next year, doing away with the budget resolution, that particular step.

And I would like to invite any and all of us, even though we will not be formalized as a committee, to continue that effort and look at that to see if one step might not be eliminated from the budget process. I think it takes an enormous amount of time, I think it is redundant, and I would just invite those who are interested, let's stay in contact about it. I'm going to be pursuing it.

Chairman BOREN. We appreciate those comments. I would say, and I've shared the frustration of Senator Pryor about the process as it now is. As it has been said earlier, in regard to defense, we seem to go up and down the same hill so many times with so much wasted effort and energy on the same items over and over again without really accomplishing anything.

Senator PRYOR. And I apologize, by the way, for making this statement without my friend, Senator Sasser, the Chairman of the Budget Committee, because he may have strong reservations about.

Senator FORD. I expect he will.

Chairman BOREN. It's something I think we have to continue to consider. And I would point out that in our overall proposal, which will move us to a 2-year budget and 2-year authorizations and 2-year appropriations, one of the things that will result from that is that we will have much less wasted energy. As Senator Domenici has said, you look at the appropriations authorizations from one year to the next, and you will find 90 to 95 percent of them are virtually the same.

So instead of focusing only on those things we want to change, we're spending a lot of our effort and energy rushing to committee meetings, we've got to get our appropriations bill out by this schedule, we've got to reinvent the wheel every year. We're doing a lot of busy work, and we're doing the same thing over and over again.

So while it will not solve all the problems, I do believe that by moving the 2-year authorizations and appropriations as proposed here in a 2-year budget resolution, we're at least moving in the direction of getting rid of some of the busy work so that we can really concentrate on the fundamental policy decisions that have to be made.

But I understand what the Senator said, and I also appreciate your mentioning our retreat of the entire Joint Committee. Because we did have an opportunity there to focus on many of these issues. For those that have been observing the committee, noting that we had our hearings, we had our retreat, and now we're all of a sudden coming in a very small amount of time to a markup, it

might appear that we're moving without controversy and we're moving very, very rapidly and so on, how could these sweeping changes be adopted in such a short time.

While we may be meeting for only a couple of hours today, this really is the result of many, many, many meetings and conversations, including our retreat, including a lot of individual conversations, including our hearings. It reflects that because of all these conversations, we have reached a consensus, largely on these points, not a unanimous view, but at least a general consensus that is enabling us to move forward.

But that is the product of many, many hours of work and conversations with all the people around this table and other colleagues that have been here today, and members of their staff and members of the Joint Committee staff. And let me say a word of appreciation to our staff members who are here today, Senator Domenici's staff who worked so well with us, John Deeken of my staff, Kim Wincup and all those that worked with him on the joint staff.

And it's been a very small staff. We tried to set an example here. I think our total staff is 16 people, and we also are a committee that really is going to surprise people by existing for only 1 year. Temporary committees always tend to become permanent. So when we talk about frugality and also making sure a temporary committee is temporary, we try to set that example. But a lot of work has been done by the staff and a lot of work has been done by the Members as well. I think having had that retreat and the opportunity to focus on some of these issues, and some of them undoubtedly will spill over on the floor.

I think as we come forward with sort of a consensus approach, I look at this as the starting point for reform. Hopefully as we move through the Rules Committee on to floor action, if anything, I hope we will not have the number of reforms reduced. I hope there may be some additional improvements made as we go through the committee process and through the floor early next year.

So I look at this as the foundation, and there are many other items, such as those talked about by Senator Pryor, such as the matter of entitlement that Senator Kassebaum and Senator Reid have discussed at length and others. Obviously with the addition of the Task Force on Ethics and the Task Force on Applying Laws to Congress, it will become a part of the process as we move along.

Senator LUGAR?

Senator LUGAR. Mr. Chairman, I have one amendment that I do not have drafted. I would ask the staff during the interim period to draft it if the consensus of the committee agrees. One of the points that Senator Stevens has made privately to colleagues and now publicly today that will not go away without resolution is the question of the Intelligence Committee classification.

Currently, the Intelligence Committee is listed as one of the B committees. And I suspect there are two potential solutions to this. One is to eliminate the 8-year requirement, that is that you can serve only 8 years. If you eliminated the 8-year requirement, then Intelligence Committee might very well fit with the B committees, and thus work into our general classification of two A committees and one B.

But absent that, it seems to me the Intelligence Committee should go along with Ethics Committee as a C committee as a special case. Because it will not work, I think, as our briefing notes say, service on the Intelligence Committee would not preclude the Senator from transferring back to a previously held assignment on a B committee. Senator Stevens and Senator Byrd and a number of others have said this doesn't work with regard to seniority, it is unfair, as Senator Stevens has pointed out, in his own career.

Senator FORD. I thought you kept seniority.

Senator DOMENICI. You won't under our bill.

Senator LUGAR. So I'm suggesting, I think there are two paths, one of which is to make it a C committee totally outside.

Chairman BOREN. Like Ethics.

Senator LUGAR. Like Ethics. Or the other is to eliminate the 8-year requirement. Now, let me just argue for a moment in favor of eliminating the 8-year requirement. I was on the original Intelligence Committee at the time the first people were appointed. And I remember that the 8-year requirement came as a holdover from the Church Committee investigations.

The rationale for letting somebody serve only 8 years was a fear at that time, this was back in 1977, that Members of the Senate would be intimidated or confounded by the CIA that they would simply be co-opted. And after 8 years, they would think they were members of the CIA, and therefore there would not be an oversight, they would be a part of the group. People got so used to this type of thing.

Now, I think that fear was unfounded to begin with, it became ridiculous as time went on. As a matter of fact, Members who have served for 8 years on the Intelligence Committee finally found out really a good bit about how the intelligence community works, became pretty valuable oversight people about the time that they leave, and a whole group of citizen amateurs enlist.

Another reason, of course, was to get turnover. This may be a deliberate feeling on the part of the leadership that they want many people to serve at some stage and be exposed, whether they are good oversight people or not. But it just seems to me that this might be a time, with the Cold War over, and the feeling that the CIA would not co-opt Senators, to simply get rid of the 8-year thing altogether. It was a relic, I think, of the Cold War and the Church Committee, and I'm not certain it serves any particularly useful purpose.

But absent that, if you don't want to go that way, then I would suggest putting it in C and meeting the point of Senator Stevens and others.

Chairman BOREN. Let me respond, and I know Senator Cohen wants to respond as well, I used to have doubt about the 8-year rule. Senator Cohen and I both fell under the 8-year rule, and cycled off the committee. I had the privilege of serving as the committee chairman for 6 years, longer than anyone else ever has, and longer than anyone else probably ever will, if the 8-year rule applies, because there was an oddity.

Everyone ahead of me on the committee, I was next to last in seniority, sixth out of seven, and we regained the majority of the Senate, and everyone ahead of me either retired from the Senate

that year or became chairman of another committee and therefore couldn't serve. So I was catapulted from the bottom of the committee to the chairmanship and served 6 years.

I really do believe, not even so much the point of co-option, although I think there is some danger. I must say that by the sixth year of my service as chairman, I was ready to lay down those burdens, and felt probably that someone with a fresh approach should step in.

I think that 2 years of service as chairman of that committee is too short. Because the first year or two, really when you're a chairman or vice-chairman, you are informed on a lot of things, some by law. There is the so-called Gang of Eight rule, the President only tells eight Members of Congress certain things, including the Chair and Vice-Chair of the two intelligence committees. Four years would be an ideal chairmanship, probably.

But I do think that there is something very, very valuable about having a large number of Members of the Senate who have had the opportunity to serve on the Intelligence Committee. You learn a tremendous amount, and I think it also develops in the Members of those committees a sense of responsibility in terms of trying to be a constructive influence, not only in intelligence matters, but broadly informed policy concerns as well. And it gives Members of that committee a deeper understanding of the kinds of burdens that the President bears and the Secretary of State and others who are really vested with responsibility for leading many of our national security decisions.

So I think in many ways, to have a third or almost a half perhaps of the Members of the Senate in any given time to ultimately have had a chance to serve on the Intelligence Committee, I think it strengthens the sense of responsibility of the entire membership on national security issues.

So I personally, even though I suffered by having to get off the committee after 8 years, having invested so much of my life there, I think it was right for me to get off after 8 years and give the opportunity to others.

The other thing I did, by the way, during the time I served as chair, I was a Member of the Small Business Committee. I got off the Small Business Committee, although I have been promised I will be someday given a chance to get back on it, and I stayed off it, because I then undertook the chairmanship of this committee. So I have only two As, and this is my only B as of this moment. Hopefully, it will become Small Business again.

But I have lived under that rule, but without any assurance that I would be able to go back on. Well, in fact, I was given the assurance, because I was given a waiver that gives that assurance.

But I think I would lean toward, ideally, if we could have a rule that said you get to go back on your normal B committee. Let's say, I was on Small Business, I gave it up to serve on Intelligence. If there could be a rule that assured me my ability to go back onto it, Small Business, after I served on Intelligence, that would be, I think, ideal. Because Intelligence Committee, if you serve right, takes an enormous amount of time. And you really shouldn't be on more than two As plus Intelligence at any one given time.

Now, I don't know if we can do that. There may a technical problem of saying that a Member who cycles off the Intelligence Committee shall be given a guaranteed slot on a B committee. I do not know.

Senator FORD. Mr. Chairman, I thought that's what I read with the one you sent to my office yesterday. Then I get up here this morning, and I look at the document we have in front of us, and it's gone, it just disappeared. The Intelligence got it.

It said you could come back.

Senator DOMENICI. You saw a protection for seniority.

Senator FORD. Yes, that's right. And you can come back to the committee, and your seniority would continue.

Chairman BOREN. Senator Pryor? Let me ask, because staff did change it. By the way, I go back to Small Business, having given it up for 8 years to serve on the Intelligence Committee, 9 years now, another year to serve on this committee, I will not get seniority. But that's okay with me. I think the other opportunities for service I have been given have more than made up for the fact that I will go back to the foot of the class, so to speak, on the Small Business Committee.

But that is a problem with some people. I know Domenici has been working on this.

Senator DOMENICI. No, I want to talk about another thing before Senator Pryor leaves, and then I must, must, must leave.

Senator Pryor, you invited us to participate with you in thinking about when should we have a budget resolution, if ever.

Senator PRYOR. Or a change in the budget.

Senator DOMENICI. Could you include an invitation from my standpoint that we supply your staff with all of the various people that have been familiar over the years to give you their version of why you can't have a budget act without a resolution?

Senator PRYOR. Perfect.

Chairman BOREN. Sounds like a good—I was about to rule you out of order before you left, it's my first chance to ever rule the Vice-Chair out of order, I got us back on the subject of Intelligence. Let me see if we can resolve this issue.

Senator Cohen?

Senator COHEN. Mr. Chairman, I think that Senator Lugar makes a valid point, and one that I shared earlier this morning. In terms of time and time commitment, I think Intelligence ought to be a Super A committee. When you think of the amount of time that you put, or should put in, on that committee, overseeing the entire intelligence community every day of the week, I think it should be a Super A or at the very least an A committee. But of course, the way it's structured, it is a subset of the Armed Services Committee. So that's not about to take place.

I think with respect to Senator Lugar, I think what we ought to do is make it a C committee, make it the equivalent of Ethics. And I say this because I want to associate myself with the Chairman's remarks about the two reasons Senator Lugar pointed out about being too close or being co-opted by the intelligence community and about new Members. The difference, I think, in my own conclusion about this co-opting business is that here we have, in the Intelli-

gence Committee, a very small committee by way of comparison to others in the Senate. But we, or those Members, meet in secret.

So you have, I think over a period of time, you tend to meet with the same people almost on a daily basis, the same people who report, be it in covert or overt operations, or other kinds of satellite communications, and whether they tend to be the same people that you are sitting down at the same table day after day after day, and you tend to become much more familiar with them, on a first-name basis. You tend to trust their judgment a bit more than perhaps your own skepticism, which is what I think is required as far as being an overseer, you should have a healthy skepticism as you look at presentations made before you, not hostility, but at least a reasoned skepticism. And I think over a period of time, that does tend to diminish a little bit.

Secondly, with respect to new Members coming on, I can tell you that I reacted with some anxiety, a great deal of anxiety when I learned that certain Members had just been appointed to serve on the Intelligence Committee. Those Members historically had voted in almost an absolute knee-jerk fashion on every defense bill that would come out, "How about a 10 percent cut? How about a 15 percent cut?"

It didn't matter what the issue was, they wanted to cut without understanding what the implications were and the consequences were for the intelligence community, when in fact intelligence is a great, as we say, force multiplier. I think that anxiety was reduced a great deal as those Members came onto the committee and they listened and learned and said, "Wait a minute, maybe I shouldn't be so quick to vote to slash the budget without understanding what this may do to our system."

So I think the Chairman makes a valid point. As much as I hated giving up that committee and moving on, I think in the overall interests of the Senate and the American people, it's healthy for as many Members as possible to be exposed to the intelligence community. I think if we simply take the lid off and no 8-year limitation, you will have a small group of people who will continue to sit in secret, without any public scrutiny or access over the years. And I think that diminishes public confidence in the system rather than enhancing it.

Chairman BOREN. Thank you. I would like to recommend that we accept the C.

Let me apologize to Senator Ford, also. I'm told that there was a discussion with Senator Domenici's staff because Senator Stevens raised this issue late yesterday, and that's the only change I know of that was in the draft earlier circulated to you. There was an attempt to find a way to accommodate all Members on this issue.

I would hope we could ultimately encourage Members to do what I did, and that is to give up their B committees temporarily while they serve on Intelligence, if they can get the assurance of their leadership that they will put them back on their B committees. I would hope that practice could be followed.

## DECISION TO TREAT INTELLIGENCE AS A "C" COMMITTEE FOR PURPOSES OF ASSIGNMENT LIMITATIONS

But in light of the alternatives, and I do understand the problem Senator Lugar has raised, I would suggest we accept the second alternative, that is for now at least that we put in our draft that Intelligence would be treated like Ethics, as a C committee, and therefore not count against the other numbers. Is there any objection?

Let me say to staff members that are here, for Members that are not here, that this will be our action unless there are Members who have strong feelings to the contrary. If they do, we could stack the vote on that amendment at 2 p.m. Otherwise we will deem it adopted. But if staff members that are here will notify the Members who are not here of the acceptance of this amendment, and if anyone has strong feelings, we could set that on agenda. We will meet at 2:00 p.m.

There are no amendments pending. The sole vote at 2 p.m. will be on reporting out the bill as we have now——

Senator PRYOR. We can't leave a proxy, can we?

Chairman BOREN. We cannot leave a proxy.

And let me say a thank you again to the Members, and I would just remind our Members and our guests that we have not dealt with all the parts of this proposal today, because there has not been any move to amend them.

But we have made very significant changes in the operation of the institution. We have by our action, if it is accepted at 2 p.m., reduced the number of subcommittees by approximately 50 percent of the Senate, cut out nearly half the subcommittees except those dealing with the Appropriations Committee. We have diluted the joint committees, we have reduced the number of committee assignments considerably, so that Senators can focus their attention. We are moving to a 2-year budget process instead of a 1-year process, a very significant change. And we have made large changes in floor procedures, including doing away the ability to filibuster the motion to proceed to a bill.

I do believe that these changes, along with those that will be added as the task forces on ethics and compliance with laws, that we live under the same laws that we ask other Americans to live under, these are very significant changes in the institution, very positive changes. They go back and meet the test that Senator LaFollette and then-Congressman Monroney talked about in 1945, that is, I think they make the institution function in a way that is better than it has functioned before. I think we can take pride in the progress we're making.

We will recess until 2 p.m., and I would ask all Members, and I would ask staff to please let all Members know, all Members can be here exactly at 2 p.m., that will conserve the time of all Members, and we will at that time have the one vote on reporting out the proposal as it has now been amended.

[Whereupon, at 12:32 p.m., the committee was recessed, to reconvene at 2 p.m. the same day.]

## AFTERNOON SESSION

Chairman BOREN. The committee will come to order. I ask unanimous consent that the normal period for filing supplemental or additional minority views be extended to 7 days. That will give all Members of the committee, after they have had a chance to look at our report a little longer period of time to file supplemental views. Without objection, so ordered.

I move that the committee staff be permitted to make necessary clerical, technical and conforming changes in the usual manner, including changes necessary to conform with the Budget Act. Without objection, that will be ordered.

I move that we adopt the recommendation considered today as the report of the Senate Members of the Joint Committee on the subjects contained in H. Con. Res. 192 for purposes of reporting to the Senate, and that our actions today be promptly conveyed to the House Members of the Joint Committee. This is in essence the pending matter that we have agreed to vote on at 2 p.m., and we will wait until others are present.

Senator STEVENS. An inquiry, Mr. Chairman?

Chairman BOREN. Yes, sir.

Senator STEVENS. Am I correct to assume this means that the Chairman will file this bill as a bill to have proper referral?

Chairman BOREN. Correct. I assume the Rules Committee will probably be the committee of principal jurisdiction, with some sequential to Budget and Governmental Affairs on some matters.

Senator STEVENS. We shall examine that thoroughly.

Chairman BOREN. I have that feeling. You'll pick up the hood and look under it, and all the rest of it.

Senator STEVENS. I just kick the tires.

Senator LUGAR. Mr. Chairman, just as a matter of curiosity, on pages 5 and 6, of the Chairman's mark, we have various committees and Members left blank. When are those filled in?

STAFF MEMBER. It's always left blank, and at the start of a new Congress, when they get here—

Chairman BOREN. Because they have not yet been assigned the number of Members for each committee.

Senator LUGAR. But that's understood in the legislation?

Chairman BOREN. Right.

Senator LUGAR. That's when we get together and have the division of the committees and how many Members you have?

Chairman BOREN. Right. Soon as we have a quorum—we do have a quorum present, or do we? We can proceed to call the roll. Six? One, two, three, four, five, six. Everyone faithfully promised to be here. I want the record to show that the Senator from Kentucky took note that the Chairman was on time.

Senator FORD. And it probably shook everybody.

[Laughter.]

Chairman BOREN. The Senator from Kentucky has often noted that I was in need of reform in this area.

Senator FORD. I got here on time, I remarked out loud, "Oh, I didn't have to be on time, Boren's in charge."

[Laughter.]



Senator **SARBANES**. I would just like to note that while I will vote to report this out, because I think we ought to move this process forward, and as I indicated earlier, I think there are many commendable things in this draft. There are some things I disagree with, not only the one subject to which I made reference this morning and put before the committee. But there are some other items that in other appropriate forums I will be seeking to alter or change.

But I do think that this needs to move forward, and again as I said this morning, I commend you and Senator Domenici for a number of the very positive provisions that I think are contained in the draft that's before us.

Chairman **BOREN**. Well, I thank you very much. I thank my colleague, and let me say, I want to express my appreciation to him in return for a number of suggestions that he made, particularly on the procedural side, and also for his warnings which we have attempted to heed that we not tie ourselves in procedural knots in ways that would make it very difficult for us to move the business of the Senate forward in a number of instances. That advice has been heeded, and we have followed it. And I certainly appreciate his contribution.

Again, I want to thank each and every one of you around the table for your help.

Senator **KASSEBAUM**. Mr. Chairman, I just have a question. I don't know where it is in the bill, but on page 3, the dedication of unexpended funds to deficit reduction, unexpended funds that we have in our office monies. It's always gone back to the Treasury.

Chairman **BOREN**. Well, it hasn't. It hasn't. We had a discussion about that. You might not have been here when we discussed that this morning. I think you had just left.

But Senator Reid pointed out, we're going to have to make a technical correction in the bill. The fact is that now it does not go back to the Treasury. In fact, it goes back into circulating, if you want to call it, the legislative branch account. The transition to making sure that it goes back will take some time and some adjustments, which we're going to have to make. Undoubtedly the Rules Committee will have to fine-tune our proposal. Our intent is that we move to a situation where when we do save money on our account, we can say that we helped reduce the deficit. But that's—

Senator **STEVENS**. Mr. Chairman, I'm sure that some reporter will comment on this, too. It's sort of like our WATS lines. We have two lines coming out of the office, but they are not 200 WATS lines. They are on rotaries. And the appropriations for the Senate are about the same.

Senator **REID**. Senator Stevens, you weren't here this morning, nor was Senator Kassebaum, but I have no problem with having you change the rules, you and Senator Ford, so that if a Senator in effect saves some money, they can get some recognition for that. But as far as turning it back, there is nothing to turn back. It's not appropriated money.

Chairman **BOREN**. We don't get individual appropriations as we stated.

Senator KASSEBAUM. Thank you. I think it is a very unclear area, however, and constituents have gotten quite interested, actually, in what happens to the monies that may not be spent.

Senator REID. Senator Kassebaum, what a lot of people believe is that we have this large slush fund floating around here. There isn't. You may not spend all your money. As a result of your not spending all your money, as in the example given by Senator Stevens, with the WATS lines, as a result of your not spending all your money, somebody that spends nearly all their money will get the benefit of that, you're not spending it, or if somebody spends more than they're supposed to—

Senator STEVENS. There's not really a limit.

Senator REID. That's right. Just like with the WATS lines.

Chairman BOREN. We now have a quorum.

Senator STEVENS. May I make a statement?

Chairman BOREN. Absolutely.

Senator STEVENS. I want to commend you for making the change on the Intelligence Committee. Thank you for that. I would like to have the same reservation, though, that the colleague from Maryland has, that there are other provisions I did not articulate this morning that I would like to see modified. I don't want you to be surprised when I do.

[Laughter.]

Chairman BOREN. We're all going to be appealing to you as you move this through the legislative process.

Senator FORD. I want to tell you, he's my lawyer.

Chairman BOREN. Well, I'm going to withhold comment on all that.

#### MOTION TO ADOPT RECOMMENDATIONS

We have a quorum, and the question has been put to the committee on reporting the bill. I stated the exact motion a moment ago for the record, and the clerk will call the roll.

The CLERK. Senator Sasser?

[No response.]

The CLERK. Senator Kassebaum?

Senator KASSEBAUM. Aye.

The CLERK. Senator Ford?

Senator FORD. Aye.

The CLERK. Senator Lott?

Senator LOTT. Aye.

The CLERK. Senator Stevens?

Senator STEVENS. Aye.

The CLERK. Senator Sarbanes?

Senator SARBANES. Aye.

The CLERK. Senator Cohen?

Senator COHEN. Aye.

The CLERK. Senator Pryor?

Senator PRYOR. Aye.

The CLERK. Vice-Chairman Domenici?

Senator DOMENICI. Aye.

The CLERK. Chairman Boren?

Chairman BOREN. Aye.

The CLERK. We have 11 Members voting in the affirmative.

Chairman BOREN. Eleven members voting in the affirmative. There are three members not present, the two leaders who have the right to vote, Senator Sasser has been with us most of the morning.

I wonder, since it would not change the result, if it would be appropriate, the two leaders found it very difficult to be with us at this moment, to leave the record open to allow Senator Sasser, Senator Mitchell and Senator Dole to record themselves? Would there be any objection to that?

[No response.]

Chairman BOREN. So moved. Without objection.

## SENATE MARKUP

Date: November 10, 1993

Vote on: Motion to adopt the recommendations considered today as the report of the Senate Members of the Joint Committee on the subjects contained in H. Con. Res. 192 for purposes of reporting to the Senate, and that our actions today be promptly conveyed to the House Members of the Joint Committee.

Senators	Yeas	Nays
Senator Sasser	X	
Senator Kassebaum	X	
Senator Ford	X	
Senator Lott	X	
Senator Reid	X	
Senator Stevens	X	
Senator Sarbanes	X	
Senator Cohen	X	
Senator Pryor	X	
Senator Lugar	X	
Vice Chairman Domenici	X	
Chairman Boren	X	
Total	12	0

Senator DOMENICI. How many days did the Chairman give us for review?

Chairman BOREN. Seven days from your receipt of the report, which you have not yet received, to file additional views.

If there is no further business, again let me thank all of you. I think this is an historic moment and a major contribution, and the beginning of a very important process toward changing this institution.

[Whereupon, at 2:16 p.m., the Joint Committee was recessed, to reconvene at the call of the Chair.]



# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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TUESDAY, NOVEMBER 16, 1993

U.S. HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The Joint Committee met, pursuant to recess, at 9:42 a.m. in room SC-5, The Capitol, Hon. Lee H. Hamilton (co-chairman of the committee) presiding.

## OPENING STATEMENT BY HON. LEE HAMILTON, A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Chairman HAMILTON. The meeting of the Joint Committee will come to order.

Today the House Members of the Joint Committee on the Organization of Congress will mark up draft legislation to reform the internal operations of Congress.

Over the past year, as Members know, we have conducted an extensive series of hearings, receiving testimony from over 200 witnesses on the subject of Congressional reform. We attended a 2-day retreat in Annapolis to discuss reform proposals, and participated in countless other meetings and informal conversations about the work of the committee.

As this first stage of the reform effort comes to a close, I would like to thank the Members of the Joint Committee for their diligence and for their contributions.

As many of you know, the Senate Members of the Joint Committee met and reported out their recommendations last week; for a variety of reasons, the House and Senate sides of the committee have decided to proceed along separate but parallel tracks in the consideration of reform proposals. Still, we have worked closely together all year, and the proposals under consideration today complement the proposals discussed during the Senate markup.

By design, the most controversial reforms mentioned during our 6 months of hearings are not included in the markup draft. The membership of this committee is equally divided between the two political parties. Even if all of the Republicans or all of the Democrats on a committee objected to a provision, they would not be able to delete it from the bill without the support of Members of the other party. For this reason we have decided only to include in the markup draft proposals that are supported by a majority of the House Members on the Joint Committee. It seems to me that to do otherwise would have an element of unfairness about it. The

burden of proof should be on those who want to add a provision to the package.

Still, although most of the proposals in the markup draft are relatively consensual, my view is that if adopted, they would significantly enhance the institutional integrity and effectiveness of Congress. For example, included are proposals that would give private citizens a major role in investigating ethics complaints against Members of the House; apply to Congress the laws that are applied to the Executive Branch and to private citizens; streamline the House by reducing the number of subcommittees, limiting the number of permissible committee and subcommittee assignments, cutting staff, and rationalizing the process through which bills are referred to House committees; simplify the budget process by implementing biennial budget resolutions and multi-year authorizations; enhance the quality of information used in the budget process, and improve public policy through more systematic oversight of the process through which laws and regulations are implemented.

If accepted, these recommendations, along with the other proposals in the markup draft, would constitute an important step toward comprehensive Congressional reform.

I emphasize that these reforms are just the first step in a longer process. Many important proposals will be discussed during this markup, and my sense is that some of them will be included in the bill as amendments. After the Joint Committee completes its work, the House and Senate committees of jurisdiction will consider our recommendations, as well as other proposals not included in the package, and Congressional reform will receive sustained attention by the full House and Senate early next year.

At this point we should primarily focus on keeping the reform process moving. A positive or a negative vote on an issue in the Joint Committee should not be perceived as the final word on the proposal. The most controversial reform proposals will be settled on the floor of the House. My sense is that all major reform alternatives should be considered by the full body. As a result, I intend to ask the Speaker for a generous rule, a rule that will ensure that all major proposals will be debated on the House floor.

The breadth of the Joint Committee's mandate and jurisdiction requires that many reform issues be discussed during this markup. Our intention is to proceed carefully but systematically. Because of the hectic nature of the Congressional schedule and the fact that proxy voting is not permitted in this committee, the Chair will ask that roll call votes be delayed until all amendments have been offered and fully debated. I will have a motion to that effect in just a moment.

We should proceed in a manner that might allow us to complete the consideration of amendments as soon as possible. I am told by Mr. Dreier that he must leave this morning in order to handle some business in the Rules Committee; so also Mr. Solomon, so we will probably not be in session very long this morning because the NAFTA debate is heating up this afternoon in the Rules Committee and other places, and NAFTA will be on the floor tomorrow. We will not be in session this afternoon or tomorrow, so Thursday



will be a long day for the Joint Committee. We hope by the end of the day Thursday to complete our work.

This morning we will begin by debating amendments relating to the following topics, and I will ask permission for this in just a moment as well, in roughly the following order:

Ethics process reform;  
Applying laws to Congress;  
Budget process reform; and  
Congressional oversight.

In the later sessions we will proceed with the rest of the issues. That includes committee reform, floor procedure and scheduling, staffing in the support agencies, and House-Senate relations. Of course, we will have to be flexible about the order of consideration.

Given the scarcity of time at this point in the legislative session, I hope that Members will follow the schedule as closely as possible and try to keep in mind at all times the limitation on time and keep their remarks relatively brief and to the point. I hope the committee can complete the discussion of amendments by Thursday, at which point the process—probably in the afternoon—of roll call voting can begin.

Before proceeding I want to express a word of thanks to the Vice-Chairman of the Joint Committee, David Dreier. He has been a very constructive participant in all of this and a pleasure for me to work with, exceedingly cooperative at all points. He has certainly made substantial contributions to the cause of Congressional reform.

We all understand that many reform issues are highly partisan because they relate to the way power is exercised in this institution, but throughout the work of this committee Vice-Chairman Dreier has been open-minded and constructive and hard-working, and it has been a great pleasure to work with him.

At this time I recognize Vice-Chairman Dreier.

**OPENING STATEMENT BY HON. DAVID DREIER, A U.S.  
REPRESENTATIVE FROM THE STATE OF CALIFORNIA**

Mr. DREIER. Thank you very much, Mr. Chairman. I appreciate those kind words. Let me say that it's been a great pleasure for me to work with you, too, as we have tried diligently to bring about a process of reform.

If I had thought, 6½ years ago, when I joined as a co-sponsor of a resolution calling for the breaking down of tariff barriers between the United States and Mexico, or 10½ months ago when the Republican leader, Mr. Michel, asked me to serve as Co-Vice Chairman of this committee, that we would be bringing up in the two committees on which I serve—the Joint Committee on the Organization of Congress and the Rules Committee—those two items, I would have been very surprised. But as you've stated, Mr. Chairman, we have, and that's why I regret that at 10:30 a.m. I will have to leave. I hope that Thursday morning will be a very happy morning for all of us.

Let me say that the American people clearly want this institution to bring about major change and reform. That statement was made 1½ years ago when the Congress passed the resolution that

established this committee, and we've spent the last 10½ months going through a very laborious process of hearings held in this room and the House counterpart room, dealing with a wide range of recommendations that came forth. In fact, it's no secret that we were able to put together the largest compilation of information on this institution that has ever been garnered.

Having gone through all of that, Mr. Chairman, I have to say that I am frankly very disappointed with the document that we're going to be looking at today as our mark. Unlike the document marked up by our counterparts in the Senate, this bill is neither bipartisan nor comprehensive. As I said, this is something that I profoundly regret.

This Joint Committee was created to study Congress and make recommendations for reform. The culmination of 7 months of hearings and 2 months of negotiations is a document that on the most pressing issues recommends more studies and nonbinding sense of the House resolutions. Basically, from my perspective, we're back to ground zero.

The mark calls for achieving a 12 percent reduction in the number of full-time staff, but it chooses September 30, 1991, as the base. Consequently, if any staff cuts would be achieved, according to the Legislative Appropriations Subcommittee, for fiscal year 1992 to fiscal year 1994, outlay reductions have fallen 6 percent in each year. According to our colleague Vic Fazio, Chairman of the Legislative Appropriations Subcommittee, "We are well on our way, half-way to a 25 percent reduction." In terms of personnel, Mr. Fazio tells us that "Legislative staff have been reduced 8.2 percent over the same period." Under this scenario, the staff reductions that they've talked about have already been met.

The bill calls for biennial budgeting, yet the most important function of budgeting, the appropriations process, will remain annual. There's no rational reason for this. At our first hearing Majority Leader Gephardt said in response to a question by Senator Domenici about whether we should include appropriations in the biennial budget, "I don't see why we couldn't include appropriations in the biennial process."

We have a lot of Members around here who feel that their service on an authorization committee is not a meaningful experience. It is in part because they never get to the authorization process; appropriations takes much of it over.

Mr. Chairman, the committee mark calls for the elimination of any standing committee if the membership falls below 50 percent of the numbers serving at the end of the 103rd Congress, yet there is no requirement that the Rules Committee report a resolution to achieve this.

On proxy voting, we were told by numerous witnesses that if we reduce the number of committee and subcommittee assignments, there would be less need for proxy voting. One of the meaningful reforms in the committee mark is that it reduces assignments. In addition, subcommittees would not be permitted to meet when full committees are meeting, so there is very little problem with overlap if there are no restrictions on proxy voting. Even our freshman Democrat colleagues have proposed the elimination of proxy voting

at the subcommittee level. This is not a minority rights issue; this is an accountability issue.

On procedural reforms, we in the minority are not asking for more rights. We're only asking that the Standing Rules of the House, as proposed and approved by the Democratic Caucus, be adhered to.

Mr. Chairman, in conclusion, you said at our very first hearing, "Expectations for this committee are very high, and in a sense we are all on the spot." That is still true today. I believe very sincerely that a majority of our colleagues, both Republicans and Democrats, are counting on us to produce a bipartisan comprehensive package of reforms. "Comprehensive" means committee realignment; a reduction in the bureaucracy, and fair and open debate.

We have a number of amendments that, if adopted, would accomplish this objective. The only thing standing in the way of a bipartisan bill is the will and desire to achieve it.

Thank you very much, Mr. Chairman.

Chairman HAMILTON. Thank you, Mr. Dreier. I think you have set out a lot of the issues that we will certainly be debating in the course of the deliberation of this committee.

I think the point that I would simply want to make at this point is to emphasize again that we need to keep this process moving. Not all the final decisions are going to be made around this table. It is my judgment that the major issues that you have identified, most of them in your statement, will eventually have to be resolved by our respective party caucuses and by votes on the floor of the House and perhaps the floor of the Senate as well.

So far as this Member is concerned, my objective is to keep this process moving and, in the end, get a product that is reasonably acceptable to everyone. I don't have illusions about that; I know how difficult that is going to be to achieve, nor do I have any illusions that when we come out of this Joint Committee session everybody is going to be satisfied with the product. But I hope that all will see the importance of moving the process forward.

I have two motions I would like to make. The first is with regard to consideration of the Chairman's mark—do we have other opening statements? Excuse me, I'm sorry.

Mr. Solomon? I apologize, Mr. Solomon. I didn't know you wanted to do it.

**OPENING STATEMENT BY HON. GERALD B.H. SOLOMON, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK**

Mr. SOLOMON. Thank you, Mr. Chairman, and I apologize for having to leave in a little while to go to this NAFTA rules meeting, which is terribly important to the country.

Mr. Chairman, I do have some things I would like to say. While I have the absolute greatest personal respect for you, having served with you on the Foreign Affairs Committee for many, many years, and you are one of the most respected Members of this House, I just have to say how deeply saddened I am that we have waited so long to really consider so little.

Back in 1980 I served on the same kind of committee that we have here today, headed up by Jerry Patterson, a Democrat from

California, a very respected Member. We worked diligently. We reported a product to the floor, but it was fairly and openly debated in our task force. Those reforms were soundly and overwhelmingly defeated on the floor of the Congress. It was so disappointing, having gone through what we've gone through here this past year.

So when this Joint Committee on the Organization of Congress was created early in 1992, I had the greatest hopes for its potential to truly reform this institution from top to bottom. That optimism was further bolstered by the seemingly unanimous opinion of our membership in the early days about the need to be bold. Remember that word "bold" because, Mr. Chairman, as you mentioned at the meeting we had at the Naval Academy, we all talked on both sides of the aisle about how important it was to be bold and to reform this House. That word "bold" kept coming out.

So let's be bold here today, but I'm afraid we're not going to do it.

My other concern was brought out at the retreat last summer. I thought we had all agreed that we would proceed to mark up this bill and bring it to a vote during this term of Congress, during this year, this session. But that kept slipping until here we are, in the middle of November in this last hectic week of the session, just beginning to mark up what can most charitably be termed, in my opinion, a "minimalist approach" to tinkering, because when you read this bill, the Chairman's mark that we have before us, it really doesn't accomplish any of those things that we talked about in being bold.

Mr. Chairman, we are making a mockery of our own name, "Joint Committee" to reform the Congress. We no longer are joint, and we no longer are really organized, and we certainly are not demonstrating by this Chairman's mark that we have a clue about how to properly organize this Congress and solve these problems that are causing the terrible gridlocks that we have today.

In short, Mr. Chairman, we have become the problem that we were created to solve. We have become the very model of what is wrong with the legislative process in this House, and that is procrastination without deliberation of representation.

Mr. Chairman, by ceding our bipartisan and independent judgment to the Democrat leadership, which I really believe—and I have to give this as criticism—by ceding our independent judgment to the Democrat leadership, I think we have produced a document that may be acceptable to the leadership lions and to the committee bulls of this House, but does not begin to address the concerns of most Members, let alone the American people.

In summary, unless this bill is substantially altered to reconstruct and revitalize this clogged heart of the Congress, which really is the committee system, then we should save ourselves the embarrassment of even bringing this bill to the floor. I hope we can be open about this and that we can amend it to deal with the real problems that we all agreed to do when we formed this a year ago.

Thank you, Mr. Chairman.

Chairman HAMILTON. The Chair would just like to make a couple of comments in response to the observations of my friend from New York.

He referenced the Patterson Committee, and I will add another one, the Bolling Committee. I served on the Bolling Committee, and it's my observation that both of those failed in part because they got out in front of their caucuses. That's what we must not do.

If anybody thinks you can get Congressional reform through this institution without the approval of the Democratic leadership in the House, you've got a very strange idea of the way this place works.

Now, look, we've got a very practical problem here. We have to get majority votes for reform. I don't think you can get reform through without support of the Democratic and Republican leadership. We have to work with them. We can't ignore them. All you have to do is know that this committee reports to the Rules Committee. We all know the makeup of the Rules Committee. If we report a product at this point in time that is totally unacceptable to the majority on the Rules Committee, we all know that that's the end of the game.

So let me emphasize here that this is a process that we're working through. I readily agree that the mark does not meet—I know it doesn't meet your expectations, and it doesn't meet all of my expectations. But we've moved the process along, and I think that in the end we will come up with a package, I believe, that is reasonably satisfactory.

But you have to take into consideration—at least I do, and the gentleman knows this—the Democratic leadership in my case, as you have to take into account the Republican leadership, and I have to take into account the Democratic Caucus as well.

Mr. Walker?

**OPENING STATEMENT BY HON. ROBERT WALKER, A U.S.  
REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA**

Mr. WALKER. Mr. Chairman, I appreciate that. My concern is, I think we have a duty to do more than keep the process moving.

Chairman HAMILTON. I do too, in the end.

Mr. WALKER. Well, the problem is that we're starting with a mark that, in the view of a number of us, doesn't even meet some of the basic conditions that we laid out for this group when we passed the legislation and when we originally met. Essentially what we have before us is a document that is meant to only do that, to keep the process moving, in hopes of maybe moving it to the floor and having some amendments there.

We spent months in hearings. We've listened to the witnesses. We know what was said to us. No one else in the Congress at this point is as much expert on the issues that have to be addressed as this committee. If we simply relegate ourselves to a group that does nothing but keeps the process moving, then it seems to me we've abdicated the responsibility that was given to us. That's my disappointment here, that a number of items that we regarded as crucial items, to be a part of the Chairman's mark, are not there. As you pointed out, what happens when you're not included in the Chairman's mark is that the burden is then upon you to get it into the Chairman's mark. So that document represents the culmination of the work of this committee to the point that the mark takes

place. That mark is simply not acceptable to a number of us who feel that it should have been a strong document, that if in fact the leadership had problems with it, then the leadership should have been in here asking for items to be removed from it because of its unacceptable nature.

What we have now is, from our viewpoint, an unacceptable process that suggests that this document is the culmination of our work and, "Oh, by the way, if you want some other things, the burden of proof is on you to get them in."

Chairman HAMILTON. Well, Mr. Walker, I understand your dissatisfaction with it, and I want to say to you that I'm not entirely satisfied with the mark either. My judgment, however, is—and at this point we may differ—that if we had all of the things in the mark that you and maybe some of your colleagues would like, that would be the end of the process. That would stop it right there. We couldn't push it any farther. We couldn't get it to the floor of the House.

So when I say that this is a process, I sincerely mean that it is a process, and I'm going to try the best I can to get a reasonably satisfactory result. But I know what can be achieved now and what cannot be achieved, I think; I'm making a judgment there. But if this package included all that I think you would like to put in it, it is my judgment that the process is dead in the water.

Mr. WALKER. Well, if I could just ask you a question, Mr. Chairman, in other words, the Chairman's mark represents, in your judgment, the best that we can hope to do in terms of getting to the floor, that if we go anything beyond the Chairman's mark, it is—

Chairman HAMILTON. No, no, Mr. Walker, don't put words in my mouth.

Mr. WALKER. I ask that as a question.

Chairman HAMILTON. No, no, no. I described this mark as a kind of a minimal consensus at this point.

I think a lot of reform can still be added as we move this process along, and I'll work with you to try to achieve a lot of that reform. At this point in time, I think it is best to proceed with this kind of a mark and try to improve it as we move along. That's my judgment.

Mr. Gejdenson?

**OPENING STATEMENT BY HON. SAM GEJDENSON, A U.S.  
REPRESENTATIVE FROM THE STATE OF CONNECTICUT**

Mr. GEJDENSON. I think there is also a fundamental difference in what we call reform here. Frankly, I can look at many of the proposals that my friends and colleagues on the other side proposed, and I see it as an attempt to gridlock the Congress.

Now, I am sure that you think—many of you think, at least—that it makes some sense. I think some of the proposals you've made made it very difficult for this process to move forward and achieve the kind of changes that I thought were important.

So I think that maybe what we have to recognize is that we need to make a serious effort to put some of those things aside. When you come forward and propose that we cut Congressional staff by

another 25 percent, and at the same time increase the minority staff, the Republican staff, giving a double hit to Democrats on our ability to do our work, those of us who run the committees and do the legislative work in this place—to me, that ends up looking like an attempt to sandbag the process, not necessarily to move forward.

Now, I'm sure you have the purest of motives when you make those proposals. I look at an attempt to get rid of proxy voting as an attempt to deprive the majority party, which is responsible for getting the product to the floor, as a way to tie us in knots, not as a way to reform the process. I see proxy voting the same way I look at absentee ballots, that absentee ballots are perfectly legitimate items to be used by the public in elections. We don't want to deprive people because their circumstance precludes their getting to the meetingplace. In the same sense, Democrats do have the responsibility to get the bills out, as long as we're the majority party.

What I fear is that many of your proposals would make it easier along the way to create gridlock. Frankly, if you have the minority, if you don't have the majority, your goal or your strongest suit may be to try to stop the process from moving forward. We see this all the time; I think two of the gentlemen here are on Rules. You get an open rule and you end up voting on the same amendment in some different fashion 20 and 30 times in a night.

Mr. DREIER. We're trying to get it right.

Mr. GEJDENSON. Well, I appreciate the effort of you trying to get it right. But on the other hand, it starts to appear to people in the majority party that your goal isn't simply to raise your issues in some pure legislative debate, but your goal may simply be to try to tire the process so that we never get to a vote on the bill.

So those differences do occur. I think that one of the things that we ought to do, from my perspective—committee jurisdiction and other issues are very difficult to achieve, but I think there also are some genuine differences between what the minority party sees as reform and what the majority party, which has the responsibility of getting the bill to a vote and on the President's desk in the final day, sees as reform.

Turning us into the Senate, where there is an ability to filibuster through repeated amendments or other tactics, isn't reform as far as I am concerned. So I think there are some fundamental differences.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Thank you, Mr. Chairman.

I would ask my colleague how he would characterize one of our colleagues' efforts to bring into discussion the filibuster, which is on the Senate side, when the resolution that created our committee specifically said that we were not to get into the other body's business. Perhaps sometime you can answer that question for me.

Mr. GEJDENSON. I'd be happy to answer it now, if you'd like.

Ms. DUNN. Go ahead.

Mr. GEJDENSON. I think what we got was a framework on how to proceed. Are you referring to Mr. Obey, who is not here? I think Mr. Obey brings up an issue that came out in the hearings. I think it was Senator Mitchell—and I wish I had taken notes on it—the numbers were something in this range, that from the beginning of

the Senate in the late 1700s to 1850 or 1860, the filibuster was used around a dozen times. In the next 50 years or so it was used another two dozen times. And then from 1960 to 1980, there have been hundreds of filibusters so that suddenly the Senate isn't a deliberative body where the majority speaks and the minority is protected by the filibuster, but the minority using the filibuster—and I'm not using this in a partisan sense; it could be a Democrat who wants to protect grazing fees—says to the President of the United States, "Well, if I don't get my way on grazing fees, I'm going to filibuster the economic package you have before the Senate and we're going to stop the Government." The minority ends up controlling the process.

Ms. DUNN. Mr. Gejdenson, I'd like to reclaim my time.

Chairman HAMILTON. Ms. Dunn has the time.

**OPENING STATEMENT BY HON. JENNIFER DUNN, A U.S.  
REPRESENTATIVE FROM THE STATE OF WASHINGTON**

Ms. DUNN. I think the point, as you well know, is not regarding the filibuster, but regarding the right of the House to question the filibuster, which is specifically a Senate process and was outlined in our original resolution.

Mr. Chairman, thank you. Let me say at the outset that I do not envy you in the role you must play today. As all Members of the Joint Committee know, I am the only freshman, and in effect, the only Representative of 114 newcomers to the House.

While the 114 freshmen represent virtually every philosophical shade in the political spectrum, they are united on one thing. All of us campaigned on the need for bold Congressional reform. As I have said on more than one occasion in our hearings, we freshmen had Congressional reform seared into our minds by a very angry electorate.

Today the 114 freshmen are united in something else, Mr. Chairman, our frustration over the snail's pace of reform, the endless game of foot-dragging, delay, and distraction. We won't be allowed to vote on any meaningful reform this year, so the entire freshman class will have to go home, Mr. Chairman, at the end of this session and admit that despite the fact that altogether we comprise one-quarter of this United States Congress, we could not move any Congressional reform, to the floor.

Not only that, Mr. Chairman, we have to go home and try to explain why a special bipartisan Joint Committee that was given an entire year to come up with a Congressional reform plan could not get the job done. It sounds to me like a parody of Congress to say that the reform committee was running in too many directions to focus on reform.

Mr. Chairman, we freshmen are frustrated. We still want serious reform. We don't want to see House reform delayed or derailed by an effort which Senator Byrd characterized as "aimed at making the Senate an adjunct of the House."

I believe all freshmen join me in agreeing with you, Mr. Chairman, in saying, let's move ahead. We still want to increase the deliberative nature of the body to allow more meaningful debate and



amendments, to ban proxy voting at some level, and to reduce the overreliance on staff.

I hope, Mr. Chairman, that we can amend, improve, and upgrade what I see as a very weak mark that finds itself before us, so that we can report something to be proud of. The freshman class—and, I believe, the American taxpayers—are clinging to their hope that serious reform still is possible.

Thank you, Mr. Chairman.

Chairman HAMILTON. Ms. Norton?

**OPENING STATEMENT BY HON. ELEANOR HOLMES NORTON, A  
DELEGATE FROM THE DISTRICT OF COLUMBIA**

Ms. NORTON. Mr. Chairman, if I might, I would like to congratulate the Chairman on doing what I think no one at this table could have done, particularly considering the highly partisan nature of the Congress that all of us are a part of.

I regret that the mark has been mischaracterized so early in the process. I believe that when this process is over and we see the substantial progress we have made on issues that are truly of concern to the American people, like ethics and compliance with the laws that we enact, that the judgment of the American people will be that this process has indeed moved along those issues that they had in mind when they saw that this committee was being formed.

Moreover, I think it is incorrect to characterize this as the "Chairman's mark." The Chairman's duty was to see how far he could get in achieving a bipartisan consensus on at least some items that we could bring forward. The achievement of a consensus of this kind in a bipartisan committee with equal numbers of Republicans and Democrats takes two; and indeed, if the problem has been that the minority is concerned with how far we have not gone, some of us are equally concerned that we did not find the bipartisan partnership that we expected to find in this committee. Instead, we often found the pet bills of the minority in the Congress presented here, in a forum designed for bipartisan resolution. This, for example, in my judgment was not a place to hear, as we heard over and over again, a discussion of the balanced budget amendment. Ideas like that regularly came forward in our proceedings.

I think we should proceed and remember that even as in the beginning, we all said that we would like to make dramatic change. My recollection is that we also said that we would like to make change that the House and the Senate would embrace, and we called to account prior committees that indeed did issue forward with recommendations that were then turned down wholesale by the respective bodies.

So I think this responsibility lies not with the Chairman, but with the Members of this committee who have shown, to be sure, some considerable ability to work together and achieve a mark that we all can embrace, but certainly did not lay down their swords at the door and decide that they would come into the House and compromise so that we could achieve the kinds of reform that they now wish that we had.

Chairman HAMILTON. Thank you.

Mr. Emerson, then Mr. Swift, then Mr. Allard.

**OPENING STATEMENT BY HON. BILL EMERSON, A U.S.  
REPRESENTATIVE FROM THE STATE OF MISSOURI**

Mr. EMERSON. Mr. Chairman, I will be brief. I have some sort of respiratory ailment that has settled in my throat. I know my colleagues will be pleased to know that I am necessarily going to have brief remarks. I will submit my formal statement for the record.

Chairman HAMILTON. You are setting a good example for us, Mr. Emerson.

Mr. EMERSON. I would like to say that I agree with everything that has been said on my side of the table here about what this committee has done, hasn't done, and what it may yet do. But I also want to say that I believe in the good will of the Chairman of the committee and his desire to move us forward toward a positive end result.

I think that the better test of whether or not we have been successful will come at the end of our debate on the Chairman's mark, and at the end of the process, because the spirit for reform, as noted by the gentlelady from Washington, is definitely out there. What may take hold as we move forward, we really don't know, because I think there is a bipartisan desire to see some dramatic change here.

So I would urge us not to be bogged down by the fact that we are not at this moment where we want to be, but let's go forward and see if we can't get where we want to get.

I am concerned, I must note, that I believe there are some elements at work who wish to torpedo the efforts of reform altogether. For those who think that we on our side of the aisle are acting in too narrow and partisan a manner, I would ask them to consider that this is a two-way street. I would like to remind us of what the Speaker said at the very opening of our process, back in February, that he challenged the majority to think as though they were in the minority, and the minority to think as though they were in the majority. I daresay that among other things, if we do not meet that test, I think the reality of what the Speaker was suggesting may very well come to pass.

Chairman HAMILTON. Without objection, your statement will be in the record.

Mr. Swift?

Mr. SWIFT. Although it may be too late in this process, I was just simply going to point out that this is an utterly impotent debate. It leads to no vote. I think one of the great reforms we could do around here is to abolish opening statements, quite frankly.

I think the Republicans have made their point. I think we should get on with having debate about things which lead to votes; that is not impotent debate. I would ask unanimous consent that all Members be permitted to submit opening statements, and I would respectfully suggest that we get on with the markup instead of all these speeches.

Chairman HAMILTON. Mr. Allard?

OPENING STATEMENT BY HON. WAYNE ALLARD, A U.S.  
REPRESENTATIVE FROM THE STATE OF COLORADO

Mr. ALLARD. Well, thank you, Mr. Chairman.

I couldn't agree more that we need to be moving forward on Congressional reform.

I am especially pleased to see some forward motion on some of the recommendations. I would also point out to the committee that I also represent a class that ran on the concept that we need to change the way that business is done in the Congress, and it was during a time when there was considerable concern among the American public, as far as the Congress was concerned as an institution.

Now, from the perspective of a Member of the committee and a spectator to the process, I have been alternately hopeful and frustrated. I had high expectations that the original promise to have a reform bill by September could be easily achieved. We failed to meet that timetable. I was disappointed when Speaker Foley declared October to be "reform month," then the last week of October as "reform week," and still there were no measures before us or the whole House.

This committee's markup has been pushed back to the most rushed time of the year, the middle of November. Congressional reform almost feels like an afterthought.

It is good to be at work again on this important issue. As we discuss the issues that we would like to present in our mark, I hope one principle is foremost in our thoughts, that this is not the time to be timid. We designed the committee to reorganize Congress because we have serious problems. These problems have tarnished what should be the model institution of our day. We have the option of addressing these concerns with a feeble hand and with a dull pencil, or we can boldly capitalize them with a magic marker. Every indication I have seen is that our constituents want the magic marker.

There are a number of areas of specific interest to me: reform which would absolutely demonstrate our commitment to the laws we make; adopting language to assure that Congress lives under the laws that it creates for the private sector; I would like to see meaningful participation in committee meetings, and this would be enhanced with stronger quorum requirements and elimination of the proxy vote. Stronger limitations on franked mass mailing and joint management of the services common to the House and the Senate both make sense and save money.

This committee should be praised for its equal treatment of all Members, whether from the House or the Senate, the minority or the majority. We can take pride that the rules of the Joint Committee were specifically designed to promote bipartisan and equal participation in our deliberations.

It is important to keep in mind that the majority one day might be the minority, and that the majority today might be tomorrow's minority.

I just might point out, too, that the House rules in here, if you read the introductory chapters, the founders who put that all together said that the reason it is so important to have House rules

is that you need to have some predictability in the process, primarily to protect the minority. That may be a minority party; it may be a minority within the Democratic Party; it may be a minority within the Republican Party, or it may be a minority in both parties. But the whole reason in the introductory chapter of this particular manual which we follow—it's the House Rules Manual, and we've followed it for years—is to protect the interest of the minority.

The Joint Committee was meant to be a tool for change, not a forum to mollify an angry or frustrated public. This is our best opportunity to restore the public trust in Congress, to make strong decisions with their interests in mind. I am confident that if we recommend reform measures which are simply too radical for our time, they will be reduced to a size this Congress can swallow. The real tragedy would be if the American public and the many Members of Congress who sincerely want change are let down by our unwillingness to recommend bold measures with a magic marker, underlined twice.

I look forward to Thursday's markup.

#### UNANIMOUS CONSENT REQUESTS BY CHAIRMAN HAMILTON

Chairman HAMILTON. Okay. The Chair has two unanimous consent requests. I will take them up one at a time.

I would like to ask unanimous consent that the legislative draft before each Member be considered as original text for the purpose of amendment; that the draft be open for amendment at any point; and that the amendments to specific subject matter areas be considered in the following order: ethics, compliance, budget, oversight, committees, scheduling, floor, staffing. And then there will be miscellaneous issues at the end.

Is there objection?

[No response.]

Chairman HAMILTON. The Chair hears none and it is so ordered.

The second unanimous consent request relates to the procedure for stacking votes. I ask unanimous consent that the Chairman, in consultation with the Vice-Chairman, may employ the following procedure to expedite the conduct of recorded votes:

A., whenever a recorded vote is ordered on a question other than a motion to recess or adjourn, and debate has been concluded thereon, the Chair may postpone further proceedings on such question to a designated time;

B., at the time designated by the Chair for the resumption of proceedings on postponed questions, the Chair shall, with respect to each question and in the order in which the question was considered, direct the Clerk to designate the question, direct the Clerk to read a short synopsis of the matter being voted upon, and direct the Clerk to call the roll on the question; and

C., if the committee resumes proceedings on postponed questions but recesses or adjourns before all such questions have been put and determined, then the Chairman, in consultation with the Vice-Chairman, will designate a time for further proceedings on the postponed questions.

That's the end of the motion.

Mr. Dreier?

Mr. DREIER. Thank you very much, Mr. Chairman.

I would simply like to state that we are concerned with the prospect of having all votes put off to the end, especially in light of the fact that we're going to have, if a proposal is by chance defeated in this committee, a backup proposal, and I think that on those issues we need to have an opportunity to debate that item after having cast the first vote on that issue as we face it again.

So that is a concern that I have and a number of us have on that issue. So I hope that under this unanimous consent request, since you said that we were consulting on it, that we could accommodate those concerns that were raised.

I know my colleague, Mr. Walker, would like to raise a question on this, also.

Mr. WALKER. Reserving the right to object, Mr. Chairman, I have a couple of concerns. The first is a general concern.

I think we legislate badly when we divorce votes from the debate. I think it's important to keep the debate and the matters you're voting on fairly close. I think that's a mistake when we roll votes in the House on suspension bills and a number of other things. It leads to bad legislating.

But the more practical issue is the one that Mr. Dreier raises. In some of these instances as we have gone through and looked at the amendment process, the offering of one amendment would be dependent on what happens on a previous amendment. If all of that gets rolled to the end, it therefore undermines the ability to deliberate this in a logical fashion. So I am concerned about how that would work out.

The other thing I would be concerned about is that we roll all the votes on all issues to the end of the process. It seems to me that the very least we would want to do is roll the votes to the end of the deliberation of each of these particular sections, so that we would in fact be voting as we completed the various sections and would not have votes occurring at the end of the entire process on virtually everything, where we would simply be in the room voting almost mindlessly on things that may have been debated several days previously.

Chairman HAMILTON. Question, Mr. Emerson?

Mr. EMERSON. Isn't the critical part of your motion "in consultation with the Vice-Chairman"? Are you not trying to establish a modus operandi for daily procedure? You're not talking about stacking all votes to the very end, are you?

Chairman HAMILTON. Under the motion, that would be permitted, but we will work with the Vice-Chairman on it.

We are in a difficult time here in terms of Members' schedules. We will try to work through this in consultation with Mr. Dreier.

On the second point which Mr. Walker raised, where you have a particular kind of amendment where one is dependent on the other, I think you make a reasonable point there and I would be prepared, with Mr. Dreier, to work out a procedure so that it is clear. You would have some time for discussion on each one of those; not, however, an extended discussion, but long enough so that Members would have clearly in their minds what it is they are doing and the consequences of their vote.

Mr. DREIER. Let me just say on that issue that we have to make it clear that if an amendment is offered and that amendment is defeated, the opportunity for consideration of an amendment which would be a backup amendment clearly should be there so that all the Members of the committee are aware of what is being debated here. I wouldn't want a limit on that.

Chairman HAMILTON. My understanding is that you have several amendments on proxy voting, and that's what you're really talking about here, is that correct? Or maybe some other instances of it, too, but you have several amendments?

In that instance, if I understood you correctly, you had three amendments—maybe more, I don't know—we would work out a schedule so that the first one would be voted on; we would have a discussion on that, preceding that, if you wanted, 5 minutes on each side or 10 minutes on each side, whatever, and then vote, and then go to the second one, and then the third one. Would that be satisfactory?

Mr. WALKER. Well, reserving the right to object, so that I understand the point that Mr. Emerson brought up, do I understand that the business of consultation with Mr. Dreier gives him veto power?

Chairman HAMILTON. No, that's not what it says. It says "consultation with."

Mr. WALKER. The thing is, then that is of some concern. If in fact this were a joint decision, so that we had some assurance that the sensitivities that Mr. Dreier recognizes are there on behalf of us were in fact being met, it seems to me that the two of you could probably work out a place where we could roll some of these votes. But the fact is—it's obviously not that we don't trust you, but it is in fact a concern that you may not recognize exactly what it is that the Members have in mind and may roll it inadvertently, causing a situation that would be of concern on our side.

Chairman HAMILTON. Mr. Walker, I will do my level best to reach an agreement with Mr. Dreier, and I don't think—I am quite confident that I will in almost all instances, and maybe in all instances.

Mr. SWIFT. Mr. Chairman?

Chairman HAMILTON. But I don't want to mislead you about the wording of the amendment. It does not give Mr. Dreier a veto power. It's in consultation with the Chairman.

Yes?

Mr. SWIFT. Mr. Chairman, I think concern that this might be used for gaining is understandable, and that is certainly not our purpose. I, for example, cleared out today and cleared out tomorrow, but I have a hearing on Thursday morning. Mr. Obey had a markup this morning. We are truncating today because some people on your side have important things to do in Rules. We wiped out tomorrow out of deference to a perfectly legitimate desire for many of your Members to be involved in the NAFTA debate.

What we're trying to do is arrive at some kind of a process by which all of us can carry on the other responsibilities that we have, but all of us be here when the votes are taken. I think there ought to be a way to work that out without interfering with your ability to run backup amendments. Perhaps those whole issues could be

delayed until a time when we could all be here, or something like that.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Thank you, Mr. Chairman.

My concern with this whole thing gets down to something that I think is a major problem in this Congress that we're trying to solve, and that is the deliberative nature of the process. It appears to me that if we go the way of this suggested rule, that there will be people who will not be involved in listening to the debate or taking part in the debate who then will be asked to vote on the whole thing.

I think the fact that our work, the end of a whole year's worth of hearings that a lot of us spent a lot of time involved in, the fact that that was shoved into 1 week or into a period of time of 2 weeks that is exceedingly difficult because of our schedules and the number of issues we have to be voting on—I think that shouldn't be used as an excuse to do stacked voting at the end of the process.

I think one thing that people want generally is for us to be listening to the debate on these important issues. My position is that I think we would be much wiser to vote as we move through the amendments.

Mr. SWIFT. Would the gentlelady yield?

One of the things I was trying to point out is that the alternative is we just keep cancelling meetings—and we've done that for you; we've cancelled virtually all of today and we've cancelled all of tomorrow.

Mr. DREIER. Well, that's not being done for us.

Mr. SWIFT. Well, I'm ready to go today and I'm ready to go tomorrow. My schedules are absolutely clean for those 2 days.

Now, what we're trying to propose is a way that we can all carry on with our other responsibilities. To have that now characterized as some way that we're trying to destroy the deliberative process—we can go your way, and any time that any Member has a legitimate reason that they can't be here, we can cancel that meeting. We'll get around to this sometime next July, during the Fourth of July weekend.

Mr. WALKER. Well, if the gentleman would yield, I can't imagine we could have picked a worse week to mark up than this week, just in terms of Members' schedules. Virtually all of us are absolutely jam-packed.

I'm glad you cleared your schedule, but I'll tell you, it's pretty difficult in the midst of what we're being asked to do this week with the commitments that are coming at the end of the Congress for a lot of us. I don't understand how we ended up coming down to the very last week of the Congress when everybody knows that it's one of the worst weeks for all Members, and ending up with us marking up in this week. That causes a little bit of concern, as well.

Mr. SWIFT. If the gentleman would yield, we have busy weeks around here all the time and throughout the year, and important votes like NAFTA that crop up with great frequency. You can't predict that. All we're trying to do is suggest a way that we can process our work.

Chairman HAMILTON. There is a unanimous consent proposal pending. Does the Chair hear objections?

Mr. WALKER. I object.

Chairman HAMILTON. All right, then—

Mr. SWIFT. Mr. Chairman, I think under that consideration, then, we have to seriously consider that all Members on our side as well, when we have legitimate responsibilities elsewhere have a right to ask for cancellation of markup meetings, just as the Republicans have, and just as we have accommodated them. I don't want to do that, but our effort to try to deal with this problem has been foiled, so I suggest that we take the Republican approach and cancel meetings when—

Ms. DUNN. Mr. Chairman, I have a better suggestion, and that is that we vote after we consider each amendment.

Ms. NORTON. I just want to note that the failure of the other side to engage in a reciprocal process here is very disappointing to me, especially since you have shown yourselves willing to have the meeting go on while you go and attend to other business; but when this is suggested as a way to conduct business for a period of time, then our motives are impugned.

Again, if we can't get reciprocity on procedural matters, I can certainly understand why there isn't more reciprocity on the substance.

Mr. WALKER. Well, if you will yield, one of the concerns that I have, for instance, when you look at reciprocity on procedural matters is the fact that when some of the reforms that we regard as important don't make the Chairman's mark, the fact is that the evenly-divided 6-6 pattern of the committee puts the burden on us to get our reforms passed. The point is that a tie vote fails, so therefore procedurally you have built a cushion for yourselves on all these matters procedurally. So therefore to complain about the fact that we are concerned about other procedures, it seems to me that it does undermine the process from our perspective, as well.

Chairman HAMILTON. May I simply make this point?

It is obviously clear that we don't have unanimous consent for this proposal. I have just talked with Mr. Dreier about it; he has to leave now to go to the Rules Committee meeting with respect to NAFTA, and we will not meet again until Thursday morning. Between now and Thursday morning Mr. Dreier and I will consult to see if we can work out a procedure here that is satisfactory in dealing with the various amendments that will come before us.

I therefore suggest that we adjourn at this point.

[Whereupon, at 1:30 a.m., the Joint Committee recessed, to reconvene on Thursday, November 18, 1993.]



# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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THURSDAY, NOVEMBER 18, 1993

U.S. HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The Joint Committee met, pursuant to recess, at 9:44 a.m. in room SC-5, The Capitol, Hon. Lee H. Hamilton (co-chairman of the committee) presiding.

## OPENING STATEMENT BY HON. LEE HAMILTON, A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Chairman HAMILTON. Today the Joint Committee will continue the markup effort on legislation reforming the internal operations of Congress. I'd like to proceed in the following manner. My hope is that we can spend the morning and afternoon discussing the reform issues, introducing and discussing amendments. If the Members of the committee agree, roll call votes will be stacked for later this afternoon, with the caveat that additional discussion and amendments may be necessary during the period of stacked votes. I'll return with a procedural motion in just a moment.

Vice Chairman Dreier and I are in agreement that all major reform alternatives must be given consideration by the Joint Committee, and we will try to give the amendments meaningful deliberation. All of us recognize the fairly hectic situation that we meet in today.

We're going to begin this morning with amendments pertaining to the following issues in, roughly, at least, the following order: the ethics process reform, first; second, applying laws to the Congress; third, the budget and appropriations process; and, fourth, Congressional oversight. After those are resolved, we'll go to committee reform, floor procedure and scheduling, staffing and support agencies, and, finally, House and Senate relations.

At the end of the markup session, we probably will have a short period of time to provide so that amendments on any portion of the Joint Committee's agenda might be offered and discussed. Because Members will be in and out all day, I don't want to shut any of them out because they missed the particular moment when an amendment they have would be appropriately under discussion.

Let me at this time recognize Mr. Dreier to see if he has any comments, and after that, I will offer a unanimous consent.

**OPENING STATEMENT BY HON. DAVID DREIER, A U.S.  
REPRESENTATIVE FROM THE STATE OF CALIFORNIA**

Mr. DREIER. Thank you very much, Mr. Chairman. Let me at the outset say that in one of the first hearings that this committee held, the word that was initiated then and continued to follow throughout our hearings was stated by Senator Byrd when he referred to the issue of fractured attention, and I wanted to express my appreciation to the Members of the committee who allowed me to leave on Tuesday with a number of other colleagues on this committee who were interested in the issue of the North American Free Trade Agreement to take the time that was necessary to move ahead with that. Mr. Swift is not here, and I know he was most concerned about it the other day, but I do appreciate the forbearance of the committee as we deal with that.

I believe that we've worked out the unanimous consent request. Our concerns about having votes come at the end without having the opportunity to look at the alternatives after votes are cast is something that we raised, and I believe that we've addressed it adequately and that we will accommodate Members who have amendments that should be considered following votes.

I look forward to proceeding with this, and I hope we can work things out.

Thank you, Mr. Chairman.

Chairman HAMILTON. I notice that the television cameras are here, and they're very close. I've had it suggested that we do not want those television cameras focusing in on Members' notes, so I hope the media will pay appropriate attention to that and just focus on Members. We don't want to have the intrusion on Members' outlines or notes.

Now, I ask unanimous consent that whenever a recorded vote is ordered on a question other than a motion to recess or adjourn and debate has been concluded thereon, proceedings will be postponed on such question to a designated time. The time designated to proceed on postponed questions will be on the same day the amendment is offered and must be jointly agreed upon by the Chairman and Vice Chairman.

At the time designated for the resumption of proceedings on postponed questions, the Chairman shall, with respect to each question and in the order in which the question was considered, direct the clerk to designate the question, direct the clerk to read a short synopsis of the matter being voted upon, and direct the clerk to call the roll on the question. If, prior to the roll being called on any question, a Member requests an opportunity to speak further on the amendment, a period of 10 minutes, equally divided between proponents and opponents of the amendment, shall be in order.

In the case of an amendment that is related to, but has not been offered pending the outcome of a recorded vote on a postponed question, such amendment shall be in order following disposition of the amendment to which it is related, and a period of 20 minutes, equally divided between the proponents and opponents, shall be in order if requested.

Are there any questions with regard to the unanimous consent request?

Mr. OBEY. Would you repeat that last piece?

Chairman HAMILTON. Yes, I'll read the last paragraph. This, I might say, relates to amendments probably, just by way of example, on proxy voting, where you will have three or four amendments, and what happens with regard to the second, third, and fourth depends on what happens on the first amendment.

This is the operative paragraph. In the case of an amendment that is related to, but has not been offered pending the outcome of a recorded vote on a postponed question, such amendment shall be in order following disposition of the amendment to which it is related, and a period of 20 minutes, equally divided between proponents and opponents, shall be in order if requested.

Mr. OBEY. Can I ask a question? What about amendments to amendments?

Chairman HAMILTON. Well, it would apply to second-degree amendments.

Is there objection?

[No response.]

Chairman HAMILTON. The Chair hears none, and it is so ordered.

The first area will be the area of ethics. Generally, in that section we talk about enhanced accountability and improved public perception of the institution. Leadership is to set up a pool of outsiders, former Members, former staff, and private citizens, discretionary with the Ethics Committee whether to use them, and they will be used only for investigative purposes.

Are there any amendments to the ethics section?

[No response.]

Chairman HAMILTON. Well, that's a good beginning. What a remarkable change.

[Laughter.]

Chairman HAMILTON. We go to the compliance section. That is the section that, incidentally, the Senate committee did not deal with. I think all of us here consider it to be an important part of this committee's efforts. It applies the laws of the land to Congress, it sets up a Joint Compliance Office as a four-step procedure for consideration of alleged violations, with internal hearing procedure before hearing officers, and that judicial review is permitted.

Are there amendments to the compliance section?

#### AMENDMENT NO. 1, APPLICATION OF LAWS

Mr. ALLARD. Mr. Chairman, I have an en bloc of two amendments that I'd propose to the committee.

Chairman HAMILTON. The clerk will distribute the amendments offered by Mr. Allard. The clerk will read the en bloc amendment.

Mr. ALLARD. Mr. Chairman, I also have a handout here for the committee Members on the issue of constitutionality of compliance.

Chairman HAMILTON. Without objection, the amendment will be printed in the record, open for amendment, and the gentleman is recognized for 5 minutes in support of his amendment.

Mr. ALLARD. Thank you, Mr. Chairman. I appreciate you recognizing me for the purpose of discussing Congressional compliance.

As the committee is very much aware, my position on Congressional compliance is basically that Congress needs to live under the

same laws as everybody else, and the proposal that we have before us, I think, moves us in the opposite direction from what we had as far as testimony before this committee, as far as our polls of Members of the Congress, regarding the application of laws. If we look in section 352, it seems to say that all labor laws will apply to Congress, but then, followed in section 354, it says that in fact none apply unless the director's study says they should. Now, the director may also take into account the cost of the application of the laws, the specific dates and means of application, and then go ahead and promulgate regs consistent with laws applicable to Congress, except as may be otherwise provided.

So we have two very open provisions, loopholes, in the Chairman's mark that we have before you, and the question that I have to ask is, who is kidding whom? You could drive a truck through those loopholes. The process is completely open-ended, and it's a Trojan horse. What needs to be said is that the Congress itself needs to decide the question of exemption. In fact, what we've done by allowing the director's study to determine what should apply to the Congress or not is that we have raised the question of applicability of laws on provisions that have actually been settled where there is no exemption for Congress.

Ideally, I would like to see all laws apply to Congress, and I have passed out an information sheet where I talk about that in recent years a concern has been raised about Congress exempting itself from the laws it passes, and notably James Madison, in his Federalist Paper No. 57, said Congress can make no law which will not have its full operation on themselves and their friends, as well as the great mass of society.

More recently, the Senate majority leader stated, "It has been said here many times tonight that," and he continues on, "we want to treat Senators the same as everyone else," and he continues on, "Mr. President, not a single Senator believes that. Not a single Senator wants that," and the President himself more directly addressed the problem by stating it's wrong, and he then refers to Congress to put any new requirements on American business as employers and not follow that rule as employers themselves.

In my view, Congress must demonstrate that it does not consider itself above the law. The fundamental issue is that of the trust and confidence of the American people in Congress. Congress needs to make all laws that cover public agencies and private business apply to Congress. Congress needs to create coverage that applies equally to all Congressional agencies and employees. Congress needs to make its legal status as comparable to the private sector as far as possible with regard to liability, procedure, and enforcement. Congress needs to ensure that all employees have a full right to appear in Federal court.

I would like to supply for the record an argument developed by the Heritage Foundation concerning the Constitution and Congressional coverage. Now, having said that, in attempting to put together an amendment to the Chairman's mark, I have been able to come up with an amendment that addresses all my concerns in bringing Congress under complete coverage.

So what I have here in en bloc amendment are two provisions that have been introduced by Congressman Goodling and Congress-

man Fawell which would extend the Age Discrimination in Employment Act to the House and would provide that the Age Discrimination in Employment Act, Title VII of the 1964 Civil Rights Act, the Americans with Disabilities Act, and the Family and Medical Leave Act should be enforced against Members of the House through a private court action.

Now, the reason for this is that it avoids the argument where we have the separation of powers, because we're talking of an equal access to the laws through the courts, and not asking for a regulator to come in from the Executive Office and inspect Congressional offices.

The other part of the amendment that I propose, the Fawell position, brings Congress and its agencies under Congressional compliance as far as the OSHA requirements are concerned. It says that the director shall review any inspections made by OSHA inspectors, and that they will bring in proper counsel to resolve the differences between the Members' offices and the result of that inspection.

I would just bring to the attention of this committee that we've had recent articles talking about the number of disability compensations or the number of claims that have been made on the Architect's Office because of work-related injuries, and also point out to the committee that this particular office, which is one of the agencies that is exempt, has, among the Federal agencies, the second highest rate of claims. About 15 percent of the Architect's workforce has filed workman's compensation claims during the last 12 months, and that's in "Roll Call" November 8, 1993. Then a recent GAO study found numerous violations of OSHA in Congress, with potential liability of up to \$1 million.

Now, the issue that's brought up is frequently cost when we bring in OSHA. Most commonly recognized violations, I think, in the Members' offices have to deal with exit problems, have to deal with electricity, and the issue of ergonomics, and then the fourth issue of records. Now, I understand that this could potentially be expensive, but I'm willing to go ahead and help assure that we have the dollars to take care of these provisions if this should pass, if we're willing to impose this on the private sector. They're certainly facing the same types of problems and concerns that we are here in how they're going to pay for it, how they're going to meet the regulatory requirements, and how they're going to comply and avoid the huge fines that go along with it.

So, in summary, I would say that what the Chairman has in his mark leads us in the wrong direction, and it actually allows Congress the potential to be exempted in provisions that it's now covered under. My amendment would then begin to bring us under full coverage, and my intention would be that if this amendment would pass, that I would continue to push for full coverage. But at this point in time, this seems to me as the most reasonable and responsible approach, realizing full well that we have other work that needs to be done.

[The en bloc amendment No. 1 offered by Mr. Allard was modified during markup on November 21 and the amended version of amendment No. 1 follows:]

## AMENDMENT #1

PASSED BY UNANIMOUS CONSENT

**AMENDMENT TO H.R.****OFFERED BY** Mr. Allard

Page 41, strike out line 11 and all that follows through line 11 on page 42 and insert the following:

1       (a) LAWS WHICH WILL APPLY.—Within 90 days  
2 after the date final regulations under section 354(b)(1)  
3 to implement the results of the study under section  
4 354(a)(1)(A) take effect, the following laws shall apply to  
5 a congressional employee:

6           (1) The Fair Labor Standards Act of 1938 (29  
7 U.S.C. 201 et seq.).

8           (2) Title VII of the Civil Rights Act of 1964  
9 (42 U.S.C. 2000e et seq.).

10           (3) Sections 102 through 104 of the Americans  
11 With Disabilities Act of 1990 (42 U.S.C. 12112-  
12 12114).

13           (4) Section 15 of the Age Discrimination in  
14 Employment Act of 1967 (29 U.S.C. 633a).

15           (5) The Family and Medical Leave Act of 1993  
16 (29 U.S.C. 2611 et seq.).

1 (b) LAWS WHICH MAY BE MADE APPLICABLE.—Any  
2 provision of Federal law shall, to the extent that it relates  
3 to—

4 (1) the terms and conditions of employment (in-  
5 cluding hiring, promotion or demotion, salary and  
6 wages, overtime compensation, benefits, work assign-  
7 ments or reassignments, termination, and family and  
8 medical leave) of employees

9 (2) protection from discrimination in personnel  
10 actions, including discrimination based on—

11 (A) race, color, religion, sex (including  
12 marital and parental status), or national origin  
13 within the meaning of section 717 of the Civil  
14 Rights Act of 1964 (42 U.S.C. 20003-16),

15 (B) age within the meaning of section 13  
16 of the Age Discrimination in Employment Act  
17 of 1967 (29 U.S.C. 633a), or

18 (C) handicap or disability within the mean-  
19 ing of section 501 of the Rehabilitation Act of  
20 1973 (29 U.S.C. 791) and sections 102 through  
21 104 of the Americans with Disabilities Act of  
22 1990 (42 U.S.C. 12112-14), and

23 (3) the health and safety of employees, or  
24 apply a congressional employee in accordance with section  
25 354.

Page 46, strike out lines 11 through 19 and insert in lieu thereof the following:

1 (a) INITIAL ACTION.—

2 (1) STUDY FOR CONGRESSIONAL EMPLOYEES.—

3 The Board of Directors shall conduct a study—

4 (A) of the manner in which the laws made  
5 applicable to congressional employees under sec-  
6 tion 352(a) should apply, and

7 (B) to determine which of the laws re-  
8 ferred to in section 352(b) should apply to Con-  
9 gress and if it should, the manner in which it  
10 should be made applicable.

11 The Board of Directors shall complete such study  
12 and report the results to Congress not later than  
13 180 days after the date of the enactment of this  
14 subtitle.

Page 48, strike out lines 9 through 23 and insert the following:

15 (b) REGULATIONS.—

16 (1) LAWS MADE APPLICABLE.—Not later than  
17 180 days after the date of the completion of the  
18 study under subsection (a)(1)(A), the Director shall  
19 propose regulations prescribing the manner in which



1 laws made applicable to congressional employees  
2 under section 352(a) shall apply to such employees.

3 (2) OTHER LAWS.—Not later than 180 days  
4 after the date of the completion of the study under  
5 subsection (a)(1)(B), the Director shall propose reg-  
6 ulations that specify which of the provisions of Fed-  
7 eral law considered in such study shall apply to Con-  
8 gressional employees.

9 (3) REGULATION REQUIREMENTS.—Regulations  
10 under paragraphs (1) and (2)—

11 (A) shall be consistent with the provision  
12 of law made applicable to Congress, including  
13 remedies, except as may otherwise be specifi-  
14 cally provided;

15 (B) shall take into account the costs asso-  
16 ciated with the application of such provisions to  
17 Congressional employees; and

18 (C) may specify specific dates for the ap-  
19 plication of specific provisions and may specify  
20 specific means for the application of such provi-  
21 sions.

Chairman HAMILTON. Any further discussion? Mr. Dreier?

Mr. DREIER. Thank you very much, Mr. Chairman.

I certainly am supportive of the amendment that my friend has offered, and I was rather struck earlier this morning when he indicated to me that the Congressional compliance aspect of this mark is in fact weaker than the status quo, and I wondered if you might shed a little light on that for our colleagues.

Mr. ALLARD. Well, if you would look at section 354 in the Chairman's mark, in effect it says that none of the laws shall apply unless the director's study says they should. The director then, in section 354, takes into account cost, he takes into account specific dates and means of application. There's a provision in there that completely opens the door in that same section, where it says "except as may be otherwise provided."

So in effect we have handed this over to the director to do a study, and if the study says that—and the director is an appointed individual by the Congress with the Speaker of the House and the ranking Republican leader, and if his study indicates—and there's no real parameters on the study—that we ought to be exempt from a provision, it becomes law without action of Congress.

Mr. DREIER. I thank my friend for that explanation. It seems to me that as we look at this issue, one of the areas where there seemed to be real bipartisan agreement was on this issue of Congressional compliance, and it became apparent to many of us that both sides wanted to see the laws that we impose on the private sector imposed on Members of Congress. I think that if the amendment that my friend has will clarify that—

Mr. WALKER. Would the gentleman yield on that point? I have a question. I, too, was concerned about the fact that what we are doing in the bill, as drafted, appears to be weakening some aspects of Congressional coverage that now exist.

Mr. DREIER. Well, that's the interpretation—

Mr. WALKER. Well, for example, the Congress under law is now required to comply with the drug-free workplace provisions. Now, does the language—and it seems to me it does, but I'm asking the question. Does the language that is presently in the bill mean that upon passage of the Congressional reform legislation, that the drug-free workplace application would be abolished and instead would be replaced by whatever the director determines in the new study?

Mr. DREIER. Can we ask our counsel that?

Chairman HAMILTON. Could counsel comment on that, please?

Mr. WINCUP. Mr. Chairman, we were just trying to get a sense of that point. It's not intended to, but it does call it into question, according to the American Law Division counsel we just checked with.

Mr. WALKER. So the real question is, the places where we have managed in limited instances to put Congressional coverage in are in fact jeopardized by the language which is in the present bill.

Mr. MEADE. In my view, it is not jeopardized.

Mr. WALKER. Well, now, wait a minute. The bill basically opens everything to a study by the director and then specification by the director of what will be covered and what won't. If things are already in law, then you're saying that the director would not have

the discretion to change those? And then that could be done without the approval of Congress, which means—

Mr. MEADE. No, it may not be. Very clearly, it may not be made without the approval of Congress. The director may conduct a study, and if he determines that laws of any kind should apply, then any regulations have to have the approval of Congress.

Mr. WALKER. The ones that we approve. However, what about the ones that are thrown out that don't come up to us for approval? If the drug-free workplace, for instance, is not included in his package of what is to be covered, where does Congress get a chance to express itself on drug-free workplace?

Mr. MEADE. That's correct. If the result of a study is to, as you say, overlook certain laws, then those laws would be completely overlooked unless there is some direction from the director. It doesn't change existing laws. Existing laws would continue.

Chairman HAMILTON. Let the Chair just observe here, I don't think anybody's trying to slip one over on anybody here. I think we all are trying to get the same objective, and the objective is that to the extent practicable, we want to be covered by the laws that apply to everybody else in the country. The mark that is in the bill really adopts the Shays-Swett proposals, and that work done by those two Members was the most comprehensive work done on the question of compliance that we knew about, and we just accepted those recommendations with, I think, fairly minor changes and put them into the mark.

My understanding of this amendment, which just came to my attention—I was not aware of it before—is that you would apply the laws right away, Mr. Allard, but that they would still have to depend, even under your amendment, on the implementing regulations. Am I correct in understanding your amendment?

Mr. ALLARD. What we've taken is we've taken three areas—we've taken age discrimination as it's provided under the Civil Rights Act, we've taken the American with Disabilities Act, and the Family and Medical Leave Act—and said in those three provisions that enforcement is provided through private court action.

Then the other amendment with OSHA says that you have your OSHA inspections, it goes to the director, and then the director, with advice of counsel, then resolves the differences between the inspection issues that may be brought and then with the Member of Congress or the agency of the Congress, and then they fall under the various provisions of OSHA from that point on.

Chairman HAMILTON. Do you have any estimate as to the cost of your amendment?

Mr. ALLARD. Well, with OSHA there potentially could be some costs associated with that.

Chairman HAMILTON. My understanding, Mr. Allard, is that it is a horrendous cost.

Mr. ALLARD. Well, I've heard figures up to \$2 billion, but, Mr. Chairman, your county commissioner, your city council person, State governments, and businesses have to deal with these same horrendous costs. I know they're a burden on this institution, but it's a burden on everybody.

Chairman HAMILTON. I'm really not arguing that we should not comply, but I think there are really very difficult questions of im-

plementation in this whole area of compliance, and that's why we've set this thing up as we did. What the mark does provide is a mechanism that does force the Congress to act quickly on the recommendations, and it's not a device, I think, to get away from compliance. I mean, I think there's a genuine intent in the draft to comply. You cover, for example, the Privacy Act in your amendment and the Freedom of Information Act.

Mr. ALLARD. No. Actually, I've stayed away from those because they do raise the constitutional question that has been discussed before in this committee. Mr. Chairman, I want to be honest with you that this is strictly the first step in my attempt to try and bring Congress under full compliance as much as possible. I have put in my amendment these three areas because I think the arguments against it aren't there as far as separation of powers.

Chairman HAMILTON. Mr. Dreier?

Mr. DREIER. Thank you very much, Mr. Chairman. When the issue of cost of compliance of regulation is raised, the fact that the taxpayer would be responsible for footing the bill for us to comply with these regulations, I think that we should make it very clear. One of the things that we are trying to do is point to the regulatory burden which the United States Congress imposes on the private sector and working Americans, and, yes, there would be a horrendous cost to comply with a number of these regulations. But the fact of the matter is the private sector complies with that, and I believe that we need to realize the things that we are imposing on the private sector.

That, frankly, is our goal here, and I assume my friend from Colorado is in agreement with that.

Mr. ALLARD. Absolutely.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Thank you, Mr. Chairman. Mr. Chairman, I think that the amendment offered by the gentleman from Colorado is an extremely important one. As we went into these deliberations on the Congress, it was clear that we did so in part because the American people had lost faith in this institution. One of the main reasons why they have lost faith is they believe we have become a privileged class set apart from them that no longer has to comply with the laws that they deal with, and that we somehow think of ourselves as being different from the population that we serve.

This particular amendment says that we are going to try to diminish those differences as much as possible. Given the nature of the legislative process, it is probably not possible to do away with virtually everything that Congress has which sets us apart from the public, but we can go a long step toward that, and Mr. Allard is seeking to take us down that step.

My guess is, Mr. Chairman, if the public figures out that as a way of cheating Congressional reform we have actually weakened Congressional compliance rather than enhanced it, as it would appear from the discussion before that we are doing with the measure that is in the bill at the present time, I believe that it will cause a great deal of public skepticism about the whole nature of the reform package that we have before it.

I think that we ought to be in the business of strengthening Congressional compliance, not in any way hinting at weakening it. So I

would hope that we are going to approve what Mr. Allard has put forward as a step in the direction toward assuring the public that we are not a privileged class set apart, but we are in fact representatives of the people.

Chairman HAMILTON. Let me be quite clear, if I can, here. There is no intent to weaken existing law with regard to compliance by the Congress. What we're trying to do in this mark is to put into place a mechanism that will force Congressional compliance with laws that apply to everybody else. There is really no difference among us on that point.

I think the difference is how quickly you move to it, how you implement it, and the studies that have been made by Swett and Shays and their task force clearly indicate that there are a lot of complications in this, but the objective is agreed upon by all of us.

Mr. WALKER. Well, Mr. Chairman, if you would yield, the problem is, though, that sometimes our objectives are not carried out by the language that we have, and my concern is, if I understand the language and understand what we have been told, the few laws that are now in place that demand absolute compliance by the Congress in the same way that the public now complies—and I happen to know drug-free workplace very well, because it happens to be a bill that I put through, and I know the struggle that we had to get Congress covered under that particular law. It appears to me by this language that we are at least putting that particular provision that is now in law in jeopardy, and we are subjecting it to a study that could in fact result in the abolition of that coverage under that particular law. I have to tell you that I see that as a weakening process, not a strengthening process.

Mr. OBEY. Mr. Chairman, can I ask a question of the gentleman from Pennsylvania?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Does the gentleman from Pennsylvania really think that the gentleman from Indiana is politically dumb enough to be trying to weaken enforcement?

Mr. WALKER. I have made no characterization about the gentleman from Indiana in any way. I am simply looking at the language that has been put before us, Mr. Obey, and I don't doubt the gentleman's objective, I don't doubt the intent of the people who drafted this. I am simply saying that as a practical consideration, the fact is the language we have come up with in order to attain that objective is flawed, because it does put in jeopardy laws that are already there, and I know from very, very close personal experience that there has been an attempt all the way along to try to withdraw Congress from under the drug-free workplace coverage.

Mr. OBEY. But the gentleman is not in any way asserting that the gentleman from Indiana is trying to do that.

Mr. WALKER. Heavens no.

Mr. DREIER. He never said that.

Mr. WALKER. I never said that. I think we have to consider the document that's before us. The document before us does in fact have the potential that I am talking about, and since it is a document where the specific language is going to have to be adopted by the House of Representatives, we ought to get the language right before we send it to the House for approval.

Chairman HAMILTON. Would the counsel comment, please, on this issue for us?

Mr. MEADE. Yes, sir. I'm David Meade. I'm the legislative counsel. With respect to a law which already applies to the Congress, that law would continue to apply and would not be changed, and may not be changed, by any action of the director unless, under an unusual circumstance, the director proposes to issue a regulation, saying the law shall not apply. And if he does that, then the Congress has to approve that.

Now, what it's saying, the study is to study the application of laws to employees, and if the law is described in a generic term, starting on page 41 of your draft, maybe you can get your drug-free workplace in there. But even so, in order for the director to achieve non-compliance by the Congress of a law which applies, he can only do that by the issuance of a regulation, which, in turn, must be approved by Congress.

Chairman HAMILTON. Okay. So if I understand the counsel's position, then, on this, you would not in any way weaken the drug-free workplace law by the Chairman's mark here.

Mr. MEADE. There is the possibility that a director could issue such a regulation, but the Congress would have to come along and approve it.

Mr. WALKER. If the Chairman would yield, am I not correct that the Congressional approval that we're talking about here is the House Administration Committee approval?

Mr. MEADE. No. It is approval by the House and the Senate.

Mr. WALKER. Well, as I recall, regulations issued by the director are in fact done by the House Administration Committee, and we—

Mr. MEADE. Sir, I suggest that you turn to page 49 of your draft, which is Congressional approval, and it is Congressional approval. It must be a resolution which is referred in the House and in the Senate and must be passed by both the House and the Senate.

Chairman HAMILTON. Okay. Any further discussion on this amendment? Mr. Spratt?

Mr. SPRATT. Could I ask a question of Mr. Allard for clarification, or perhaps counsel? Each employing authority - - this is in the OSHA bill. Is a Member of Congress an employing authority as to the members of his personal staff?

Mr. ALLARD. Yes.

Mr. SPRATT. So if there were an OSHA inspection of our offices and it found deficient or defective electrical outlets or lead in the water and the spigots that service our office, would we be subject to the enforcement penalty?

Mr. ALLARD. It divides that out as to where we would have personal liability and then liability as far as the agency is concerned. Obviously, there are issues within our offices and within the buildings that the individual doesn't have control over. But it divides that out, and with the help of counsel and the director—see, the director of the House then would employ the services of the counsel to help resolve those issues as to where the responsibility lies, and then also as to whether the inspections done by the OSHA are legitimate concerns or not, and to resolve those differences before any fines get applied.

Mr. DREIER. Would the gentleman yield on that point?

Mr. SPRATT. Sure.

Mr. DREIER. I'd just like to say that obviously there are things that can be done in an office that Members are responsible for or someone in their office is responsible for. If you decide to put 15 desks in one office, in a small room, that's a decision made by the Member or the director of his staff. So who would be responsible in that case?

Mr. SPRATT. I don't deny that. I was simply asking for—there are an awful lot of things in these old offices for which we're not responsible, we take them as is, and that includes some lead in the water that we've overcome by having these—

Mr. ALLARD. And there's a process set there to try and separate those issues out.

Chairman HAMILTON. Mr. Allard, are there any personal liabilities of Members in your proposal?

Mr. ALLARD. Yes, there is a personal liability that goes up to \$50,000. It's capped. But in order to get into that, you have to show willful neglect. That's standard. So in other words, you've been notified, but even though you've been notified, you've ignored the—just like you would if you were an employer.

Chairman HAMILTON. So a Member could become personally liable under your amendment.

Mr. ALLARD. It would as far as the Congressional coverage for the family and medical leave, the age discrimination, and then the Americans with Disabilities Act. Just those three provisions. And there's a cap on that of \$50,000.

Chairman HAMILTON. For each of them?

Mr. ALLARD. For compensatory and punitive damages, plus the loss of back pay and benefits.

Chairman HAMILTON. Let me return to the cost issue. Have you made any estimate of the cost of your proposal?

Mr. ALLARD. Well, as far as the family medical leave and age discrimination provisions, there wouldn't be any extra cost as far as the budget of the House is concerned. Now, where that issue comes up is with OSHA and that part of the amendment that deals with the OSHA provisions. There is some personal liability that's associated, but they have to be willful and somebody who completely ignores the law, just like it would be with a small businessman who hires 15 to 100 employees. But they're capped. They're capped at \$50,000.

Chairman HAMILTON. The Chairman just wants to point out that we want to move along, obviously. I don't want to shut anybody off. Under our rules, one person can insist on a roll call vote. I assume on this one there will be a demand for it, so we'll complete the discussion and then stack the vote.

Does anybody else want to discuss this? Mr. Walker?

Mr. WALKER. Mr. Chairman, I just want to come back to the point that was made a few minutes ago about Congressional approval. I've now had a chance to look through all of this, and if I start on page 48 where it talks about the regulations and start through—I won't read through this, but if I read through all of the technical detail and so on that you would have to go through in order to have Congress approve all of this and so on, it takes up

pages and pages. Meantime, the application of these laws has been submitted to study and is, therefore, in my opinion, in jeopardy. You've got this whole process that goes on for pages and pages and pages here that may never get completed.

Mr. BEAN. It may not get completed, and then the law would continue to apply.

Mr. WALKER. I see. Well, again, my experience with drug-free workplace is that as long as somebody is studying it or someone is looking at it, the fact is that no one is asked to comply with it, and the GAO cannot investigate because no one will allow the GAO to investigate the application of the law, and we get absolutely no indication that anybody's complying.

As a matter of fact, the most recent estimate is that three-quarters of the offices on Capitol Hill are not in compliance with the Drug-Free Workplace Act, and it's in large part because no one now is bothering to enforce it, and if you put it under study, I guarantee you no one will be enforcing it in the Congress.

Chairman HAMILTON. If the gentleman would yield here, there is a study in the Chairman's mark, no question about that, but it's a very tightly controlled study, and then once the study makes its recommendations, not less than 180 days following completion of the study, the director has to submit regulations. Those regulations specify the provisions of Federal law considered and how they apply to Congressional employees. Then, after the regulations of the office have been issued, they will not go into effect unless approved by the Congress by adoption of a concurrent resolution.

So I want to say here that you have a study because a study is required. You just don't apply OSHA to the Congress of the United States without looking at it carefully and knowing what costs are involved and over what period of time. That's a very, very important fact for us to know. I'm not aware that we have extended laws around here to make Members personally liable. Now, I don't know how Members are going to react to that, but I don't think they're going to react very favorably to it.

That's why these things have to be studied. But it's more than a study. It's a study that forces action. It forces action by the director and it forces action by the Congress on the regulation.

The reason this involved procedure, as Mr. Walker says—he's correct about that, it is an involved procedure—is put into place is because you're dealing with a tough problem here, and we're trying to do it in an orderly way. But there is absolutely no intent to weaken the effort to apply laws to the Members of the Congress. There's just no intent at all.

Mr. Allard, and then Mr. Walker.

Mr. ALLARD. Mr. Chairman, I recognize the personal liability caps is a controversial part of this proposal, but I repeat again, it's the same provision that we impose on a small businessman, and I know that Members are concerned about how that may cost them personally, but there are a lot of small businessmen that don't make as much money as a Member of Congress, and they deal with those same fine levels.

So we've put a tremendous burden on small businessmen, and I think that the whole idea of Congressional exemption is that a Member of Congress is not able to put himself in the place of those



individuals who are impacted by the laws he passes. Now, if you bring the Members of Congress in under that, then they begin to appreciate the impact of those laws on the American citizen.

Now, it's going to be difficult, in my view, for us to come up with a cost estimate, unless we go ahead in a full-blown OSHA inspection of the operation of the Congress. Now, what's going to come first? I mean, are we going to get the cart before the horse, or how are we going to do it? But I think what we have to do is, first of all, put in place for that process to move forward, and we can do that through the director's office, with counsel, so that we can get a better handle of what's happened as far as the OSHA provisions.

Mr. WALKER. Just one other point, Mr. Chairman. You were right that time limits are specified in the legislation. Some of us get suspicious of that, and we realize that this committee was supposed to go out of existence at the end of the year and was supposed to have completed its work by then, too. But when I look at page 51, I find out that we can opt out of those time limits because it says the 90-day period may be extended by the Speaker, in consultation with the minority leader, for such period as the Speaker considers appropriate.

So the fact is that this can be an indefinite period for some of this work to get completed, given the nature of some of the exemptions that we've put in place.

Mr. DREIER. This is exactly what we went through on the unanimous consent request at the very outset, "in consultation with the minority leader" versus—

Mr. WALKER. Yes.

Chairman HAMILTON. Well, when you're trying to do something as complicated as this is, you have to have flexibility built into your procedures. Now, the minority looks upon those with great suspicion, and I guess there's some basis for that. I don't want to say that there's no basis for it, but there isn't any intent on our part to try to wiggle out of the business of compliance.

It is rather extraordinary that you put before us an amendment and don't have any idea of the cost of it. You just don't have any idea of the cost of it. You've given us no figure at all with regard to the cost. We have seen estimates running into the billions of dollars on compliance with OSHA alone. Now, how are we going to finance it? And how can we adopt an amendment when we have no idea what the cost is going to be?

Mr. ALLARD. Mr. Chairman, I ask you this question. When you passed these OSHA provisions, did anybody give you what it was going to cost business in this country? It's the same problem here.

Chairman HAMILTON. Look, we have the responsibility to spend the taxpayer's dollar wisely, do we not? I'm not quarreling with your principle, I'm just saying it seems to me the reasonable way to proceed on these matters is to get a careful study of what's required and then implement it, and that's what we try to do in the mark. Now, you're going to force requirements on us without really knowing the answer to very important questions, it seems to me.

We've discussed this quite a bit. I'm anxious to move on, obviously.

Ms. DUNN. Mr. Chairman?

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. I appreciate that we've discussed this quite a bit, Mr. Chairman, but I want to tell you I think it's worth it, and the discussion is worth it, and the reason I say this is that from my constituents, who are somewhat informed on how the Congress works, this is their number one priority on what they would like us to do on this committee. They're looking for compliance of Members of Congress with the laws that we have put on the shoulders of small business and communities everywhere in the United States. I think the fact that we're spending a little time on this is very important.

I think with the study, we've got to have a beginning and an end, because folks out there are suspicious that we're going to try to creep out of the responsibility of a study and end up doing nothing once again. Wayne has made the point that no cost analysis was made on the cost for small business, for example, who are forced to live under the laws and the regulations of agencies like OSHA. I think that what we can do now is give very thoughtful, reasonable consideration to Wayne's amendment and to anything else that puts the Congress under the laws that the rest of the people have to live under.

The public will be very interested in this open debate, will appreciate it, and if we are not able to make any changes—and I hope that is not the result of our discussion—at least the public will have had a chance to understand what some of the problems are.

Mr. OBEY. Mr. Chairman, can I just ask a question?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. How many people were here when the OSHA bill was passed around this table? Were any of you?

Mr. ALLARD. I wasn't here, but I've sure had to live under the provisions of it.

Mr. OBEY. Were you here? Were you a Member of the House? Did you go through the debate? Did you read the reports? I was here, and I did. Do you know who the sponsor of the OSHA reform bill was? The gentleman from Wisconsin, Mr. Staggett, one of the distinguished Republicans in the House. Are you suggesting to me that he didn't in the debate discuss what the impact was going to be on small business or what the cost would be? Have you read the Congressional debate?

Mr. ALLARD. What I'm saying—

Mr. OBEY. Have you read the Congressional debate?

Mr. ALLARD. Well, obviously, I haven't, and I wonder how many Members of Congress did at the time.

Mr. OBEY. I would like to know how you can assert—I don't have to have read it. I was there. I would like to know how Members can conclude that Congress didn't have any indication of what this would mean to small business by way of cost when it was adopted. Do you know what standards were adopted for OSHA for the first three years? Do you know whose standards they were?

Mr. ALLARD. Go ahead. We're listening.

Mr. OBEY. They were the standards prepared by the people who were to be supervised by OSHA. The standards for compliance under OSHA were not Federal Government standards. They were standards designed by the Chamber of Commerce. The National Chamber of Commerce insisted, as the price for passing OSHA, that we adopt the private industry advisory standards rather than

having Government standards. I just have a bellyful of some people from the business community leaving the impression that when OSHA was passed in 1970, that the standards that were applied were Government standards.

We were plagued for years—example. We used to get routinely a squawk under OSHA, a legitimate squawk, because we were required to operate under standards which defined the height of a ladder in mathematical terms that only a college engineering graduate could figure out, of absolutely no decipherable assistance to any small businessman.

Mr. ALLARD. Would the gentleman yield?

Mr. OBEY. But that did not happen because Government wrote those standards. It happened because as a price for passage, the Chamber of Commerce insisted that we adopt those whole. So it took the Congress over nine years and it took OSHA over nine years to go through a variety of different rules and redo our own.

I'd suggest that there is nothing wrong with doing a study ahead of time to know what cost is going to be, to know what the detailed implications are going to be for this, so that we do a somewhat better job than we did when we adopted OSHA and adopted the standards that the business community insisted we adopt because they would be the least intrusive and the least troublesome.

I don't mind people knocking OSHA. I do mind their blaming Uncle Government for the rules under OSHA, because the rules that were followed for the first three years were largely those—the specs were those largely written by the people who were overseen by OSHA.

Mr. ALLARD. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. ALLARD. What were the cost estimates on business at the time, if you've read the bill and were involved in the debate?

Mr. OBEY. I don't remember. All I know is at the time there was certainly a great deal of discussion about what the cost would be.

Mr. DREIER. I think Mr. Allard's talking about the fact that he was victimized.

Chairman HAMILTON. Mr. Walker?

Mr. OBEY. So were we. We were stuck with the business standards which we had to swallow as a price for passing OSHA, and we should never have done it.

Mr. WALKER. I think a number of us were here and most of us, I think, probably voted for the Americans with Disabilities Act that is now applying to small business. They're finding it very, very expensive, and—

Mr. OBEY. And who was the main sponsor of that?

Mr. WALKER. Well, I happened to vote for it. But I'm telling you the business community is bearing tremendous cost, and guess what? One of the things Mr. Allard tries to do in his amendment is apply that one to us, and I suppose that one also will be regarded as too costly for Congress to comply with, because business is finding it very costly to comply with.

Mr. OBEY. Well, I have been for the application of OSHA to Congress for a long time, because if we did have that, our employees today would not be working in office warrens. They would be work-

ing with a little more dignity, a little more space, and a little better building.

Mr. WALKER. So here's your chance to do it, Dave.

Mr. OBEY. I don't want to do it before I know what we're going to be asked to pay.

Chairman HAMILTON. Okay. I think we thoroughly understand, I believe, the issue involved here. Again, I don't want to cut anybody off. Mr. Spratt has a comment he wants to make.

Mr. SPRATT. I just wanted to ask the Chairman for clarification of his mark, because as I read his mark, it does apply these laws. By adoption of this particular bill, they would be applied to laws, subject to the implementation of regulations that would be defined by this board we create. So the application is accomplished by your law. The manner in which they're implemented would be worked out according to a schedule you've got here. Agreed, it's expandable, but nevertheless there's a time frame.

Chairman HAMILTON. The gentleman is correct. We clearly apply the laws that have been passed to affect everybody in America to the Congress. The application of those laws becomes very complicated, much more complicated than any of us realized when we just all came out and supported compliance. So we put into place, as the gentleman suggests with his question, a process to deal with that that is reasonable and, for example, makes estimates of costs before you lay out a plan so that you understand what the costs are and you determine how those costs are to be met. That seems to me to be reasonable.

All right. Any further discussion? The Chair will just ask if a vote is—

Mr. ALLARD. Mr. Chairman, I'd request a division on this particular proposal before the committee.

Chairman HAMILTON. Only one Member is needed to ask for a recorded vote. I'll make that request myself, and we will stack the vote.

Let's go. Are there further amendments to this section with respect to compliance?

#### AMENDMENT NO. 2, TRIAL DE NOVO JUDICIAL REVIEW

Mr. ALLARD. Mr. Chairman, I have another amendment. I think it would fall under compliance. It has to do with de novo judicial review. So I would go ahead and make that amendment.

Chairman HAMILTON. I think it does apply here. The clerk will distribute the amendment.

Did you provide the clerk with a copy of it?

Mr. ALLARD. They should have a copy of the amendment. It strikes page 67, line 11, through page 69, line 4.

Mr. Chairman, if I may go ahead and explain the amendment, it strikes the language—

Chairman HAMILTON. Without objection, the amendment is printed in the record in full and open for amendment. The Chair recognizes Mr. Allard in support of his amendment for five minutes.

Mr. ALLARD. The amendment strikes the language in section 360 of the bill concerning appellate judicial review and inserts in lieu thereof de novo judicial review. The provision in the bill provides

for appellate judicial review of any decision concerning employment laws through the revamped fair employment process. The provision defines standards of review for the appellate court and provides that attorney fees may be awarded to the prevailing party in accordance with the standards set forth in section 706(k) of the Civil Rights Act of 1964.

The amendment deletes all provisions of section 360 of the bill except for subsection (d) dealing with the awarding of attorneys fees, and by doing that, then, this amendment inserts a recourse of de novo review of any final decision by the Federal District Court.

[The amendment No. 2 offered by Mr. Allard follows:]

## Amendment to H.R. \_\_\_

Offered by Mr. *Allard*

Strike Page 67, line 11, through Page 69, line 4, and insert in lieu thereof the following:

1 **SEC. 360. JUDICIAL ACTION.**

2 (a) IN GENERAL.--Any Congressional employee aggrieved by a  
3 dismissal of a claim under section 359(c) or a final decision under section  
4 359(h) or 359(i), or any Member of the House of Representatives or  
5 Senator aggrieved by a final decision under section 359(h) or 359(i), may  
6 bring a civil action in a district court of the United States for a de novo  
7 review of such dismissal or of the alleged violation of law with respect to  
8 which such decision or order was issued. In such an action any party may  
9 demand a trial by jury. If a court determines that a dismissal was not  
10 authorized or a violation of law occurred, the court may only enter an  
11 order authorized by section 359(h).

Page 69, line 5, redesignate subsection (d) as subsection (b).

Mr. DREIER [assuming Chair]. Is there any discussion on the amendment?

[No response.]

Mr. DREIER. Mr. Chairman, we have an amendment, and there's no discussion.

Mr. HAMILTON [resuming Chair]. I understand that the gentleman is offering an amendment to provide for trial de novo as the standard of judicial review rather than appellate review. If I'm not mistaken, the Senate has today appellate review and not trial de novo, and the general thought here in requiring only appellate review is that there's no reason to completely redo all of the fact-finding that has already been done in the process. The gentlewoman from the District of Columbia said, I think, that the primary purpose of judicial review should be what she referred to as "checking the facts and the way the law has been interpreted."

The private sector employees today do have the right to de novo judicial review, but that's because the EEOC cannot make binding decisions on a case, and no formal appeals process is included within the EEOC. The Office of Compliance proposed in the markup draft would have the authority to make binding decisions on a complaint, and those decisions could be appealed to the office director before going to court. Under that circumstance, I think appellate review is the appropriate standard and that the current practice in the Senate on fair employment practices, which does provide for appellate review, is also appropriate.

So that's the argument on the other side of this. Is there any further discussion on it? Mr. Allard?

Mr. ALLARD. Mr. Chairman, I'd like to respond that by going to the appellate review, the only standards that get reviewed in appellate review is whether a decision was arbitrary and capricious or there was an abuse of discretion, which is a very high standard and difficult to prove in the appellate process. This is a process that's gone on within the Congress itself, with a body that's been appointed by the Congress, and again we have Congress who, in effect, is acting as judge, enforcer, and legislator. By going to a process of de novo review, I think it more fully protects the rights of the individual employee.

Chairman HAMILTON. All right. Any further discussion?

[No response.]

Chairman HAMILTON. Does any Member demand a vote on this amendment?

[No response.]

Chairman HAMILTON. The Chair would do so, and so we will postpone it pursuant to the earlier motion.

Are there any further amendments on the compliance section?

[No response.]

Chairman HAMILTON. If not, we go to the budget process, and Mr. Walker has an amendment.

### AMENDMENT NO. 3, BIENNIAL BUDGETING

Mr. WALKER. Thank you, Mr. Chairman. Mr. Chairman, in view of last night's cooperative victory with the Clinton Administration, and in an attempt to extend that, I'm offering the Clinton Adminis-

tration's version of biennial budgeting to be included in our document. This is the position supported by them. The Senate subcommittee has adopted this particular position.

It is an attempt to strike subtitle (a) of Title III of this bill and inserts in lieu thereof a new subtitle (a), which provides for biennial budget resolutions, multi-year authorizations, and biennial appropriations. As presently constituted, subtitle (a) would not include the appropriations process and would keep it on an annual cycle. This amendment that I'm offering provides for complete biennial budgeting, a biennial concurrent budget resolution, a biennial multi-year authorization except in cases of programs being designated less than two years' duration, and biennial appropriations.

The amendment is a clean substitute. It is one of the most widely supported budget process reforms. Nearly 60 percent of all Members that were polled on our initial survey indicated support for full biennial budgeting, including appropriations. It's clear that there is widespread dissatisfaction with the current budget process. There is simply no reason to have to revisit the same funding decision three and sometimes four times each and every year. Biennial budgeting, including appropriations, would reduce the constant repetition of votes and foster an environment in which we would have greater emphasis placed upon oversight. Biennial budgeting supports the changes in the oversight process that are included in section 110 of the bill.

This amendment has wide bipartisan support amongst the membership. It was supported during the Joint Committee hearings by former Vice President Mondale, by the majority leader, Mr. Gephardt, by Chairman Dellums, by the ranking Member of the Budget, Mr. Kasich, and by former Senator Warren Rudman. Hopefully this would also cut down on the number of earmarks that are included in bills along the way, since those are usually in political response to time-sensitive special interest pressures. This kind of provision would deal with that kind of problem, so I would ask for its approval.

[The amendment No. 3 offered by Mr. Walker follows:]



## AMENDMENT TO H.R.

OFFERED BY MR. *Walker*

Chapter 1 of subtitle A of title III is amended to read as follows:

1           **CHAPTER I—BIENNIAL BUDGETING**2   **SEC. 301. REVISION OF TIMETABLE.**

3           Section 300 of the Congressional Budget Act of 1974  
4 (2 U.S.C. 631) is amended to read as follows:

## 5                           "TIMETABLE

6           "SEC. 300. (a) IN GENERAL.—Except as provided by  
7 subsection (b), the timetable with respect to the congres-  
8 sional budget process for any Congress (beginning with  
9 the One Hundred Fourth Congress) is as follows:

	"First Session
"On or before:	Action to be completed:
First Monday in February .....	President submits budget recommendations.
February 15 .....	Congressional Budget Office submits report to Budget Committees.
Within 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1 .....	Budget Committees report concurrent resolution on the biennial budget.
April 15 .....	Congress completes action on concurrent resolution on the biennial budget.
May 15 .....	Biennial appropriation bills may be considered in the House.
June 10 .....	House Appropriations Committee reports last biennial appropriation bill.
June 15 .....	Congress completes action on reconciliation legislation.
June 30 .....	Congress completes action on biennial appropriation bills.
October 1 .....	Biennium begins.

## "Second Session

"On or before:                   Action to be completed:

## "First Session—Continued

May 15 .....	Congressional Budget Office submits report to Budget Committees.
The last day of the session .....	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.

1       “(b) SPECIAL RULE.—In the case of any session of  
 2 Congress that begins in any year immediately following  
 3 a leap year and during which the term of a President (ex-  
 4 cept a President who succeeds himself) begins, the fol-  
 5 lowing dates shall supersede those set forth in subsection  
 6 (a):

7               “(1) First Monday in April, President submits  
 8 budget recommendations.

9               “(2) April 20, committees submit views and es-  
 10 timates to Budget Committees.

11              “(3) May 15, Budget Committees report con-  
 12 current resolution on the biennial budget.

13              “(4) June 1, Congress completes action on con-  
 14 current resolution on the biennial budget.

15              “(5) July 1, biennial appropriation bills may be  
 16 considered in the House.

17              “(6) July 20, House Appropriations Committee  
 18 reports last biennial appropriation bill.”.

19 **SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET**  
 20 **AND IMPOUNDMENT CONTROL ACT OF 1974.**

21       (a) DECLARATION OF PURPOSE.—Section 2(2) of the  
 22 Congressional Budget and Impoundment Control Act of

1 1974 (2 U.S.C. 621(2)) is amended by striking "each  
2 year" and inserting "biennially".

3 (b) DEFINITIONS.—

4 (1) Section 3(4) of such Act (2 U.S.C. 622(4))  
5 is amended by striking "fiscal year" each place it  
6 appears and inserting "biennium".

7 (2) Section 3 of such Act (2 U.S.C. 622) is fur-  
8 ther amended by adding at the end the following  
9 new paragraph:

10 "(12) The term 'biennium' means the period of  
11 2 consecutive fiscal years beginning on October 1 of  
12 any odd-numbered year."

13 (c) BIENNIAL CONCURRENT RESOLUTION ON THE  
14 BUDGET.—

15 (1) Section 301(a) of such Act (2 U.S.C.  
16 632(a)) is amended—

17 (A) by striking "April 15 of each year"  
18 and inserting "April 15 of each odd-numbered  
19 year";

20 (B) by striking "the fiscal year beginning  
21 on October 1 of such year" the first place it ap-  
22 pears and inserting "the biennium beginning on  
23 October 1 of such year";

24 (C) by striking "the fiscal year beginning  
25 on October 1 of such year" the second place it

1 appears and inserting "each fiscal year in such  
2 period":

3 (D) by striking "and planning levels for  
4 each of the two ensuing fiscal years" and in-  
5 serting "and the appropriate levels for each of  
6 the 3 ensuing fiscal years";

7 (E) in paragraph (6) by striking "for the  
8 fiscal year of the resolution and each of the 4"  
9 and inserting "for the biennium of the resolu-  
10 tion and each of the 3"; and

11 (F) in paragraph (7) by striking "for the  
12 fiscal year of the resolution and each of the 4"  
13 and inserting "for the biennium of the resolu-  
14 tion and each of the 3".

15 (2) Section 301(b) of such Act (2 U.S.C.  
16 632(b)) is amended—

17 (A) in the matter preceding paragraph (1)  
18 by inserting "for a biennium" after "concurrent  
19 resolution on the budget"; and

20 (B) in paragraph (3) by striking "for such  
21 fiscal year" and inserting "for either fiscal year  
22 in such biennium".

23 (3) Section 301(d) of such Act (2 U.S.C.  
24 632(d)) is amended by inserting "(or, if applicable.

1 as provided by section 300(b))" after "United States  
2 Code".

3 (4) Section 301(e) of such Act (2 U.S.C.  
4 632(e)) is amended—

5 (A) in the first sentence by striking "fiscal  
6 year" and inserting "biennium";

7 (B) by inserting between the second and  
8 third sentences the following new sentence: "On  
9 or before April 1 of each odd-numbered year  
10 (or, if applicable, as provided by section 300(b))  
11 the Committee on the Budget of each House  
12 shall report to its House the concurrent resolu-  
13 tion on the budget referred to in subsection (a)  
14 for the biennium beginning on October 1 of  
15 that year.";

16 (C) in paragraph (6) by striking "such fis-  
17 cal year" and inserting "the first fiscal year of  
18 such biennium."; and

19 (D) in paragraph (10) by striking "the fis-  
20 cal year covered" and inserting "the biennium  
21 covered".

22 (5) Section 301(f) of such Act (2 U.S.C.  
23 632(f)) is amended by striking "fiscal year" each  
24 place it appears and inserting "biennium".

1           (6) Section 301(g)(1) of such Act (U.S.C.  
2           632(g)(1)) is amended by striking "for a fiscal year"  
3           and inserting "for a biennium".

4           (7) The section heading of section 301 of such  
5           Act is amended by striking "ANNUAL" and insert-  
6           ing "BIENNIAL".

7           (8) The table of contents set forth in section  
8           1(b) of such Act is amended by striking "Annual"  
9           in the item relating to section 301 and inserting  
10          "Biennial".

11          (d) SECTION 302 COMMITTEE ALLOCATIONS.—Sec-  
12          tion 302(a)(2) of such Act (2 U.S.C. 633(a)(2)) is amend-  
13          ed by striking "fiscal year of the resolution and each of  
14          the 4 succeeding fiscal years" and inserting "the biennium  
15          of the resolution and each of the 3 succeeding fiscal  
16          years".

17          (e) SECTION 303 POINT OF ORDER.—

18           (1) Section 303(a) of such Act (2 U.S.C.  
19           634(a)) is amended by striking "fiscal year" each  
20           place it appears and inserting "biennium".

21           (2) Section 303(b) of such Act (2 U.S.C.  
22           634(b)) is amended—

23           (A) in subparagraphs (A) and (B) of para-  
24           graph (1) by striking "the fiscal year" each  
25           place it appears and inserting "biennium";

1           (B) in paragraph (1) by striking "any cal-  
2           endar year" and inserting "any odd-numbered  
3           calendar year (or, if applicable, as provided by  
4           section 300(b))"; and

5           (C) by striking paragraph (2), striking  
6           "(1)", and redesignating subparagraphs (A)  
7           and (B) as paragraphs (1) and (2), respectively.

8           (f) PERMISSIBLE REVISIONS OF CONCURRENT RESO-  
9           LUTIONS ON THE BUDGET.—Section 304(a) of such Act  
10          (2 U.S.C. 635) is amended—

11           (1) by striking "fiscal year" the first two places  
12          it appears and inserting "biennium";

13           (2) by striking "for such fiscal year"; and

14           (3) by inserting before the period "for such  
15          biennium".

16           (g) PROCEDURES FOR CONSIDERATION OF BUDGET  
17          RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C.  
18          636(b)(3)) is amended by striking "fiscal year" and in-  
19          serting "biennium".

20           (h) REPORTS AND SUMMARIES OF CONGRESSIONAL  
21          BUDGET ACTIONS.—Section 308(a)(1)(A) of such Act (2  
22          U.S.C. 639(a)(1)) is amended by striking "fiscal year (or  
23          fiscal years)" and inserting "biennium".

1 (i) COMPLETION OF ACTION ON REGULAR APPRO-  
2 PRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640)  
3 is amended—

4 (1) by inserting “of any odd-numbered calendar  
5 year” after “July”;

6 (2) by striking “annual” and inserting “regu-  
7 lar”; and

8 (3) by striking “fiscal year” and inserting “bi-  
9 ennium”.

10 (j) RECONCILIATION PROCESS.—

11 (1) Section 310(a) of such Act (2 U.S.C.  
12 641(a)) is amended—

13 (A) by striking “any fiscal year” in the  
14 matter preceding paragraph (1) and inserting  
15 “any biennium”;

16 (B) in paragraph (1) by striking “such fis-  
17 cal year” each place it appears and inserting  
18 “each fiscal year in such biennium”; and

19 (C) in paragraph (2) by inserting “for each  
20 fiscal year in such biennium” after “revenues”.

21 (2) Section 310(f) of such Act (2 U.S.C.  
22 641(f)) is amended by striking “for such fiscal year”  
23 and inserting “for such biennium”.

24 (k) SECTION 311 POINT OF ORDER.—



1           (1)(A) Section 311(a)(1) of such Act (2 U.S.C.  
2 642(a)) is amended—

3           (i) by striking “for a fiscal year” and in-  
4 serting “for a biennium”;

5           (ii) by striking “such fiscal year” the first  
6 place it appears and inserting “either fiscal  
7 year in such biennium”;

8           (iii) by striking “during such fiscal year”  
9 and inserting “during either fiscal year in such  
10 biennium”;

11           (iv) by striking “revenues for such fiscal  
12 year” and inserting “revenues for a fiscal  
13 year”; and

14           (v) by striking “budget for such fiscal  
15 year” and inserting “budget for either fiscal  
16 year in such biennium”.

17           (B) Section 311(a)(2)(A) of such Act is  
18 amended—

19           (i) by striking “for the first” and inserting  
20 “for either”;

21           (ii) by striking “covering such fiscal year”  
22 and inserting “covering such biennium”;

23           (iii) by striking “the first fiscal year cov-  
24 ered” and inserting “either fiscal year in such  
25 biennium covered”;

1 (iv) by striking "the first fiscal year plus"  
2 and inserting "the biennium plus"; and

3 (v) by striking "4 fiscal years" and insert-  
4 ing "3 fiscal years".

5 (2) Section 311(b) of such Act (2 U.S.C.  
6 642(b)) is amended by striking "such fiscal year"  
7 the second place it appears and inserting "either fis-  
8 cal year in such biennium".

9 (1) **BILLS PROVIDING NEW SPENDING AUTHORITY.**—  
10 Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is  
11 amended by striking "for such fiscal year" the second  
12 place it appears and inserting "for the biennium in which  
13 such fiscal year occurs".

14 (m) **DATE OF ADJUSTING ALLOCATIONS.**—Section  
15 603(a) of such Act (2 U.S.C. 665b) is amended by insert-  
16 ing after "April 15" the following "(or if section 300(b)  
17 applies by June 15th)".

18 **SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES**  
19 **CODE.**

20 (a) **DEFINITION.**—Section 1101 of title 31, United  
21 States Code, is amended by adding at the end thereof the  
22 following new paragraph:

23 "(3) 'biennium' has the meaning given to such  
24 term in paragraph (12) of section 3 of the Congress-

1 sional Budget and Impoundment Control Act of  
2 1974 (2 U.S.C. 622(12)).”.

3 (b) BUDGET CONTENTS AND SUBMISSION TO THE  
4 CONGRESS.—

5 (1) So much of section 1105(a) of title 31,  
6 United States Code, as precedes paragraph (1)  
7 thereof is amended to read as follows:

8 “(a) On or before the first Monday in February of  
9 each odd-numbered year (or, if applicable, as provided by  
10 section 300(b) of the Congressional Budget Act of 1974),  
11 beginning with the One Hundred Fourth Congress, the  
12 President shall transmit to the Congress, the budget for  
13 the biennium beginning on October 1 of such calendar  
14 year. The budget transmitted under this subsection shall  
15 include a budget message and summary and supporting  
16 information. The President shall include in each budget  
17 the following:”.

18 (2) Section 1105(a)(5) of title 31, United  
19 States Code, is amended by striking “the fiscal year  
20 for which the budget is submitted and the 4 fiscal  
21 years after that year” and inserting “each fiscal  
22 year in the biennium for which the budget is submit-  
23 ted and in the succeeding 3 years”.

24 (3) Section 1105(a)(6) of title 31, United  
25 States Code, is amended by striking “the fiscal year

1 for which the budget is submitted and the 4 fiscal  
2 years after that year" and inserting "each fiscal  
3 year in the biennium for which the budget is submit-  
4 ted and in the succeeding 3 years".

5 (4) Section 1105(a)(9)(C) of title 31, United  
6 States Code, is amended by striking "the fiscal  
7 year" and inserting "each fiscal year in the  
8 biennium".

9 (5) Section 1105(a)(12) of title 31, United  
10 States Code, is amended—

11 (A) by striking "the fiscal year" in sub-  
12 paragraph (A) and inserting "each fiscal year  
13 in the biennium"; and

14 (B) by striking "4 fiscal years after that  
15 year" in subparagraph (B) and inserting "3 fis-  
16 cal years immediately following the second fiscal  
17 year in such biennium".

18 (6) Section 1105(a)(13) of title 31, United  
19 States Code, is amended by striking "the fiscal  
20 year" and inserting "each fiscal year in the  
21 biennium".

22 (7) Section 1105(a)(14) of title 31, United  
23 States Code, is amended by striking "that year" and  
24 inserting "each fiscal year in the biennium for which  
25 the budget is submitted".

1           (8) Section 1105(a)(16) of title 31, United  
2 States Code, is amended by striking "the fiscal  
3 year" and inserting "each fiscal year in the  
4 biennium".

5           (9) Section 1105(a)(17) of title 31, United  
6 States Code, is amended—

7           (A) by striking "the fiscal year following  
8 the fiscal year" and inserting "each fiscal year  
9 in the biennium following the biennium";

10          (B) by striking "that following fiscal year"  
11 and inserting "each such fiscal year"; and

12          (C) by striking "fiscal year before the fis-  
13 cal year" and inserting "biennium before the bi-  
14 ennium".

15          (10) Section 1105(a)(18) of title 31, United  
16 States Code, is amended—

17          (A) by striking "the prior fiscal year" and  
18 inserting "each of the 2 most recently com-  
19 pleted fiscal years";

20          (B) by striking "for that year" and insert-  
21 ing "with respect to that fiscal year"; and

22          (C) by striking "in that year" and insert-  
23 ing "in that fiscal year".

24          (11) Section 1105(a)(19) of title 31, United  
25 States Code, is amended—

1 (A) by striking "the prior fiscal year" and  
2 inserting "each of the 2 most recently com-  
3 pleted fiscal years";

4 (B) by striking "for that year" and insert-  
5 ing "with respect to that fiscal year"; and

6 (C) by striking "in that year" each place  
7 it appears and inserting "in that fiscal year".

8 (c) ESTIMATED EXPENDITURES OF LEGISLATIVE  
9 AND JUDICIAL BRANCHES.—Section 1105(b) of title 31,  
10 United States Code, is amended by striking "each year"  
11 and inserting "each even-numbered year".

12 (d) RECOMMENDATIONS TO MEET ESTIMATED DEFI-  
13 CIENCIES.—Section 1105(e) of title 31, United States  
14 Code, is amended—

15 (1) by striking "fiscal year for" each place it  
16 appears and inserting "biennium for";

17 (2) by inserting "or current biennium, as the  
18 case may be," after "current fiscal year"; and

19 (3) by striking "that year" and inserting "that  
20 period".

21 (e) STATEMENT WITH RESPECT TO CERTAIN  
22 CHANGES.—Section 1105(d) of title 31, United States  
23 Code, is amended by striking "fiscal year" and inserting  
24 "biennium".

1 (f) CAPITAL INVESTMENT ANALYSIS.—Section  
2 1105(e) of title 31, United States Code, is amended by  
3 striking “ensuing fiscal year” and inserting “biennium to  
4 which such budget relates”.

5 (g) SUPPLEMENTAL BUDGET ESTIMATES AND  
6 CHANGES.—

7 (1) Section 1106(a) of title 31, United States  
8 Code, is amended—

9 (A) in the matter preceding paragraph (1)  
10 by striking “fiscal year” and inserting “bien-  
11 nium”;

12 (B) in paragraph (1) by striking “that fis-  
13 cal year” and inserting “each fiscal year in  
14 such biennium”;

15 (C) in paragraph (2) by striking “4 fiscal  
16 years following the fiscal year” and inserting “3  
17 fiscal years following the biennium”; and

18 (D) by striking “fiscal year” in paragraph  
19 (3) and inserting “biennium”.

20 (2) Section 1106(b) of title 31, United States  
21 Code, is amended by striking “the fiscal year” and  
22 inserting “each fiscal year in the biennium”.

23 (h) CURRENT PROGRAMS AND ACTIVITIES ESTI-  
24 MATES.—

1 (1) Section 1109(a) of title 31, United States  
2 Code, is amended—

3 (A) by striking “On or before the first  
4 Monday after January 3 of each year (on or be-  
5 fore February 5 in 1994)” and inserting “At  
6 the same time the budget required by section  
7 1105 is submitted for a biennium”; and

8 (B) by striking “the following fiscal year”  
9 and inserting “each fiscal year of such period”.

10 (2) Section 1109(b) of title 31, United States  
11 Code, is amended by striking “March 1 of each  
12 year” and inserting “within 6 weeks of the Presi-  
13 dent’s budget submission for each odd-numbered  
14 year (or, if applicable, as provided by section 300(b)  
15 of the Congressional Budget Act of 1974)”.

16 (i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEG-  
17 ISLATION.—Section 1110 of title 31, United States Code,  
18 is amended—

19 (1) by striking “fiscal year” and inserting “bi-  
20 ennium (beginning on or after October 1, 1995)”;  
21 and

22 (2) by striking “year before the year in which  
23 the fiscal year begins” and inserting “second cal-  
24 endar year preceding the calendar year in which the  
25 biennium begins”.



1 (j) BUDGET INFORMATION ON CONSULTING SERV-  
 2 ICES.—Section 1114 of title 31, United States Code, is  
 3 amended—

4 (1) by striking “The” each place it appears and  
 5 inserting “For each biennium beginning with the bi-  
 6 ennium beginning on October 1, 1994, the”; and

7 (2) by striking “each year” each place it  
 8 appears.

9 **SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE**  
 10 **OF APPROPRIATIONS ACTS.**

11 Section 105 of title 1, United States Code, is amend-  
 12 ed to read as follows:

13 **“§ 105. Title and style of appropriations Acts**

14 “(a) The style and title of all Acts making appropria-  
 15 tions for the support of the Government shall be as fol-  
 16 lows: ‘An Act making appropriations (here insert the ob-  
 17 ject) for the biennium ending September 30 (here insert  
 18 the odd-numbered calendar year).’.

19 “(b) All Acts making regular appropriations for the  
 20 support of the Government shall be enacted for a biennium  
 21 and shall specify the amount of appropriations provided  
 22 for each fiscal year in such period.

23 “(c) For purposes of this section, the term ‘biennium’  
 24 has the same meaning as in section 3(11) of the Congres-

1 sional Budget and Impoundment Control Act of 1974 (2  
2 U.S.C. 622(11)).”.

3 **SEC. 305. CONFORMING AMENDMENTS TO RULES OF**  
4 **HOUSE OF REPRESENTATIVES.**

5 (a) Clause 4(a)(1)(A) of rule X of the Rules of the  
6 House of Representatives is amended by inserting “odd-  
7 numbered” after “each”.

8 (b) Clause 4(a)(2) of rule X of the Rules of the House  
9 of Representatives is amended by striking “such fiscal  
10 year” and inserting “the biennium in which such fiscal  
11 year begins”.

12 (c)(1) Clause 4(b)(2) of rule X of the Rules of the  
13 House of Representatives is amended by striking “concur-  
14 rent resolution on the budget for each fiscal year” and  
15 inserting “concurrent resolution on the budget required  
16 under section 301(a) of the Congressional Budget Act of  
17 1974 for each biennium”.

18 (2) Clause 4(b) of rule X of the Rules of the House  
19 of Representatives is amended by striking “and” at the  
20 end of subparagraph (4), by striking the period and insert-  
21 ing “; and” at the end of subparagraph (5), and by adding  
22 at the end the following new subparagraph:

23 “(6) to use the second year of each biennium to  
24 study issues with long-term budgetary and economic  
25 implications, which would include—

1           “(A) holding hearings to receive testimony  
2           from committees of jurisdiction to identify prob-  
3           lem areas and to report on the results of over-  
4           sight; and

5           “(B) by January 1 of each odd-numbered  
6           year, issuing a report to the Speaker which  
7           identifies the key issues facing the Congress in  
8           the next biennium.”.

9           (d) Clause 4(f) of rule X of the Rules of the House  
10          of Representatives is amended by striking “annually” each  
11          place it appears and inserting “biennially”.

12          (e) Clause 4(g) of rule X of the Rules of the House  
13          of Representatives is amended—

14                 (1) by striking “March 15 of each year” and in-  
15                 serting “March 15 of each odd-numbered year (or,  
16                 if applicable, as provided by section 300(b) of the  
17                 Congressional Budget Act of 1974)”;

18                 (2) by striking “fiscal year” the first place it  
19                 appears and inserting “biennium”; and

20                 (3) by striking “that fiscal year” and inserting  
21                 “each fiscal year in such ensuing biennium”.

22          (f) Clause 4(h) of rule X of the Rules of the House  
23          of Representatives is amended by striking “fiscal year”  
24          and inserting “biennium”.

1 (g) Subdivision (C) of clause 2(1)(1) of rule XI of the  
2 Rules of the House of Representatives is repealed.

3 (h) Clause 4(a) of rule XI of the Rules of the House  
4 of Representatives is amended by striking "fiscal year if  
5 reported after September 15 preceding the beginning of  
6 such fiscal year" and inserting "biennium if reported after  
7 August 1 of the year in which such biennium begins".

8 (i) Clause 2 of rule XLIX of the Rules of the House  
9 of Representatives is amended by striking "fiscal year"  
10 and inserting "biennium".

11 **SEC. 306. MULTIYEAR AUTHORIZATIONS.**

12 (a) IN GENERAL.—Title III of the Congressional  
13 Budget Act of 1974 is amended by adding at the end the  
14 following new section:

15 "AUTHORIZATIONS OF APPROPRIATIONS

16 "SEC. 314. (a) It shall not be in order in the House  
17 of Representatives or the Senate to consider any bill, joint  
18 resolution, amendment, or conference report that author-  
19 izes appropriations for a period of less than 2 fiscal years.  
20 unless the program, project, or activity for which the  
21 funds are to be spent is of less than 2 years duration.

22 "(b) It shall not be in order in the House of Rep-  
23 resentatives or the Senate to consider any bill, joint resolu-  
24 tion, amendment, or conference report that—

25 "(1) appropriates an amount for a program,  
26 project, or activity not authorized by existing law in

1 excess of the amount previously appropriated for  
2 such program, project, or activity; or

3 “(2) appropriates an amount for a program,  
4 project, or activity not authorized by law within the  
5 2-year period prior to the date of the authorization.

6 “(c) By January 2 of each odd-numbered year, each  
7 standing committee of the House of Representatives and  
8 the Senate shall file a report with its House outlining its  
9 oversight activities during the Congress. Each report shall  
10 consider the appropriateness of agency missions, the suc-  
11 cess of programs in meeting their goals, and issues to con-  
12 sider when reauthorizing these programs.”.

13 (b) CONFORMING AMENDMENT.—The table of con-  
14 tents set forth in section 1(b) of the Congressional Budget  
15 and Impoundment Control Act of 1974 is amended by  
16 adding after the item relating to section 313 the following  
17 new item:

“Sec. 314. Authorizations of appropriations.”.

Mr. DREIER. Would the gentleman yield?

Mr. WALKER. I'd be happy to yield.

Mr. DREIER. I thank my friend for yielding, and I'd like to strongly support the amendment that the gentleman is offering. We went through extensive hearings. We had, as was said, a wide range of testimony that was provided to this committee on the issue. Clearly, one of the most confusing aspects of our responsibility as Members of Congress is dealing with every step along the budget process, and it seems to me that as we proceed here, moving in a biennial way with some aspects, but leaving others aside, is, I think, a real disservice to those who have argued so vigorously in support of it.

I think the gentleman has an excellent amendment. I, quite frankly, had hoped that it would have been included as part of the original draft, since the testimony that we had received throughout the hearing process was so compelling in support of it, and I hope the committee will adopt it.

Chairman HAMILTON. Would the gentleman yield?

Mr. WALKER. I'd be happy to yield to the gentleman.

Chairman HAMILTON. Just to clarify, the mark says multi-year authorizations, biennial budget resolution—your amendment accepts that—says biennial appropriations—

Mr. WALKER. Appropriations as well. That's the major change.

Chairman HAMILTON. As I've indicated, the Chair will personally accept that and support that amendment.

Mr. WALKER. I thank the Chair.

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. I'd like to take a little time to explain why I think that is ill-advised, and I do so based on the advice of my favorite philosopher, Archie the Cockroach. Archie is my bible. He was a character invented back in the 1920s by Don Marcus, and he was supposed to have died and come back to life in the body of a cockroach, and he lived in a newspaperman's office, and he would crawl out at night and climb up under the typewriter, dive head first under the keys, and leave little messages which would appear in the newspaper the next day. He said something a long time ago, which I think of every time I hear somebody utter the words "budget process." He said, "Man always fails because he's not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men."

The system doesn't matter so much. The thing that matters is what men do with any kind of system they happen to have, and I think the Congress has largely wallowed in farce ever since the Budget Act was passed, because we spend an incredible amount of time debating about the system rather than simply dealing honestly with each other and with the taxpayer when it comes to what we're actually doing on budgets. We set up all kinds of systems to obscure what it is we're really doing, and I find that regrettable.

I find it quaint that we are now in the process of dealing with the Penny-Kasich amendment, which would have us amend the budget resolution which we just passed four months ago. I mean, our problem isn't trying to get from an annual to a biennial budget. We can't even get to an annual budget, because we just get

it passed, and then four months later we're asked to amend it and to change it.

I have a question. I would like to ask anybody who favors this proposition when it was that Mr. Greenspan and the Federal Reserve last stood for election. I am under the misapprehension that they haven't, that they are appointed, not elected officials. Yet it seems to me that if we have—I want to make clear, I not only oppose the gentleman's amendment, I oppose the Chairman's mark with respect to biennial budget resolutions.

As a Member of the Appropriations Committee, the Chairman's mark happens to perfectly suit the desires of my own committee, because the budget resolution is shoved out of the way for two years, and the Appropriations Committee can proceed in the second year with no interference from the Budget Committee. That's a nice, convenient jurisdictional result. I happen to think it's the wrong result, because if we move to the concept of two-year budgeting, which may suit the State of Arkansas and the State of Pennsylvania, I don't think it very well suits the needs of the United States, because what it means is that once we've made a budget decision, we are stuck with it for two years, regardless of what happens in the economy, regardless of how we need to respond to changes in the job market or inflation or any other economic problems, and we essentially turn economic management of the country for two years over to unelected people down at the Federal Reserve, headed by Mr. Greenspan.

So if this committee is comfortable with that, by all means accept the Chair's mark and accept Mr. Walker's mark. If you think that that is of dubious value in responding to economic problems in a modern age, with all of the changes that can occur in just a few months' time, then I'd suggest it's not the right way to go.

Mr. DREIER. Would the gentleman yield on that point?

Mr. OBEY. Sure.

Mr. DREIER. We had a lengthy discussion when we were in Annapolis on our weekend on this issue, and I remember that Senator Sarbanes raised concern about the fact that a new president would not have an opportunity to put his or her mark on a budget that was coming forward if we had this two-year process, and it seemed to me that one of the responses that we had is that we can do what we continue to do today, and that is provide supplemental appropriations. Is that not an option that continues to lie before us?

Mr. OBEY. Oh, it is a wonderful option if you are in the Senate and you have no rules and you can add a resolution declaring World War III to a resolution on Motherhood Day. I belong to the Appropriations Committee. Institutionally, I love supplementals, because it lets us do all kinds of things that we can't do under regular processes, but I'd suggest it's not good for the institution. And to the extent that you have a two-year budget, you're going to irregularize the process, you're going to give everybody the chance for an add-on—if you think the White House gave away the store yesterday on NAFTA, you watch what people will load up on supplementals, and if they know that it's a must-pass supplemental, it's going to roar through here, because we don't have a chance to adjust the regular budgets for two years. You watch those babies load it up with all kinds of juicy—

Mr. DREIER. So what you're saying is that you're a Member of the Appropriations Committee, you love supplementals, and you know they're bad for the institution.

Mr. OBEY. I'm saying that if I were to look at it jurisdictionally, I would love supplementals. If I look at it from the standpoint of the welfare of the country, I hate them. Supplementals are terrible most of the time, because they give people—not so much in the House, because we have some rules and some limitations—

Mr. DREIER. I sit on the Rules Committee, and one of the problems that we have up in the Rules Committee is the fact that we regularly waive points of order on non-germane Senate amendments. So that's really our responsibility to deal with what's going on up there, and you were there arguing about this issue just the other day, and, quite frankly, you and I have been in agreement on this. So you say it's great if they're in the Senate, but we should deal with it in our rules process.

Mr. OBEY. I agree with that, but all I can say is if you move to a longer regular budget process, you're going to have more of these irregular supplementals going through, and the way the Senate performs, they will add everything—

Mr. DREIER. Well, we don't need to have non-germane Senate amendments put in order—

Chairman HAMILTON. The Chair wants to say there are 10 minutes left on the vote that is pending in the House. Can we finish the discussion of this in the next few minutes?

Mr. WALKER. Would the gentleman just yield to me on that point?

Mr. OBEY. Sure.

Mr. WALKER. The gentleman would, I think, admit that in my amendment, any of those supplementals would have to remain under the caps unless it was an emergency.

Mr. OBEY. That doesn't matter. I mean, the goodies that can be passed out to get votes for supplementals can always come at somebody else's expense.

Mr. WALKER. But I'm just saying to the gentleman that the one thing that you do protect throughout the process while you're loading these things up and the counterpressure is that you are operating under caps, which means it does have to come out of somebody else's hide.

Mr. OBEY. Not necessarily. There are exemptions adopted all the time, and the pressure to exempt people from caps on supplementals will be intensely magnified by the passage of your amendment. I think it will cause an upward pressure on spending that will be irresistible.

Mr. WALKER. Well, if we're determined to be that irresponsible, of course, we can always be irresponsible regardless of which rules we adopt. But what this does assure is that you maintain caps for a longer period of time and, therefore, do have more of a chance of controlling the upward spiral spending.

Mr. OBEY. Well, I don't agree with that.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Mr. Chairman, I'd like to speak in support of the amendment. As a newcomer to this body, I am appalled with the thought that next year we will have to go through the same proc-



ess with regard to budgeting, authorizing, and spending that we've done this year, even when it involves multi-year appropriations.

It seems to me that one of the strengths of the two-year authorization and appropriations process would be that we would free up the Members who serve on oversight committees to do a much better job of analyzing and overseeing agencies of Government and programs that have worn out their usefulness or should probably be funded by local government or by the private sector, but continue to be funded by the Federal Government and the people who pay taxes to support that Government because we haven't had the proper amount of time to do oversight.

So, for me, support of Mr. Walker's amendment is very important, if only to allow us the extra time we need for oversight of the programs funded by the Federal Government.

Chairman HAMILTON. The Chair will call for a vote on this one as well, simply because I think it's a major amendment, and we'll take up the next amendment in the budget process after we return from the recess for voting.

[Recess.]

Chairman HAMILTON. The committee will resume its sitting.

Mr. Obey is recognized.

#### AMENDMENT ON TAX LOOPHOLE ACCOUNTING

Mr. OBEY. Mr. Chairman, I've got three amendments to the budget section. The first one I'd like to offer is my No. 19—

Chairman HAMILTON. The clerk will report the amendment.

Mr. WINCUP. On page 28, after line 18, insert the following paragraph.

On page 28, after line 18, insert the following paragraph:

"(3) Total revenue losses attributable to provisions of Federal tax laws which allow a special exclusion, exemption, credit, a preferential rate of tax, or a deferral of tax liability and the aggregate amount by which such total shall be increased or decreased."

and renumber all subsequent paragraphs accordingly.

Chairman HAMILTON. Without objection, the amendment is considered as read, printed in the record, and open for amendment. The gentleman from Wisconsin is recognized for five minutes in support of his amendment.

Mr. OBEY. Let me simply read what it says so people understand. It adds (c) on page 28, after line 18. It says, "Total revenue losses attributable to provisions of Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability in the aggregate amount by which such total shall be increased or decreased."

This simply says that right now the budget resolution tells us what the spending level is supposed to be, it tells us what the revenue level is supposed to be, it tells us what the deficit level is supposed to be. It does not tell us what the total amount of special gimmicks on the tax side are, so that you don't have any ready compilation of the Honda deals that were, for instance, in NAFTA last night. So it just seems to me that if Members are being given the information about what the aggregate total is for spending giveaways, if people want to describe them that way, we also ought

to know what they are being given by way of sweetheart deals on the revenue side.

I'm told that tax preferences in the Tax Code total almost half a trillion dollars. Now, this amendment doesn't say what to do with them, it simply says that when the budget resolution presents the information to the Members of the House, or when the Budget Committee does in the budget resolution, that it simply list tax expenditures as an additional gross aggregate number, and if the committee is recommending any change in those levels, that that change also be listed in the gross aggregate number.

Chairman HAMILTON. The gentleman's amendment makes sense to me. I support it. Any other discussion of it?

Mr. WALKER. I just want to make certain I understand what we're doing. We're simply adding one more line of information to indicate what tax preferences are as they relate to individual firms or—

Mr. OBEY. Everybody. You remember when there used to be several hundred transition rules in a bill once.

Mr. WALKER. Yes.

Mr. OBEY. You also remember there were a number of individuals who got special treatment under the Tax Code about seven or eight years ago. I just want to make sure that doesn't resurrect itself.

Mr. WALKER. Okay. So this would set out as a line item shown in the budget, the church and charitable contribution line?

Mr. OBEY. No. If we have made a basic decision on taxes, on rates, that isn't included. But if you have any deduction out of the ordinary—so it would include that item, for instance. I mean, it doesn't suggest that you eliminate it. It simply says if you're going to have an exception to the general rules in the Tax Code, tell us what the total dollar amount is.

Chairman HAMILTON. You're talking about any changes in the Tax Code.

Mr. WALKER. No, he's talking about the tax law as it presently exists.

Mr. OBEY. I'm saying let people know what the dollar amount would be under the resolution being presented to the House.

Mr. WALKER. Okay. I'm trying to understand. So in other words, the budget, when it comes up, would have to have lines in it saying that the church and charitable contribution amounts to this much money, the home mortgage deduction amounts to this much money.

Mr. OBEY. Yes. If we're making any changes in that, I think we have a right to know what the changes amount to in the aggregate.

Mr. WALKER. Well, I don't understand—you're talking about any changes, or are you talking about—it seems to me that what we're talking about on page 28—

Mr. OBEY. I think the budget resolution ought to tell us what the total dollar value of those adjustments is in current law, and then if we're making any changes to them, the resolution also ought to indicate the change in amount. I mean, there's nothing philosophical or ideological about this. It's simply an added piece of information.

Mr. WALKER. I'm trying to understand what we're asking the budget document to show. If I understand correctly, we're putting in a section where it would be the items listed in the budget document, so the budget document that we would be dealing with, we in fact list every item in the Tax Code that is a special preference item.

Mr. OBEY. No, you don't list individual items. This is an aggregate total, Bob. Like if we listed in the last budget resolution that the revenues would be X dollars, period, we simply would list within that number what the aggregate number is that represents the sum total of all of the special preferences—

Mr. WALKER. So in other words, you wouldn't have them all listed, but you would have one aggregate total that would include home mortgage deduction, church and charitable contribution, special business exemptions, special postal exemptions. All of those things would be aggregated into one total and would be shown in the budget as being kind of tax preferential items and would be one new line in the budget. Is that right?

Mr. OBEY. Yes. Let me read in the Congressional Budget Act right now what the term "tax expenditure" is defined as meaning. The term "tax expenditure" means those revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability, and the term "tax expenditures budget" means an enumeration of such tax expenditures. That's what the Budget Act says now.

Mr. WALKER. As I understand it, it would be an aggregate of all of those, so that home mortgage deductions would be lumped in with various kinds of business exemptions.

Mr. OBEY. Sure. I mean, it's no argument about what we ought to do about it. I just think we ought to have the information available.

Mr. WALKER. That's fine.

#### ADOPTION OF AMENDMENT BY UNANIMOUS CONSENT

Chairman HAMILTON. Any objection to the amendment?

[No response.]

Chairman HAMILTON. If not, the amendment is adopted.

#### AMENDMENT NO. 4, CONDUCTING A GOVERNMENT-WIDE REVIEW OF USER FEES

Mr. OBEY. Mr. Chairman, I've got two more on the budget. My No. 21, page 34, after section 322, if the clerk wants to read that or if you want me to explain it—

Chairman HAMILTON. The clerk will distribute the amendment.

Mr. WINCUP. Mr. Chairman, it should be distributed.

Mr. Obey, this is Amendment No. 20?

Mr. OBEY. No. 21. It's government-wide review, section 323.

Chairman HAMILTON. The clerk will report the amendment [subsequently numbered committee amendment No. 4].

Mr. WINCUP. Mr. Chairman, the amendment offered by Mr. Obey, after section 322, insert the following new section.

Chairman HAMILTON. Without objection, the amendment will be considered as read, printed in the record, and open to amendment.

Yes, sir?

Mr. WALKER. Reserving the right to object, I just want to make certain whether or not we have any kind of a scope problem here. It seems to me that we're ordering someone beyond the Congress to do a review here which goes outside the jurisdiction of our bill.

Chairman HAMILTON. You're talking about the amendment he's offering now?

Mr. WALKER. Yes, and I'm reserving the right to object in order to raise the question of whether or not—

Mr. OBEY. Well, let me simply explain it, and then if you've got—

Chairman HAMILTON. Well, reserve the point of order.

Mr. WALKER. I reserve the point of order.

Chairman HAMILTON. The gentleman is recognized in support of his amendment.

Mr. OBEY. What I'm trying to get at is this. We have a large number of user fees in the law. Some of them had been adjusted a year ago, some of them hadn't been adjusted in 70 years. What this amendment simply asks is that the director of OMB, within 90 days after the passage of this bill, simply produce a report to the Congress which shows us for each of those user fees what the real value of those user fees would be if they had been adjusted for inflation since the last time that Congress acted on them.

It simply, again, would provide us with that information so that we could evaluate—we had this argument on grazing fees, for instance. I don't care how grazing fees come out one way or another, but it's an example of a user fee which hadn't been adjusted in a long time. It seems to me that we ought to have information which tells us what the dollar value of that user fee or what the price of that user fee would be if it had been adjusted for inflation over time, and it simply says that the House could not consider any budget resolution until it makes that information available to the House.

I think Members ought to be able to decide on the basis of updated information whether they want to challenge any of those user fees, adjust them, leave them the same. It's simply, again, I'm an information junky, and I think that if Members have maximum amount of information, it gives them maximum options in deciding how they're going to deal with budget problems.

[The amendment No. 4 offered by Mr. Obey follows:]

## Amendment Offered by Mr. Obey

After section 322, insert the following new section:

"SEC. 323. Government-Wide Review.

(a) The Director of the ~~Office of Management and Budget~~<sup>CBO</sup> shall, within 90 days of the enactment of this act, conduct a review of all Government user fees. This report will set forth the current level of such fees, the dates at which the current fees were established, and any alteration in such fees required to adjust their levels as a result of changes in consumer price levels since the most recent adjustment. The Director shall transmit such findings to the Congress and to the President.

(b) It shall not be in order in the House of Representatives or the Senate to consider any concurrent resolution on the budget for the fiscal beginning the following October 1 after the date of enactment of this Act until the report described in (a) has been received by each House of Congress, and referred to the appropriate committees."

Chairman HAMILTON. Any further discussion on the amendment? Mr. Allard?

Mr. ALLARD. Well, Mr. Chairman, I do wonder about us in this bill forcing a mandate on the Office of Management and Budget. It's an executive function, and I don't know whether we want to broaden out the scope of issues that we deal with. I don't know as we ever received any testimony on this issue. In thinking back over the number of people that have testified before the committee, I don't think anybody mentioned this.

Mr. OBEY. Well, let me say, if it would make you happier by having CBO do it, I'd be happy to have CBO do it. But I would point out that we have just adopted an amendment which requires the Government to move to a two-year budget. That's going to require OMB to do considerably more than they're going to have to do in this simple, little report. But if it makes you more comfortable by simply requiring that CBO do that and make it available to the Congress, fine. I don't much care who does it so long as we've got the information.

Mr. ALLARD. Well, I'm not going to make a big fight over it, but I just raise that reservation.

Chairman HAMILTON. Mr. Walker?

#### AMENDMENT NO. 5, EN BLOC BUDGET

Mr. WALKER. Mr. Chairman, I would make a point of order against the amendment. The fact is that we are putting new obligations on the director of the Office of Management and Budget under the provisions of a resolution that said that our committee shall make a full and complete study of the organization of Congress and recommend improvements in such organization and operation. This is an amendment that goes well beyond the scope of our legislation in directing the Office of Management and Budget to do a study, and so I would, therefore, suggest that this amendment exceeds the scope of our authority to act in its present form.

Mr. WALKER. Counsel will comment, please, on the point of order.

Mr. WINCUP. Mr. Chairman, in section 322 in the Chairman's mark, there is a provision that deals with a fiscal policy report from the President and directs the President to submit such a report. So given the fact that the scope is broad enough to cover submission by the President, this is a submission by an official within the Executive Branch, and so one could argue that it's been installed.

Chairman HAMILTON. The point of order is overruled.

Mr. OBEY. Bob, would you feel better about it if I change it to CBO, regardless of the point of order?

Mr. WALKER. Well, we would be far more within our jurisdiction to suggest CBO do this than we are having OMB do it to begin with.

Chairman HAMILTON. Is that acceptable to the gentleman?

Mr. OBEY. Sure.

Chairman HAMILTON. All right. Then the amendment is—Mr. Walker?

Mr. WALKER. I would like to discuss the amendment, because my concern about the amendment, then, in substance is that what we are essentially doing is asking for a report to be done toward potential tax increases, because what this is aimed at doing is telling us whether or not the fees have been increased over a period of time and what levels they might be at had we just simply adjusted them for inflation along the way.

That would suggest, then, that it opens an area where we would then argue that a mere adjustment of these fee schedules to keep them where they were before is in fact appropriate to do based upon this kind of study. I mean, I believe that we are adopting here a study, be it benign information or not, the object of which would be to consider a concurrent resolution aimed at raising those fees, and insofar as you believe user fees are another form of taxation, you end up with a way of further increasing revenue to the Government. I have a concern about that.

Mr. OBEY. I guess all I would say in response is that we are going to be considering revenues and spending levels in every budget resolution, and to the extent that you don't have accurate information about what the real value is of those user fees, to that extent, you are liable to have much more pressure on things like individual tax rate increases, which I certainly don't want.

So it seems to me that in evaluating what the value is of an individual using something which may belong to the taxpayer, we really ought to have the right—and grazing rights, they're certainly grazing on land which is owned by the taxpayer, and it seems to me that the taxpayer's got a right to know what he would be getting for his land, for instance, if this had been adjusted to reflect inflation.

Mr. WALKER. But it's an extremely one-dimensional study from that standpoint, and there are a variety of reasons why user fees may have been adjusted or may not have been adjusted during a period of time to go well beyond questions of inflation and all of those kinds of things and what the ultimate value of them are.

So I would suggest that because it is reasonably one-dimensional, it in fact distorts information rather than enhances information that the Congress would have. We already have the information of what those are worth in terms of the revenue they bring into the budget. We're not ignorant of that fact. We know that. That's a part of the budget presentation we already have. This gives us a one-dimensional new piece of information that doesn't take into account any kind of other issues.

Mr. OBEY. But the fact is we do index the Income Tax Code. We do now have the Congress presented with a budget—I mean, each year when we look at budget accounting, we look at current services budgets. Those are adjusted for inflation. Some people think that's crazy.

Mr. DREIER. The income tax is not a user fee.

Mr. OBEY. That's precisely my point, but the fact is the income tax is indexed. I think the taxpayer has a right to know what the index value of special preferences are that we are giving away to selected, well-heeled or well-connected individuals by virtue of what they've been able to get through the Congress.

Chairman HAMILTON. Okay. Any further discussion on the amendment?

[No response.]

Chairman HAMILTON. Is there objection to the amendment?

Mr. WALKER. I object.

Chairman HAMILTON. We'll call for a vote on it, and it will be postponed until later in our proceeding.

Now, let's see, Mr. Obey, you have one other amendment. Mr. Walker has an en bloc amendment. We'll go ahead and take your amendment first, Mr. Obey.

Mr. OBEY. Mr. Chairman, I'm not going to be offering a third amendment, but I will submit it to the Government Operations and other committees for review. As I've looked at the two-year authorization and budget provisions in the Chair's mark, which has been superseded by Mr. Walker's amendment, as I look at that, it really is a very soft requirement for a two-year authorization cycle. So I intend to offer an amendment in Government Operations when we go there which makes that a hard two-year cycle.

Chairman HAMILTON. That's your strengthening multi-year authorization amendment you're talking about?

Mr. OBEY. Yes. Because right now the way I look at it is that an authorization could be a two-year authorization unless the committee decides to write a one-year authorization, and it seems to me if we're going to do a two-year authorization, it ought to be a hard two-year authorization. That's what my amendment would do, but I will offer it when we go to the other committee.

Chairman HAMILTON. Okay. Mr. Walker?

Mr. WALKER. Thank you, Mr. Chairman. I do have an en bloc amendment.

Chairman HAMILTON. The clerk will distribute the Walker en bloc amendment. The clerk will read the amendment.

Without objection, the amendment is considered as read, printed in the record, and open for amendment. Mr. Walker is recognized.

Mr. WALKER. I'll explain in general what I have here. It's an en bloc amendment that adds five new sections to the bill and strikes section 105, the section concerning a requirement to list earmarks in the report to accompany appropriations conference reports, and inserts in lieu thereof a requirement to designate those earmarks in the bill itself rather than in the report.

Let me explain each of the individual items here in this en bloc amendment. It prohibits the appropriations conference reports funding accounts at a level higher than either the House-passed or the Senate-passed versions, and prohibits funding of any account not contained in either the House-passed or Senate-passed versions of the bill. It prohibits the consideration of any provision in an appropriations bill that exceeds the authorized level. It requires that each item of an appropriation cite in the bill or conference report the specific authorization of such funding. It requires earmarks be designated in appropriations measures—in other words, in the bill itself. It provides for a demand for a separate vote on matters in appropriations conference reports not contained in the House-passed versions. And it makes section 602(a) allocations in the concurrent budget resolution binding on the Committee on Appropriations.



What the en bloc amendment seeks to do is provide six amendments to the Rules of the House to strengthen the current House rules regarding the integrity of the budget process. The amendment would make the budget resolution, in the case of the binding 602(a), more meaningful and enhance the work and the role of the authorizing committees in the budget process.

Now, this is an attempt to assure that what authorizing committees decide and what the Budget Committee decides actually gets reflected in the appropriations process and then, in the case of the one bill, assures that you cannot go into conference and do what we have done on some occasions.

Just one example. What we often find is that the House may pass \$50 million of specific earmarks, the Senate also passes \$50 million with different earmarks, and lo and behold, the bill comes back at \$100 million, twice as high as either the House- or Senate-passed versions of the bill, with all of the earmarks included in it. What I'd like to do is make certain that in no account do we get higher than what the House and the Senate have decided individually.

[The amendment No. 5 offered by Mr. Walker follows:]

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. SCOPE REQUIREMENT ON ACCOUNT-BY-ACCOUNT BASIS.**

2 Clause 3 of Rule XXVIII of the Rules of the House of  
3 Representatives is amended by adding at the end the following new  
4 sentence:

5 "Their report shall not fund any account at a level higher than that  
6 contained in the bill or resolution either as passed the House or as passed  
7 the Senate and committed to the conference committee or fund any  
8 account not contained in that bill or resolution either as passed the House  
9 or as passed the Senate."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_\_\_.** **EXPANSION OF UNAUTHORIZED APPROPRIATIONS**  
2 **POINTS OF ORDER.**

3 Clause 2(a) of Rule XXI of the Rules of the House of  
4 Representatives is amended by adding at the end the following new  
5 sentence:

6 "It shall not be in order to consider any provision of a general  
7 appropriation bill that would exceed any applicable authorization level as  
8 set forth in any authorization measure as passed by the House."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. CITATION OF SPECIFIC AUTHORIZATIONS.**

2 Clause 3 of Rule XXI of the Rules of the House of Representatives  
3 is amended by inserting "(a)" before "A report" and be adding at the end  
4 the following new paragraph:

5 "(b) It shall not be in order in the House to consider any general  
6 appropriation bill or conference report thereon unless the bill or  
7 conference report, as the case may be, contains a citation of the specific  
8 authorization for each item of appropriation contained in that bill or  
9 conference report."

Amendment to H.R. \_\_\_

Offered by Mr. *Walker*

Strike Page 8, line 13, through Page 9, line 7, and insert in lieu thereof the following:

1 **SEC. 105. TREATMENT OF EARMARKS IN APPROPRIATIONS**  
2 **MEASURES.**

3 "(d). It shall not be in order in the House to consider any general  
4 appropriation bill or conference report thereon if the accompanying report  
5 from the Committee on Appropriations or accompanying joint explanatory  
6 statement, as the case may be, earmarks the required use of funds below  
7 the appropriation account level, unless the accompanying bill or conference  
8 report also contains a provision that earmarks the required use of those  
9 funds below the appropriation account level."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. SEPARATE VOTES ON MATTERS NOT AS CONTAINED IN**  
2 **HOUSE-PASSED BILLS.**

3 Clause 4 of Rule XXVIII of the Rules of the House of  
4 Representatives is amended by adding at the end the following new  
5 paragraph:

6 "(e) Any matter which is contained in a substitute agreed to by a  
7 committee of conference and which is different from that matter as  
8 contained in the measure concerned as passed by the House, then upon  
9 demand of any Member that matter shall be treated as if it were non-  
10 germane matter in violation of Clause 4 of Rule XXVIII for purposes of  
11 this Clause."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title III, insert the following new section:

1 **SEC. \_\_. SECTION 602 ALLOCATIONS AND SUBALLOCATIONS.**

2 Section 602(b)(1) of the Congressional Budget Act of 1974 is  
3 amended by inserting after the first sentence the following new sentence:

4 "In making these suballocation, the committee may not change any  
5 amount allocated to any major functional category for the budget year  
6 under subsection (a)(1)(A) or (a)(2)."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 SEC. \_\_\_\_ . EXPANSION OF UNAUTHORIZED APPROPRIATIONS  
2 POINTS OF ORDER.

3 Clause 2(a) of Rule XXI of the Rules of the House of  
4 Representatives is amended by adding at the end the following new  
5 sentence:

6 "It shall not be in order to consider any provision of a general  
7 appropriation bill that would exceed any applicable authorization level as  
8 set forth in any authorization measure as passed by the House."

*except Conference  
Reports*



Mr. OBEY. Mr. Chairman, I have a parliamentary inquiry. My staff had been informed by your staff that if we had amendments to these sections, that we ought to wait until you got to a later period of discussion this morning. Are you in fact entertaining these amendments now? Because if you are, I have substitutes.

Chairman HAMILTON. You have amendments to the Walker amendment?

Mr. OBEY. Well, I have amendments to the same sections which would treat them in a different way, and if this is going to be discussed now, I'm trying to figure out—

Chairman HAMILTON. Well, if I understand it correctly, I think the thing to do is to consider the Walker amendment, and then take up yours subsequent to that.

Mr. OBEY. Well, then, if I could be recognized on the Walker amendment—

Chairman HAMILTON. All right. The gentleman is recognized.

Mr. OBEY. Let me say that I think that it is quaint to propose, as the mark does and as Mr. Walker's amendment, I think, does, although he tells you to do it in the report—I think it's quaint to require that earmarks be listed only in an appropriations bill. I've had eight years of experience chairing the same Subcommittee on Appropriations, and I have had a wide variety of episodes involving earmarking by authorizing committees. I think we, in essence, in NAFTA last night had a lot of earmarking going on by the White House, although by a different name.

So it seems to me that if we are going to require a listing of earmarks, we ought to do it for the authorizing committees, for the appropriations committees, and we ought to require that any bill being handled on the floor also contain in the report a clearly listed set of items that shows which programs, projects, activities, or tax expenditures will be changed in any way pursuant to agreements reached in connection with passage of the bill at hand.

Mr. WALKER. If the gentleman would yield—

Mr. OBEY. Because I don't believe that we ought to attack the Appropriations Committee for earmarking unless we're willing to apply those same limitations to all of the players in the process.

Mr. WALKER. I think the gentleman makes an excellent point. I'm willing to accept the gentleman's amendment that we include authorizing committees in this amendment as well. Excellent amendment. That's a great idea.

Mr. OBEY. Well, except I'm offering it as a report. I'm not offering it to your amendment.

Mr. WALKER. Why not?

Chairman HAMILTON. Mr. Walker, may I ask a question?

Mr. OBEY. Because the gentleman puts it in the bill, and I think it's unnecessary and clumsy to put it in the bill.

Mr. WALKER. Well, the interesting thing is that if you put it only in the report, you can't get at it. If you put it in the bill, you can in fact strike the earmark—

Mr. OBEY. I think the gentleman misunderstands the purpose of my amendment. The purpose of my amendment is to require that the report list all of them—

Mr. WALKER. I understand.

Mr. OBEY.—in an easily detectable place in all kinds of legislation.

Mr. WALKER. But the reason for putting it in the bill is to make certain that on the House floor, when you amend the bill, that you can actually get at the earmarks rather than simply have someplace where they're listed, but where you can't get at them individually.

Mr. OBEY. The gentleman misunderstands. An appropriation earmark is not in the report. Any earmark to be legally binding has to be in the bill, but the report ought to flag it. There is no such thing as an earmark in the report in an appropriations bill. The gentleman does not understand the process if he thinks that.

Mr. WALKER. Well, I think I probably understand the process better than the gentleman describes it, because we all know that they end up in the report, and we all know that the pressure on the agencies to do these earmarks that are in the report is very intense, that they are told flatly, "You will either do it this way, or don't come back to us next year asking for anything," and it in fact gets done.

Mr. OBEY. With all due respect, that is not an earmark.

Mr. WALKER. The way the House can get at these items very easily is to make certain that all these special provisions get put in the bill. So that's what I'm suggesting, and I'm willing to do it in the authorization bills as well.

Mr. OBEY. I would simply point out, Mr. Chairman, that I just went through this. We had no earmarks in my bill when it left the House. We had 29 of them when it came back from the Senate. Those were not report earmarks, they were bill earmarks. They are not legally binding unless they are in the bill.

My point is that you can amend my language if you want, but that doesn't do what the gentleman thinks he's accomplishing.

Mr. WALKER. Oh, yes, it does, because if, for instance, your bill came back from the Senate, if you'll look at one of my other provisions in here, you will find that we would be able then to vote on that as an individual item when it comes back to the House, and we'd be able to strike some of those Senate earmarks, which are bad things.

Mr. OBEY. That may be or may not be a good thing. The fact is the gentleman does not understand my amendment, because all my amendment does is require the report to list what the earmarks in the bill are so that if you have an objection, you can raise an objection. Right now we don't have that information available.

Chairman HAMILTON. Would the gentleman yield on another item? My sense is that your amendment is a very sweeping amendment—

Mr. WALKER. It is that.

Chairman HAMILTON.—and I'm having difficulties understanding it. Now, one part of the amendment makes the 602 allocation binding on the Appropriations Committee.

Mr. WALKER. That's right.

Chairman HAMILTON. We had a lot of discussions with Senator Domenici on this fire wall problem, but what you've done is really go beyond that, if I understand it. You're making these restrictions

binding, and you will sharply restrict the discretion of the appropriators under your amendment, as I understand it.

Mr. WALKER. Once we adopt the budget and have specified the 602 allocations, then the Appropriations Committee would certainly have authority to act within those general instructions, but the overall levels would be binding.

Chairman HAMILTON. Any further discussion on this?

The Chair, I have to say to the gentleman, cannot accept the amendment. I really think it's quite sweeping, and I'm sure this last provision that I raised a question about is going to cause really big problems in the Appropriations Committee.

Any further discussion?

I presume you'll want a vote on this, Mr. Walker.

Mr. WALKER. Yes, we want a vote on it. Let me ask one other question, then, Mr. Chairman. If we want to pull individual items out of the en bloc that might have some more legs than simply the en bloc, do we do that here or do we do it tonight? I mean, obviously, I want to pass the whole en bloc that includes some of the nicer things as well as some of the ones that are a little tougher. But if I don't win that overall bill, I would want to have an opportunity to offer—

Mr. DREIER. Mr. Chairman, I think under our unanimous consent request, those individual items would be offered after we would vote on this.

Chairman HAMILTON. Well, I think, logically speaking, you're correct. I mean, we'll have to see whether your en bloc amendment is adopted or rejected. If it's rejected, then you have the right to offer the individual components of it. I think Mr. Dreier is right on that.

So on this amendment, then, we will not vote at this time, but a vote has been demanded, so it will be postponed.

Mr. WALKER. Well, I would prefer, Mr. Chairman, at this point, I would ask for a division on the en bloc.

Chairman HAMILTON. I'm making a request for the vote.

Mr. WALKER. Oh, you're making the request. Okay. That's fine.

Chairman HAMILTON. Any further amendments?

#### AMENDMENT NO. 6, EARMARKING REPORTING REQUIREMENTS

Mr. OBEY. Mr. Chairman, I would, then, like to offer my amendment.

Chairman HAMILTON. Mr. Obey is recognized. The clerk will distribute the amendment. The clerk will read the amendment.

Without objection, the amendment will be considered as read, printed in the record, and open for amendment at any point.

Mr. OBEY. Mr. Chairman, this is the amendment that I explained earlier. It simply says that in contrast to the Chair's mark, which requires a listing in any appropriations report of all earmarks provided in that bill or conference report, that we accept that and extend that principle to all authorizing committees, and we also say that when any bill is before the House, before it can be considered, we also have to have a report—I'll just read it—"in a separate, clearly identifiable part of the report or joint explanatory statement, a listing supplied by the President of all expenditures of

funds for any programs, projects, or activities, all tax expenditures, and any administrative actions that have been agreed to or will be taken by the Administration in conjunction with passage of the bill or joint resolution." So it covers everybody for everything.

[The amendment No. 6 offered by Mr. Obey follows:]

## AMENDMENTS TO THE DISCUSSION DRAFT OFFERED BY MR. OBEY

1. On page 8, strike line 13 through line 7 on page 9 and insert in lieu thereof the following:

"Sec. 105. Committee Reports.

"Clause 3 of rule XXI of the Rules of the House of Representatives is amended to read as follows:

"3. A report from any Committee accompanying any bill authorizing and/or providing obligational authority or tax expenditures (as defined by Section 3(3) of the Congressional Budget Act of 1974), or the joint explanatory statement accompanying a conference report on any bill authorizing and/or providing obligational authority or tax expenditures shall contain a concise statement--

"(1) describing fully the effect of any provision of the accompanying bill or conference report which directly or indirectly changes the application of existing laws; and

"(2) in a separate, clearly identifiable part of the report or joint explanatory statement, list each item in the accompanying bill (or that report) or conference report (or that joint explanatory statement) that earmarks the required use of funds below the appropriation account level or provides a specific tax expenditure."

2. On page 9, line 8, strike "Appropriations" and insert "Jurisdictional".

Mr. DREIER. Would the gentleman yield? I'd just like inquire, how does the earmarking process work in an authorization bill? I mean, wouldn't that be an authorization itself?

Mr. OBEY. Not necessarily. I mean, an authorization normally makes a dollar amount available for a specific program, but then what often happens—for instance, in the IO&P accounts of the foreign assistance bill, what often happens is that—well, it didn't happen this year because Lee and I happened to work these out so we don't step on each other, and we had no earmarks. But in previous years, we had authorizing subcommittee chairmen who would take every dollar of an account and peg it for each specific subaccount so that the Administration had no authority whatsoever to use any discretion for subaccounts within an account.

Mr. DREIER. Isn't that basically what authorizers are charged with doing?

Mr. OBEY. No, I don't think so. Not when they begin to make—an authorizer and an appropriator, in my view, are supposed to set a dollar level for a specific program and then give the Administration maximum flexibility to operate within that dollar level. I think you have overenthusiastic Members of Congress in both the authorizing and appropriations process who then decide that to please a wide variety of constituencies, they are going to divide up each and every dollar of that account.

Chairman HAMILTON. Would the gentleman yield here? If I read this correctly, and thinking back to our experience last night, this would require a President to put into a report any deals that he made, right?

Mr. OBEY. Yes, if there's a fiscal cost.

Mr. WALKER. Mr. Chairman, as I read this, it's required in a conference report, so that if I understand it correctly, we could not pass a conference report if in fact the Administration was in fact on the side making some deals with Members to pass the conference report. Any time one of those deals was made, the conference report would have to be called back to the conference in order to include in the concise report the new deal that was just cut with the Member, and then it would have to be brought back to the floor, and if another deal were cut, it would have to be taken back to the conference report and be put into the report, and so on, and we would have an ongoing process here as the Administration lined up votes of taking the bill back to the conference report and listing each of the deals. Is that correct?

Mr. OBEY. No, I think it would create a quite different world in which the Administration would have to spell out before the bill or voted what the final deals were. I don't think it would be a floating crap game anymore.

Mr. WALKER. Well, I'm just saying once again, Dave, it's not the world that you see that's the important thing. It's the language of the amendment that's before us, and the language of the amendment before us would in fact, under what we're doing, require what I just explained. Is that correct?

Mr. OBEY. I think it would require the President to have an end point for the arrangements that are made, or else if Members are aware of those arrangements, they can raise them on the floor, and I think that would cause considerable problem for any President.

Mr. WALKER. So he would have had to line up all the votes for his conference report before the work of the Conference Committee was completed, because once the work of the Conference Committee was completed, there would be no ability for the Administration to ask anybody for a vote or give them anything. So all conference reports would come to the floor without the ability of the Administration to wheel and deal. I mean, that might be a good idea, but that is the intent of your amendment. Is that correct?

Mr. OBEY. I think the House has a right to know what the financial implications are of any bill that's passed, whether there are arrangements made that are germane to that bill or not germane to that bill.

Mr. WALKER. So when the economic conference report came to the floor of this Administration, they could not at the last minute make a call to someone and promise them a conference in their district that would have a fiscal impact in order to pass the conference report.

Mr. OBEY. You can't prevent that, I suppose, but you can require that at the time the bill is reported to the House, that it contain an up-to-date listing of everything that it's going to cost up to that point.

Mr. WALKER. That's not what your language says. Your language says at that point, if the Administration made that deal to have a fiscal conference in somebody's district that obviously has cost to it, that the conference report would have to be taken back, and a separate, entirely identifiable part of the report or joint explanatory statement would have to be made. So it seems to me at that point it would have to be called back. Is that right?

Mr. OBEY. Well, as I've said, I don't think that's right. The gentleman can interpret it any way he wants, I can interpret it any way I want, and in the end, the parliamentarian is going to interpret what it really means.

Mr. WALKER. Well, could we have the counsel tell us what it means?

Chairman HAMILTON. Counsel, do you want to comment on it?

Mr. SOLOMON. While the counsel is doing that, how is the Chair really going to rule on a point of order on whether a deal has been cut or not? I don't understand—

Mr. DREIER. Could I just ask the author of the amendment one question? Would you have offered this amendment if the North American Free Trade Agreement had not passed?

Mr. OBEY. Absolutely.

Chairman HAMILTON. We've had a request for counsel to comment—

Mr. OBEY. This amendment was prepared, by the way, two days ago, before we voted on the North American Free Trade Agreement.

Chairman HAMILTON. We've had a request for the counsel to respond to what question? I'm not sure what the question is.

Mr. WALKER. Whether or not it's correct that in order to pass a conference report, you would have to include virtually all the deals made by everybody and anybody.

Chairman HAMILTON. Okay. Counsel will comment on that, if they would, please.

Mr. WINCUP. Well, Mr. Chairman, it is an amendment to an existing requirement for committee reports for legislation that is reported by a committee or a joint explanatory statement, so this would be required—each of these provisions, these subparagraphs, would be required information to be provided as a part of those reports as the committee filed either their report as they reported it to the House or a joint explanatory statement.

Chairman HAMILTON. Is the gentleman going to ask for a roll call vote on this amendment? The Chair is not going to be able to support this amendment. I think it's going to cause just enormous problems in reporting.

Mr. OBEY. Well, I will be asking for a roll call vote.

Chairman HAMILTON. Okay.

Mr. SOLOMON. Before you do that, then, could the counsel just again tell me how the Chair could rule on a point of order on whether a deal had been cut? I mean, if somebody brings it up, I just don't see how it's going—how would he do that?

Mr. WINCUP. Mr. Chairman, under the language as provided, it just suggests that there has to be a list provided by the President. So the committee would just insert the list that was provided by the President, as I understand this language.

Mr. OBEY. Mr. Chairman, I'm not certain how you want me to proceed. I have a number of other amendments that are similar, but not identical to this. They are scaled back so that, for instance, if someone has a heartburn about including the President, we would have a substitute which would simply apply this only to appropriations and authorization—

Chairman HAMILTON. Well, I think we have to treat it the same way we did the Walker amendment. We've had a request for a roll call vote on this pending amendment. That means we don't know how it's going to come out at this point.

Mr. OBEY. That means I can get a roll call on other amendments down the line?

Chairman HAMILTON. And discussion on subsequent amendments.

Okay. Are there further amendments with regard to the budget process, understanding that we will take up some of these amendments later that have been mentioned here?

[No response.]

Chairman HAMILTON. If not, we move to the section on oversight. That establishes a requirement for committees to establish an oversight agenda, coordinate oversight activities, review all matters within their jurisdiction periodically, hold oversight hearings on audit and IG reports, and publish information on oversight activities.

Are there any amendments to that section?

Mr. EMERSON. Mr. Chairman?

Chairman HAMILTON. Mr. Emerson?

Mr. EMERSON. I don't have an amendment, but I do have a question that has been raised with me that I want to raise with the committee, and that has to do with the eight-year reauthorization of the General Accounting Office. There's been some concern expressed about that.



Congress created the Office of the Comptroller General with a 15-year non-renewable term to insulate the work of the GAO from political pressure and to encourage the incumbent to act solely on the basis of law and fact in reaching conclusions and in informing and advising the Congress. An eight-year reauthorization cycle would be inconsistent with the 15-year term and the fundamental premise upon which the establishment of the GAO rests.

Chairman HAMILTON. If the gentleman would yield, we will be taking up the support agencies as kind of the last item on our agenda, and it would be appropriate at that time for any further comment.

Mr. EMERSON. I thank the Chairman.

Chairman HAMILTON. All right. The area before the committee now relates to committees. Let me ask the direction of Members of the committee. We are at a convenient point to break for lunch. I indicated earlier this morning we would take up the sections of ethics compliance, budget, and oversight. We've now done that. We've completed that as far as we can at this point. Is now an appropriate time for lunch, and we'll come back and take up the committees?

Is that all right, Mr. Dreier?

Mr. DREIER. We're going to have a vote coming up on a rule in just a few minutes, so that would be appropriate.

Chairman HAMILTON. All right. Is 1:30 all right with Members?

Mr. OBEY. Mr. Chairman, could I get an idea of how many amendments are going to be pending in total to each of the upcoming—

Chairman HAMILTON. Can counsel give us an idea on how many amendments are pending on the committee section, scheduling floor, and staffing and support agencies?

Mr. DREIER. I have three amendments.

Chairman HAMILTON. On what? On committees?

Mr. DREIER. Yes.

Mr. SOLOMON. I've got one on committees.

Mr. SPRATT. I have seven more amendments to make.

Chairman HAMILTON. On committees?

Mr. SPRATT. No, just all told.

Mr. ALLARD. On committees, I have four.

Chairman HAMILTON. Okay.

Ms. DUNN. I have one en bloc amendment.

Chairman HAMILTON. Okay. Well, that gives us some idea.

Mr. OBEY. I have 12 on floor matters.

Chairman HAMILTON. Okay. Well, we've got a lot—

Mr. OBEY. Actually, 13.

Chairman HAMILTON. So we have a large number of amendments to work through. The committee will reassemble at 1:30.

Mr. WALKER. Mr. Chairman, I think some of us do have a problem with 1:30. They're taking up the Kasich-Penny measure up at the Rules Committee, and I am supposed to testify on an amendment that I have. I think a couple of these folks have to be there.

Chairman HAMILTON. Well, what does that mean in terms of time?

Mr. OBEY. Why don't we meet until we're told that we have to come?

Mr. DREIER. Well, but some of us may need to be there at different times. I mean, frankly, Mr. Solomon and I should be there—

Mr. SOLOMON. If I might just suggest maybe we could delay this meeting until 2:00, that's not really going to help entirely, because this hearing will probably go on for several hours, I believe, but at least those of us that have to be there in the beginning could be there for 30 minutes, we could come back down, and then those of you that are going to be testifying, we could call you when your time comes.

Mr. OBEY. Does it make sense to keep going until we have to go?

Chairman HAMILTON. Now you mean? Well, we can do that. I understand a vote is—okay, we'll recess until 2:00.

[Whereupon, at 12:00 noon, the committee recessed, to reconvene at 2:00 p.m. the same day.]

#### AFTERNOON SESSION—2 P.M.

Chairman HAMILTON. The Joint Committee will come to order.

The Chair recognizes Mr. Dreier in support of his amendment. We're beginning now on the committee structure, committee jurisdiction, so the clerk will report the amendment, and the clerk will distribute the amendment.

#### AMENDMENT NO. 7, JURISDICTIONAL REALIGNMENT

Mr. DREIER. Mr. Chairman, I have a minor, non-controversial amendment that I think we can probably just get through on a voice vote here, without much discussion. But, actually, let me say that I offer for consideration of the committee what is a comprehensive plan to reform the committee system of the House. As you know, since the deliberations of the Joint Committee began in January, I've urged the Joint Committee to address the question of committee structure and jurisdiction. In my judgment, this is one of the most critical issues facing the Congress.

From my perspective on the Rules Committee, and in listening intently to testimony of the hundreds of witnesses the Joint Committee has heard since January, I have concluded that the present structure of the committee system is inadequate to the task of dealing effectively and comprehensively with the Nation's problems. As I indicated earlier this week, I am disappointed that the Joint Committee on the Organization of Congress has not squarely faced this issue despite the fact that everyone quietly acknowledges that it must, at some point, be done.

If this bipartisan joint committee charged with the task of making comprehensive recommendations on the processes, procedures, and structures of the legislative process cannot make this judgment, then who will? We should not deceive ourselves that mere incentive-based approaches to the committee system will do the tough job for us. I'm concerned that if we don't deal with this question, the House and the Senate may drift for years without resolving the problem.

I've examined the 14 options for change of the jurisdictional system that the CRS prepared at the request of this committee, and every one of us who attended the hearings had a chance to see those 14 plans before us throughout many days of testimony on it.

I've examined the recommendations of the Renewing Congress Project led by our friends Tom Mann and Norm Ornstein, and I've listened to witnesses before this committee and the Members, rank-and-file Democrats and Republicans, who have urged this committee to be bold.

I know, Mr. Chairman, that just over 80 percent of the Members of Congress responding to the survey of the Joint Committee indicated that major improvements are needed in the committee system. The amendment I offer today provides for a complete revision and modernization of Rule 10 of the Rules of the House and a reduction in committees and subcommittees.

The amendment deletes redundant language in the rule, clarifies the meaning of jurisdiction, and inserts new terms for contemporary American problems that have heretofore been treated haphazardly and are not now explicitly stated in Rule 10—terms such as “insurance,” “endangered species,” and “narcotics abuse and rehabilitation programs.” The amendment further provides for the abolition of joint referral, because realignment makes joint referral unnecessary. Limitation on the size of committees, which the committee Chairman implored us to make, strictly limits the creation of subcommittees to six per committee in most cases and adopts the tight assignment limitations already a part of the bill, around which there appears to be a consensus.

Mr. Chairman, I'd like to take a few moments to describe some of the key elements of this amendment. The amendment would reduce the number of standing committees of the House from 22 to 16 and would reduce standing subcommittees from 118 to 96. This would, in my judgment, be a significant and important reduction in the Congressional bureaucracy. The amendment would consolidate important areas of jurisdiction that have proven problematic for the House. For example, the plan envisions the consolidation of jurisdiction over food and seafood inspection, foreign policy and foreign economic policy, health and human resources, education, health, narcotics rehabilitation, housing, and work incentive programs in a single committee; environmental policy, transportation, science, energy and Federal research and development, financial institutions and regulation banking, securities and insurance, and a budget committee that can finally be effective in uniting its function in the budget process with jurisdiction over the act that defines the process.

As I've said, many Members have contributed their ideas to this plan. I don't assert that all of them would support every aspect of this plan, but I'm confident that they would say that this plan is bold. It's progressive, it solves many problems in this House, and at a more personal level, it creates a committee system and an environment in which Members will have fewer assignments, but they'll be more meaningful to them, their constituents, and the country.

Committee jurisdiction and structure have not changed in any meaningful way in 20 years, and jurisdiction has not been amended comprehensively in nearly 50 years, since the Legislative Reorganization Act of 1946, when the product of the first Joint Committee on the Organization of Congress was enacted.

I concede that some areas of overlap may remain the rule as a result of this amendment. I don't think it's possible to eliminate all jurisdictional conflict, but this amendment provides for far less unnecessary and unproductive conflict than the current rule. Revisiting Rule 10 and making important changes would go a long way to eliminating the gridlock that so many Members have condemned.

I think it's important to note that the early Congresses routinely altered the committee system. They were not wedded to a static view of the world, and neither should we. This plan may not be perfect; it is, however, a serious effort at a change and a new beginning for the House as we make our work reflect better the concerns of the people who sent us here.

I should say that part of this came from an experience I had when Lee and I appeared on a television program with one of our colleagues, and he mentioned that when he came to the Congress, there was not a single committee that was here to deal with the environment, energy, I think health, and he said since that time we have seen this proliferation of committees, and yet there has not been a cutback, and I believe that this really gives us an opportunity to move ahead and bring about some meaningful reductions.

When we had our nice lunch break there, someone tossed the Roll Call Editorial in front of me, which very clearly states that we should be addressing this committee issue. Not that I always agree with Roll Call Editorial policy, but I do think that this is a good alternative for us to look at, and I hope very much that we can get the support of the committee on it.

Thank you, Mr. Chairman.

[The amendment No. 7 offered by Mr. Dreier follows:]

## Amendment to H.R. \_\_\_\_

Offered by Mr. Dreier

Strike Page 4, line 3, through Page 6, line 25, and insert in lieu thereof the following:

1 **SEC. 101. ESTABLISHMENT AND JURISDICTION OF STANDING**  
2 **COMMITTEES OF THE HOUSE OF REPRESENTATIVES.**

3 (a) **THE COMMITTEES AND THEIR JURISDICTION.**---Clause  
4 1 of rule X of the Rules of the House of Representatives is amended to  
5 read as follows:

6 "1. There shall be in the House the following standing committees,  
7 each of which shall have the jurisdiction assigned to it by this clause and  
8 clauses 2 and 3; and all bills, resolutions, and other matters relating to  
9 subjects within the jurisdiction of any standing committee as listed in this  
10 clause shall (in accordance with and subject to clause 4) be referred to such  
11 committees. as follows:

12 "(a) **Committee on Agriculture, Natural Resources, and the Public**  
13 **Lands.**

14 "(1) **Agriculture, forestry, mining, mineral resources, and the public**  
15 **lands generally.**

16 "(2) **Adulteration of seeds and insect pests.**

17 "(3) **Agricultural chemistry and engineering.**

18 "(4) **Agricultural and mining schools, colleges, and experimental**

1 stations: and agricultural education extension services.

2 "(5) Agricultural production and marketing and stabilization of prices  
3 of agricultural products, and commodities (not including distribution outside  
4 of the United States).

5 "(6) Animal, dairy, and plant industries.

6 "(7) Commodities exchanges.

7 "(8) Extension of farm credit and crop insurance.

8 "(9) Food inspection, including inspection of livestock and meat  
9 products, and seafood and seafood products.

10 "(10) Forest reserves and national parks created from the public  
11 domain.

12 "(11) Forfeiture of land grants and alien ownership of land grants.

13 "(12) Irrigation and reclamation, including water supply for  
14 reclamation projects, and easements of public lands for irrigation projects,  
15 and acquisition of private lands when necessary to complete irrigation  
16 projects.

17 "(13) Military parks and battlefields: national cemeteries  
18 administered by the Secretary of the Interior, and parks within the District  
19 of Columbia.

20 "(14) Mineral land laws and claims and entries thereunder.

21 "(15) Plant and animal quarantine.

22 "(16) Preservation of prehistoric ruins and objects of interest on the

1 public domain.

2       "(17) Public lands, including entry, easements, grants, and grazing  
3 thereon.

4       "(18) Rural electrification and rural development.

5       "(19) Soils and soil conservation.

6       "**(b) Committee on Appropriations.**

7       "(1) Appropriation of the revenue for the support of the  
8 Government.

9       "(2) Rescissions of appropriations contained in appropriations Acts.

10       "(3) Transfers of unexpended balances.

11       "(4) The amount of new spending authority (as described in the  
12 Congressional Budget Act of 1974) which is to be effective for a fiscal year,  
13 including bills and resolutions (reported by other committees) which  
14 provide new spending authority and are referred to the committee under  
15 clause 3(a).

16       The committee shall include separate headings for "Rescissions" and  
17 "Transfers of Unexpended Balances" in any bill or resolution reported from  
18 the committee under its jurisdiction specified in subparagraph (2) or (3),  
19 with all proposed rescissions and proposed transfers listed therein: and shall  
20 include a separate section with respect to such rescissions or transfers in  
21 the accompanying committee report. In addition to its jurisdiction under  
22 the preceding provisions of this paragraph, the committee shall have the

1 fiscal oversight function provided for in clause 2(b)(3) and the budget  
2 hearing function provided for in clause 3(a).

3 "(c) **Committee on Armed Services.**

4 "(1) Common defense generally.

5 "(2) **Ammunition depots; forts; arsenals; Army, Navy, and Air Force**  
6 **reservations and establishments.**

7 "(3) Conservation, development, and use of naval petroleum and oil  
8 shale reserves.

9 "(4) The Department of Defense generally, including the  
10 Departments of the Army, Navy, and Air Force generally.

11 "(5) Education of military dependents.

12 "(6) Military applications of nuclear energy.

13 "(7) Military aspects of international arms control and disarmament  
14 agreements.

15 "(8) Pay, promotion, retirement, and other benefits and privileges of  
16 members of the armed forces.

17 "(9) Scientific research and development in support of the armed  
18 services.

19 "(10) Selective Service.

20 "(11) Size and composition of the Army, Navy, and Air Force.

21 "(12) Soldiers' and sailors' homes.

22 "(13) Strategic and critical materials necessary for the common



1 defense.

2 "(d) **Committee on the Budget.**

3 "(1) Budget and accounting measures generally, other than  
4 appropriations.

5 "(2) All concurrent resolutions on the budget (as defined in section  
6 3 of the Congressional Budget Act of 1974) and other matters required to  
7 be referred to the committee under titles III and IV of that Act.

8 "(3) The committee shall have the duty ---

9 "(A) to report the matters required to be reported by it under  
10 titles III and IV of the Congressional Budget Act of 1974;

11 "(B) to make continuing studies of the effect on budget outlays  
12 of relevant existing and proposed legislation and to report the results  
13 of such studies to the House on a recurring basis;

14 "(C) to request and evaluate continuing studies of tax  
15 expenditures: to devise methods of coordinating tax expenditures.  
16 policies, and programs with direct budget outlays, and to report the  
17 results of such studies to the House on a recurring basis; and

18 "(D) to review, on a continuing basis, the conduct by the  
19 Congressional Budget Office of its functions and duties.

20 "(4) Measures providing for off-budget treatment of Federal agencies  
21 or programs.

22 "(5) Measures providing exemption from reduction under any order

1 issued under part C of the Balanced Budget and Emergency Deficit  
2 Control Act of 1985.

3 "(e) **Committee on Commerce, Labor, and the Civil Service.**

4 "(1) Commerce and small business, financial institutions, labor, and  
5 the civil service generally.

6 "(2) **All Federal Civil Service, including intergovernmental personnel;**  
7 **and status of officers and employees of the United States, including their**  
8 **compensation, classification, and retirement.**

9 "(3) Assistance to and protection of small business, including  
10 financial aid.

11 "(4) Banks and banking, including deposit insurance and Federal  
12 monetary policy.

13 "(5) Consumer affairs and consumer protection.

14 "(6) Convict labor and the entry of goods made by convicts into  
15 interstate commerce.

16 "(7) Economic stabilization generally.

17 "(8) Financial aid to commerce and industry (other than  
18 transportation).

19 "(9) Insurance.

20 "(10) Interstate and foreign commerce generally.

21 "(11) Labor and labor standards, including wages, hours, and  
22 conditions of labor.

1           "(12) Mediation and arbitration of labor disputes.

2           "(13) Money and credit, including currency and the issuance of notes  
3 and redemption thereof; gold and silver, including the coinage thereof;  
4 valuation and revaluation of the dollar.

5           "(14) Participation of small-business enterprises in Federal  
6 procurement and Government contracts.

7           "(15) Regulation of interstate and foreign communications and  
8 telecommunications.

9           "(16) Regulation or prevention of importation of foreign laborers  
10 under contract.

11          "(17) Securities and exchanges.

12          "(18) Travel and tourism.

13          "(19) Vocational rehabilitation.

14          "(f) Committee on Environmental and Maritime Affairs.

15          "(1) Environment and measures affecting the merchant marine  
16 generally.

17          "(2) Coast Guard, including lifesaving service, lighthouses, lightships,  
18 and ocean derelicts.

19          "(3) Endangered species.

20          "(4) Fisheries and wildlife, including, restoration, refuges, and  
21 conservation.

22          "(5) Measures relating to the quality and safety of air and water.

1           "(6) Measures relating to the regulation of common carriers by water  
2 (except matters subject to the jurisdiction of the Interstate Commerce  
3 Commission) and to the inspection of merchant marine vessels, lights and  
4 signals, lifesaving equipment, and fire protection on such vessels.

5           "(7) Merchant marine officers and seamen.

6           "(8) Navigation and the laws relating thereto, including pilotage.

7           "(9) Oceanography and marine affairs, including coastal  
8 management.

9           "(10) Oil and other pollution of navigable waters.

10          "(11) Pollution matters generally.

11          "(12) Registering and licensing of vessels and small boats.

12          "(13) United States Coast Guard and Merchant Marine Academies,  
13 and State Maritime Academies.

14          "**(g) Committee on Foreign Relations.**

15          "(1) Relations of the United States with foreign nations generally.

16          "(2) Acquisition of land and buildings for embassies and legations in  
17 foreign countries, and measures relating to the diplomatic service.

18          "(3) Establishment of boundary lines between the United States and  
19 foreign nations.

20          "(4) Export controls generally, including international export control  
21 agreements.

22          "(5) Foreign loans.

1           "(6) International commodity agreements and international fishing  
2 agreements.

3           "(7) International conferences, congresses, and organizations.

4           "(8) International education.

5           "(9) Interoceanic canals generally, including measures relating the  
6 maintenance, operation, and administration of interoceanic canals.

7           "(10) Measures relating to international economic and monetary  
8 policy.

9           "(11) Measures to foster commercial intercourse with foreign nations  
10 and to safeguard American business interests abroad.

11           "(12) Neutrality, intervention abroad and declarations of war.

12           "(13) Protection of American citizens abroad and expatriation.

13           "(14) Reciprocal trade agreements.

14           "(15) Rules and international arrangements to prevent collisions at  
15 sea.

16           "(16) Trading with the enemy.

17           "(h) **Committee on Governmental Affairs.**

18           "(1) Relationship of the Federal Government to the States and  
19 municipalities to the territories and possessions of the United States, and  
20 to the Indian tribes generally.

21           "(2) All measures relating to the municipal affairs of the District of  
22 Columbia in general, other than appropriations.

1           "(3) Federal management of emergencies and natural disasters.

2           "(4) Holidays and celebrations.

3           "(5) Measures relating to the disposition of useless executive papers.

4           "(6) Measures relating to the insular possessions of the United States  
5 generally, except those affecting the revenue and appropriations.

6           "(7) Measures relating to the relations of the United States with the  
7 Indians and the Indian tribes, including the care and allotment of Indian  
8 lands and general and specific measures relating to claims which are paid  
9 out of Indian funds.

10          "(8) National archives.

11          "(9) The overall economy, efficiency, and management of  
12 Government operations and activities, including Federal procurement.

13          "(10) Population and demography generally, including the Census.

14          "(11) Postal service generally, including the transportation of the  
15 mails.

16          "(12) Reorganizations in the executive branch of the Government.

17          "**(i) Committee on Human Resources.**

18                "(1) Education generally.

19                "(2) Federal nutrition and feeding programs.

20                "(3) Health, health care, and health facilities.

21                "(4) Human disease and quarantine.

22                "(5) Narcotics abuse and rehabilitation programs.

1           "(6) Public and private housing.

2           "(7) Work incentive programs.

3           "**(j) Committee on the Judiciary and Federal Elections.**

4           "(1) The judiciary, judicial proceedings, civil and criminal, and  
5 federal elections generally.

6           "(2) Apportionment of Representatives.

7           "(3) Bankruptcy, mutiny, espionage, and counterfeiting.

8           "(4) Civil liberties.

9           "(5) Constitutional amendments.

10          "(6) Federal courts and judges, and local courts in the Territories  
11 and possessions.

12          "(7) Immigration and naturalization.

13          "(8) Measures relating to claims against the United States.

14          "(9) Measures relating to the election of the President. Vice  
15 President, or Members of Congress: corrupt practices: contested elections:  
16 credentials and qualifications.

17          "(10) Measures relating to the raising, reporting and use of campaign  
18 contributions for candidates for office of Representative in the House of  
19 Representatives, Delegate to the House of Representatives, and of  
20 Resident Commissioner to the United States from Puerto Rico.

21          "(11) National narcotics abuse and control policy generally.

22          "(12) National penitentiaries.

1           "(13) Patents, copyrights, and trademarks.

2           "(14) Presidential succession.

3           "(15) Protection of trade and commerce against unlawful restraints  
4 and monopolies.

5           "(16) Revision and codification of the Statues of the United States.

6           "(17) State and territorial boundaries.

7           "(18) Subversive activities affecting the internal security of the  
8 United States.

9           "**(k) Committee on Public Works and Transportation.**

10          "(1) Public buildings, public works, transportation, and urban  
11 development generally.

12          "(2) Civil aviation, including airfields and airports.

13          "(3) Flood control and improvement of rivers and harbors.

14          "(4) Inland waterways; water transportation subject to the  
15 jurisdiction of the Interstate Commerce Committee: and public works for  
16 the benefit of navigation, including bridges and dams.

17          "(5) Measures relating to the construction or maintenance of roads  
18 and post roads, other than appropriations therefor: but it shall not be in  
19 order for any bill providing general legislation in relation to roads to  
20 contain any provision for any specific road, nor for any bill in relation to a  
21 specific road to embrace a provision in relation to any other specific road.

22          "(6) Measures relating to the construction or reconstruction,



1 maintenance, and care of the buildings and grounds of the Capitol Building,  
 2 the Senate and House Office Buildings, the Botanic Gardens, the Library  
 3 of Congress, and the Smithsonian Institution.

4       "(7) Measures relating to the purchase of sites and construction of  
 5 post offices, customhouses, Federal courthouses, and Government buildings  
 6 within the District of Columbia.

7       "(8) Public buildings and occupied or improved grounds of the  
 8 United States generally.

9       "(9) Roads and railroads and the safety thereof.

10       **"(l) Committee on Rules.**

11       "(1) The rules and joint rules (other than rules or joint rules relating  
 12 to the Code of Official Conduct), and order of business of the House.

13       **"(2) Recesses and final adjournments of Congress.**

14 The Committee on Rules is authorized to sit and act whether or not the  
 15 House is in session. In addition to its legislative jurisdiction under the  
 16 preceding provisions of this paragraph (and its general oversight function  
 17 under clause 2(b)(1)), the committee shall have the function of reviewing  
 18 and studying, on a continuing basis, the congressional budget process, and  
 19 the committee shall, from time to time, report its findings and  
 20 recommendations to the House.

21       **"(m) Committee on Science and Energy.**

22       "(1) National energy policy, science and technology, space and space

1 exploration generally.

2 "(2) All federal research and development, with the exception of  
3 research and development in support of the armed services.

4 "(3) Astronautics generally and outer space, including exploration  
5 and control thereof.

6 "(4) Measures relating to the conservation, exploration, production,  
7 storage, supply, marketing, pricing, and regulation of energy resources,  
8 including all fossil fuels, solar energy, water power, and other  
9 unconventional or renewable energy resources.

10 "(5) Measures relating to the commercial application of energy  
11 technology.

12 "(6) Measures relating to (A) the generation and marketing of power  
13 (except by federally chartered or Federal regional power marketing  
14 authorities), (B) the reliability and interstate transmission of, and  
15 ratemaking for, all power, and (C) the siting of generation facilities: except  
16 the installation of interconnections between Government waterpower  
17 projects.

18 "(7) Meteorology.

19 "(8) Regulation of the domestic nuclear energy industry, including  
20 regulation of research and development reactors and nuclear regulatory  
21 research.

22 "(9) Science Scholarships.

1           "(10) Standardization of weights and measures and the metric  
2 system.

3           "**(n) Committee on Standards of Official Conduct and**  
4 **Administration.**

5           "(1) Measures relating to the Code of Official Conduct.

6           "(2) Employment of persons by the House, including clerks for  
7 Members and committees. and reporters of debates.

8           "(3) Except as provided in clause 1(k)(6), matters relating to the  
9 Library of Congress and the House Library; statuary and pictures:  
10 acceptance or purchase of works of art for the Capitol; the Botanic  
11 Gardens; management of the Library of Congress. purchase of books and  
12 manuscripts: erection of monuments to the memory of individuals: the  
13 Smithsonian Institution and the incorporation of similar institutions.

14           "(4) Expenditure of. and appropriations from. the contingent fund  
15 of the House and auditing and settling of all accounts which may be  
16 charged to the contingent fund.

17           "(5) Matters relating to printing and correction of the Congressional  
18 record.

19           "(6) Measures relating to accounts of the House generally.

20           "(7) Measures relating to assignment of office space for Members  
21 and committees.

22           "(8) Measures relating to facilities and services of the House.

1           "(9) Measures relating to the compensation, retirement and other  
2 benefits of the Members, officers, and employees of the Congress.

3           "(10) Measures relating to the travel of Members of the House.

4           "(11) Meetings of Congress, attendance of Members and their  
5 acceptance of incompatible offices.

6 In addition to its legislative jurisdiction under the preceding paragraph (and  
7 its general oversight function under clause 2(b)(1)), the committee shall  
8 have the functions with respect to recommendations, studies, investigations,  
9 and reports which are provided for in clause 3(d), and the functions  
10 designated in titles I and V of the Ethics in Government Act of 1978 and  
11 sections 7342, 7351, and 7353 of title 5, United States Code.

12           "**(o) Committee on Veterans' Affairs.**

13           "(1) Veterans' measures generally.

14           "(2) Cemeteries of the United States in which veterans of any war  
15 or conflict are or may be buried, whether in the United States or abroad,  
16 except cemeteries administered by the Secretary of the Interior.

17           "(3) Compensation, vocational rehabilitation, and education of  
18 veterans.

19           "(4) Life insurance issued by the Government on account of service  
20 in the Armed Forces.

21           "(5) Pensions of all the wars of the United States, general and  
22 special.

1 "(6) Readjustment of servicemen to civil life.

2 "(7) Soldiers' and sailors' civil relief.

3 "(8) Veterans' hospitals, medical care, and treatment of veterans."

4 "(p) **Committee on Ways and Means.**

5 "(1) Customs, collection districts, and ports of entry and delivery.

6 "(2) National Social Security.

7 "(3) Revenue measures generally.

8 "(4) Revenue measures relating to the insular possessions.

9 "(5) Tax exempt foundations and charitable trusts.

10 "(6) The bonded debt of the United States (subject to the last  
11 sentence of clause 3(f) of this rule).

12 "(7) The deposit of public moneys.

13 "(8) Transportation of dutiable goods.

14 **SEC. 102. REFERRAL REFORM.**

15 (a) PRECEDENTS.---The second sentence of clause 5(b) of rule X  
16 of the Rules of the House of Representatives is amended by striking out  
17 "Ninety-Fourth" and inserting in lieu thereof "One Hundred Fourth".

18 (b) ABOLITION OF JOINT REFERRAL.---Clause 5(c) of rule X  
19 of the Rules of the House of Representatives is amended to read as  
20 follows:

21 "(c) In carrying out paragraphs (a) and (b) with respect to any  
22 matter, the Speaker shall initially refer the matter to one committee which

1 he shall designate as the committee of principal jurisdiction; but, he may  
2 also refer the matter to one or more additional committees, for  
3 consideration in sequence (subject to appropriate time limitations), either  
4 on its initial referral or after the matter has been reported by the  
5 committee of principal jurisdiction; or may refer portions of the matter to  
6 one or more additional committees (reflecting different subjects and  
7 jurisdictions) for the exclusive consideration of such portion or portions  
8 (subject to appropriate time limitations); or he may refer the matter to a  
9 special ad hoc committee appointed by the Speaker, with the approval of  
10 the House, from the members of the committees having legislative  
11 jurisdiction, for the specific purpose of considering that matter and  
12 reporting to the House thereon, or make such other provision as may be  
13 considered appropriate."

14 **SEC. 103. LIMITATION ON THE SIZE OF THE MEMBERSHIP OF**  
15 **COMMITTEES.**

16 Clause 6(a)(2) of rule X of the Rules of the House of  
17 Representatives is amended to read as follows:

18 "(2)(A) The Committee on Appropriations shall be limited to no  
19 more than sixty members. Except as provided by subdivision (B) no  
20 member of the Committee on Appropriations may serve on any other  
21 standing committee of the House of Representatives.

22 "(B) The Committee on Budget shall be limited to no more than

1 sixty members of which five members shall be members of the Committee  
2 on Appropriations (three members from the majority party and two  
3 members from the minority party) and five members from the Committee  
4 on Ways and Means (three members from the majority party and two  
5 members from the minority party).

6 "(C) The Committee on Rules shall be limited to no more than  
7 thirteen members. No member of the Committee on Rules may serve on  
8 any other standing committee of the House of Representatives.

9 "(D)(1) The Committee on Standards of Official Conduct and  
10 Administration shall be limited to no more than fourteen members. One-  
11 half of the Committee on Standards of Official Conduct and Administration  
12 shall be from the majority party and one-half from the minority party. No  
13 member shall serve as a member of the Committee on Standards of Official  
14 Conduct and Administration during more than 3 Congresses in any period  
15 of 5 successive Congresses (disregarding for this purpose any service  
16 performed as a member of such committee for less than a full session in  
17 any Congress).

18 "(2) There is established a bipartisan Subcommittee on  
19 Administrative Oversight, to be chaired by the chairman of the Committee  
20 on Standards of Official Conduct and Administration.

21 "(3) The subcommittee shall receive all audit reports of the  
22 Inspector General and shall be responsible for providing oversight of the

1 Clerk. Sergeant-at-Arms. Doorkeeper. Director of Non-legislative and  
2 Financial Services. and Inspector General.

3       "(4) The Speaker, the majority leader, the minority leader, and the  
4 chairman and ranking minority party member of the Committee on House  
5 Administration shall be informed by the chairman of the subcommittee of  
6 any matter that, by reason of a tie vote, cannot be resolved by the  
7 subcommittee.

8       "(E) The Committee on Ways and Means shall be limited to no  
9 more than forty-six members. Except as provided by subdivision (B) or  
10 otherwise provided by rule no member of the Committee on Ways and  
11 Means may serve on any other standing committee of the House of  
12 Representatives.

13       "(F) The Committee on Agriculture, Natural Resources, and the  
14 Public Lands; the Committee on Armed Services; the Committee on the  
15 Budget; the Committee on Commerce, Labor, and the Civil Service; the  
16 Committee on Environmental and Maritime Affairs; the Committee on  
17 Foreign Relations; the Committee on Governmental Affairs; the  
18 Committee on Human Resources; the Committee on the Judiciary and  
19 Federal Elections; the Committee on Public Works and Transportation; the  
20 Committee on Science and Energy; and the Committee on Veterans'  
21 Affairs shall each be limited to no more than fifty-five members.



1 SEC. 104. MAXIMUM NUMBER OF COMMITTEE AND  
2 SUBCOMMITTEE ASSIGNMENTS.

3 Clause 6(a) of rule X of the Rules of the House of Representatives  
4 is amended by adding at the end the following new subparagraph:

5 "(3)(A) Except as otherwise provided by rule, no Member (including  
6 the Resident Commissioner from Puerto Rico and each Delegate to the  
7 House) may serve on more than 2 standing committees or 4 subcommittees  
8 of those standing committees.

9 "(B) Any resolution submitted pursuant to the first sentence of  
10 subparagraph (1) that violates subdivision (A) shall not be privileged.

11 "(C) Before any committee may approve any subcommittee  
12 assignment that violates subdivision (A), the chairman and ranking minority  
13 party member, as the case may be, shall notify the appropriate party  
14 caucus. Each such nomination for subcommittee membership shall have  
15 no force or effect until approved by the House.

16 "(D) If a Member notifies the House of that Member's intention to  
17 make a unanimous consent request or to offer a privileged motion to  
18 request a vote to waive the limitation set forth in subdivision (A) with  
19 respect to that Member, then after the passage of 48 hours, the Speaker  
20 may entertain, upon recommendation of the respective party caucus, a  
21 unanimous consent request of that member or a privileged motion for the  
22 waiver of the limitation set forth in subdivision (A) with respect to that

1 Member. No such privileged motion or unanimous consent request may be  
2 made for more than one Member at a time.

3 "(E) This subparagraph shall not apply to the Committee on  
4 Standards of Official Conduct and Administration."

5 **SEC. 105. SUBCOMMITTEES.**

6 Clause 6(d) of rule X of the Rules of the House of Representatives  
7 is amended to read as follows:

8 "(d) Each standing committee of the House, except for the  
9 Committee on Appropriations, that has more than forty members may  
10 establish no more than six subcommittees.

11 **SEC. 106. TECHNICAL AND CONFORMING AMENDMENTS.**

12 (a) The Rules of the House of Representatives are amended to read  
13 "Committee on Governmental Affairs" in lieu of "Committee on  
14 Government Operations" in each place it appears.

15 (b) The Rules of the House of Representatives are amended to read  
16 "Committee on Standards of Official Conduct and Administration" in lieu  
17 of "Committee on Standards of Official Conduct" in each place it appears.

18 (c) Clause 4(e)(1) of rule X of the Rules of the House of  
19 Representatives is amended---

20 (1) to insert "further" after "is" in the first sentence; and

21 (2) by redesignating the paragraph as paragraph (d)(5) and  
22 redesignating succeeding paragraphs accordingly.

1 (d) Clause 3 of rule X of the Rules of the House of Representatives  
2 is stricken and succeeding clauses redesignated accordingly.

3 **SEC. 107. EFFECTIVE DATE.**

4 Sections 101-106 shall take effect just prior to noon on January 3rd  
5 1995.

Chairman HAMILTON. May I ask a question or two?

Mr. DREIER. Yes, sir.

Chairman HAMILTON. I, first of all, want to say that obviously this is a major amendment. Mr. Dreier has put an immense amount of work into it, and so have members of his staff. It's a constructive proposal, and it's very far-reaching.

Now, I wanted to check on a few items. You abolish Merchant Marine, District of Columbia, Post Office, Small Business, and House Administration Committees. Am I correct in that?

Mr. DREIER. Well, I don't know if you want to interpret abolish. We merge some of those committees together with different areas, and I've got a list of that.

Chairman HAMILTON. All right. And you make major changes in jurisdiction on—

Mr. DREIER. Let me just say that the Merchant Marine Committee remains as it is, but includes quality of air and water along with it. So it actually expands the Merchant Marine Committee.

Chairman HAMILTON. Okay. And what do you do with the District of Columbia?

Mr. DREIER. It's part of the Government Operations Committee.

Chairman HAMILTON. All right.

Mr. DREIER. Committee on Governmental Affairs.

Chairman HAMILTON. And you change jurisdictions of Ways and Means. You reduce that jurisdiction, do you?

Mr. DREIER. Well, trade, I know, on Ways and Means goes to the Foreign Relations Committee.

Chairman HAMILTON. You're going to make it difficult for me, Mr. Dreier.

[Laughter.]

Mr. DREIER. I know. We were counting on your co-sponsorship of this. Health and entitlements that are now with Ways and Means go to the Health and Human Resources Committee.

Chairman HAMILTON. All right. And Banking? What happens on Banking? Is that broadened?

Mr. DREIER. Well, actually, what we have is the Commerce, Labor, and Civil Service Committee, and that handles small business issues, all financial institutions issues, labor, and Civil Service. So that becomes one committee there.

Chairman HAMILTON. Okay. We'll open it up for discussion here. Any comments? Ms. Dunn?

Ms. DUNN. There was a great deal of discussion before our committee about paralleling committee structures of the Senate and the House. Does this speak to that?

Mr. DREIER. Well, obviously, this is being brought to the committee here, and it's our hope that we would have a plan that would have parallelism with the Senate, but we don't actually have a plan for the Senate that matches this identically.

Ms. DUNN. So one of its main strengths would be the function-based committee structure.

Mr. DREIER. I'm sorry?

Ms. DUNN. The function-based committee structure would be one of its main strengths, then, right?

Mr. DREIER. That's really the idea.

Mr. SWIFT. Well, I think this is a positive and sincere effort. One of the problems, I think, with boldness is that most of the committees that have preceded us were bold and also had their proposals defeated, and I think that this, under the current structure that we have, would also be defeated, probably jeopardize the entire bill. So it is not so much that I—and I don't know whether I—I might have some individual disagreements with it, but the concept is not without its merit.

I wouldn't want to leave the impression, however, that if we turn down your amendment, that we do nothing to address the problems in the House of cross jurisdictions. I think we address it in a couple of other ways, more subtle perhaps, but, I think, effective.

One of the things that we have in the mark is the provision that we change our current system of joint referral. I think you were there the day when I asked during our hearings the expert from the Library of Congress where our current system came from, and he said it came out of the Bolling Committee's proposal, and I said, "But what was its rationale?" and he said, "Well, it was tied to their committee restructuring, and its rationale was connected to their committee restructuring."

What Congress did was get away with the committee restructuring, kept a joint referral process, which, in the context they had left after they went away from the committee restructuring proposal, didn't make any sense then, doesn't make any sense now, didn't have any rationale, and should be changed. And in the committee mark, we do change that. We go to a system which has worked well in the Senate.

So I think that we have done something that is going to address the underlying problem that your proposal addresses as well, a kind of endless, sequential referral on bills.

The other thing I would note is that—and I'm a Virgo, so I'm really kind of talking against my own best interest. I sit around on my desk and line up all the papers so that it's all nice and straight and square, and the idea of doing what you're talking about really appeals to the Virgo in me, because it's nice and neat and clean. But I would suggest that—

Mr. DREIER. It may not be that nice and neat and clean.

Mr. SWIFT. Well, it certainly in many ways looks better on paper, given what we're facing today. But two things. One, there isn't any way we could structure committee jurisdiction in the House in which there won't be some overlap. It's just the nature of issues that in fact do that. So that it's never going to be perfect. Secondly, it's going to change anyway. So that if in fact we turn down what you're proposing, what will be left in the mark is something that addresses the underlying concern. I don't think we should overlook that. And should we accept your proposal, it will only be a matter of time until it gets out of date and we're back where we were anyway.

In short, I really want to commend you for the amount of work you put into developing this. I think if we want to have an effect on this institution and we want to pass something, we better pass on this and recognize, in so doing, that we have addressed this problem in other ways in the mark.

Mr. DREIER. Let me just say, if I could, that for starters, I think we need to have some major jurisdictional change here. At the outset, there were statements made—and I don't remember your opening statement when this committee was formed, Al, but—

Mr. SWIFT. Hopefully, I didn't have one.

Mr. DREIER. I know you're not a proponent of opening statements. But the fact of the matter is most of the Members on this committee wanted to see us bring about some kind of change in the committee structure. We went to the trouble of having the Congressional Research Service put together those 14 options, along with the status quo, and Lee knows this, we've discussed it at length. I was really concerned with the fact that the mark really did next to nothing on dealing with jurisdictional issues. I don't agree with you that that would get right at the base of it.

I think that we do need to go further, and, again, I harken back to the statement Lee made. We've constantly seen this addition of committees, we've seen us focus on a wide range of other areas. I've often quipped about how you walk down the hall and see a Democrat whose name you don't know, you just call him "Mr. Chairman." You know, with 266 committees and subcommittees in this place, it is a serious problem, and I think we've got to have a reasonably clean and a reasonably neat way of looking at this.

Can I tell you exactly what the consequences of all this would be? Absolutely not. No one can. We don't know exactly what it would be. We do know this. We have some very serious problems that exist today, as evidenced with just the actions that this committee has had to face going on in the Congress right now. The Rules Committee that was scheduled for a half-hour ago has been canceled, and we've got overlaps of other meetings going on. I think that these kinds of changes could really help improve the process, and that's why I think this is a responsible route for us to take.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I certainly support this amendment, and as I look down through it, I find a lot of things that people could object to, but I think we've got to begin with the premise that a lot of what happens in Government that's ineffective and inefficient is in large part because the Government structures make no sense. That's true not only in Congress, it's true in the Administration. Many of the cabinet agencies that were formed for a particular reason years ago simply make no sense in light of modern realities, and that is absolutely true of what's happening in the Congress.

The problem is not the joint referral problem. The joint referral problem was an attempt to meet what is another problem, and that is that the committee structures and their jurisdictions simply don't fit with what really happens in the economy in present time, with what is really happening in the society at the present time, and that you need to revise your structure, and particularly your committee system in the Congress, in order to deal with those realities.

This list of committees makes a lot more sense in terms of the realities of modern American society than the structure that we now have, and it seems to me we have some obligation, in a com-

mittee that was formed to meet for many weeks and months to do something of this kind, to make the structure real. If we simply do a Congressional reform process that, at the margin, says we're going to do something about joint referrals, but we are not going to really deal with the problems of the committee structure, we will leave in place a structure that will continue to make no sense. I simply think we've got to take a step beyond that. If we don't, then I don't know when you get this done.

Mr. DREIER. Would the gentleman yield?

Mr. WALKER. I will in a second, but I just want to make one point here. It can't be done in the Democrat and Republican caucuses, because the problem is that we have people whose power is tied to these individual committees. So you can't get it done there. You can't get it done in the House as a whole unless you come back with some kind of reform process.

We are the committee that was formed to give us the reform process to bring to the floor. If we don't do it, that structural change is not going to take place in the near future, and I just think we have an obligation to begin to take this step and that Mr. Dreier's proposal deserves—

Mr. DREIER. Mr. Chairman?

Mr. WALKER. I'll be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. If we look at the structure that we have today, the Federal Emergency Management Agency is handled by 13 committees. We look at this health care reform issue, and it's fascinating when you're reading accounts in the newspaper or listening on the radio and they talk about a health subcommittee, and you have no idea which chairman is going to come on when you're talking about a health subcommittee. There are battles that have taken place there. And if you look at the way the Congress worked many, many years ago, there was a regular turnover, as I said in my opening statement on this.

It seems to me that after half a century, we're in a position where we ought to start this pattern of, as Mr. Walker says, sort of bringing the Congress up to present-day reality. I don't mean to continue to harken back on what we did last night, but we were really opening the door for the United States of America to play a bold role in this new global economy. It seems to me that here in the Congress we should be willing, on a regular basis, to look at varying alternatives as to how we deal with the problems that the United States of America and the rest of the world faces.

That's why I think this is just one alternative that's being offered. I'm very disappointed that we, as a committee, have up to this point not included anything in the mark, having spent so much time on it.

And, Al, you said that we have—let me just say that I believe that we do have a responsibility to step forward with a plan that does bring about the kind of change that many of our colleagues want to see put into place.

Mr. WALKER. Mr. Chairman, I just would like to close by telling you that it was Dan Rostenkowski who, after last night, suggested that the jurisdiction on trade be moved from his committee to yours.

[Laughter.]

Chairman HAMILTON. Give me that quotation, will you?

Mr. DREIER. Are you sure you want it after last night?

[Laughter.]

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Mr. Chairman, whenever we are in a Congressional setting, we often have a choice between being polite or being truthful, and my problem, I guess, is I would like to regard this as a serious effort, but let me tell you why I don't regard this amendment as a serious effort.

I was a passionate supporter of the Bolling Committee reforms when they were presented to the House. Phil Burton and I had colossal fights over it. I still dream about them. I would love to see much more massive reform than this. I have trouble regarding this as a serious reform effort, because I think if it were, the amendment would have been scouted around with Members of the committee, and we would have talked about it in a great variety of meetings until we could work out what we felt to be the kind of structure that we would want to take to the House by way of a reform structure.

Mr. DREIER. I didn't eliminate the Committee on Appropriations here.

Mr. OBEY. Well, I want to, and let me tell you what I think we would do if we were pursuing real reform. I mean, I think if this were a serious effort, or at least my view—I don't want to question what's in the gentleman's mind. All I can tell you is that I would be much more reassured that it is in fact a genuine proposal if we had any prior discussion about this specific set of changes.

Mr. DREIER. Well, if you'd yield on that, I would say that we had—

Mr. OBEY. I'll yield when I finish. I'll be happy to yield. I cannot help being unable to overcome my suspicions that this is more simply an effort to let us all pose for holy pictures on reform for a while and then move on after we face reality.

If we were going to reform the committee structure, what I think we would do is attack the people's agenda rather than engage in institutional navel gazing. I don't think that the public much cares whether surface transportation, for example, is in the Commerce Committee or in Public Works. I don't think they care whether the Merchant Marine Committee exists or not. I don't. I don't pay any attention to that committee.

But what I do think they care about is whether we would have a rational budgeting system, for instance. In my view, the Congress won't have one until we merge the Appropriations Committee and the Ways and Means Committee so you have some hope of having the same people spending and taxing so they, on occasion, might think about putting the two numbers reasonably close to each other rather than producing a \$200 billion gap every year. And then I would move an item like trade out of Ways and Means into Lee's committee. I would move health out of Ways and Means into Commerce. I would have financial committees be nothing but financial committees so that they really do focus our attention on the deficit.

But that has no real prospect of going anywhere, and I'd suggest that without something of a more sweeping nature, I don't think



anything that falls short of that is worth throwing into the pot when the only thing we'll likely get out of it is a total disruption of the people's agenda in the House.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. I will when I'm finished my point.

Mr. DREIER. I thought you were.

Mr. OBEY. There will be no issue that will consume us next session like health care. The gentleman has mentioned health care. The fact is if we were to try to deal with a significant jurisdictional change that I think is necessary in the health care area, for instance, you'd guarantee health care wouldn't get passed next session.

We know that we have a huge amount of work to get done on health, on education, on trade following up NAFTA, with GATT coming at us and other items, and I think the only practical impact of engaging in committee jurisdiction change at this time would simply be to divert a tremendous amount of Congressional energy and focus to our own problems rather than the people's problems, and I think it would detract from our ability to pass health care, GATT, or anything else that's coming at us.

So I would simply suggest that even if this were the right institutional arrangement—and from glancing at it, I've got strong doubts about that—even if we were to come up with a bipartisan approach today, I think this is the worst possible year to present it to the Congress, given the real things we have to do that affect people's real lives.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. DREIER. Let me say for starters that I deeply resent having this effort labeled as anything less than serious. Now, let me explain what we've gone through for the last 10 months. We had—and we've all seen the list—250 witnesses, hearings that provided the largest compilation of information gathered on this institution ever, and we put together working groups, working groups that have not met for three months, designed to deal with this.

I've talked with many Members about this, David, and there have been many opportunities—we had before us at those hearings the 14 options, as I said, that the CRS put forward. We have tried diligently to pursue this.

Mr. OBEY. Well, if I can take back my time, when did you have this draft, and when did you bother to discuss it with anybody on this side of the table?

Mr. DREIER. We have taken the information that was put together in this draft and had a wide range of discussions, but since our group—you're asking when? We haven't met in three months in working groups.

Mr. OBEY. Hey, I have discussions with you every day on all kinds of issues. It seems to me—I had three discussions with you yesterday. It seems to me if you were serious, you would have at least begun to talk about the content of this before you throw it in front of us sight unseen and expect us to revolutionize the Congress based on a five-minute observation about what we ought to do. That's not serious legislating, and you ought to know that if you don't.

Mr. DREIER. Well, it was delivered to your office earlier this week for you to have a chance to look at.

Mr. OBEY. Congratulations. We were doing a few things this week, such as NAFTA.

Mr. DREIER. Of course we were doing a few things, and that's why we've got this proposal before us, so that we can better be able to handle this. I wasn't the one who made the decision that we were going to have this markup the last week of this session of Congress. I mean, I was hoping that we'd have this markup in September when we got back from the August break, and to call this thing less than serious I think is a real injustice to those of us who have been working on this and the people on this staff who have worked so hard on it.

Mr. OBEY. Taking back my time—

Mr. WALKER. When is his time going to be up, Mr. Chairman? I mean, we all want some time.

Mr. OBEY. Well, he's been using mine.

Mr. DREIER. Thank you very much. I appreciate it.

Mr. OBEY. With all due respect, I was around here during Bolling, and I saw what a serious effort was. A serious effort meant that people talked to each other every day on the floor, anywhere you could grab people, walking people through different options like this. It seems to me if you were truly serious on this, you would have been doing the same thing.

Chairman HAMILTON. Okay. The gentleman's time has expired.

Mr. Allard, and then Ms. Dunn.

Mr. ALLARD. Thank you, Mr. Chairman. I just want to make the point that for us to be an effective body, I think we have to have some accountability and credibility, and I view this amendment as a step in the right direction. Now, I think this is a very serious amendment and worthy of the deliberation of the full House, and so I would like to see it adopted as a part of the package or, at the very least, if it's not, given an opportunity to present it on the floor so the full membership can decide. Because this is going to impact everybody in Congress, and I think it's a serious enough and legitimate enough issue that it certainly needs to be brought to the floor for a full consideration of the full body. So at least I'd like to see that happen.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Thank you, Mr. Chairman.

I just want to say, Mr. Dreier, that I really appreciate your putting this amendment together and that you will have my support on it. I think out of the many hours we spent over that six months of hearings and the many different structures that we examined thoroughly, with testimony from witnesses from all over the United States, this is the best combination, from my point of view, and I think we've got to pay serious attention to it.

From my personal perspective, I like the function-based committee system, because it takes the power away from the strength of a committee chairman, and it places it on the clarified outline of what functions are being accomplished in these committees. For example, I have a great interest in the Merchant Marine and Fisheries Committee. It is well represented here under a Committee on Environment and Maritime Affairs. All the things in my State we

worry about, like the Endangered Species Act or the Marine Mammals Act, all of those are contained in a very serious committee structure that addresses them particularly.

House Administration, another one of my concerns, is disbanded, but its responsibilities are carefully allocated. For example, the elections responsibilities go to Rules, and that makes me happier.

I think the third and last point that I want to make is that it makes the system far easier for our constituents to understand when it's function-based. Railroads, for example, which almost everybody believes ought to be under Public Works, is so assigned, as was decided under one of the previous committees on congressional reform.

So I take it very seriously, I'm very pleased that you've taken the time to put this one together, and I support this before all the other committee restructures that we spent so many hours examining.

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. Mr. Chairman, let me first of all say to my good friend, David Obey, I'm sick and tired of siding with him day after day here, so I will take exception to what he's saying here. Nice to be on a different subject, David.

Mr. DREIER. Nice to have you agreeing with me.

[Laughter.]

Mr. SOLOMON. Let the record show that Mr. Obey and I do not agree with you on previous issues. But, David, let me just say this. You know, we really are supposed to be as cooperative as we can, and I served on those past committees as well, but this is a compromise. It's not satisfactory to me, because it's too much of a compromise, and we really aren't doing what we should be doing.

When you look at the bottom lines of the realignment, we're realigning total panels from 149 down to just 116. That is not what we need around here, and if we're going to be successful in enacting some kind of a bipartisan health plan which is going to be acceptable to the American people, we cannot have this health proposal by the President or by Jim Cooper or by me or whoever—we cannot have it sequentially referred to 14 different committees and 57 subcommittees. It never will become law.

You know, we discussed these committee realignments day after day after day, week after week, month after month. If you recall, I think in this room we had several charts before us every day when each time these old bulls who were about my age—John Dingell and all the rest—would come down and they would look at these charts, we would discuss them, we would debate them, and we spent months doing this.

The truth of the matter is what David Dreier is proposing here is just a step in the right direction. It's not adequate at all, but we have to start sometime, and you posed the question that now is not the right time, with all these important issues before us. This is no different than it's going to be next year, and it's going to be even worse the year after. When is the right time? Now is the right time. Certainly, it's a step in the right direction.

We aren't really getting the noses out of joint of many of these old bulls, although there are going to be some of them that are unhappy, but we ought to do this, and we ought to consider it, but

more than that, we need to work together, and we shouldn't be criticizing the motives of individual Members and the sincerity. You're sincere, I'm sincere. Let's do something about it. So let's consider it.

Mr. OBEY. If the gentleman would yield—

Mr. SOLOMON. I'd be glad to yield to my friend.

Mr. OBEY. If this is so important to realign committees, then why should we pass a proposal which avoids the most serious committee problem of all, which is the total dysfunction of the Ways and Means Appropriation Budget Committee process?

Mr. SOLOMON. David, why don't you and I and David Dreier—

Mr. DREIER. You know, I would love to have you amend this process. You're welcome to offer an amendment to my package.

Mr. SOLOMON. That's what I was just going to suggest. We don't need to act on this in the next 15 minutes or the next hour or four hours. I understand we're going to be here on Sunday now. I just came from a meeting, and we're going to be passing bills whether the Senate went home or not, for whatever reason. So let's get down to business. Let's you and I sit down. We could find five or six hours. I'll bet you we could come out with a great plan, and you and I have the ability to sell it to the rest of the membership. Let's do it.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. Let me simply observe that I do think it's a serious effort by Mr. Dreier. I think there may be some miscommunication here. It's certainly a bold effort, no question about that. This is the hardest of all the reform issues, by far the most difficult, and I've given a lot of thought to it, and I've looked at some of the proposals, and I don't want to stop consideration of committee jurisdiction realignment. I think that's an important thing to go forward. It is my judgment that if this goes into the mark, you bring to an end the reform process, just because of its complexity, on the one hand, and its political sensitivity, on the other.

Now, that judgment of mine is not casually reached. I mean, I've done a lot of conferring with committee chairmen and with leadership positions. I don't mean by that to cut off discussion of committee changes in jurisdiction, because I think that's valuable. But this is a matter of extreme political sensitivity, and I'm reasonably confident in my judgment. I hope that the matter will continue to be addressed, and I think it should be addressed, and you can't deny that the committee jurisdiction structure that we have today is a structure that probably no one would draw up if they were approaching a committee jurisdiction question de novo at it.

Well, we'll vote on this, certainly.

Mr. WALKER. Lee, just a question. I guess my concern is, in what form is it going to be addressed? I mean, I agree with you. If we're not going to take it up here, it needs to continue to be discussed, but the fact is this committee goes out of existence, and there is no place for this kind of discussion to take place and this kind of process to move forward if it doesn't happen here.

Chairman HAMILTON. Well, I have some appreciation of that. I'm prepared to offer—and I don't know how the gentleman would respond to this—that this matter of committee jurisdiction be under

continuing study, and that we set that up as a result of the work we do here. Because I think it's a process that ought to keep going, and I'm willing to talk with the gentleman further as we move up to Rules Committee and other stages of consideration of this to keep the issue of committee jurisdiction moving and alive in some manner, because I think it is an important one.

Okay. Any further discussion on that?

[No response.]

Chairman HAMILTON. If not, we'll hold this for a vote, postpone it for a vote.

Are there further amendments with regard to committees? Mr. Spratt has an amendment.

#### AMENDMENT SUBJECTING THE BUDGETING COMMITTEE TO ASSIGNMENT LIMITATIONS

Mr. SPRATT. I have an amendment which is not terribly weighty, so it will give us a breather here for a minute.

Chairman HAMILTON. The clerk will report the amendment and distribute the amendment.

Without objection, the amendment is considered as read, printed in the record, and open for amendment, and the gentleman is recognized in support of his amendment.

Mr. SPRATT. In the Chairman's mark, it is provided that Members of the House will be entitled to serve on two committees unless they're on one of the exclusive committees, and the Budget Committee is exempted from that. So under the mark as it stands now, you could serve on a primary committee, a major committee, a non-major committee, and the Budget Committee. That's not generally the practice on our side. I'm not quite sure what the practice is on the other side. But I think it would be a good rule to limit the membership as much as possible to two committees, so this amendment simply provides that when you're serving on the Budget Committee, you can go dormant on your other committee, one other committee, but you can still only serve on two committees at the same time, including the Budget Committee.

[The amendment offered by Mr. Spratt follows:]

On page five, lines 23-25, strike paragraph (E), and insert in lieu thereof the following:

“(E)(i) This subparagraph shall not apply to the Committee on Standards of Official Conduct.

(ii) Members serving on the Committee on the Budget may serve on one other standing committee during their term of service on the Budget Committee. Such Members may take a leave of absence from service on any committee or subcommittee during the period they serve on the Budget Committee and their seniority rights on such committee and on each subcommittee to which they were assigned at the time shall be fully protected as if they had continued to serve during the period on leave of absence. Any Member on such a leave of absence from a standing committee shall not be deemed to be in violation of any committee or subcommittee service limitation in this subparagraph.’ ”

Chairman HAMILTON. Any further discussion? Is there objection to the amendment?

Mr. OBEY. Would you run that by me again, John? I don't understand the difference between yours and Lee's marks.

Mr. SPRATT. Well, Lee's mark would allow you to serve on two committees plus the Budget Committee all at the same time, as it's worded now.

Chairman HAMILTON. We exempt the Budget Committee.

Mr. SPRATT. This would simply provide, as part of the Chairman's mark, what is now the standing rule, at least, on our side of the aisle, that once you go on the Budget Committee, it must supplant your membership on either your major committee or a non-major committee, and it counts as one of the two committees you can serve on. It's not exempted from the two-committee rule.

Mr. ALLARD. And that doesn't have any impact on—

Mr. SPRATT. But it is not—they still retain membership. It's an inactive membership.

Mr. ALLARD. And their seniority accumulates on that committee, I would assume.

Mr. SPRATT. Yes.

Mr. SOLOMON. If the gentleman would yield, your amendment is basically the Republican conference position, except that we can, on a vote of the conference, give a waiver on certain cases. But the amendment is well taken.

Mr. SPRATT. I suppose we could, too, but this would take away the provision.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Mr. Chairman, could I just ask you, what was the thinking in exempting the Budget Committee?

Chairman HAMILTON. John, do you want to respond?

Mr. SPRATT. Well, it's in your mark, the exemption of the Budget Committee. I'm not sure why it was done. That's why it stuck out to me, because I had been on the Budget Committee and just came off, and the reason I came off is I couldn't serve on three committees at the same time.

Mr. SOLOMON. If the gentlelady would yield, actually I don't see anything wrong with not exempting the Budget Committee, because the Budget Committee is like the Rules Committee. They meet all the time.

Chairman HAMILTON. The Chair supports the Spratt amendment. The Budget Committee should not have been included as exempt. I think it's a good amendment he's offered.

#### ADOPTION BY UNANIMOUS CONSENT OF THE AMENDMENT TO MAKE BUDGET COMMITTEE SUBJECT TO ASSIGNMENT LIMITATIONS

Chairman HAMILTON.

Any objection to the amendment?

[No response.]

Chairman HAMILTON. If not, the amendment is adopted.

Any further amendments under the committee section? Mr. Spratt, do you have another one?

#### AMENDMENT TO INCREASE THE NUMBER OF SUBCOMMITTEES OF THE GOVERNMENT OPERATIONS COMMITTEE

Mr. SPRATT. I have one other amendment, which I haven't brought before the Chairman or anyone else, but looking at the

mark this morning, it occurred to me. When we reduced the numbers of permissible subcommittees—

Chairman HAMILTON. The clerk will distribute the amendment, please.

Excuse me, Mr. Spratt.

The amendment is considered read, open to amendment, printed in the record, and the Chair recognizes the gentleman from South Carolina.

Mr. SPRATT. When we reduced the number of permissible subcommittees in the House last year, a couple of exceptions were made. One was for the Chairman's committee, the Foreign Affairs Committee, and the other was for the Committee on Government Operations. The logic for the Committee on Government Operations was that even though it's a non-major committee, its purview is the whole Government and it needs, in this case, six subcommittees in order to be logically lined up with the number of agencies they have oversight to maintain.

That argument was hashed out last year, and it was agreed that this was a reasonable exception to the prevailing rule in the rest of the House, that this, because of the breadth of its jurisdiction, ought to have more subcommittees than an ordinary non-major committee.

So I've got two amendments here. The first would preserve the status quo, which would allow this committee to have up to six subcommittees. If this committee thinks that's too much, then I have an alternate which would allow them to have up to five subcommittees.

Mr. SOLOMON. What is in the mark?

Mr. SPRATT. Four, because it's a non-major committee.

Chairman HAMILTON. Would the gentleman yield?

Mr. SPRATT. Yes.

Chairman HAMILTON. I just want to say to Members of the committee here that we have in the mark two committees and four subcommittees, and he's seeking an exemption here. The Chair doesn't have any doubt that as you move this process along, we're going to be under an awful lot of pressure to provide waivers and exemptions for various subcommittees and other kinds of waivers, and I don't think it's going to be possible to proceed on the basis of the Chairman's mark alone.

Now, the thing that concerns me here is the way we do it and when we sit down and look through all of the exemptions that are requested. May I say to the gentleman from South Carolina, I really do not reject the merit of his amendment, but I am hesitant at this time to begin this process of carving exemptions, and I'd like to request that he kind of hold, if he would, and I will work with him on it. I'm afraid it would kind of piecemeal open up the process here. Would the gentleman withdraw his amendment under that circumstance?

#### WITHDRAWAL OF AMENDMENT

Mr. SPRATT. I'll withdraw the amendment, with the understanding that this issue may need some further consideration.

Chairman HAMILTON. I don't have any doubt that it will get further consideration, and I'll work with him on it.

Mr. Dreier?

Mr. DREIER. I have another amendment.

Chairman HAMILTON. Mr. Dreier has another amendment.

Mr. SWIFT. Mr. Chairman, I have a comment at this point, and I won't take but a minute. I also have a concern that we have not exempted House Administration, because until we get to the end of the process, we're not sure what we're going to do with it. Who knows? My concern may disappear. I think at some point in this process, probably after it's out of our mark, I think people should take a look at that committee and as to whether you're going to be able to get anybody to serve on it if it doesn't have an exemption.

Chairman HAMILTON. That's the Administration Committee?

Mr. SWIFT. This is the House Administration Committee. But for largely the reasons that the Chairman indicated, I'm not going to offer any such amendment at this time.

Mr. ALLARD. Mr. Chairman, did I misunderstand your mark? There is an exemption process, isn't there, in your markup?

Chairman HAMILTON. We have some exemptions in it, yes.

Mr. ALLARD. So that if you have a committee or a process where they can bring it to the floor and they can have a separate vote on the floor to serve on something like what he brings up, and that's less active committees or committees that Members don't want to serve on, you can use that mechanism in your markup, if I—

Chairman HAMILTON. That's correct. There is that process there, and just what strikes me here is I must have had 25 or 30 Members come to me already asking for various kinds of waivers and exemptions, and I don't even have a list of all of them. But we're going to have to confront it at some point.

#### AMENDMENT NO. 8, PROVIDING A DE MINIMIS LEVEL FOR COMMITTEES

Mr. Dreier has an amendment. The clerk will distribute the amendment.

Mr. DREIER. It's my Amendment 001.

Chairman HAMILTON. Without objection, the amendment is considered read, printed in the record, open to amendment, and the gentleman from California is recognized.

Mr. DREIER. Thank you, Mr. Chairman. Mr. Chairman, I'm offering what is a modest change to strengthen a provision that's already in the bill. As the bill is currently drafted, the Rules Committee is only required to consider a resolution that would eliminate standing committees that fall below the 50 percent threshold; however, there is no way to enforce this provision, and I'd like to believe that this was just an oversight. The amendment that I'm offering is simply an attempt to put some teeth behind this provision and to bring it in line with the Senate requirement that unpopular committees be eliminated.

If the incentive-based change idea that we have discussed throughout this process is going to have any meaning whatsoever, we really do have to have some teeth in this, and that's why I've offered this amendment, and I hope Members can support it.

[The amendment No. 8 offered by Mr. Dreier follows:]



## Amendment to H.R. \_\_\_\_\_

Offered by Mr. Dreier

On Page 6, line 8, strike "consider", and insert in lieu thereof the following:

" , within 60 days after the introduction of"; and

On Page 6, line 11, insert after "committees" the following:

" , report the resolution to the House".

**EXPLANATION**

If the membership of a standing committee falls below 50 percent of the number of members serving on that committee at the end of the 103rd Congress, this amendment requires the Rules Committee to report to the House a resolution amending the Rules of the House to eliminate that committee and transfer its jurisdiction to one or more other standing committees.

Chairman HAMILTON. Any further discussion on it? The Chair is not able to support this amendment. The word "consider" was put into the mark with careful forethought.

Mr. DREIER. So it wasn't an oversight.

Chairman HAMILTON. No, it was not an oversight. Do you want to vote on this, Dave?

Mr. DREIER. Yes, I think so.

Chairman HAMILTON. Okay. We'll vote on this one.

Any further amendments on the committee section?

Mr. WALKER. Mr. Chairman?

Chairman HAMILTON. Mr. Walker?

#### AMENDMENT NO. 9, CONTROL OF GOVERNMENT OPERATIONS COMMITTEE

Mr. WALKER. I have an amendment, Mr. Chairman, relating to the Committee on Government Operations.

Chairman HAMILTON. The clerk will distribute the amendment on the Committee on Government Operations. Without objection, the amendment is considered read, printed in the record, and open for amendment.

Mr. Walker?

Mr. WALKER. Mr. Chairman, what this amendment does is puts in place—

Chairman HAMILTON. Mr. Walker, excuse me. Do we have copies of the amendment?

Mr. WALKER. I think they're in the process of bringing them to you now.

Chairman HAMILTON. Okay. Thank you. Excuse me. Go ahead.

Mr. WALKER. What this amendment says is that the membership of the Government Operations Committee shall reflect a majority membership for the party not in control of the White House. Now, let me give you the reason for that.

The Committee on Government Operations that I served proudly on for some time is largely charged with the oversight of the Federal Government. The whole intent of the formulation of that committee is to assure that the agenda of that committee is doing effective oversight of the Government. The fact is that the regular processes of Congress cannot always be counted upon to conduct investigation of problems arising within the Administration. You ought to have one committee where you are assured that that oversight process will take place.

So what this amendment does is provides one committee that has exclusive authority for oversight the ability to set an agenda that actually looks at real scandals happening within the Administration, and this particular amendment does not advantage one party over another. If in fact you are, as the Democratic party, in control of Congress and there is a Republican in the White House, you are going to have control of Government Operations. On the other hand, if a Democrat's in the White House, there should be a Republican control of this particular committee for the purpose of oversight activities.

The reason for that is clear. Unless you are in control of the committee, you do not have the subpoena power, you do not have the

kinds of tools that allow you to make an effective investigation, and this is the committee, it seems to me, where it is appropriate to put those kinds of tools.

I would also remind those of you on the other side of the aisle that for weeks and for months and, in fact, for years, the justification for increasing the staff in Congress, for having the tools of Congress, was that you were competing against an administration downtown that had all of these tools at its disposal, and that you needed the kind of resources on Capitol Hill in order to deal with that administration. Today what you have created now is a situation where all those resources are in the hands of one party and all the resources on Capitol Hill are in the hands of one party, and so you no longer feel free to make those arguments.

All I'm suggesting here is that the resources of at least one committee ought to be in the hands of the Republicans so that proper investigations should be done. And as I say, the situation flips around. It is not a Republican-Democrat issue. It is entirely fair to all parties as regards to the party in control of the White House.

[The amendment No. 9 offered by Mr. Walker follows:]

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title, insert the following new section:

1 **SEC. \_\_\_\_.** CONTROL OF COMMITTEE ON GOVERNMENT  
2 **OPERATIONS.**

3 Clause 6(a) of Rule X of the Rules of the House of Representatives  
4 is amended by adding at the end the following new paragraph:

5 "(4) Notwithstanding the provisions of the preceding paragraph, the  
6 majority of the membership, including the chairman, of the Committee on  
7 Government Operations, shall be composed of Members of a major  
8 political party other than the political party of which the President of the  
9 United States is a member."

Mr. DREIER. Would the gentleman yield?

Mr. WALKER. I'd be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding, and I strongly support this amendment. It does seem to me that as we've looked at basically four decades of one party's control of the people's House, that this would provide one opportunity for the party that is not in power in the White House to have some jurisdiction, some real opportunity for oversight.

Now, some might think that this is a brand-new idea that hasn't been considered before, and I remember having been in discussions with Mr. Michel, the Republican leader, that this is an idea that was discussed years ago, and I wonder if my friend could share with us some of the history of this that we've known of. I mean, I'm sure you've talked to Mr. Michel about the fact that he supported this idea in years past.

Mr. WALKER. Yes, this is an idea that goes back some time, and it is not a new idea. It's been roundly discussed in the Congress of giving an opportunity to assure that true oversight is done, that in fact if we do believe in the separation of powers, that there is some assurance that real separation of powers activities will take place.

So this is an idea that goes back well into this century of an attempt to make sure that there is always one committee that makes a real effort to look at what is happening in the Administration, and if there are things there that are politically troubling, they at least will be surfaced at some point within a real investigative process and not simply be limited to a handful of people without subpoena power who may raise this in the form of letters to the Administration.

Chairman HAMILTON. Any further discussion?

Mr. SWIFT. Mr. Chairman?

Chairman HAMILTON. Mr. Swift?

Mr. SWIFT. Well, I think we might just as well offer an amendment that would make the National Committee of the Party Opposite from the President a member of the full committee of the House, and I'm inclined to offer that as an amendment because, just in terms of truth in labeling, that's what this is. It's to essentially interject into the official functions of the House a political opportunity for the opposition party.

To show far how we're going afield here, most democratic nations on the face of this have a parliamentary system, and not only is the party of the prime minister also the majority party in the parliament, they are the same thing. Under our system we divide those. We're about the only major democracy on the face of the earth that creates the kind of check-and-balance system which we have. Most of the others would consider it crazy to not simply let the party that was elected have all the controls of government to run it.

You put this amendment in the context of how different we are from all of the other democratic nations on the face of this earth and how far we bend over to check and balance, and this, I think, has to be seen as carrying the whole thing at least one step too far.

Mr. WALKER. Would the gentleman yield?

Mr. SWIFT. I yield to the gentleman.

Mr. WALKER. If the gentleman would yield, I would point out that in those parliamentary systems, though, for the most part they do have a provision for the minority parties, whatever they be, to question the government on a regular basis, and not only question the operatives of government, but to question the head of government, and that is precisely what is lacking in our system.

Mr. SWIFT. Well, if I could take back my time, I think it amounts to 15 minutes, and if the gentleman is suggesting he would rather have 15 minutes to question the President than to have the separation of powers that we have in our system, I don't think he'd make that trade for anything in the world.

Mr. WALKER. Well, there is no separation of powers at the moment with regard to a full-scale investigation. If political determinations are made not to go ahead with investigations in the Congress, there is no opportunity for the minority to have the subpoena power and the things necessary for it to conduct a full-scale investigation.

Mr. SWIFT. The gentleman, when he says that there is no provision that permits the minority to have subpoena power, states the facts, and that's the way it should be.

Chairman HAMILTON. Let's try to finish discussion of this before we go to vote. Ms. Dunn, and then Mr. Solomon.

Ms. DUNN. I want to just remind my colleagues that in practicality, it did work this way for the last 12 years under a Republican administration when Democrats controlled the Congress, and, therefore, the majority controlled the Government Operations Committee.

I'd make one further point, and that is that if you start looking at the staffing of that committee, that works very heavily against us. That will be brought up later in a recommendation.

Mr. OBEY. Would the Chairman yield for a parliamentary question?

Chairman HAMILTON. She has the time.

Mr. OBEY. I'm sorry, I thought you were done.

Chairman HAMILTON. Okay. Mr. Obey?

Mr. OBEY. Would you correct my memory if I'm wrong? I was under the impression that from 1981 to—for at least four years, or was it six, the Republicans in fact were in control of the Senate. Did they offer that opportunity to the Democrats, who were in the minority at that time?

Mr. WALKER. Mr. Chairman, I do recall specifically that the Republicans on several of those committees were made into vice chairmen, that in fact they did have subpoena power in several of the committees, if I recall correctly, and that there were—I mean that the Democrats in those minorities were, and that the fact was that they did have considerably more power, and the staffing ratios and a number of other things were far fairer in the Senate than anything we've seen in the House.

Mr. OBEY. Well, I'd suggest that that is nothing in comparison to providing a committee with the majority for the minority. I mean, I know that in Russian history the Mensheviks became the Bolsheviks and vice versa, but I didn't think that happened in America.

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. Mr. Chairman, just before we go to vote, it just so happens I happened to be at a NATO meeting just a couple of months ago when this subject was broached by our NATO allies, many of the countries, who wanted to know just what the situation was in America now that there was one party in charge of all three branches—the White House, the House, and the Senate—and the British in particular, but most of the countries, do have in their minority rights in their parliaments not only the right to question, which is important, but also the right to carry out investigations, to subpoena, and to truly be watchdog of the majority party.

That's one of the oldest democracies in the world, and this really is what this is patterned after. This is just a safety valve check for the American people. You know that, Al.

Chairman HAMILTON. The Chairman would not be able to support this amendment. I presume you want to vote on it, Mr. Walker, when we come to it.

Mr. WALKER. I presume so.

[Laughter.]

Chairman HAMILTON. All right. We'll postpone the vote until a later time, and we'll take a recess. What's the next amendment here? We'll begin with Mr. Allard when we return. We're in recess.

[Recess.]

Chairman HAMILTON. The committee will resume its sitting.

#### AMENDMENT NO. 10, COMMITTEE QUORUM REQUIREMENT

Mr. Allard? First, let the clerk report the amendment and distribute the amendment.

Mr. ALLARD. Mr. Chairman, there are actually two amendments that I'm going to be offering en bloc. The first one has to do with establishing committee quorums, and the other one is the early organization of the committees, and I'd like to submit both of those as an en bloc amendment.

Chairman HAMILTON. Okay. Let's distribute both amendments, please. Without objection, the amendments are considered as read, printed in the record, and open for amendment, and the Chair recognizes the gentleman from Colorado in support of the amendments.

Mr. ALLARD. Thank you, Mr. Chairman. The first of these two en bloc amendments deals with the quorum requirement. This amendment inserts a new section to state that a majority of the Members of each committee or subcommittee constitutes a quorum for the transaction of business, including a markup. Each committee currently is allowed to design its own rules. They are not self-enforcing, and a chairperson can ignore the rules and take up business with less than the required number of Members.

There's a fairness issue here. Currently, the quorum can be as few as one-third of the membership, and of the 28 standing committees in the 102nd Congress, 19 allow one-third of their membership present to conduct business. The quorum is an important tool of the Congress to help assure that a minority on a view does not prevail. Requiring a quorum's participation in business, especially during markup, I believe is important.

So with that brief explanation, I'll move on to the second of the two amendments. The second amendment deals with early organization of a committee, and it requires the standing committees to be elected by the House within the seventh calendar day after the commencement of each Congress. The standing committees will hold their organizational meetings beginning no later than four days after election and concluding not later than seven days after their election.

The reason for this is apparently there are other—for political reasons, occasionally a committee will not organize. This is just to get the House started on its business early to avoid unnecessary delays in moving forward on committee business.

[The en bloc amendment No. 10 offered by Mr. Allard follows:]



## Amendment to H.R. \_\_\_\_

Offered by Mr. *Allard*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_, COMMITTEE QUORUM REQUIREMENTS.**

2 **Clause 2(h)(2) of Rule XI of the Rules of the House of**  
3 **Representatives is amended to read as follows:**

4 **"(2) A majority of the members of each committee or subcommittee**  
5 **shall constitute a quorum for the transaction of any business, including the**  
6 **markup of legislation."**

Amendment to H.R. \_\_\_

Offered by Mr. *Alford*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. EARLY ORGANIZATION OF COMMITTEES.**

2       **The first sentence of Clause 6(a)(1) of Rule X of the Rules of the**  
3 **House of Representatives is amended to read as follows:**

4       **"The standing committees specified in Clause 1 shall be elected by**  
5 **the House within the seventh calendar day after the commencement of**  
6 **each Congress, from nominations submitted by the respective party**  
7 **caucuses, and said committees shall hold their organizational meetings**  
8 **beginning not later than four calendar days after their election and**  
9 **concluding not later than seven calendar days after their election."**

Chairman HAMILTON. Mr. Allard, I just have a question. Distributed to us were three amendments, and I think you're only offering the first two. Is that correct?

Mr. ALLARD. Yes, I'm just offering the early organization and then the quorum. Now, if party ratios was handed out, I want to introduce that at a later point.

Chairman HAMILTON. Okay. Mr. Gejdenson?

Mr. GEJDENSON. I just have several questions. What's your concern on the one-third requirement for a quorum? Is it that the minority won't be—I mean, my sense is on most committees—every committee I've served on, we never take action unless there are minority Members there, and they generally have taken it as their responsibility to make sure that other Republicans have been checked to make sure what we're about to do is acceptable to them, or at least they don't have serious objection.

I guess my resistance to a lot of what your side has proposed is, again—and I hate to restate it, but I think it's important—the greatest danger, I think, to our institution is that we'll end up looking like the Senate, that the rules that we create will prevent us from getting to a vote on bills and getting them through the process.

I think we do have to balance fairness to minorities, and I'm not just talking about Republicans, I'm talking about portions of the Democratic party that may be someplace else on a particular bill or what have you. But if we're not careful, we're going to create a system with so much predetermined structure, that you'll never be able to hold—you know what you'll do? You'll have perfunctory meetings. Like we're going to do in this meeting here, we're going to go through all the debate, and because we can't use quorums at the end of the day, we're going to vote on a series of amendments.

We do this to ourselves in the House as well. We kind of create votes that just tie up everybody's time that don't really need to occur. If we do that back further in the process, it will be less likely that whatever the product is, whether you're in control or whether we're in control, is a product that can come to a vote and to the President.

So if you have a situation where you have a one-third quorum—and I don't know that it's in the rules now—but that the minority has to be present at that meeting, at least one Member—I mean, maybe what we ought to look at is working with the committees to see if we can come up with a structure that guarantees people's interests have been reviewed and people are notified of these meetings so they know what's coming up, and then if they decide not to show up just—they shouldn't be able to not show up to stop business. I guess that's my concern.

Mr. ALLARD. I guess my concern for bringing up the amendment is to encourage party participation or membership participation in the committees. As you are well aware, and you probably serve on some committees like I do, sometimes the people that are there to cast votes—it's disturbing that there is so little interest in that committee. So my amendment is purely to get the committees more active, get their membership more active by requiring a quorum, particularly during markup. I don't think to ask for half of the

committee membership to be there is a particularly rigorous requirement.

Mr. GEJDENSON. I guess it's a question of what we're going to achieve and how we're going to be able to do it, because when you're doing these things, you've got other activities going on on the floor and elsewhere, and maybe we need to change some of that, or look at it at least. But it seems to me that the people that are interested are the ones that really lead the debate, whether the other people show up in the room at one point of the quorum or not, and that not every issue before your committee is of great burning interest to you or your constituents that you represent.

You may better serve your constituents—rather than being at a particular markup, you may be better off working on another issue that's important to your district. That's the voters-back-home kind of—you know, they make the decision whether you're doing that job. I guess making everybody kind of show up whether that affects them or that's their greatest concern or not, I'm not sure that that's a benefit to the system.

Mr. ALLARD. Well, again, I'd just make the point, I don't think that 50 percent is a particularly onerous requirement, and I think it will improve participation in the committee and attendance in the committee.

Mr. WALKER. Would the gentleman yield to me?

Mr. ALLARD. Yes.

Mr. WALKER. I thank the gentleman for yielding. All the time we're told on the House floor that we should have closed rules because the real deliberative work of the Congress goes on in the committee and so, therefore, we shouldn't second-guess what goes on in the committees, because the House as a whole doesn't know all of the information. Now we're being told that we ought not even have a majority of the committee in place to do this deliberative work. Either the committees are important enough that Members should come and participate in the deliberations or they're not. If nobody is there to participate in the deliberations, then the product ought not be regarded as sacrosanct when it hits the House floor.

But the fact is what we have is the worst of all worlds. We have nobody participating in committees, too many of the votes are being taken by proxy votes, they're coming to the floor, we are ratifying the actions of a relatively few people on the floor using closed rules as a mechanism, and we are getting some of the worst legislative product that we can possibly imagine, and we're doing it all in the name of efficiency. Efficiency is something that often characterizes dictatorships. It's not supposed to characterize legislative bodies.

We are supposed to work collectively to get the good product, and my concern is if we don't establish some rules that assure membership participation in committees, if we don't do something about opening up the processes of the House, we're going to continue to get extremely bad product. I think the gentleman's amendment goes a long way toward helping to improve the product coming out of the committees by assuring a broader base of the committee Members participate in a deliberation of that assignment.

If you don't want to participate in the committee work, then don't join the committee. But if you've decided that that's where you want to put your time and effort and you've decided to take on the responsibilities of that committee, then take on the responsibilities by showing up, and that's all the gentleman from Colorado has suggested.

Chairman HAMILTON. Mr. Gejdenson?

Mr. GEJDENSON. I can say two things. One is, I think the rules that we present to the House that limit the amendments primarily are there, from my perspective, so that we can get an up or down vote and get to a final product, and I think in most instances there's more than enough time and debate allowed. Now, oftentimes, not every amendment is allowed to come up. Why? Well, if there's a bill that provides a certain service, it's very easy to kind of create partial amendments that take out the pain and just leave the pleasure part of each bill.

So there are times I think the Rules Committee rightfully makes each side choose an alternative package or the minority gets it in a motion to recommit. There are a number of different ways that that happens, but I think the danger is, in a body of 435, if you don't have some rules, you end up with a dictatorship of the minority, that the minority that doesn't need perhaps—

[Simultaneous conversation.]

Mr. GEJDENSON. I'm glad the gentleman has a sense of humor, because I've had to have a sense of humor to watch some of his amendments on the floor as well, I guess, and what strikes you funny may not strike us as funny.

Here's what happens. You bring a bill to the floor, you have an open rule—I've had some of these on my own—and suddenly the same issue is revisited 10, 12, 50 times, not to get a vote on the issue, but as a delaying tactic. I understand that. There's nothing wrong with that in a legislative procedure. In an open rule, if you're the minority and you don't have the votes, in the House of Representatives you have an absolute right to keep offering amendments, even if you know they're not going to pass, to try to use up time so that bill never gets to a vote on the floor or you tire people down.

On the other hand, there are times when the majority needs to get a bill to conclusion that we have a right to put some limit on that time. Yesterday the Rules Committee passed with, I think, votes on both sides of the House, Democrats and Republicans, to limit the debate on NAFTA to eight hours. Now, that was a limit on Members' ability to speak, but it got us to a point of finality, and I think that's what the rules process is all about, and I think the danger in a number of these proposals is while they have some initial appeal, they can lock the House in gridlock.

Chairman HAMILTON. Okay. Any further discussion on the amendment?

[No response.]

Chairman HAMILTON. Mr. Allard, I presume you'll want a roll call vote on this bloc of amendments.

Mr. ALLARD. Well, I won't call for a vote unless the Chairman—yes, all of them together as one en bloc.

Chairman HAMILTON. Okay. We'll postpone the vote.

Any further amendments?

Mr. DREIER. Mr. Chairman?

Chairman HAMILTON. Mr. Dreier?

#### AMENDMENT NO. 11, BAN ON PROXY VOTING

Mr. DREIER. Thank you very much, Mr. Chairman. My amendment is on proxy voting.

Chairman HAMILTON. The clerk will distribute the amendment.

Mr. DREIER. I ask unanimous consent that the amendment be considered as having been read.

Chairman HAMILTON. Without objection, so ordered. The gentleman is recognized in support of the amendment.

Mr. DREIER. Mr. Chairman, this amendment is very simple to explain. It's something we've talked about for a long time. It would institute a complete ban on proxy voting at both the committee and subcommittee level.

We're all familiar with the words of Woodrow Wilson, who once described Congress in committee as Congress at work. I believe this amendment is necessary because today Congress in committee has become Congress by proxy. Most Americans can turn on C-Span and they see legislative debates and roll call votes, and they've come to believe that the House floor is where the crucial decisions are made on legislation.

If I were to propose that we allow Members to vote by proxy on the House floor, there would be a roar of indignation. Not by all, but by many. I would be accused of undermining the deliberative nature of the institution. I'd be accused of creating incentives for Members to neglect their legislative duties and to spend more time giving speeches and raising money for their campaigns. My own Republican colleagues would probably accuse me of wanting to grant too much power to the Democrat leadership, who could use proxies to roll us on every single vote.

In reality, thanks, in part, to the excessive use of restrictive rules, most major legislative decisions are not made on the House floor. They're made in committees, yet 23 out of 28 committees in the House permit Members to vote without being present. It's not unusual for the chairman to cast 60 percent of the votes on legislation reported by the committee. Where are the roars of indignation over that?

It seems to me, Mr. Chairman, that if we want to restore the integrity of the committee system, one way to do that would be to limit committee and subcommittee assignments, which this legislation does, and eliminate proxy voting. This should not be controversial. We were told by numerous witnesses that if we reduced the number of committee and subcommittee assignments, there would be less need for proxy voting. One of the few meaningful reforms in the committee mark is that it does reduce assignments.

In addition, subcommittees would not be permitted to meet when full committees are meeting, so there's very little problem with overlap. So there are very few excuses to maintain this impediment to producing consensus and legislation.

Mr. Chairman, this is not a minority rights issue. It's an issue of committee rights and it's an issue of accountability, and I urge my colleagues to support the amendment.

[The amendment No. 11 offered by Mr. Dreier follows:]

## Amendment to H.R. \_\_

Offered by Mr. *Dreier*

At the appropriate place in Title I, insert the following new section:

1 SEC. \_\_. PROXY VOTING.

2 Clause 2(f) of Rule XI of the Rules of the House of Representatives

3 is amended to read as follows:

4 "(f) No vote by any member of any committee or subcommittee with

5 respect to any measure or matter may be cast by proxy."



Chairman HAMILTON. The Chair just observes here that I've spent a lot of time, of course, talking with a number of Members, including the leadership, about this proposal. I think, as I recall, when I asked Mr. Dreier to set out the areas of particular interest to the minority, this was either at the top of the list or very near the top of the list.

Let me just say that I think there is some flexibility on the question of the proxy vote. A total ban on proxy voting, as this amendment suggests, is not in the cards from the standpoint of the majority. It is not possible to get an agreement on a total ban. I'm quite confident of that. But I do think there is some flexibility on the question in general. Now, just what the parameters of that flexibility are at this point, I'm not sure. But it is being very actively discussed.

Mr. OBEY. Mr. Chairman, again I'm going to refer to my old bible, Archie the Cockroach. He says, "I with the soul of a Hamlet am doomed always to wallow in farce." That's the way I feel about the budget resolution, and that's the way I feel about a lot of the practices around here. I think a lot of things that happen are farces.

I happen to be one who, through the years, has favored significant limitations on proxy voting, because I serve on a committee, the Appropriations Committee, which allows no proxies. I recognize that our committee functions differently, and what we have in our committee probably couldn't work in another committee, but I am personally inclined to significantly limit the use of proxies, because I think that if you do that, you wind up increasing Members' sense of duty, and I always think that's good.

However, I want to be very blunt about the conditions under which I'm willing to support something like that, and I pledge to the minority that I am serious on this issue. I believe in scaling back proxy voting, and I've never cast a proxy in my life. I refused to leave proxies with other chairmen when I was on the Budget Committee on two occasions, and it got me in trouble with the leadership.

But I think we have, in many more instances, an abuse of the legislative process by parliamentary minorities, and most especially I think that occurs in the Senate. I think it is demeaning to the institution of the House of Representatives to allow us to pass bill after bill after bill and then have a willful minority in the Senate prevent us from even getting a vote on that product.

Now, we just passed a change in the discharge petition rules, and that change said that if you're going to sign a discharge petition, that ought to be public knowledge. There's no question about where I am on discharge petitions. I never sign them. I don't believe in discharge petitions, period. So you can always count me no, and you'll be accurate. But the logic behind that change, for which I voted, was that you would have the ability for a majority to have its views known, and the idea behind it is to have a majority eventually be able to produce a product on which you can vote.

That's the idea of a discharge petition. But at the same time, we do not have the ability for a majority to get a vote for items that do go through the committee process as opposed to the discharge petition process, which means that legislation is put on the floor

without going through the sifting and winnowing process of the committee process.

So I want to make it quite clear there are a number of minority right enhancement provisions for which I am prepared to vote, but only in the context of our dealing with amendments which enable us to actually get votes on the public's agenda. I think it was an outrage, for instance, that the Senate last week held up the entire budget process on grazing fees. You had a filibuster that was engaged in in the Senate on grazing fees until the White House gave into it to get some votes for NAFTA. I think that's an illegitimate compromise. I think it's an outrage that we could not even get a vote on the President's jobs package in the Senate.

So I want to make clear to my friends in the minority that I recognize some of your legitimate concerns and complaints about the proxy process, and I'm prepared to meet you in dealing with those when I see a concurrent recognition on your part of the necessity to assure that we have no ability in either House to obstruct the right of a majority to get to a vote.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. Surely.

Mr. DREIER. First of all, I thank my friend for his strong support of the idea of addressing proxy voting. You haven't said that you necessarily support this amendment of complete elimination of proxy voting. Mr. Solomon and I sit on the Rules Committee. Proxy voting is not allowed there. As you've said, you sit on Appropriations, where proxy voting is not allowed. So the three of us don't deal with that issue, and we know that in the Appropriations Committee and the Rules Committee, it seems to work without proxy voting.

If you wouldn't support my amendment, what idea for proxy voting would you offer?

Mr. OBEY. I'm open to almost any suggestion.

Mr. DREIER. Is this one appealing to you?

Mr. OBEY. I don't serve on an authorizing committee, so I will defer to people in terms of whether every vote ought to be—

Mr. DREIER. You're going to have to make a decision as a Member of this committee—I mean, you're on this committee, and you're in a position where you'd have to make a decision, and you're going to have to vote for or against this.

Mr. OBEY. And if you'd let me finish what I was about to say, I would defer to Members of the authorizing committees in determining whether or not you can function on a committee like that if you allow no proxies whatsoever.

I think, for instance, that allowing proxies or diminishing or eliminating proxies on final report of a bill or the designation perhaps of a major amendment, that's something I'm certainly willing to consider and probably swallow. But only in the context of your willingness to help us eliminate the Senate filibuster and the Senate hold, because I want majority to rule in both Houses.

Mr. DREIER. Our resolution clearly states, if you look at the resolution, that we on this subcommittee, as Members of the House, can't deal with that.

Mr. OBEY. I don't care what our resolution says.

Mr. DREIER. Well, I do.

Mr. OBEY. I know what equity requires, and equity requires for the majority eventually to be able to at least get a vote. We don't have to win, but a majority has a right to get a vote.

Chairman HAMILTON. The gentleman's time has expired.

Mr. Solomon?

Mr. SOLOMON. Let me just say that, David, I also think it's outrageous that the House is not going to get to vote on the President's rescission request, and we just had another rules meeting canceled a few minutes ago where we were going to deal with that, but it's obvious that that request will never even come to the floor. But that's not what we're talking about here.

Mr. OBEY. Well, that's not true.

Mr. SOLOMON. Excuse me. Well, that's what they told me when I left the Rules Committee a few minutes ago. But let me just finish my statement.

The overwhelming majority of this Congress is upset—and it's on both sides of the aisle—with the Congressional schedule, because we really have no set schedules. We have no set floor schedules, we have no set committee schedules, and these freshmen are really upset. Some of them now want to go to a three weeks on/one week off schedule, which I personally don't think would work, but the truth of the matter is until we really realign all of these committees, until we reduce the number of standing committees and until we reduce those subcommittees and until we reduce the number of committees that Members can serve on, we really are not ever going to be able to solve that problem.

I'm going to tell you right now, if you eliminate proxy voting, you're going to automatically take care of reducing the number of standing committees, you're going to reduce the subcommittees, and you're going to see Members then—certain days when committees meet, you're going to see Members come to those meetings, they're going to participate, and there really won't even be any need for proxy voting. But you've got to move to that first.

Now, the Veterans' Affairs Committee I served on for years does not have proxy voting. There are a number of other medium- and mid-size committees that don't have proxy voting. The Appropriations Committee that you serve on, David, has none, and it works to your advantage and to the advantage of Congress. The Rules Committee I serve on meets 10 times longer than any other committee, including Appropriations, in the course of a year, and yet our Members have to be there. We have to be there, because there are no proxy votes, and we have to be counted.

If we did that, we'd have accountable Government around here. That's what the American people want, and we really ought to adopt this amendment. I see no reason not to—

Mr. OBEY. If you'd yield, I agree with that. I think we do need accountable Government. I think diminishing proxies helps to create that. But you don't have accountable Government if a willful minority can stop a majority from even getting a vote. That's what I want on both sides of the Capitol and in both parties is accountability.

Mr. SOLOMON. Well, then, let's go back and let's you and I—

Mr. OBEY. So I'm looking for some help from you in getting that in return for your getting some help from us on items that you're concerned about.

Mr. SOLOMON. Dave, I'm going to help you, because you and I ought to get together, and let's come up with the alternative on what we can do with these proxy votings. Now, there are several thoughts out there. Let's you and I do it with Dave. He's got a couple of other ideas. And before we finish meeting tonight, I'll bet you we can come up with an answer. Let's try it.

Chairman HAMILTON. Mr. Allard?

Mr. ALLARD. Thank you, Mr. Chairman. I want to speak in favor of this amendment. If I remember correctly, in the Chairman's mark on this particular bill, we've got a provision in there that says if you don't have 50 percent of the committee's membership—how is it worded? If you don't have 50 percent interest in that committee as to the current number of Members that are on there, it automatically drops out or it can drop out.

It seems to me that if we're going to make that mechanism work—and I think it's a tremendous idea where you ask the Members to select the committees that they want to serve on and not have proxy voting, because that's the thing that's going to drive them to set priorities. If you have that requirement and you don't have proxy voting, then they can sign up with the understanding that they're never going to be called on to vote on that committee.

So that's the point that I would make in favor of the amendment.

Chairman HAMILTON. Ms. Dunn?

#### AMENDMENT NO. 12, EN BLOC COMMITTEE PROCEDURES

Ms. DUNN. In a supporting point to what Mr. Allard said, that does exist now in the Senate mark, that Members in effect would be allowed to vote with their feet, that the 50 percent or fewer committee compilation would result in—it would be out the door.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, this is a reasonably fundamental amendment, because this amendment speaks to whether or not we are going to get serious about Members participating in the legislative process. As it is right now, in many authorizing committees, you have essentially votes being cast for Members who never show up. The only way that we know that they're in the committee is when their proxies are voted when we are going through an amendment process, and other than that, you wouldn't know that they exist on the committee. That is an outrageous situation that needs to be corrected.

The other problem is, of course, that these are votes being cast for people who have never heard the people, have no idea what the situation is with regard to that legislation, and yet their vote is being moved to move that legislation to the floor. What we have taking place here is ghost voting, pure and simple. It is not something which is in any way in the American democratic tradition and simply cannot be countenanced.

I will say that I don't think that a provision that simply allows no proxy votes when you report a bill out of committee does much

good. In the rules changes of last year, we came up with rolling quorums to take care of that particular matter so that if you don't allow proxy votes, the chairman will simply declare a rolling quorum, and so sometime over the next few hours or next few days or next few months, enough people will wander through the committee room in order to vote on the bill. So you have not achieved anything if you simply eliminate proxy votes and keep in place rolling quorums. I don't see that as a reform.

To suggest that the reform of proxy voting needs to be tied to matters in the Senate, the gentleman from Wisconsin knows full well that we cannot deal with those matters. We certainly cannot arrange for a deal which suggests that we are going to go outside our mandate from the House in order to accommodate the gentleman's concerns. In the joint meetings with the Senate, those things were discussed, but the fact is the resolution does not permit us to do that.

I would hope that we would resolve these matters based upon the merits of the argument. In this, I think the merit of the argument is fairly clear. You are either for people being in the room and voting, or you are for people abdicating their responsibilities and not ever, in many cases, being in the room and voting.

Chairman HAMILTON. Any further discussion on the amendment? It is a fundamental amendment, obviously. Mr. Dreier?

Mr. DREIER. Let me just make one statement. I do happen to believe that Mr. Obey should have his right to offer his proposal, even though it is contrary to the directive of the resolution that established this committee, and I would support his right to offer the amendment that he has discussed on the House floor when it does come up. But, frankly, I think that this issue of proxy voting, as Mr. Walker said, gets to the fundamental issue of our responsibility.

Mr. Obey said that he would want to consult with authorizers. We have a chairman of a full committee here, the ranking Member of the Science and Technology Committee. It seems to me that there is certainly on this panel an opportunity for input on the idea of eliminating proxy voting, and I'd like to hear from some of our colleagues who are directly involved and use it.

Chairman HAMILTON. Well, I can speak to that as the chairman of an authorizing committee. The theory that is presented by the gentleman's amendment seems, to me, unobjectionable. Ideally, you'd have all Members sitting in the committee room all the time listening to all of the debate and all of the discussion and casting their vote. That would be the ideal situation, and maybe we're too far from the ideal today, but let me tell you, as a practical matter in trying to move an enormous amount of legislation, most of which is really quite routine and not controversial, through a committee today without the use of proxy voting is formidable.

Now, maybe it's an obstacle we've got to try to overcome, and I'm willing to work with the minority on this one, because I see some merit in their point of view. But it's a very, very difficult thing to do, and you can sit for hours in an authorizing committee trying to get a quorum present, trying to get enough people there for votes. It's a very frustrating experience, and the root of it, of course, is that Members are too heavily committed, and we're

trying to get at the root problem by reducing some of the assignments here.

But that's my basic view here on it, and I appreciate the gentleman's amendment. I think it has some considerable merit to it, but I cannot support it at this time.

Mr. DREIER. I will insist on a vote on it.

Chairman HAMILTON. Oh, I understand that.

Mr. WALKER. If you would yield, Mr. Chairman, I would like to point out, too, as a ranking Republican, I will tell you that Chairman Brown on the Science, Space, and Technology Committee dislikes proxies very much.

Chairman HAMILTON. Do you have them?

Mr. WALKER. Yes, we do have them, and he does not like to use them at all, and we have an agreement from the beginning of the year that they are something that should only be used in the most egregious of situations. The problem, though, is that if you don't ban them completely, you run into those situations, and Chairman Brown has found himself in a position on several occasions where he didn't particularly want to use the proxies, but where his colleagues prevailed upon him, because the vote did not go their way, to throw the proxies into the process.

So unless you have a total ban on them, then they do enter in in ways which distort the legislative process.

Chairman HAMILTON. Well, we have several committees today that operate without proxies—Rules, Appropriations, Veterans, Ethics. A number of committees do it. Okay. This will be voted on.

Are there further amendments to the section with regard to committees? Ms. Dunn?

Ms. DUNN. Thank you, Mr. Chairman. Could I have my en bloc?

Chairman HAMILTON. The clerk will report the en bloc amendment by Ms. Dunn. The amendment is open for amendment, printed in the record, considered as read, and the gentlewoman is recognized for five minutes in support of her amendment.

Ms. DUNN. Thank you, Mr. Chairman. I'm proposing a new section to Title I. One of our guiding goals in this whole process of the Joint Committee has been to address the sagging public understanding and support of the Congress. This en bloc amendment will do that in four key ways by being more responsive to our constituents through being more open.

First, I would propose that we adopt a more liberal open meetings rule for the House. This is the bipartisan Congressional Sunshine Act that Representative Jim Bacchus and I have introduced and is currently co-sponsored by some 140 House co-sponsors from both sides of the aisle. It's based on the Open Meetings Act that most of us around this table currently have operating in our State legislatures.

The public pays for the process is the theory, and they should be allowed to participate or to view all hearings and all meetings, unless there is overriding national security interest at stake or if there is a potential of defamation of character, such as you might find in an Ethics Committee meeting.

Press coverage also should be a right, not a privilege, as is currently indicated in the rules, and it should not be at the discretion

of the chairman or the chairwoman. So we've included language in this amendment to ensure that full press coverage is allowed.

Sponsors of this idea in our hearings were Representative Bacchus of Florida, Senator Graham of Florida, and Representative Dreier.

The second amendment proposes that we guarantee that when a committee reports any bill, resolution, or measure, that we include a record of that vote and how each Member voted. The public ought to be able to easily access a clear record of public business conducted in committees. Currently, no overall requirement exists in the House Rules to publish these final votes in a timely manner. The vote to report measures should be fully recorded in the committee report. If a measure is reported by voice vote, I would like to see those Members in the room be recorded as being present.

This is more sunshine, more openness, more responsiveness, more public understanding of the Congress. The people who testified in favor of this idea in our hearings were Senator Lugar, Senator Brown, and outside experts—academics from the University of California and the University of Minnesota.

The third proposal is to make conference reports clearer and better by including any dissenting or minority views in the reports. Now, this is only in conference reports. It would create a sense of perspective for the voters on the floor of the House. That's the intent of the amendment. We allow three calendar days for conferees to file their additional views. This fits nicely with the expressed commitment to comply with the three-day layover requirement. More importantly, it would allow Members to understand more fully the variety of views that accompany a conference report, which we are not enabled to do at this time, before they are required to vote on that report.

My concern is not as a former Member of a conference committee, because I haven't served in that position, but as a Member who would really appreciate having some perspective on the other points of view that came up in the conference meeting.

Lastly, the en bloc amendment would require committee attendance and voting records to be published in the Congressional Record at least two times a year. Again, it's a simple argument for more openness, more responsiveness, more accessibility to the citizens who are trying very hard to understand their Government.

To summarize these amendments, we'll simply open up the process, what we do; make the record more clear; let the people who pay for the process see how it works; and, finally, let some sunshine in.

Thank you, Mr. Chairman.

[The en bloc amendment No. 12 offered by Ms. Dunn follows:]

## Amendment to H.R. \_\_\_\_

Offered by Ms. Dunn

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. OPEN COMMITTEE MEETING REQUIREMENTS.**

2 (a) **PROCEDURE.**—The first sentence of Clause 2(g)(1) of Rule  
3 **XI of the Rules of the House of Representatives is amended as follows:**

4 (1) by striking "and with a majority present" and by inserting "  
5 approved by a majority of its total membership," after "rollcall vote"; and

6 (2) by inserting "because disclosure of matters to be considered  
7 would endanger the national security, tend to defame, degrade, or  
8 incriminate any person, jeopardize an ongoing criminal investigation, or  
9 compromise a confidential source of any criminal investigation" after  
10 "public" the second place it appears.

11 (b) **COVERAGE BY TELEVISION BROADCAST, RADIO  
12 BROADCAST, OR STILL PHOTOGRAPHY.**—

13 (1) Clause 3(d) of Rule XI of the Rules of the House of  
14 Representatives is amended by striking "is a privilege made available by the  
15 House and".

16 (2) Clause 3(e) of Rule XI of the Rules of the House of  
17 Representatives is amended to read as follows:

18 "(e) Whenever a hearing or meeting conducted by any committee or  
19 subcommittee of the House is open to the public, those proceedings shall



1 be open to television broadcast, radio broadcast, and still photography, or  
2 by any of such methods of coverage. No committee or subcommittee  
3 chairman may limit the number of television or still cameras below two  
4 representatives from each medium."

## Amendment to H.R. \_\_\_

Offered by Ms. Dunn

At the appropriate place in Title I, insert the following new section:

**SEC. \_\_. COMMITTEE REPORTS.**

(a) ROLLCALL VOTES.—Clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, the total number of votes cast for and against reporting, and the names of those members voting for and against, shall be included in the committee report on the measure or matter."

(b) VOICE VOTES.—Clause 2(1)(2) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(C) With respect to each non-record vote on a motion to report any measure or matter of a public character, the names of those members of the committee actually present at the time the measure or matter is ordered reported shall be included in the committee report."

## Amendment to H.R. \_\_\_

Offered by Mr. DUNN

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. INCLUSION OF VIEWS WITH CONFERENCE REPORTS.**

2 **Clause 1** of Rule XXVIII of the Rules of the House of  
3 Representatives is amended by adding at the end the following new  
4 paragraph:

5 "(e) If, on the day a report of any committee of conference has  
6 received the requisite number of signatures for approval by House  
7 conferees, any House conferee gives notice of intention to file  
8 supplemental, minority, or additional views, that Member shall be entitled  
9 to not less than three calendar days (excluding Saturdays, Sundays, and  
10 legal holidays) on which to file such views with the principal manager on  
11 the part of the House, such views shall be in writing and signed by that  
12 Member. All such views so filed by one or more members of the  
13 committee shall be published in the same volume as the report of the  
14 committee of conference and the joint explanatory statement filed in the  
15 House, and the volume shall bear on its cover a recital that any such  
16 supplemental, minority, or additional views are included as part of that  
17 volume. This paragraph shall not preclude the filing or printing of a  
18 conference report if a timely request to file such views was not made as  
19 provided by this paragraph."

## Amendment to H.R. \_\_\_

Offered by Ms. Dunn

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. PUBLICATION OF COMMITTEE ATTENDANCE AND VOTING**  
2 **RECORDS.**

3 **Clause 2(e)(1) of Rule XI of the Rules of the House of**  
4 **representatives is amended--**

5 (1) in the first sentence by inserting "or subcommittee" after  
6 "committee" the second place it appears; and

7 (2) by inserting at the end the following new sentence: "The  
8 chairman of each committee shall publish, in the Congressional  
9 Record, the committee and subcommittee attendance and voting  
10 records (by calendar day) of each member of the committee on or  
11 before July 1 and on the last day of the session of each calendar  
12 year."

Mr. DREIER. Would the gentlelady yield?

Ms. DUNN. Yes.

Mr. DREIER. Thank you for yielding. I, needless to say, am strongly supportive of these amendments. I'd like to raise a couple of points that just struck me on the last one.

Why is it that you say that the votes should be published in the Congressional Record only twice a year? It seems to me that it should be done more frequently than that. I think that if you look through the Congressional Record, you can see there's a great deal of information in there, and it would seem to me that on two or three pages, we could have the attendance of the different committees published in there on a weekly basis or every two weeks or once a month. I think that would be a worthwhile thing.

The other thing I'd like to say is that on your first amendment, which deals with openness, I very much like the idea of having an affirmative vote to block coverage. Our marvelous friends here with the cable satellite public affairs network have gone up to the Rules Committee. In our Rules Committee, one Member can state that they don't want to have the coverage provided, and it's not provided. I think that's very unfair for those of us who want to have the work of our committee made available to the people whom we represent.

So I think these amendments, all four of them, are excellent, and I strongly support them, and I hope that we can get them passed. I will say, too, that I wish that a lot of this had been included in our mark.

Chairman HAMILTON. Any further discussion?

Mr. OBEY. Mr. Chairman, I've got a number of questions. What does the language on page 1, line 4 and 5, mean?

Ms. DUNN. Are you talking about the open committee meeting requirements? Page 1 of that one?

Mr. OBEY. It's lines 4 and 5, on page 1.

Mr. DUNN. About striking "and with a majority present"? Is that the one you're referring to?

Mr. OBEY. Yes.

Ms. DUNN. And inserting "approved by a majority of its total membership." That was a compromise. This bill started as a Republican proposition, and as we joined with our colleagues across the aisle, that was the compromise language agreed to. It really tightened up the original proposal.

Mr. OBEY. What does it mean?

Ms. DUNN. Currently, it requires that only a minority of the membership of a committee be necessary to preclude the press from covering. This would require that a majority of those Members of the committee who are present would be required to close the meeting to the press.

Mr. OBEY. Well, as the chair of committee who often has difficulty getting more than—I mean, I can recall a period during the last session of Congress when I did not have a single minority Member in attendance for over two months of hearings. I can recall a number of hearings when I was lucky if I had anybody on the majority side as well as the minority side. You mean that a chair would not be able to put a question and have that question carried

unless the entire membership of the committee was there and a majority of the full membership voted?

Ms. DUNN. Well, if you're talking about closing the meeting to the press, Mr. Obey, what I'm saying is that our bill requires a majority of the Members present to vote to close the meeting. I'm not talking about a vote on any issues, simply keeping the process open.

Mr. OBEY. Okay. So in other words, if you control the subcommittee by two votes, and if two Members of your majority are ill and the minority stages a boycott, then I can't get any decision made. Is that right?

Ms. DUNN. Well, we're talking about two different things, I think, Mr. Chairman. What I am talking about is limiting the coverage by the press of a committee meeting or a hearing. That could not be limited unless you have a majority vote to close the meeting.

Mr. OBEY. I deal with classified material all the time in my committee. Are you telling me I couldn't even close a meeting to the press if I couldn't get a full—let me be very specific. During Iran Contra, I was holding some hearings which involved a lot of classified information. I was being boycotted by a large number of the President's own party. So it was very difficult for me to have hearings, let alone have those hearings conducted in private, the way I needed them to be.

Are you telling me that I would have to get the presence of persons who are boycotting that committee before I could even put that question?

Ms. DUNN. No. At any time, you would be able to use one of two reasons to close a meeting. One would be national security issues, and the other would be the possible defamation of character.

Mr. OBEY. But if people are boycotting the hearing, how do I get them to vote?

Ms. DUNN. Well, I'm saying that you can close the meeting for those reasons. If you decide—

Mr. OBEY. On my own?

Ms. DUNN. Yes, you may. And if you decide it is a national security issue that's involved, you may make that decision. If somebody else objects to that, it would be up to the press, I would assume.

Mr. OBEY. I wasn't asserting it was national security information. The Administration was asserting it was national security information.

Ms. DUNN. Then you have the right to close the meeting. Two reasons to close the meeting, and they're listed in this amendment.

Mr. OBEY. Show me where that is.

Mr. WALKER. It's number 2.

Ms. DUNN. Line 6, page 1.

Mr. OBEY. I don't see where it's covered by number 2. I'm sorry.

Ms. DUNN. "Because disclosure of matters to be considered would endanger the national security, tend to defame, degrade, or incriminate any person"—

Mr. OBEY. But I wasn't claiming that in that instance. The Administration that I was trying to deal with was claiming that.

Ms. DUNN. Well, as chairman of the committee, then you would have the right to make that claim. If somebody disputes that claim, it would be up to the press.

Mr. OBEY. I was disputing that claim. I'll just drop it. I'm not getting through.

Mr. WALKER. Well, then, at that point, you may want to leave it open to the press.

Mr. OBEY. No, I don't think you would have wanted that, Bob.

Chairman HAMILTON. We have a vote pending. Ms. Dunn, let me see if I understand. In the first part of your amendment, you're really trying to make it harder to close the meeting by requiring a majority of the total membership where there's a majority of those present, right?

Ms. DUNN. That's right.

Chairman HAMILTON. And that has nothing to do with the press, that's just the openness of the committee meeting.

The second part of your first amendment here makes it easier to have television broadcast, radio broadcast present at a committee meeting.

Ms. DUNN. That's correct.

Chairman HAMILTON. Now, that's a question that has arisen, I think, in the Rules Committee on several occasions, if I recall correctly.

The third amendment simply calls for the committee reporting the votes. Is that basically the idea there?

Ms. DUNN. That's right, Mr. Chairman.

Chairman HAMILTON. And the fourth amendment is minority views in conference reports, and the difficulty there, of course, is always the problem of moving conference reports quickly, particularly, for example, at this time of year, and this would be a reason to hold up the conference report for a period of time.

Well, there are a lot of very good things in this amendment, and I'm sympathetic to a number of them. I must say with regard to the first point, the majority of the total membership instead of the majority present, I'm really not aware of a major problem here. I mean, it seems to me that almost all committee meetings are open under present circumstances, and I'm just wondering if you're addressing something that's not much of a problem.

Ms. DUNN. Well, let me just suggest to the Chairman that the Ways and Means Committee, when it was closed last spring, was a big problem, and that is when the freshmen became very interested in the open meetings law, because they were surprised that it didn't exist in Congress. What we saw in Ways and Means that day was a partisan decision to close the meeting and allow neither press nor the citizens who pay for the process to see where tax policy was being made that they would have to pay for.

Chairman HAMILTON. So this first amendment is aimed basically at the experience you cite with regard to the Ways and Means Committee?

Ms. DUNN. And other committees where I have seen press asked to leave the room.

Chairman HAMILTON. Now, wait a minute. Part A doesn't apply to the press at all, if I understand correctly. Is that right?

Ms. DUNN. The first amendment, the Open Meetings Act, includes the press. It makes it a right of any member of the public to be in the meeting room or in the hearing room, with the exceptions

that we talked about, and it also requires that not fewer than two members of the media be allowed to attend those meetings.

Chairman HAMILTON. But there are two parts to the amendment. One relates to just opening up the committee. That has nothing to do with the press. That's just opening up the proceeding. Am I reading it correctly? And the second part relates to media coverage.

Mr. DREIER. I think what she's explaining is that opening it up means that the print media could be there, a reporter could be there in the room, and I think you're talking about broadcasting and photographers.

Chairman HAMILTON. They're really two separate questions.

Mr. DREIER. In the Rules Committee, for example, we always have the print media sitting in the back. There's a row in the back where they sit. We ask special consideration to bring photographers or television cameras in, and I think that's really—

Chairman HAMILTON. Okay. We'll have a vote on this. Any further discussion on it?

Mr. OBEY. Yes, Mr. Chairman. These aren't numbered pages. I'm not sure what page it is. The inclusion of views with conference reports. Mr. Chairman, I just want to make sure I'll have a right to offer an amendment later on. I have an amendment which relates to conferences, and it would impact significantly this language. I have an amendment which would provide that only Members who vote with the prevailing position on a House-passed bill may participate in conferences. I want to know whether or not I need to offer that in conjunction with this amendment or whether I should offer it separately later.

Chairman HAMILTON. The Chair thinks that's a separate item.

All right. Now, let me try to get an idea of how many amendments we have on the committee section. We've got three amendments pending on the committee section. We'll return to those immediately after the vote. We stand in recess.

[Recess.]

Chairman HAMILTON. The committee will come to order.

We have, of course, a bit of a scheduling problem developing here. A number of Members have already approached me about engagements this evening. We'll not go late. I would like to try to handle a few more amendments, if possible, on this committee section before we conclude, and we will have to meet tomorrow morning—it's tentatively scheduled to meet at 9:00 tomorrow morning—and try to work through the day to finish up the work.

So at this moment, we'll recognize the gentleman from Colorado on an amendment. This relates to the committee section, does it, Mr. Allard?

Mr. ALLARD. It does, Mr. Chairman.

Chairman HAMILTON. Okay. The clerk will report the amendment and distribute the amendment.

#### AMENDMENT NO. 13, EQUITABLE PARTY RATIOS

Mr. ALLARD. The amendment that I'd like to have the clerk provide is the equitable party ratios amendment.

Chairman HAMILTON. The clerk will distribute the amendment.



I might say to the Members just coming in that we will try to run for a little while longer here and handle a few more amendments, and then we'll have to adjourn until tomorrow morning.

Mr. Allard, you're recognized.

Mr. ALLARD. Thank you, Mr. Chairman. What this amendment does is inserts a new section to state that the ratio of the membership of each committee, subcommittee, task force, or panel reflect the ratio of majority to minority Members in the whole House. There is no provision in the bill addressing this issue, which currently allows a 4:9 ratio of Republicans to Democrats on the most influential committee, the Rules Committee. There is one subcommittee which has equal representation under the Committee on House Administration, but it is an abnormality. Most of the influential committees are stacked in the majority's favor.

I just have to state at this point that I come from a State legislature to the Congress which had this provision. There I happened to be on the majority party, and we felt that it was always fair to reflect in the committees that same ratio of Republicans to Democrats that existed on the floor of the State Senate in Colorado. I was flabbergasted to find that that type of situation didn't exist here in the Congress.

I think it's a very fair amendment and would ask for favorable consideration.

[The amendment No. 13 offered by Mr. Allard follows:]

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Allard*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. EQUITABLE PARTY RATIOS ON COMMITTEES.**

2 (a) **STANDING COMMITTEES.**—Clause 6(a) of Rule X of the  
3 Rules of the House of Representatives is amended by adding at the end  
4 the following new subparagraph:

5 "(3) Except as otherwise provided in the Rules, the membership of  
6 each committee and each subcommittee, task force, or panel thereof shall  
7 reflect the ratio of majority to minority party Members of the House at the  
8 beginning of the Congress. For the purpose of this Clause, the Resident  
9 Commissioner from Puerto Rico and Delegates to the House shall not be  
10 counted in determining the party ratio of the House."

11 (b) **SELECT AND CONFERENCE COMMITTEES.**—Clause 6(f)  
12 of Rule X of the Rules of the House of Representatives is amended by  
13 inserting after the first sentence the following:

14 "The membership of each such select committee and of any  
15 subcommittee, task force, or panel thereof, and of each such conference  
16 committee, shall reflect the ratio of the majority to minority party Members  
17 of the House at the time of its appointment."

Chairman HAMILTON. Any further discussion?

I might just say to Members that I have in front of me a chart—and perhaps we ought to try to distribute that to Members—indicating the difference from the House ratio in the committee ratios today, and there really is not much of a problem with regard to the committees, except Rules, where there is a difference. And I might say the difference when the Republicans controlled the House a few years back was even greater.

[Laughter.]

Chairman HAMILTON. Any further discussion? Let's see that the chart is distributed so Members have it. Any further discussion?

[No response.]

Chairman HAMILTON. The Chair will call for a vote on this.

All right. We'll go to the next amendment. Mr. Allard?

#### AMENDMENT NO. 14, ABOLITION OF JOINT COMMITTEES

Mr. ALLARD. Mr. Chairman, I have a second amendment that calls for the abolition of the joint committees.

Chairman HAMILTON. The clerk will distribute the amendment, and the amendment is considered as read, printed in the record, and open for amendment. The Chair recognizes the gentleman from Colorado for five minutes.

Mr. ALLARD. Mr. Chairman, while they're handing out the amendment, I'll proceed to go ahead and explain what this committee amendment is all about.

It falls to the Joint Committees on Taxation, Printing, and the Library, and the Economic Joint Committee. As a lot of Members on this committee have, I've expressed concern about the number of committees that we have that have proliferated over the years in the Congress. These committees here are costly committees and, in my view, aren't needed. Their functions have been eclipsed by other, more appropriate entities.

For example, the Joint Committee on Economics has an annual budget of \$4.1 million and 43 staff. Its originally intended functions have been absorbed by the Congressional Budget Office. Given that, I think we must ask ourselves what 43 staffers are now doing other than needlessly spending \$4.1 million each year, as far as the Joint Committee on Economics is concerned.

I think the same thing can be said about whether it's necessary to have a separate Joint Committee on Printing and Library as well as Taxation.

So I think this is a way where we can easily cut back on the number of committees that we have here in the Congress, so for that reason, I've gone and proposed this amendment.

[The amendment No. 14 offered by Mr. Allard follows:]

## AMENDMENT TO H.R.

OFFERED BY MR. *Allard*

Section 372 is amended to read as follows:

## 1 SEC. 372. ABOLITION OF JOINT COMMITTEES.

2 (a) ABOLITION OF JOINT COMMITTEE ON PRINT-  
3 ING.—Chapter 1 of title 44, United States Code, is re-  
4 pealed.

5 (b) ABOLITION OF JOINT COMMITTEE OF CONGRESS  
6 ON THE LIBRARY.—Sections 223 and 224 of the Legisla-  
7 tive Reorganization Act of 1946 (2 U.S.C. 132B and 133)  
8 are repealed.

9 (c) ABOLITION OF JOINT COMMITTEE ON TAX-  
10 ATION.—Subtitle G of the Internal Revenue Code of 1986  
11 (26 U.S.C. 8001-8023) is repealed.

12 (d) ABOLITION OF JOINT ECONOMIC COMMITTEE.—  
13 Sections 11 and 12 of the Employment Act of 1946 (15  
14 U.S.C. 1024 and 1025) are repealed.

15 (e) TRANSFER OF FUNCTIONS.—All functions of the  
16 Joint Committee on Internal Revenue Taxation are trans-  
17 ferred to the Congressional Budget Office. All functions  
18 of the Joint Economic Committee insofar as they relate  
19 to the House of Representatives are transferred to the  
20 Committee on the Budget of the House of Representatives  
21 and all such functions insofar as they relate to the Senate

1 are transferred to the Committee on the Budget of the  
2 Senate.

3 (f) EFFECTIVE DATE.—This section shall take effect  
4 at the beginning of the One Hundred Fourth Congress.

Chairman HAMILTON. Any further discussion?

Mr. SPRATT. What did the Senate committee do with respect to joint committees?

Mr. ALLARD. They eliminated them.

Chairman HAMILTON. The Senate abolished them.

Ms. Norton?

Ms. NORTON. Well, this is another of those indications where one would be voting in the blind for the amendment. I mean, Mr. Allard may be right, but it looks as though somebody came up with a bright idea, based on experience, when we established a Joint Committee on Printing. It's a joint committee. It's the Senate and the House. Somebody has got to have oversight over what printing goes on officially, and at least they said, "Let's not have the House and the Senate both doing it. Let us get together and do it."

The same way, if there's a Joint Committee on the Library of Congress, I'm certainly glad there is, because I'd certainly hate to see a Senate committee and a House committee on it.

So I'd just like to know more about it before doing what I might well decide needs to be done. So putting those together with the Joint Economic Committee, for example, which is a substantive committee, without knowing more makes me reluctant to support an amendment such as this, though it is conceivable that if I did know more, I could support at least some of what you're saying.

Mr. ALLARD. Well, Mr. Chairman, if I might respond, it's my understanding that these functions that we've addressed in here can go ahead—they're not essential functions as far as the operation of the Congress or even those two entities.

As the gentlelady will recall in some of our previous discussions, I am a strong proponent of cooperation between both the House and the Senate, and I'll have an amendment later on that will try and pull together all of the non-legislative functions—for example, the grounds maintenance and whatnot—so we don't have a duplication of coordination between the two sides of the Capitol, the House and the Senate.

I think that if we could pass this, that I will have an amendment a little bit later on that will provide for a joint administration of a lot of other functions other than just those, but we can do it without creating a huge committee structure out there to do that. In fact, what we can do in the process perhaps is eliminate some duplication of services on both sides.

Mr. SOLOMON. Mr. Chairman?

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. I'd just say to my good friend, Mr. Allard, that I share his concerns, and I voted to eliminate the select committees, did everything we could, and feel somewhat that way about the joint committees, but there are exceptions, and I think we just have to figure out a way how we can keep these joint committees from proliferating and from staying in effect for so long when they're not necessary.

Ms. Norton, you made some cogent remarks about it. Just for example, the next amendment I'm going to be offering, for years Henry Hyde and myself and others have been trying to eliminate our two Select Committees on Intelligence and form a joint committee. My amendment in a few minutes won't do that. I really

would prefer to have a joint committee, but it's not going to be possible because of action that's already been taken by the Senate. So, therefore, we're going to abandon that effort this year. And the Joint Economic Committee is the same.

So with all due respect, I probably would be opposing it in its present form, but I'd certainly be willing to listen to any amendment you have later on.

Thank you.

Chairman HAMILTON. Okay. Any further discussion?

[No response.]

Chairman HAMILTON. Does the gentleman from Colorado ask for a vote?

Mr. ALLARD. Yes, I'd like to have a vote on this one, please, Mr. Chairman. Thank you.

Chairman HAMILTON. All right.

Mr. ALLARD. That concludes the amendments that I have in this section.

Chairman HAMILTON. Any further amendments? Mr. Solomon?

#### AMENDMENT NO. 15, MEMBERSHIP OF THE INTELLIGENCE COMMITTEE

Mr. SOLOMON. Mr. Chairman, I have an amendment, if they would pass it out.

Chairman HAMILTON. The clerk will pass out the Solomon amendment.

Mr. SOLOMON. It's the option number 1. While they're passing it out, let me just say that a minute ago I talked about my first preference being to form a Joint Committee on Intelligence; however, because of the action that's been taken by the Senate, we won't pursue that this year.

But what this amendment would do, it would reduce the size of the Select Committee on Intelligence from 19 Members to 13 Members, and it would change the party composition from the current 12:7 majority/minority makeup to a 7:6 majority/minority membership. It's important to keep the select committee as small as possible for security purposes—you all understand that—while still maintaining the existing requirement in House Rules that there be at least one Member from each of four committees—that is, the Appropriations Committee, the Armed Services Committee, the Foreign Affairs Committee, and the Judiciary Committee.

By moving to a more bipartisan makeup of a 7 majority and 6 minority committee, we will help to, I think, depoliticize the Select Committee on Intelligence and ensure that we have the most bipartisan approach possible to oversight of that committee. That's really what this committee is. It's an oversight committee, keeping an eye on our intelligence operations.

Finally, by leaving the majority with a one-Member advantage, we avoid possible tie votes and recognize the majority's responsibility to set the committee agenda and to manage legislation on the floor.

I think we really need this because there are so many Members there, they don't like to conduct their business unless all of the Members are there, and I think by reducing it to 13 Members, it

would be a lot more effective. A great many of the Members on both sides of the aisle who serve presently and have served in the past do share our views on this, and I would appreciate consideration of the amendment.

[The amendment No. 15 offered by Mr. Solomon follows:]



## Amendment to H.R. \_\_\_\_

Offered by Mr. *Selemmon*

Page 13, line 10, insert the following new section and renumber succeeding sections accordingly:

1 **SEC. \_\_. MEMBERSHIP OF THE PERMANENT SELECT COMMITTEE**

2 **ON INTELLIGENCE.**

3 Clause 1(a) of Rule XLVIII of the Rules of the House of  
4 Representatives is amended by striking out "nineteen Members with  
5 representation to" and inserting in lieu thereof the following:

6 "thirteen Members, of which not more than seven may be from the  
7 same party. The select committee shall".

Chairman HAMILTON. Let me just ask a question, if I may. On the Democratic side, this Intelligence Committee is enormously popular, and I presume it is on the Republican side as well.

Mr. SOLOMON. That is correct.

Chairman HAMILTON. Does your leadership support cutting it down?

Mr. SOLOMON. Yes, it does, and the problem is, Mr. Chairman, as you know, because it's very popular—everybody wants to serve on it just like they do on Appropriations and Ways and Means—you get undue pressure sometimes to put people on that committee, and you all know how that is. This would help to relieve that pressure on your leadership as well as ours.

Chairman HAMILTON. I must say, I want to check with the Intelligence people now. I was chair of the Intelligence Committee for a period of time, but I'm quite a ways away from them—

Mr. SOLOMON. You were a very good one, too.

Chairman HAMILTON.—and I want to check and see how they react to this. This is an amendment I had not anticipated.

Mr. SOLOMON. I would move a vote on it, Mr. Chairman.

Chairman HAMILTON. All right. We'll plan to vote on it.

Mr. SWIFT. Well, it might be noted there were two parts to this—one is to reduce the size; the other to dictate the ratio—and it's possible one could be for one and against the other.

Mr. SOLOMON. Good point.

Chairman HAMILTON. All right. Further amendments on committees?

[No response.]

Chairman HAMILTON. If there are no further committee amendments, we'll go to scheduling. Do we have any amendments with regard to scheduling? Ms. Dunn?

#### AMENDMENT NO. 16, SCHEDULING

Chairman HAMILTON. The clerk will report the amendment and distribute the amendment. The amendment is open for amendment, printed in the record, and the Chair recognizes Ms. Dunn in support of the amendment.

Ms. DUNN. Thank you, Mr. Chairman. My feeling is that the Chairman's mark that is before us takes a step in the right direction by moving the House to a four-day work week, by protecting some of the floor consideration, and by encouraging more reliance on computers to avoid scheduling conflicts. However, a great proportion of the Members in the House believe we should pursue a more fundamental approach to the hectic scheduling we must all endure.

Specifically, I propose an amendment that would put the House on the same three weeks on/one week off schedule to which the Senate aspires, and that is what this amendment says, amending Title I, page 7. I speak on behalf of over 100 Members who signed a letter that was offered by Tim Roemer and others who are interested in this schedule.

We all know the problem. The taxpayers feel that the Congress is out of touch because they don't see us enough at home in the district listening to the real-world concerns of voters, concerns that

often are starkly different from the issues we debate back here in Washington, D.C. So I propose this amendment to allow us to spend three full five-day work weeks here in Washington, then go home for one full week per month to listen to our constituents.

Mr. Chairman, I submit that more listening and less legislating is a very good thing. This amendment, combined with a schedule making full use of the days we do spend in the Nation's Capitol, would make us more responsive to constituents while also making the body more deliberative while we are here.

[The amendment No. 16 offered by Ms. Dunn follows:]

Amendment to H.R. \_\_\_\_

Offered by Ms. Dunn

Strike Page 7, line 6. through Page 7, line 7, and insert in lieu thereof the following:

- 1           "(1) provides for 3 consecutive five-day work weeks of legislative
- 2 business while the House is in session followed by one week when no
- 3 legislative business may be scheduled;"

Chairman HAMILTON. Ms. Dunn, may I ask you, how many co-sponsors did you say you had for that amendment?

Ms. DUNN. What I mentioned was Tim Roemer's letter that had over 100 signatures.

Chairman HAMILTON. All right. Any further discussion on this? Mr. Swift?

Mr. SWIFT. The Senate did go to this. The fact is it doesn't work in the Senate. What happens is that Senators take their week, and then they want all their weekends and short weeks as well. So you still have the rush on Thursday evening, and people are saying, "Please don't have any votes on Monday," just like you have now, only you've given away a week of work here.

I understand and I think I sympathize greatly with what the amendment seeks to do. In theory it sounds good, but we actually have the practice of the Senate, and it doesn't work that way. We can argue over where one needs to spend more time. We just finished a section in the bill in which we talk a little bit about the need to spend more time on committee work and more time here, and I, frankly, think a four-day week here is a very good idea. But I don't think this three weeks on/one week off will achieve the goal. It simply robs us of more time here to do our work, in my judgment, and for that reason, I would reluctantly have to oppose it.

Mr. SOLOMON. Mr. Chairman?

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. If I might just be recognized, I have great sympathy for the Congresswoman from Washington, and certainly their problems out in the far reaches of the country are somewhat different from others, but I really do think this causes a problem, especially since we have not really reformed the House and we don't have these regular schedules of business that we desperately need, and we aren't going to be doing it with the reform in this bill. Our staffs still have to be here, they still have to work, and I agree with the gentleman from Washington, Mr. Swift, when he says that we really need to be here to do the work of the House.

I would have, certainly, no objection to this amendment being made an order to be voted on by the House. I think certainly Ms. Dunn is entitled to that. I would hate to see it become a part of the mark, but I would do everything in my power to see that it was made an order under a rule and allowed to be debated on the floor and let the will of the House work its will.

Ms. NORTON. First of all, I'd just like to say to Ms. Dunn, I can appreciate where she's going, and I want to support Mr. Solomon. The reason I do is because I think we really need to know where people stand. It affects their lives, and the only way to do it is to ask them to put up your hand one way or the other on this. Either a survey or a vote would be the best way to do it.

I should say from the beginning that I feel in the law we would say that I am estopped, because I'm the one person that, when the gavel goes down, doesn't have to go very far. But I wonder, as I see the age of Members go down, about the three weeks on and one week off. You could always bring your family here. You'd almost have to bring your family here.

Now, of course, as the Member who represents the District of Columbia, I'd be the first to warn you that you would probably not be able to afford to keep your family here in the style to which you have become accustomed, which is why people simply have to tell us one way or the other.

The four-day week does seem to me to move us forward, to say, "Look, you who"—and many Members do go home and do see their constituents. What they do is to spend as much time here. They do feel torn. I would like to see us at least say, "You're going to be here for four days, so plan your life accordingly at home." I would be very reluctant, in light of the extreme pressure this institution puts on family life, to go with an amendment like this unless people voted it themselves.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I, too, believe that this is something that should certainly come before the House. I would also be constrained to oppose it, largely because I believe that the whole issue of Members being with their families and being in touch with the district comes down on the side of the kind of schedule we have now.

The ability of Members, at least a large percentage of them, to keep their families in the district I think helps keep them in touch with that district. Having their children in schools in the district, having their wives continuing to interact in the community or husbands continuing to interact in the community, I think is a plus to our ability to stay in touch with the district rather than a minus, and I think this kind of scheduling would almost make it impossible for that kind of lifestyle to continue, that you would end up with people moving their families to Washington and basically visiting their districts once a month. I just think that that probably diminishes our ability to remain in touch with the country rather than enhancing it.

Chairman HAMILTON. Okay. Any further discussion on this? You know, the leadership often gets buffeted by this question of scheduling, and they usually end up on the side of wanting some flexibility, but I think I agree with the comments that have been made. This is just going to have to go to the floor for a vote and see where Members are on it, and I'd support that.

Ms. DUNN. Could I just make a windup statement, Mr. Chairman?

Chairman HAMILTON. Sure.

Ms. DUNN. Thank you very much. I agree with Mr. Swift that the scheduling depends almost totally on the will of the leadership, and I think probably that's the problem in the Senate. I do believe that if we were to go on this schedule, it would undergird the Senate schedule and give them more of that will. I tend to think that culture builds around the process, and I think that's probably what would happen on this one.

My real interest in proposing this schedule change is that I would like to have this debated on the floor, and if I could get a commitment from those folks who are willing to go that direction to speak with the Rules Committee to put in a good word on our behalf—there are many of us who would like the opportunity to

carry out this debate on the floor. As I mentioned, over 100 who certainly signed the letter.

More than that, I would like to ask for a vote on this issue.

Chairman HAMILTON. We'll certainly have a vote on it, and I'd join with you in asking the Rules Committee to permit a vote on scheduling. I think with as many signers of the letter as you have indicated, that ought to be available to you. I might say that it's probably possible to get a letter with that many signatures on a different approach. I mean, that's what we're going to run into. But I don't know of any other way to resolve it than to put it to a vote on the floor at some point, and I'd agree with you. And we will, of course, have a vote here on it.

Any further amendments on scheduling?

[No response.]

Chairman HAMILTON. Okay. On the floor activity, any amendments with respect to the floor? Mr. Solomon?

#### AMENDMENT NO. 17, MOTION TO RECOMMIT

Mr. SOLOMON. Mr. Chairman, I have an amendment which deals with a motion to recommit, and while it's being passed out, let me just say that this amendment simply affirms what was the original intent of the current rule when it was adopted back in 1909, and that is to ensure that the minority shall always have the right to offer amendatory instructions in a motion to recommit. The purpose was to give the minority a final vote on its position prior to final passage of legislation after it had gone through the amendment process.

Recognizing and conceding that the majority in power ought to be able to govern fairly, this amendment does allow the majority discretion to extend the debate on a motion to recommit with instructions from up to one hour to up to two hours. This is done in deference to the majority, should it feel it needs extra time to whip its Members, as you might need to while a bill has been amended over the course of, say, several hours, and you might not know where the majority membership stood.

This would allow the membership to actually extend the debate from what it is now, from 10 minutes to up to one hour, to go up to two hours. This would not give the minority the same right. They would not be able to extend it up to two hours.

[The amendment No. 17 offered by Mr. Solomon follows:]

**AMENDMENT TO H.R. \_\_\_\_**  
**OFFERED BY MR. SOLOMON**

At the appropriate place in title I, insert the following new section:

1 SEC. \_\_. MOTION TO RECOMMIT.

2 (a) AFFIRMATION OF THE MOTION TO RECOMMIT.—

3 The second sentence of clause 4(b) of rule XI of the Rules  
4 of the House of Representatives is amended by inserting  
5 before the period at the end the following: “; nor shall  
6 it report any rule or order which would prevent the motion  
7 to recommit from being made by the minority leader (or  
8 his designee) as provided in clause 4 of rule XVI, including  
9 a motion to recommit with amendatory instructions (ex-  
10 cept in the case of a Senate measure for which the lan-  
11 guage of a House-passed measure has been proposed to  
12 be substituted)”.

13 (b) SPEAKER’S AUTHORITY TO POSTPONE CONSID-  
14 ERATION OF MOTION TO RECOMMIT.—Rule I of the Rules  
15 of the House of Representatives is amended by adding at  
16 the end the following new clause:

17 “13. The Speaker may postpone consideration of any  
18 motion to recommit for not to exceed 2 hours on the same  
19 legislative day.”.



Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Mr. Chairman, I think there's a fundamental misunderstanding of the role of the recommittal motion. The recommittal motion made sense back in the days when there were no roll call votes allowed in the committee of the whole. I mean, when I came here, for instance, there were no votes during the amending process. There were no roll call votes, anyway, and the only roll call votes that you got were when you went back into the full House after the committee had been dissolved and reported it to the House and if an amendment had been adopted in the committee of the whole. That's the only vote you got just up until, I think, around 1972 or 1973.

It made sense to have a recommit motion with instructions under those circumstances, because that was the only way that the minority could ever get a vote on anything. But these days we have votes in the committee of the whole, and I, for one, do not see why the minority ought to be granted an amendment under a rule, for instance, and then have an opportunity to get a second kick at the cat.

It seems to me that there is a legitimate argument to be made for a motion to recommit if you want to go back to the old system of having no votes in the committee of the whole, but I doubt that anybody wants to do that, and I think, again, the motion to recommit at this point is a leftover remnant that no longer makes sense in conditions certainly where the Rules Committee has allowed the minority to offer an amendment.

I mean, if the minority wants a major substitute to a bill, they ought to decide which substitute they want. They shouldn't get a chance to put two alternatives on the floor while a committee of jurisdiction, for instance, only gets a chance to put one on the floor. That's what the right to offer an amendment under a rule plus a motion to recommit with instructions would give you. It would give you two kicks at the cat while the majority often would have only one.

Mr. SOLOMON. Mr. Chairman, if I might rebut, I'll say to my good friend, Dave Obey, you know, in the old days, there wasn't any such thing as a restricted rule. All the rules were open—

Mr. OBEY. That's not true.

Mr. SOLOMON. Well, just a minute, now. We're talking for the most part, and the gentleman knows it. But in the old days, any Member of Congress, all 435 of them, could offer any germane amendment you wanted to, you could offer whatever substitutes you wanted to, and that was true of Democrats and Republicans alike. Today you have 75 percent of the rules that are restricted or closed down, where the minority doesn't even get their substitutes, and they certainly aren't able to offer germane amendments. We had a bill on the floor just a few minutes ago which is a perfect example.

Secondly, Dave, your leadership, the Democrat leadership, does not agree with you at all, because Speaker Foley and Majority Leader Gephardt and your Majority Whip Bonior, in a meeting with our leadership, have agreed to give us our motion to recommit, and all I'm trying to do is to firm that commitment so that we

don't run into situations where under certain political pressures they try to renege on it. And they support the motion to recommit for the minority down the line.

Mr. OBEY. They may do that, but as the vote showed yesterday, they don't always win, and we don't always agree with them. The fact is that you can bet that given the fact that there was no dissent whatsoever in the Democratic caucus on the question of ending the filibuster, you can bet that there will be no expansion of recommittal rights as long as we don't have some progress on being able to obtain a vote on something which is being filibustered in this Congress.

Mr. SOLOMON. Well, Dave, you keep bringing up the other body, and it has nothing to do with this body at all. The truth about it is—

Mr. OBEY. All it does is just stop everything we pass. That's all it has to do with us.

Mr. SOLOMON. But this is not expanding the motion to recommit, the advantages or disadvantages. All it is doing is affirming what your Democrat leadership has agreed to, and you're welcome to check with them.

Chairman HAMILTON. Would the gentleman yield for a question?

Mr. SOLOMON. Yes, I'd be glad to.

Mr. OBEY. Whether they agree with it or not, I'm not an agent of the leadership here. I do have my own mind, and occasionally I even use it.

Mr. SOLOMON. I recognize that fact. I respect it.

Chairman HAMILTON. My understanding is that the discussions with regard to the motion to recommit with the leadership included a provision that the motion would have to be offered by the minority leader or his designee. Now, that's not in this proposal, as I understand it. Is that correct? Would you accept that?

Mr. SOLOMON. I would accept a second-degree amendment to amend it that way, yes, sir.

Chairman HAMILTON. All right. Any further discussion on it?

Mr. OBEY. Well, Mr. Chairman, I want to make clear that just because a person in the leadership or two or three persons in the leadership indicate that they will support something, that does not at all indicate that they will have that support from the Democratic caucus.

Mr. SOLOMON. Well, hopefully, if we put this in the mark, we'll have a chance to have an open rule and amend it out.

Mr. OBEY. Well, good luck on that. God bless you. But the fact is that you are—I think it's very important to be up front with people in this process. There is not a prayer that you're going to find the significant support from the Democratic caucus for an expansion of recommittal rights unless something is done on the right of a majority to get a vote occasionally around here as well.

Mr. SOLOMON. Well, David, this is not an expansion of any right. It is a right that is given to us today. All it does is affirm it. I have another amendment coming up in just a minute which is going to recodify all of the Rules of the House, and what we'll do is just recodify this and put it where it belongs.

Mr. OBEY. Well, as a practical matter, the minority does not have a right to a motion to recommit with instructions under all occasions under existing rules, and you know that as well as I do.

Chairman HAMILTON. If the gentleman would yield further, I just want to say a couple of things here. First of all, I think we're very close to an agreement on this motion to recommit. Secondly, I also think it's true what Mr. Obey has said. There isn't any doubt that the sentiment expressed in the Democratic caucus is to tie the whole question of minority rights, including the motion to recommit, to progress being made with respect to the filibuster and the hold over on the Senate side.

I recognize that you're correct when you say under our resolution the two things are not linked, but as a political matter, they are linked in the Democratic caucus, and I think Mr. Obey accurately states that. That's what makes it difficult for us to move on the question of minority rights at this point in time.

So I think we understand the question here. Is there any further discussion on it? Mr. Walker?

Mr. SOLOMON. Mr. Chairman, if I might just, before I yield to my good friend here—I don't know what we're doing here, because the reason this committee was formed, this task force was formed, was because of a meeting that our leadership had with your leadership in which there had been a total breakdown of comity in the House, there was total gridlock, there was no cooperation between the two parties, and with all good intentions, the two leadership groups got together, and we formed this committee for the sole purpose of trying to reestablish comity and cooperation so that we could work together, and that meant improving minority rights. And if you're saying that we cannot have any minority rights improved with what comes out of this committee, what are we doing here? I really get exercised when I hear that.

Secondly, I don't think there was any vote in your caucus. I know some letter was circulated with some 60 signatures, and 25 people showed up. That was reported in the press. But what kind of a position has your caucus taken? I don't understand that.

Chairman HAMILTON. I did not say that the caucus had taken an action. I said that the sentiments had been expressed. I think that was an accurate statement of the sentiments in the caucus. Nor did I say that we wouldn't deal with the question of minority rights. I think we're going to deal with the question of minority rights. I favor dealing with the question of minority rights. I just wanted to lend support to Dave's observation. It's not an irrelevant observation.

The fact is the sentiment is pretty strong in the Democratic caucus on the filibuster and the hold in the Senate, and that there is, in their mind, a linkage. I was in the caucus in this room, as a matter of fact, a week or so ago when that sentiment was very strongly expressed. I think it's an accurate statement Mr. Obey is making.

Mr. WALKER. Mr. Chairman, this is the second time it's come up, and I thought I heard it the first time, and I ignored it—now Dave has repeated it, and you have confirmed it—that despite the way in which this committee was formed under a resolution outlining what we are to do, despite the fact that we were put together as a

body of equal membership in order to deal with these matters in a bipartisan way, I think what I'm hearing is that anything that the minority thinks is important is now being held hostage to a matter which is not within our jurisdiction.

I've got to tell you, I believe that what that is is a statement that this process is doomed and it is programmed to break down, because there is absolutely no way under the resolution we can act to do those things, and so, therefore, there is no way that some of the things we regard as extremely important can be brought to the forefront.

Now, if that's the case, I don't know why we would continue. I mean, if the minority is being told that the only way we can get some of the things that we regard as extremely important put in this Congressional reform is if we capitulate and allow this committee to deal with the filibuster, which is not within the bounds of the resolution, then I would suggest to you we've got to go back to the floor and bring a new resolution up. Because this is not the way to do it.

The gentleman smiles, and I appreciate the fact that he's carrying water here for his caucus, but if his caucus has voted unanimously to kill this process, then I think that is something that needs to be understood here and now, and we ought not spend our time spinning our wheels here any longer this evening.

Mr. OBEY. Mr. Chairman, I want to make it clear, I'm not carrying water for the caucus. I carried this water to the caucus. This was my idea, and I make absolutely no apology for it.

The fact is that we have an obligation to do two things concurrently, in my view. One is to respond to your legitimate concerns for expansion of minority rights, and the second is to respond to our concerns for expansion of the right of a legislative body to simply obtain a vote on a proposition when a majority of people are for having a vote.

Mr. WALKER. And under our resolution, Dave, that is in the bounds of the Senate to decide. If you want to get elected to the Senate, go to the Senate and get it changed, but don't suggest that we can do something here about it.

Mr. OBEY. With all due respect, we have a right to establish the timing for any change on minority rights, and that's what I'm suggesting. There will eventually be a linkage between these two—there will be—and that linkage will be one, in my view, in which the expansion of minority rights will go into effect on the date that the Rules Committee can certify to the House that the majority does have an opportunity to get a vote on anything that involves the people's business.

Mr. WALKER. Well, I would say to the gentleman that what he is doing is making this process that we are engaged in here conditional.

Mr. OBEY. Absolutely.

Mr. WALKER. And I will say that that is absolutely outside the bounds of both the spirit and the letter of the resolution that was passed. If what we have done is come here and we are engaging in a process which is designed principally to put off for a long, long time any engagement in minority rights—I think that's what the gentleman has in mind, and I'm sorry for that, because then it

makes a waste of almost a year of work of this committee, and I find it appalling that it was even brought to that point.

Mr. SOLOMON. Not only that, David, but, you know, Senator Byrd on your side of the aisle is adamantly opposed to changing that filibuster. There is no chance for it ever happening. We have 112 new freshman Members of this House that came here on reform. We ought to go upstairs and have an Oxford style debate on this issue, because it isn't us asking for it, it's the American people, having sent 25 percent new Members here.

Mr. OBEY. Well, with all due respect, when the American people elected all of us last time, they expected gridlock to end. They did not expect that our silly rules would allow a situation to continue under which a willful minority in either body can prevent the public's business from at least obtaining a vote. That's all I'm suggesting ought to happen, and I don't care if Democrats or Republicans in the Senate don't like it, that's the way the Democratic caucus feels in the House.

Mr. WALKER. This is exactly what we thought in the beginning when that announcement was made in the press conference.

MS. DUNN. Mr. Chairman, I request time.

Chairman HAMILTON. Let me just make this observation, if I may. I hope the gentleman will reconsider his thoughts that he may leave the committee. You're not very far from getting some things you want. Now, you may not get everything you want, but you're not too far from getting some substantial improvement.

You're correct with regard to the legal situation. The rule of the joint resolution is quite clear: we deal with our House Rules, they deal with their Senate Rules. That's a correct legal statement you have made. But we all know in politics things do not follow legalities all the time, and we're dealing with a very practical sentiment which Mr. Obey and I both perceive in the Democratic caucus.

I think we can work through it over a period of time, and you can end up with some pretty good results here. So I'd urge you to stay with it for a while and not give up on the process at this point.

Mr. WALKER. Well, Mr. Chairman, I would tell you that many times we've found out that legalities are used very, very efficiently when the rules are applied to shutting down minority rights. Time and time again, we find that the chair rules that things are extremely important in terms of legalisms on the House floor. It seems to me that we have at least an obligation to stick within the terms of the resolution that is before us, and all I'm hearing is, it's consistently brought up that, "Oh, yes, we'd love to consider what you're talking about," but that can only be considered in light of something which is not in our jurisdiction. That tells me that the process is broken.

Chairman HAMILTON. The committee is not considering any amendment today dealing with Senate rules. None has been offered, none has been discussed, it's not before us.

Mr. DREIER. Mr. Chairman?

Chairman HAMILTON. We're just telling you what we think is the practical situation.

Mr. Dreier?

Mr. DREIER. Let me just say, Mr. Chairman, that I think the thing that has set us off was, at the outset, Mr. Obey said, "If we're

going to grant any minority rights, it must be done in relationship to the filibuster." And when I said as this meeting opened that this was not in line with the resolution, you responded by saying you didn't care. When you said you didn't care, you basically were telling us that you're going to veto any attempt for us to deal with minority rights. That's what I inferred from it. So when you basically said you want to ignore the resolution—

Mr. OBEY. Let us be real. Let's just be real. We can do anything we want in this committee, but this committee will go into oblivion, with no memories of anything significant coming from it, unless something else happens after our recommendations are approved.

Mr. DREIER. If we have an open rule and we have these things voted on the floor of the House, I'm convinced that a majority—

Mr. OBEY. I haven't interrupted you. Could I finish?

Mr. DREIER.—I'm convinced that a majority of Democrats and Republicans would support it.

Mr. OBEY. Well, when you're finished, then I'll finish.

Chairman HAMILTON. Okay. The gentleman from Wisconsin.

Mr. OBEY. I'll start over. I think it would be very helpful if we would all be real, and the real consideration that you have to recognize is this: that regardless of what happens in this committee, nothing further will happen until this goes through the Government Operations Committee, the Rules Committee, and probably, before we're through, several others—at least, pieces of it. The fact is that if mutual accommodations are not made all the way along the line responding to everyone's legitimate concerns, then all of the work of anybody in this committee is going to go for naught.

Now, I happen to believe that the highest obligation of any legislative body is to be able to get its work done, and I believe that when a minority, either a political minority or a partisan minority, stands in the way of that happening, the rules ought to be changed so that it can't happen. I believe our fundamental responsibility is to be accountable, and we cannot be accountable if a majority cannot even get a vote on a proposition which has passed this House and is stuck in the other body.

So what we are simply trying to do is to find some way to eliminate the principal obstacle to the Congress getting its work done. It does no good for the House to pass legislation after legislation after legislation and then to have it die in the Senate because a willful group of people decide that they want to play porkchop politics or any other kind and bottle it up. We're not going to stand for the status quo on that subject, and we might as well be honest about it.

This resolution can define what happens in here. It is irrelevant in terms of what happens once it leaves here, and if you want to salvage what does leave here, you're going to recognize that fact.

Mr. WALKER. Mr. Chairman?

Ms. DUNN. Mr. Chairman?

Chairman HAMILTON. The Chair recognizes Mr. Walker.

Mr. WALKER. Mr. Chairman, since we're getting real, I think we ought to really, then, describe what's happening here. As somewhat of a student of Jefferson's manual, the gentleman from Wisconsin is suggesting that we stand Thomas Jefferson's manual on its head, because the fact is that the whole Jefferson's manual was

meant not to promote absolute efficiency, but to protect minority rights. That was the whole intent behind writing the rules.

The Rules of the House were written with the idea that minority rights would be protected, and the Rules of the Senate are largely aimed at assuring that the minorities do in fact have a chance to have a voice and so on. The gentleman from Wisconsin is now suggesting that 200 years of legislative history be dumped on its head and that we go with the will of the majority with regard—

Mr. OBEY. Not quite.

Mr. WALKER. No, you have made a very important point, Dave. You have said efficiency above all else. You have said the majority has the right to work its will above all else. Nothing else should matter. Minority rights should not matter, the minority should—

Mr. OBEY. I never said that, and if you had a recorder here, I'd ask him to read the words back.

Mr. WALKER. Well, now, you criticized Mr. Dreier for interrupting—

Mr. OBEY. Well, if you're going to quote me, don't misquote me.

Chairman HAMILTON. Mr. Walker has the floor.

Mr. OBEY. Quote me accurately.

Mr. WALKER. I was paraphrasing, let me say. I don't think I quoted you. In my opinion, you are suggesting a process which is simply different from anything that has been practiced in legislative bodies under Jefferson's manual, and what is real is also the resolution, and the resolution says very flatly that we are not to engage in dealing with the rules and procedures of the other body.

So I say again, I believe that an effort to engage in that subject matter is an effort to torpedo this process, and I've got to believe that a party which has delayed this process this long and has attempted to crowd it all into the very last week of session probably also intends to ultimately torpedo the process, and I've just got to believe that's what's happening here.

Mr. OBEY. Well, the gentleman is entitled to believe anything he wants.

Chairman HAMILTON. Mr. Swift is recognized. Mr. Swift?

Mr. SWIFT. Well, I'm going to ignore, I think, for these remarks, the assertions of the gentleman from Pennsylvania, because unless he's got a finer mind than anyone else, I don't think he can look into other people's minds and know what their motivations are.

There is an institutional problem in Congress taken as a whole. Some of us think it is the United States Senate. Some of us are more charitable and suggest it is only some of the rules of the United States Senate.

Now, I think the debate here today—we're on parallel tracks. We're not intersecting. So there's some misunderstanding, and I can understand some reason for some people getting hot under the collar.

What is so outrageous to me about our brethren in the other body is that they have rules that can be used so the majority never gets a chance to work its will. Stop and think about that. Yes, minority rights should be protected. I don't think there is any way you can have a free society with majority rule in which you don't protect the rights of the minority to be heard and to have the opportunity to become a majority on an issue, let alone, through the

electoral process, become the majority. But particularly in how we make our decisions, the reason you protect minority rights is every once in a while they may turn enough votes around so that they become the majority on that issue.

You can go back to John Locke and John Stewart Mill and a whole bunch of other people and say that's the fundamental reason that you have free speech, so that people can challenge ideas. But if majority rule is to make any sense at all, you ultimately have to let the majority rule. You have to let the vote occur so you find out where the majority is.

Senate Rules, as they are currently practiced, repeatedly prevent that from happening. It is inherently undemocratic. That is what is so disturbing to people on our side of the aisle and in the caucus, and very frankly, I think, if we didn't have so many differences between us in terms of how we function in our own body, we might even find some agreement in our frustration with the other body and the way their rules are currently practiced.

That's what Dave is explaining. That's the frustration that Lee has been talking about. It's the frustration that I hear in the caucus and I hear, frankly, one on one with some of my Republican colleagues.

Chairman HAMILTON. Okay. This motion to recommit proposal is clearly another one that's a very fundamental amendment. It will be voted on. I don't have any doubt about that. So we will postpone the vote—

Mr. SOLOMON. I would respectfully ask for a vote.

Chairman HAMILTON. Yes.

Now, let me see where we are this point. I said we would not go beyond 6:30. It is now 6:30. I want to get some idea of how many amendments we are confronted with tomorrow. Could somebody give me an idea if they have amendments?

Mr. OBEY. Mr. Chairman, I still have 11 amendments on floor that I would like to get to.

Chairman HAMILTON. Eleven?

Mr. WALKER. I have an en bloc on floor reform that contains four amendments.

Chairman HAMILTON. Okay. Well, we still have a large number of amendments. We will meet at 9:00 tomorrow morning, if that's agreeable to all, and we'll keep going. The House is going to be in session Friday, and it's going to be in session Saturday, and it's going to be in session Sunday, and we will keep going until we complete the work of the committee.

Mr. OBEY. Mr. Chairman, could I just make one point on an amendment, to be fair? I simply wanted to notice people that I will have several amendments tomorrow, and I'd appreciate people thinking about it overnight. I will have several amendments tomorrow that simply require notice for amendments that are offered on the floor.

Since I'm going to have amendments which relate to notice, I thought I ought to at least notice people that I was going to have amendments to that.

[Laughter.]

Chairman HAMILTON. Now, let me make one other point here. The unanimous consent request that I had earlier today suggested



that the votes would be postponed to the same day that we discuss them. I ask unanimous consent now that we permit these votes to be postponed until tomorrow. Without objection, so ordered.

The committee stands adjourned.

[Whereupon, at 6:31 p.m., the committee recessed, to reconvene at 9:00 a.m. on Friday, November 19, 1993.]



# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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FRIDAY, NOVEMBER 19, 1993

U.S. HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The committee met, pursuant to recess, at 9:10 a.m. in room SC-5, The Capitol, Hon. Lee H. Hamilton (co-chairman of the committee) presiding.

Chairman HAMILTON. The meeting of the Joint Committee will come to order.

Yesterday and the day before we completed work on ethics, compliance, budget oversight, and we are still on the section with regard to Floor proceedings.

Before I turn to Mr. Dreier, who has an amendment, I want to read this statement.

## STATEMENT OF HON. LEE H. HAMILTON, A U.S. REPRESENTATIVE FROM THE STATE OF INDIANA

Chairman HAMILTON. Today, the House members on the Joint Committee on the Organization of Congress continue their markup of recommendations to reform the internal operations of Congress.

Before proceeding further, I want to make this announcement.

There has been discussion during this markup of what might be referred to as conditional amendments. By conditional amendment, I am referring to proposals that would make changes in the rules of one chamber of Congress conditional on accompanying changes in the rules of the other chamber. We have spoken with the House parliamentarians about such amendments. Their sense is that these amendments are not in order under the terms of the concurrent resolution that created the Joint Committee as well as the rules of the Joint Committee. The concurrent resolution states that for matters related solely to the rules of one chamber, only the members from that chamber may vote on those matters.

I will distribute this so that people will have an opportunity to read it.

The Chair recognizes Mr. Dreier for an amendment.

Mr. DREIER. Mr. Chairman, I would like to first ask—I know Ms. Dunn was seeking recognition yesterday.

Chairman HAMILTON. Ms. Dunn, I think I owe you an apology. I understand you were seeking recognition and I didn't see you. I apologize to you.

STATEMENT OF HON. JENNIFER DUNN, A U.S. REPRESENTATIVE  
FROM THE STATE OF WASHINGTON

Ms. DUNN. That's all right, Mr. Chairman. It taught me a good lesson. I will be a little less polite in the future.

[Laughter.]

Ms. DUNN. I wanted to speak today as a new member of this committee and a new Member of the Congress, Mr. Chairman, and tell you that I was seriously troubled by the kind of rancorous discussion we were having at the end of yesterday's meeting.

Mr. Obey spoke of reality. The reality is that the proposal he has suggested that he will use to hold up our deliberations, getting rid of the filibuster in the Senate, can only be done on the Senate side of these discussions. He has a champion over there in Senator Boren, who is one of the co-chairs of our committee.

Mr. Obey's problem should be taken up with Senator Byrd because that is where the problem sits. The reality of this is that the Senate is never going to get rid of the filibuster. So to hold us up on our discussions on our side of the Capitol to me is simply a smoke screen.

Mr. Chairman, I speak also as a new Member of Congress who spent a lot of time talking to people in my district. I don't know how many folks on this panel can claim having rung 8,000 doorbells and spending a year of private time, having given up my job to run for this position, which to me was the most important way I could make a contribution to things that are happening in this Nation.

I will say that after winning that election I am very proud to be the representative of the folks in the eighth Congressional district of Washington.

The people I spoke to last year wanted reform of Congress, Mr. Chairman. They didn't want bickering. That was one of the things they wanted to get rid of. What I sensed in our discussion yesterday—and what I would characterize as a very rancorous set of comments that took up time on this important panel—it didn't lead us toward reform. It led us toward excuses not to get reform.

My concern is now, Mr. Chairman, that we all agree to move forward on this. You certainly, yourself, have spoken about keeping the process moving. We all agree with you. Certainly the people I work with on my side of the aisle feel that way. I would like to think that is true of everybody on this panel.

It is an important job we have been given. We take it seriously. I think we should offer the people what they have asked for and what they told me they wanted through that whole year of my discussions with them and continuing into this year.

So I suggest, Mr. Chairman, that we be realistic about what we can accomplish in this process, go for what we can get done, make the boldest reforms that are possible, but most of all get on with this process, get some things done for the folks, and forget this bickering. Thank you, Mr. Chairman.

STATEMENT OF HON. DAVID R. OBEY, A U.S. REPRESENTATIVE  
FROM THE STATE OF WISCONSIN

Mr. OBEY. Mr. Chairman, since my name has been mentioned, I would like to respond.

First of all, let me make something perfectly clear. Senator Boren is never my champion on anything. Never.

Ms. DUNN. Will the gentleman yield?

Mr. OBEY. I will when I am finished.

Since you have questioned my motives, I would like to recite a little history.

The reason the House has financial disclosure today is because of the Obey reform amendment. I wrote the amendment that provided for meaningful disclosure in this House, and the House passed it.

The reason the House no longer allows persons to make large amounts of money by practicing law on the side and picking up money from lobbyist clients along the way is because of the Obey Reform and outside income limitations.

The reason subcommittee chairmen on Appropriations and Ways and Means have to stand for election rather than merely rising in seniority and being locked into their jobs forever is because of the Obey reform amendments. The reason freshmen Members of Congress have a right—at least on our side, I don't know the rule on the Republican side—but the reason the Democratic freshmen Members of Congress have a right to bid for subcommittee assignments rather than having the old bulls keep them all to themselves is because of the Obey reform.

I would simply suggest that I will take a back seat to no one in terms of my track record on reform. The gentlewoman is free to assign any motives to anyone she wishes, but I think my record on reform speaks for itself. I will match it to anyone's on this committee.

Ms. DUNN. Mr. Obey, I appreciate your record on reform. To me, as a newcomer, it would seem that since you are so well versed in reform and have in fact served on committees it should be absolutely clear that in the resolution for this committee the filibuster issue would be one that would be taken up by the Senate.

When I suggest that Senator Boren is your champion, he is in fact co-chairman of this committee and can carry the water for that issue with you among people on your side of the aisle who need to make this change. But to hold us hostage to this change before we can go forward on things like minority rights—which most of us agree must be changed—I think is simply not reality.

Mr. OBEY. With all due respect, Senator Boren speaks for me on nothing and he never will. He and I agree on things about once a century. So I don't need to go to Senator Boren to champion causes that I believe in.

Whether amendments affecting the filibuster are in order in this committee or not is of little consequence. They are in order in consideration in the Rules Committee. They will certainly be in order in the Democratic Caucus.

Let me put it this way to be polite. As I said yesterday, this committee has the power to do anything it wants in this room. But

after it votes, other committees take over. Other dynamics take over. If you are seeking—really—an expansion of minority rights, then that has to be in the context of an ability of members in the House to know that if the House produces a product and sends it to the Senate that if a majority in the Senate desires to have a vote on it they will be able to get it. If we don't have that, then the people have no way of breaking through gridlock, which has dominated this country for a long time.

The gentlewoman is free to think whatever she likes—either of my motives or of my proposals. But the fact is that I will not be supporting expansion of minority rights in this forum or any other forum, and neither will the lion's share of the members of my caucus without a concurrent recognition of the responsibility of the legislative bodies to allow a majority to at least get a vote on matters that are the people's business.

Ms. DUNN. Mr. Obey, does that mean that in this meeting you will or will not be willing to vote on the topics we have brought up in amendments to the mark on the merits of—

Mr. OBEY. I am willing to vote on anything, I am just not willing to support them.

Chairman HAMILTON. Let's proceed with the amendment process. Mr. Dreier?

#### AMENDMENT NO. 18, RESTRICTIVE RULES

Mr. DREIER. Thank you very much, Mr. Chairman.

We are on Floor proceedings and I have an amendment.

Chairman HAMILTON. The Clerk will report the amendment and distribute the amendment.

The amendment is open for amendment printed in the record.

Mr. DREIER IS RECOGNIZED.

Mr. DREIER. Thank you very much, Mr. Chairman.

My amendment is designed to strengthen rather than expand minority rights. I believe it is a very reasonable amendment which gets at the root of this issue of accountability. Essentially, the amendment permits the minority to offer one amendment to a restrictive rule before the previous question is ordered. The amendment could come in the form of an open rule substitute or it could identify one or two specific amendments to the bill to be made in order.

In this case, the majority could still preclude amendments it deems trivial or disruptive, but a majority would have to vote in support of that position.

The amendment does not affect the ability of the majority to control the agenda and the schedules and to put forth clear and concise legislation that represents their vision of Government. It acknowledges that structured rules—not restrictive rules—are useful and necessary on occasion, such as when we consider major tax bills and the Department of Defense authorization bill.

Nobody in the minority disputes these contentions. This amendment does not change the principle of majority rule. It merely makes a modest change in a process that discourages debate and deliberation on thoughtful policy alternatives.

Mr. Chairman, the policy was best described by Professors Mann and Ornstein in their Second Renewing Congress report. In it they say, "Problems do arise when the Rules Committee goes overboard to advantage the pending legislation at the expense of alternative proposals desired by the minority or by minority blocks within the majority. These advantages can come in the form of limited debate time, limited number and disadvantageous sequence of amendments, and restrictions on minority's right to offer a motion to recommit with instructions.

"The majority has developed various rationalizations for its actions, preventing excessive delays in the Floor's schedule, blocking harassment by the minority, and Floor votes intended to embarrass rather than to represent legitimate alternative views and barring killer amendments that could gut a bill since the minority can always vote against the bill in final passage instead.

"Taken together, however, they constitute a disregard for minority rights, the rights of individual Members, and a dismissal of the constructive role the minority or other dissenters can play in offering alternatives and pointing out flaws in a pending measure."

That is the statement made in the report that came from Professors Mann and Ornstein.

Does this amendment address all the minority's concerns about Rules Committee procedural abuse to stifle and block important amendments and ensure predetermined outcomes and shelter Members from controversial votes? Absolutely not. It doesn't by any means address all our concerns. But it does address majority rationalizations about the need for gag rules.

More important, adoption of the amendment would signal a willingness on the part of the majority to deal with an issue that seriously undermines the integrity of this institution. I hope very much that my colleagues will support this very modest approach to provide the minority with an opportunity to offer one amendment before we vote on the previous question on rules.

Thank you very much, Mr. Chairman.

[The amendment No. 18 proposed by Mr. Dreier follows:]

Amendment to H.R. \_\_\_\_

Offered by Mr. *Dreier*

At the appropriate place in Title I, insert the following new section:

1 SEC. \_\_\_\_ . AMENDMENTS TO ORDER OF BUSINESS RESOLUTIONS.

2 Clause 4(b) of rule XI of the Rules of the House of  
3 Representatives is amended by inserting before the period in the  
4 first sentence the following:

5 "; provided, however, that it shall always be in order prior  
6 to the adoption of the previous question on an order of business  
7 resolution which restricts the offering of germane amendments to  
8 consider one amendment to such resolution if offered by a  
9 minority party member of the Committee on Rules."



Chairman HAMILTON. This would permit the amending of a restrictive rule. Is that it?

Mr. DREIER. One opportunity, just before we have the vote on the previous question—on the measure—we would be able to amend the rule by making an open rule in order, by offering an amendment, something we would like to have voted on in the House before we proceed with the final vote on the rule itself.

Chairman HAMILTON. Any further discussion?

Mr. OBEY. Yes, Mr. Chairman.

I find it interesting that again we are expected to respond to an ability of a minority to obtain a vote on a proposition when in fact the country has been treated to the spectacle over the past years of Democrats and Republicans alike using filibusters and holds—anonymous holds by single Senators—to prevent family leave from coming to a vote, to prevent unemployment compensation from coming to a vote, to prevent the President's job package from coming to a vote, to prevent President Reagan's or Bush's capital gains proposal from coming to a vote.

I even saw that someone in the Senate was suggesting yesterday that they would filibuster the rescissions that my committee is trying to send over to the Senate.

Mr. SOLOMON. Is this related to the issue we are debating here?

With all due respect, David, I am sorry I was late, but - -

Mr. OBEY. With all due respect, I am responding to the - - I think whether the parliamentarian agrees or not, there is still freedom of speech in this committee room.

Mr. SOLOMON. If you are trying to relate this to the other body, we have so much we are trying to get done.

Mr. OBEY. I am trying to refer to the principle of majority accountability.

Mr. DREIER. We're discussing a new issue—the filibuster.

Mr. OBEY. I am suggesting that I find it quaint that we are expected to add to the ability of minorities to obtain votes when we do not in the Congress of the United States have an ability for a majority to obtain votes.

I recognize your interest in doing that, but I cannot restrain myself from observing that I think that is a warped view of the problem around here. I doubt that the public's will is being frustrated because the minority doesn't have the right to amend a rule. I think the public's will is being frustrated when they can't even get major economic issues voted on so that at least they know who stands where on them.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I find this a fascinating side light on what we're doing here. The fact is that what Mr. Dreier has offered is an opportunity for the majority to work its will in the House of Representatives. What the gentleman from Wisconsin is now complaining about is the right to even offer an amendment.

Mr. Dreier's amendment would allow a majority of the House to determine if it wants to have a little different rule. We have a stacked Rules Committee that brings proposals to the Floor. This would allow the majority of the House to determine if it wants to amend that rule.

As it is right now, there are no amendments whatsoever. The rights of the majority of the House are often trampled upon by a small group sitting behind closed doors in the Rules Committee and determining for the entire House what the rule should look like.

So in this particular case, Mr. Dreier is offering an opportunity for the majority to work its will, to take the legislative process out of the hands of a small minority of people and put it into the hands of the whole House.

Mr. DREIER. In just one instance.

Mr. WALKER. We are offering only one time. And it has to be done by a member of the Rules Committee. If this is something that is widely agreed to by the Rules Committee, no one else could offer that amendment, only a member of the Rules Committee.

So today Mr. Obey is arguing completely differently from what he argued yesterday.

Mr. OBEY. I don't think so.

Mr. WALKER. In this case we are suggesting that a majority should be able to work its will in the Congress. Now the gentleman even complains about that.

Chairman HAMILTON. Any further discussion on the amendment?

[No response.]

Chairman HAMILTON. We move on to the next amendment.

Who has the next amendment?

#### AMENDMENT NO. 19, COMMITTEE OF THE WHOLE

Mr. OBEY. Mr. Chairman, I have a number of amendments if I could be recognized.

Mr. Chairman, we have an amendment listed as number 17.

Chairman HAMILTON. The Clerk will distribute amendment 17.

Mr. OBEY. Mr. Chairman, I don't know if you want the Clerk to read it or if you want me to explain it.

Chairman HAMILTON. Without objection, it can be considered as read and the gentleman is recognized.

Mr. OBEY. Mr. Chairman, I think one of the great frustrations of all Members in the House—be they majority or minority—is that we often go to the Floor and discover that an amendment is pending which no one knew was going to be offered except for the individual who offered it at the last minute.

I think that it is all well and good to cast as many votes on the House Floor as possible, but it is also at least marginally helpful to be able to cast informed votes. It is pretty hard to be informed on amendments if you don't have any notice of them before they are offered.

I am trying to provide an opportunity so that there is no partisan advantage to anyone in the change I am suggesting. This gives us an opportunity to allow Members to know one day ahead of time what it is they are going to be voting on, no matter what side of the aisle it comes from.

So it simply says that no amendment would be considered in the Committee the Whole, unless the amendment has been printed in the Congressional Record at least 24 hours in advance of consider-

ation, and unless a copy of that has been delivered to the chairman of the committee reporting such bill.

It also requires that the amendments be printed in the report of the Rules Committee accompanying any bill that is functioning under a rule.

It provides an exception if the amendment has the approval of the person handling the bill and the ranking Republican handling the bill. For example, on foreign aid, if I brought my appropriations bill to the Floor, and if it were under a limited or closed rule, then this amendment would not apply because the existing rules of the House would apply, except that all Members on both sides—including the chairman—would have to notice amendments 24 hours in advance.

If we were operating as Mr. Natcher usually does on the House Floor, under no rule, then it would mean that you would have to have advance notice—24 hours advance notice—for any amendments to be offered unless there was an exception made by both the Chair and the ranking Republican handling the subcommittee.

I am open to suggestions if anybody has any wrinkles they would like to change on it. But I do think we need to expand Members' right to know ahead of time what it is they are going to be asked to vote on.

[The amendment No. 19 proposed by Mr. Obey follows:]

**AMENDMENT TO H.R.  
OFFERED BY MR. OBEY**

After section 114, add the following new section:

1 **SEC. 115. AMENDMENTS IN THE COMMITTEE OF THE**  
2 **WHOLE.**  
3 Clause 2(b) of rule XXIII is amended by inserting  
4 "(1)" after "(b)" and by adding at the end the following  
5 new subparagraph:  
6 "(2) No first degree amendment shall be considered  
7 in the Committee of the Whole unless—  
8 "(A) the amendment (if offered to a measure  
9 privileged under clause 4 of rule XI or considered  
10 under a special order of business resolution permit-  
11 ting the offering of any germane amendment) has  
12 been printed in the Congressional Record at least 24  
13 hours in advance of consideration of the underlying  
14 bill or resolution and copies of the amendment have  
15 been delivered to the chairman of the committee re-  
16 cording such bill; or  
17 "(B) the amendment has been printed in the  
18 report of the Committee on Rules accompanying the  
19 special order of business resolution; and  
20 if the report on that bill or resolution has been available  
21 for 3 calendar days (excluding Saturdays, Sundays, and  
1 legal holidays). In addition, the majority and minority  
2 floor managers jointly may permit the offering of addi-  
3 tional amendments, so long as such action does not violate  
4 the terms of a special order of business resolution."

Chairman HAMILTON. The Chair recognizes Mr. Dreier, then Mr. Solomon, then Mr. Walker.

Mr. Dreier?

Mr. DREIER. Mr. Chairman, for starters, I don't think I need to defend Mr. Natcher, but Mr. Natcher doesn't operate with no rule. Mr. Natcher operates under the standard rules of the House when he moves appropriations.

Mr. OBEY. I am not attacking Mr. Natcher in any way.

Mr. DREIER. You said that Mr. Natcher works under no rule. He operates under the normal procedures of the House of Representatives.

Mr. OBEY. Right, he doesn't go to the Rules Committee to get a special rule.

Mr. DREIER. That's correct. I just think to say that he operates under no rules is inappropriate.

Let me say on this amendment that it seems to me that while we all know yesterday Mr. Walker talked about the fact that inefficiency was something the founding fathers actually wanted us to pursue—this amendment basically says that the legislative process cannot work in the normal way that it should, basically allowing Members to look at amendments that are considered, listen to the debate, and then come to the conclusion that an amendment should be offered based on some of the arguments that are made during debate.

We often have pre-printing requirements which the Rules Committee imposes upon the membership of the House. But it seems to me that this amendment locks in the predetermined outcome on many pieces of legislation. I believe it would be very unfair.

But I would say, however, that I would be willing to talk to my friend. If he would like to support the amendment which I have offered just a few minutes ago, which would provide us with the chance to amend a rule, I might consider supporting this amendment.

Mr. SOLOMON. Mr. Chairman, the amendment has merit, conceptually, but if we were to adhere to the House rules, there might not be such an argument against your amendment.

But so many times—especially on really important significant legislation—the Rules Committee does not even get the bill until less than 24 hours before the bill is going to go on the Floor. In other words, we consistently—and we have done it time after time after time in this Congress as well as in the last several Congresses—we have waived the 3-day layover so that Members do not have an opportunity to even look at the bill much less look at the all too often very significant committee report that goes with it.

That happened on the tax package where Members literally had less than 4 hours to read this 22-pound gorilla. Because of that, there is no way that you could actually implement your legislation. Either Members on your side of the aisle or ours would not have an opportunity to even file an amendment in advance.

I recall in so many instances where we debated really meaningful legislation on the Floor under open rules whereby the—the Taiwan Relations Act back in 1980 was a critical piece of legislation that came out of the Foreign Affairs Committee. It came to the Floor in an open rule and we debated that bill line by line. We

accepted Democrat amendments, Republican amendments, and as we went along, because of the way the bill was changed in the course of the debate, we ended up making very, very significant contributions to that legislation, which literally then drew unanimous support from Members of both sides.

In the days of Tip O'Neill, who was one of the most partisan speakers we have ever known, but one of the most fair speakers—we debated 85 percent of these rules under open rules. The House worked its will, we had comity, we had cooperation, and when we finished nine times out of ten it had major support on both sides of the aisle.

That is why you can't really consider your amendment because it would go counter, unless we were to go back and adhere to the House rules where we had a systematic system where the Foreign Affairs Committee would report a bill, we would have 3 days to look at that bill—every Member in the House—then we could offer our amendments, and then and only then could your amendment really work.

I don't think we're going to do that because we are not dealing with that in this reform.

Mr. OBEY. Would the gentleman yield?

Mr. SOLOMON. I would be glad to yield to my friend.

Mr. OBEY. It seems to me that the gentleman is saying that we ought to have 3 days notice, but if we can't have 3 days notice, then it is illegitimate to ask for even one. I don't understand that.

Mr. SOLOMON. Well, if you don't have the bill or the committee report, how can a Member—especially a Member who hasn't served on the committee—even have the ability to offer an amendment?

Mr. OBEY. They should have the bill.

Mr. SOLOMON. I agree.

Mr. WALKER. If the gentleman would yield, would you be willing to accept an amendment to your amendment that says, "Providing the legislation has been available to Members at least 72 hours in advance"?

Mr. OBEY. Sure.

Mr. WALKER. That basically ensures the 3-day layover.

Mr. OBEY. What you're saying is that this would apply unless the bill had not been available to the Members.

Mr. WALKER. The bill would have had to have been available to the Members 72 hours in advance for this to apply.

Mr. OBEY. That is fine with me.

Mr. WALKER. Does this apply to amendments to amendments?

Mr. OBEY. It would not be able to. I don't know how you could require—let's say that I filed notice of two amendments. Bob Livingston said, "Obey knew in time to file his amendments, but I disagree with one of them, so I want to have an opportunity to offer an amendment to the amendment." He ought to be allowed to do that.

Mr. DREIER. But your amendment doesn't say that. A second degree amendment would not be affected.

Mr. SOLOMON. We would accept an amendment to his amendment.

Mr. OBEY. I don't mind allowing amendments to amendments to be exempted from the notice. I don't see how you can function otherwise.

Mr. WALKER. Let me suggest that the one problem some Members have with that is the fact that what they find is that when your amendment has been submitted 24 hours in advance, the chairman or whoever is handling the bill uses that time in order to prepare an amendment to the amendment in order to knock out what they are doing.

In other words, they use that as a way of stopping the amendment from taking place on the underlying issue. That does undercut the ability of the person who is sponsoring the amendment to get a real debate on their issue.

I would suggest that we may also want to have some language—and I don't know exactly how to write it—of assuring that whoever has the initial amendment get the chance to get a vote on their real issue, that this 24-hour notice is not used to play legislative games with the people who have legitimate, germane amendments. If you allow amendments to the amendment, that can certainly take place.

Chairman HAMILTON. Let me see if I can help here a little bit.

There have been two suggestions with respect to your amendment. One is with respect to first degree amendments. You would permit an amendment to an amendment. I have legislative language here. I am asking you if you would accept these amendments.

“At the end of the amendment, insert the following before the period, 'provided that the provisions of clause 2(1)(6) of rule 11 requiring the 3-day availability of committee reports has not been waived.'”

The second would be to “Strike no amendment and insert in lieu thereof no first degree amendment.”

That has been discussed here. Are those acceptable to you?

Mr. OBEY. Sure.

Chairman HAMILTON. Without objection, the Obey Amendment is amended as suggested.

Mr. WALKER. I have one other thing I would like to point out.

One of the things we have found on several occasions on the House Floor, when we have had restrictive amendments and when we have had pre-printing requirements and so on is the fact that the language of the bill has ended up being massively screwed up in some way. There was some language in there that was badly written or something. It was just wrong.

The problem with this as an arrangement is that you can't even offer an amendment to correct the bill.

Mr. OBEY. Not true.

Well, if you are operating under a closed rule, you couldn't. But if you are operating under a closed rule, I would assume the Rules Committee knows what it is doing in the sense that it is not going to allow amendments to be offered that are going to do that.

If you are not operating under a closed rule, then so long as you have the agreement of the Chair and the ranking Republican, you could offer a correcting amendment.

Mr. WALKER. I am suggesting to you, though, that if it is a controversial piece of legislation that has been in some way rendered problematic by bad language in there, you are probably not going to get agreement of the two Floor managers. You could likely have somebody who would say okay.

You would also then have a 24-hour requirement, which means that you would have to pull the legislation off the floor in order to do the 24-hour layover in order to get the correction done. That is under the way your amendment is now written.

Is that what you intend?

Mr. OBEY. What does the gentleman mean by "screwed up"? If it is a technical difference, then surely you would have an agreement between—even if the Democratic Floor manager and the ranking Republican disagreed on the content, you would certainly have agreement that there was a technical problem that needed correcting.

Mr. WALKER. Here is my point.

There have been times on the Floor—and I am having trouble recollecting—I think it was unintentional, but nevertheless, the way the language was drafted really did the exact opposite of what was intended in the legislation. It was a drafting error or it was somebody who didn't understand what they were putting together when they did it. But nevertheless, the legislation was in bad shape when it hit the House Floor.

In most instances, under open rule you are able to do an amendment to correct it. Even if it is controversial, because a majority of the people may support the legislation, the correcting amendment passes.

Under this provision, you wouldn't be able to do that because you would have to have it printed 24 hours in advance unless you had agreement of both the majority and minority Floor managers. In some of these cases, you are not going to have an agreement of both those Floor managers to do the correction.

Mr. OBEY. If that is the case, you do what we do now. That often happens now, as the gentleman indicates, and what happens is that it gets fixed up in conference. It happens all the time.

Chairman HAMILTON. Mr. Allard?

Mr. ALLARD. Thank you, Mr. Chairman.

I have some concerns from two perspectives on this particular amendment.

First of all, I would like to see this place a little less partisan than it is now. I am afraid that with the type of amendment that has been offered here that it will drive us toward more partisan debate.

I think the other point that needs to be made is that it is going to make it much more difficult for us to reach a compromise. One of the advantages is that you have spontaneity in the process and parties all of a sudden begin to reach common ground. You have to come up with an amendment at the last minute to pull that compromise together.

I think it discourages both of those events from happening. For that reason, I find it difficult to support the gentleman's amendment.



One case in point that I think of is that frequently there is the chairman's mark that comes to the Floor out of the committees I have served on, and that particular individual is allowed to make one change in that mark. Frequently, it is a last-minute change that at least pulls together the interests that were serving on that particular committee. I see us losing that one ability to compromise.

So because of my concern about an increasing potential for more partisan rancor and also I think it takes away a tool that we have to reach a compromise quicker on the Floor, I don't feel like I can support this amendment.

Mr. OBEY. Would the gentleman yield on that?

Mr. ALLARD. Yes.

Mr. OBEY. I find that interesting because as a practical matter, now if you have a bill operating under a rule, which limits amendments, you can't offer any additional amendments. So now you are stuck with that situation.

Mr. ALLARD. I thought you amendment applied just to those instances where we had basically an open rule.

Mr. OBEY. No, the amendment applies in different ways in different conditions. But I am frankly baffled by the gentleman's conclusion that this would lead to more partisanship since for the first time the Republican minority ranking member would have a co-equal opportunity with the Democratic Chair to determine whether or not an amendment met the standard under the rule or not.

Mr. ALLARD. Let me refer to the last sentence of your amendment.

"In addition, the majority and minority Floor Members jointly may permit the offering of additional amendments so long as such action may not violate the terms of the special or"—in other words, either one of those parties—the minority or the majority—can veto a proposal for a last minute amendment. That is why I made the statement that I think you drive more partisanship because of this amendment.

So if you get into an argument on the Floor and one of the party leaders decides that they don't want to be cooperative because of some issue or perhaps their feathers got ruffled, they can then become an obstruction by vetoing any effort to bring up a last minute amendment in order to try to reach compromise.

Mr. OBEY. But the language is there in order to prevent the problem Mr. Walker is talking about where you have something that is screwed up, everybody recognizes that it is screwed up. In my view, you ought to have bipartisan agreement about what the problem is before you can offer the amendment. The alternative is simply to let the chairman handle that. I would love to do that as a chairman, but I don't think that would be fair to your party.

Mr. ALLARD. Then if you would like to take the partisanship out of it, then say that the majority or minority Floor managers may permit individually—so that you don't have jointly and either one of them can permit that amendment to come to the Floor.

Chairman HAMILTON. Let the Chair simply observe this.

I don't really know if Mr. Obey has the right formula here or not, but I do think he is driving at a problem that needs some attention.

Those of us who have looked over the Floor proceedings over a period of years have become increasingly aware that drafting surprise amendments has become an art form around this institution. Some of those amendments are very complex—at least for me—and very difficult to understand.

I understand the exigencies of the activities on the Floor and you can't cut off all surprise amendments and amendments to amendments and create special problems and all the rest. But I think the gentleman from Wisconsin is right in trying on two grounds. First of all, trying to get more orderly procedures so that Members do have an opportunity to look at major amendments that are going to be presented before they walk onto the Floor.

That makes some sense to me. I recognize that it cannot happen in every instance.

I know how many times I am frustrated by trying to understand a very artfully crafted amendment. We have some real draftsmen around here now who are Philadelphia lawyers par excellence, not Indiana lawyers.

[Laughter.]

Chairman HAMILTON. Secondly, I think there is an element of fairness here in trying to let Members know ahead of time what they are going to be confronted with on the Floor.

I don't really know if Mr. Obey has the right combination here, but it does seem to me that the problem he is addressing deserves some attention.

We need to be moving on now. Mr. Dreier, do you have concluding remarks?

Mr. DREIER. Mr. Chairman, I would just like to offer an amendment to it, which was a previous amendment I had offered which would basically provide the minority an opportunity to amend the rule just before the vote on the previous question. I wondered if my friend would include that in his amendment.

Mr. OBEY. Mr. Chairman, I would not because I think that greatly expands the scope of the amendment. It refers to a very different question. I am simply talking about the question of notice, and you're trying to change the basic nature of consideration by the House of Rules.

I think the gentleman is certainly entitled to put his amendment, but not to this amendment.

Chairman HAMILTON. Mr. Obey, I presume you will call for a vote on this.

We will move to the next amendment.

Mr. OBEY. Mr. Chairman, I have another amendment.

Chairman HAMILTON. There are others who have amendments. I will take turns here.

#### EN BLOC FLOOR PROCEDURES AMENDMENTS

Chairman HAMILTON. Mr. Walker has an amendment.

Mr. WALKER. Mr. Chairman, I have an en bloc amendment.

Chairman HAMILTON. The Clerk will distribute the Walker en bloc amendment. It is ordered printed in the record and is open for amendment.

The gentleman is recognized in support of his amendment.

Mr. WALKER. Thank you, Mr. Chairman.

This is really four amendments that I think all deal with some Floor activities that ought to be looked at.

The first amendment would require automatic roll call votes on tax, appropriations, and budget measures. We now have automatic roll call votes on just a couple of items on the Floor. This would add to that.

When we are doing questions of spending and national priorities, I think those ought to be on the record. We ought not have a situation where a couple of Members run to the Floor when no one is around and pass a major spending measure and then move on. I think those ought to automatically come to a vote.

Once, when we are doing some of this business of passing them by voice vote in the dark of the night, it seems to me that you hide these very important spending and tax measures from public scrutiny and we end up having the integrity of the institution called into question. We would be better off just to assure that each of those items was done by record vote.

The second amendment in the package refers to a concern I have had for some time about the accuracy of the Congressional Record. In my view, the Congressional Record ought to be an exact verbatim account of what goes on on the House Floor. The fact is that today we have two different records coming out of Congress. You have the exact verbatim account of what goes on on the Floor done on the C-SPAN videotapes that are kept as a record of the House. Then you have the record of what people wish they had said if they had only said it better in the Congressional Record that actually gets printed.

I think the Congressional Record that gets printed ought to also be reflective of the real proceedings on the House Floor. The fact is that it is the printed Congressional Record which is used for establishing legislative history. I think the legislative history ought to reflect what was really done and not what we wish had been done.

Third, I have an amendment in here that is somewhat similar to what the gentleman from Wisconsin just talked about, and that is to make the suspension calendar bills available at least a day in advance. If in fact we are going to have a chance to look at amendments a day in advance, maybe we ought to also have a chance to look at the legislation we pass a day in advance, particularly on suspension bills.

So it seems to me that it is an act of simple fairness to give the Members at least a day to think about the legislation they are voting on on the suspension calendar and that we ought to include that.

And finally, on questions of privilege, I have an amendment here which assures that on questions of privilege they receive at least minimum debate. Once again, Members ought to be able to know what it is they are voting on. So there ought to be at least a minimum amount of debate on questions of privilege to assure that even if it is settled by a motion to table, at least Members know what it is they are being asked to table. This would assure that there would be a minimum amount of debate on each question of privilege that comes to the Floor.

[The en bloc amendments No. 20 proposed by Mr. Walker follows:]

Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. AUTOMATIC ROLL CALL VOTES.**

2 **Rule XV** of the Rules of the House of Representatives is amended  
3 by adding at the end the following new clause:

4 "7. The yeas and nays shall be considered as ordered when the  
5 Speaker puts the question upon the final passage of any bill, joint  
6 resolution, or conference report thereon, making general appropriations,  
7 providing revenue, or on final adoption of any concurrent resolution on the  
8 budget or conference report thereon which provides an increase in the  
9 statutory public debt."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *WALKER*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. SUSPENSION OF THE RULES.**

2 **Clause 1** of rule XXVII of the Rules of the House of  
3 Representatives is amended by inserting after "1." the designation "(a)", and  
4 insert after paragraph (a) the following new paragraphs:

5 **"(b)** It shall not be in order to entertain a motion to suspend the  
6 rules and pass or agree to any measure or matter unless by direction of the  
7 committee or committees of jurisdiction over the measure or matter, or  
8 unless a written request is filed with the Speaker by the chairman and  
9 ranking minority member of the committee or committees having  
10 jurisdiction over the measure or matter, asking for its consideration under  
11 suspension of the rules.

12 **"(c)** A motion to suspend the rules and pass or agree to any measure  
13 or matter shall not be in order if the measure or matter would enact or  
14 authorize the enactment of new budget authority or new spending authority  
15 in excess of \$50,000,000 for any fiscal year; nor shall it be in order to  
16 suspend the rules to pass any joint resolution which proposes to amend the  
17 Constitution.

18 **"(d)** It shall not be in order to entertain a motion to suspend the  
19 rules and pass or agree to any measure or matter unless written notice is

1 placed in the Congressional Record of its scheduled consideration at least  
2 one calendar day prior to its consideration, and such notification shall  
3 include the numerical designation of the measure or matter, its short title,  
4 and the text of any amendments to be offered thereto (if such amendments  
5 are not printed in the measure as reported), and the date on which the  
6 measure or matter is scheduled to be considered."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. ACCURACY OF THE CONGRESSIONAL RECORD.**

2 Rule XIV of the Rules of the House of Representatives is amended  
3 by adding at the end the following new clause:

4 "9.(a) The Congressional Record shall be a substantially verbatim  
5 account of remarks made during the proceedings of the House, subject only  
6 to technical, grammatical and typographical corrections authorized by the  
7 Member making the remarks involved.

8 "(b) Unparliamentary remarks may be deleted only by unanimous  
9 consent or by other order of the House.

10 "(c) The provisions of clause 4(e)(1) of Rule X shall apply to  
11 violations of this rule."



## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. QUESTIONS OF PRIVILEGE.**

2 **Clause 2** of Rule IX of the Rules of the House of Representatives  
3 is **amended** by adding at the end the following new paragraph:

4 "(c) A motion to lay on the table a question of privilege offered by  
5 the majority leader or the minority leader may not be made before at least  
6 one hour of debate occurs on that question."

## Amendment to H.R. \_\_\_\_

Offered by Mr. *Walker*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. ACCURACY OF THE CONGRESSIONAL RECORD.**

2           Rule XIV of the Rules of the House of Representatives is amended  
3 by adding at the end the following new clause:

4           "9.(a) The Congressional Record shall be a substantially verbatim  
5 account of remarks made during the proceedings of the House, subject only  
6 to technical, grammatical and typographical corrections authorized by the  
7 Member making the remarks involved.

8           "(b) Unparliamentary remarks may be deleted only by unanimous  
9 consent or by other order of the House.

10           "(c) The provisions of clause 4(e)(1) of Rule X shall apply to  
11 violations of this rule."

Chairman HAMILTON. Mr. Spratt?

Mr. SPRATT. Bob, on your amendment that deals with the Congressional Record where you say that it should be a substantially verbatim account, as you know, frequently the stenographers don't get it correctly.

Mr. WALKER. If you have a substantive argument with them, you can go back now to the videotapes and look at the videotapes. If they have garbled what you said, I have no objection to—there is nothing in this that would prevent you from taking that and adding what was the right—

Mr. SPRATT. What I am asking is, is technical, grammatical, and typographical a broad enough exception to include a case where the stenographer simply misses a clause or garbles the language?

Mr. WALKER. Absolutely. As I say, you have two records now. The way you get that corrected and the way we assure those corrections are not something where you are changing the language is to simply go back and look at what you said via the video and put into the record that which you actually said on the Floor.

Mr. OBEY. Would you yield on that point, Bob?

Mr. WALKER. Sure.

Mr. OBEY. I happen to have had an experience with just such a case. I am sure you will never believe that it happened to someone with my temperament.

[Laughter.]

Mr. OBEY. I got involved in quite a heated discussion on the Floor, believe it or not.

[Laughter.]

Mr. OBEY. I got back the transcript—because it was a series of exchanges between people—I got back the transcript and it was absolutely totally garbled.

So my office had taped the exchange. I sat there with the text of that transcript trying to match it. The tape was absolutely no help whatsoever because of the conflicting voices.

So that was a case where I am sure that the transcriber simply couldn't hear because you had literally three people talking at once.

Under those circumstances, even if all three parties agreed about what had been said, I don't know how you could use the tape in a case like that to correct it. It just wasn't audible.

Mr. WALKER. I am sure there will be some instances of that, but what happens now, I will tell you, is that some of those heated exchanges and so on are dropped from the record completely. I think to some extent that does garble the legislative history about some of these bills where it is then not clear that something was being intentionally argued at a particular time.

I believe that the Congressional Record ought to reflect that. I understand that there might even be difficulty from time to time translating it off the tape. I will tell you that that will be minimal. What we have now is many instances where people get up and give one-minute speeches. In revising and extending their remarks, they totally change their speech.

I just had that happen to me recently where my staff came to me and told me, "You were on the Floor when this happened." This was somebody that in the Congressional Record the next day at-

tacked me by name, but did not do that when I was sitting on the Floor right in front of them. But when they went back and revised and extended their remarks, they did a one-minute speech attacking me by name.

The point of the amendment is to assure that people have to stick with what they say on the Floor. I just don't think that causes a major dislocation in the institution.

Chairman HAMILTON. On the automatic roll call vote, if there is any change on revenue or spending, we would have a roll call vote?

Mr. WALKER. On anything that involves—

Chairman HAMILTON. If you increase the debt by \$1—for an extreme argument—you would have to have a roll call vote?

Mr. WALKER. Yes. That would be very extreme, but yes.

Chairman HAMILTON. Do you have any idea how many extra roll calls this would bring about?

Mr. WALKER. No, I don't. It is not going to bring that many. There are very few items. It would probably result in a couple more appropriations bills a year being actually voted on that go through by voice vote.

Chairman HAMILTON. On the suspensions now, you also have a money amount in there of \$50 million, and you also provide that you can't bring up a suspension unless the committee has acted or unless the chairman and ranking minority Member—on suspensions.

Mr. WALKER. That is correct.

Chairman HAMILTON. I think I understand it.

Any further discussion on the Walker en bloc amendment?

Mr. SPRATT. You don't intend by your Congressional Record amendment to say that this is exclusively what the record should be, a substantial verbatim account. Would you allow still extension of remarks?

Mr. WALKER. Absolutely. This is just the portion of the record where it is propounding to report the debate.

Chairman HAMILTON. This amendment I presume will take a vote, so we will move on to the next one.

Mr. Solomon tells me that the Rules Committee is meeting or will be meeting very shortly.

Mr. WALKER. Mr. Chairman, I have a question.

Is there objection to this amendment that requires a vote?

Chairman HAMILTON. In my case, I want to look at it a little more carefully, to be honest with you.

Mr. SWIFT. It just seems to me that on a couple of these provisions it is very, very easy to get a vote. You have to have two-thirds to pass a suspension. I don't know if either of those are necessary. I think the current rules would take care of it.

#### AMENDMENT NO. 21, RECODIFICATION OF HOUSE RULES

Chairman HAMILTON. The Clerk will distribute the Solomon amendment.

Mr. SOLOMON. This is the one dealing with the recodification of the House rules.

While it is being distributed, let me just say that this amendment really directs the House parliamentarian to begin recodifying

our House rules and complete it prior to the beginning of the 105th Congress.

By way of background, much of this work has already been done by a bipartisan group of House members and staff. The work was further refined by a paid consultant to the Rules Committee on behalf of the majority party. The truth of the matter is that at present we have such a hodgepodge of rules that are not ordered throughout by logical subject matter. Other rules are obsolete and duplicative or contradictory.

It would be my hope and expectation that the recodification could be completed at the beginning of the Congress in time for this inclusion in the printing of the House rules and manuals for the 105th Congress.

I don't know how many Members have come to me on both sides of the aisle and just don't understand. They are unable to really get these House rules and understand them and be able to use them. That makes Members on both sides of the aisle.

Obviously, any recodification would have to be introduced and referred to the Rules Committee before being brought to the Floor for a vote. Under this amendment, I in no way intend to change subject matter. It should be agreed by all that the recodification should avoid any substantive policy changes in the rule and considered independent of any further recommendations for reform either in the Rules Committee or on the Floor to avoid delays.

This simply means that we have Jefferson's Manual, Robert's Rules of Order, our own House rules, and it is so confusing to all Members—even those who have been here for 5 or 10 years. This would simply allow us to recodify it. It would in no way change any, but it would put them in a logical order so that any Member would be able to at least use those rules to his advantage.

[The amendment No. 21 proposed by Mr. Solomon follows:]

Amendment to H.R. \_\_\_\_

Offered by Mr. *Solomon*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_\_\_.** **RECODIFICATION OF RULES OF THE HOUSE OF**  
2 **REPRESENTATIVES.**

3       **The** Parliamentarian of the House of Representatives shall, at the  
4 beginning of the 104th Congress, commence to recodify the Rules of the  
5 House by clarifying conflicting definitions, eliminating anachronisms, and  
6 reorganizing the rules into a more coherent and logical structure. Such  
7 recodification shall be completed prior to the commencement of the 105th  
8 Congress. For the purpose of carrying out this recodification, the  
9 Parliamentarian may utilize the services of personnel in the Congressional  
10 Research Service and the Government Printing Office.

Mr. SOLOMON. I yield to my friend, Mr. Allard.

Mr. ALLARD. Just sitting here, I think you have a good amendment. I was just wondering if this would be extended, for example, to putting information on the computer disk where you could do a search. I think that would be a benefit for a lot of Members.

Mr. SOLOMON. It really would, and actually that was one of the recommendations of the paid consultant, so that it is there so that not only Members but their staffs could really understand what the rules are and how they can be used.

Chairman HAMILTON. Any further discussion on this one?

Mr. OBEY. When you say eliminating anachronisms, does that apply to Members?

[Laughter.]

Chairman HAMILTON. Any further questions?

[No response.]

Chairman HAMILTON. Mr. Solomon, this is new to me. I am going to have to look at it.

Is this a restatement of the rules? Are we going to have the rules as they now exist but have a lay language version of them? Is that what we are intending here?

Mr. SOLOMON. Exactly.

Chairman HAMILTON. Thank you.

If there is no further discussion, we will put off the vote.

The next amendment, Mr. Dreier?

#### AMENDMENT NO. 22, PROVIDING FOR SUPERMAJORITEES FOR ADOPTION OF CERTAIN RULES

Mr. DREIER. Thank you very much, Mr. Chairman.

I ask unanimous consent that my amendment—

Chairman HAMILTON. The Clerk will distribute the Dreier super majority amendment.

Without objection, the amendment is considered read and open for amendment as published.

The gentleman is recognized.

Mr. DREIER. Thank you very much, Mr. Chairman.

This amendment is one that I discussed when I testified before our Joint Committee. Basically, the amendment requires a three-fifths vote to adopt a rule reported by the Rules Committee that waives points of order with respect to the following six House rules: the 3-day layover, unauthorized appropriations, appropriating in an authorization bill, Budget Act violations, non-germane amendments, and non-germane Senate amendments to conference reports.

At the beginning of each Congress, the majority puts forth a package of changes to the House rules that outline the procedures they deem necessary to control the agenda and the Floor schedule. Once the rules are made, I believe that we should have to play by them unless extraordinary circumstances warrant otherwise.

Congress has come under substantial criticism for the perception that it doesn't have to comply with many of the laws it imposes on society. We have gone through that earlier in this mark-up. We are responding to that public criticism by including this legislation provision to apply the same rules to the House and the Senate.

This amendment takes this concept of compliance one step further. Not only must we comply with the laws imposed on others, but we should comply with the laws we impose on ourselves.

Just to give you one example, Mr. Chairman, of what a problem this has become, in the first session of this Congress through September 7th, our Rules Committee has waived the 3-day layover requirement on 45 percent of the bills that came through our committee. Even worse, on every single appropriations bill that came through the Rules Committee, the committee waived clause two of rule 21 prohibiting unauthorized appropriations.

This committee should rightfully be cautious about altering House rules governing Floor procedures which the majority does need to control. But my complaints are not directed at the rules themselves. They are directed at the chronic failure of the majority leadership to abide by the rules they impose on us and the way these rules are distorted and manipulated to evade accountability.

It seems to me that if the committees can't bring bills to the Floor that comply with House rules, maybe it is time to rethink the rules we operate under. But we shouldn't ignore the problem and in doing so make a mockery of the legislative process.

This is not a minority rights issue. We in the minority are not asking for more rights. The amendment doesn't prohibit the majority from adopting or altering rules and procedures at any time with a simple majority vote. Rather, this amendment says that you need 50 percent plus one to change the rules and 60 percent to ignore the rules.

I think it is a very fair solution to a problem that is before us. I hope very much that my colleagues will support the amendment.

[The amendment No. 22 proposed by Mr. Dreier follows:]



## Amendment to H.R. \_\_\_\_

Offered by Mr. *Dreier*

Page \_\_ after line \_\_ insert the following new section:

1 **SEC. \_\_. CONSIDERATION OF WAIVERS.**

2 (a) DISALLOWAL OF GERMANE AMENDMENTS TO ANY  
3 BILL OR RESOLUTION.---Clause 4 of Rule XI of the Rules of the House  
4 of Representatives is amended by adding at the end the following new  
5 paragraph:

6 "(e) The affirmative vote of three-fifths of those voting, a quorum  
7 being present, is required to adopt any rule or order reported by the  
8 Committee on Rules providing for the consideration of any bill or  
9 resolution that limits the right of Members to offer germane amendments  
10 filed with the Committee on Rules at least three calendar days before  
11 consideration of the bill or resolution that would otherwise be subject to  
12 amendment under the Rules of the House of Representatives."

13 (b) WAIVERS OF PROVISIONS THE CONGRESSIONAL  
14 BUDGET ACT OF 1974.---Clause 4 of Rule XI of the Rules of the House  
15 of Representatives is amended by adding at the end the following new  
16 paragraph:

17 "(f)(1) It shall not be in order to consider any resolution reported  
18 from the Committee on Rules for the consideration of any measure which  
19 waives any specified provisions of the Congressional Budget Act of 1974,

1 as amended, unless the report accompanying such resolution includes an  
2 explanation of, and justification for, any such waiver, an estimated cost of  
3 the provisions to which the waiver applies, and a summary or text of any  
4 written comments on the proposed waiver received by the committee from  
5 the Committee on the Budget.

6       "(2) It shall be in order after the previous question has been ordered  
7 on any such resolution, to offer motions proposing to strike one or more  
8 such waivers from the resolution, and each such motion shall be decided  
9 without debate and shall require for adoption the requisite number of  
10 affirmative votes as required by the Congressional Budget Act of 1974, as  
11 amended, or the Rules of the House. After disposition of any and all such  
12 motions, the House shall proceed to an immediate vote on adoption of the  
13 resolution.

14       "(3) The affirmative vote of three-fifths of those voting, a quorum  
15 being present, is required to adopt any rule or order reported by the  
16 Committee on Rules which waives any specified provision of the  
17 Congressional Budget Act of 1974, as amended."

18       (c) SPECIAL RULES OR ORDERS TO PERMIT  
19 CONSIDERATION OF APPROPRIATIONS BILLS.—Clause 4 of Rule  
20 XI of the Rules of the House of Representatives is amended by adding at  
21 the end the following new paragraph:

22       "(g) The affirmative vote of three-fifths of those voting, a quorum  
23 being present, is required to adopt any rule or order reported by the

1 Committee on Rules which waives any specified provision of clause 2(a),  
2 2(b), or 2(c), rule XXI."

3 (d) SPECIAL RULES OR ORDERS TO PERMIT  
4 CONSIDERATION OF APPROPRIATIONS IN AUTHORIZATION  
5 MEASURES.--Clause 4 of Rule XI of the Rules of the House of  
6 Representatives is amended by adding at the end the following new  
7 paragraph:

8 "(h) The affirmative vote of three-fifths of those voting, a quorum  
9 being present, is required to adopt any rule or order reported by the  
10 Committee on Rules which waives any specified provision of clause 5 of  
11 rule XXI."

12 (e) THREE-DAY LAYOVER.--

13 (1) BILLS, RESOLUTIONS, AND OTHER MEASURES.--  
14 Clause 4 of rule XI of the House of Representatives is amended by  
15 adding at the end the following new paragraph:

16 "(h) The affirmative vote of three-fifths of those voting, a  
17 quorum being present, is required to adopt any rule or order  
18 reported by the Committee on Rules which waives any specified  
19 provisions of clause 2(1)(6), rule XI or any specified provision of  
20 clause 7, rule XXI."

21 (2) CONFERENCE REPORTS.--Clause 4 of rule XI of the  
22 Rules of the House of Representatives is amended by adding at the

1 end the following new paragraph:

2 "(i) The affirmative vote of three-fifths of those voting, a  
3 quorum being present, is required to adopt any rule or order  
4 reported by the Committee on Rules which waives any specified  
5 provisions of clause 2(a) or 2(b)(1) of rule XXVIII."

6 (f) GERMANENESS OF CONFERENCE REPORTS.--Clause 4  
7 of rule XI of the Rules of the House of Representatives is amended by  
8 adding at the end the following new paragraph:

9 "(j) the affirmative vote of three-fifths of those voting, a quorum  
10 being present, is required to adopt any rule or order reported by the  
11 Committee on Rules which waives any specified provisions of clause 4 or  
12 rule XXVIII."

Chairman HAMILTON. Any further discussion?

Mr. OBEY?

Mr. OBEY. Mr. Chairman, there are a number of provisions in this proposal which would advantage my committee. For example, on page three if I understand it correctly, it would require the affirmative vote of three-fifths of those voting to adopt any rule or order reporting by the committee of rules which waive any special provision of clause five of rule 21.

I think that is appropriating on an authorizing bill, right?

Mr. DREIER. That's right.

Mr. OBEY. So this is an example of an item which would - - from a jurisdictional standpoint—benefit my committee. But I have to again, at the risk of sounding like a broken record, point out that this is again an effort to create additional super majority requirements in the legislative body. What it means, in essence, is that in any of the cases cited under this amendment it wouldn't be just enough to have a majority. You have to have considerably more than the majority to do business.

The rules are routinely varied in the closing days of the session. That has been the practice under both parties for a long time.

Mr. DREIER. Why not change the rules?

Mr. OBEY. I will be happy to respond after I finish.

I will be very happy to entertain a whole range of ideas about creating more super majorities, but first I think we need to have the right for a majority to proceed. I come back to—for the life of me, I do not understand how anyone interested in the dignity of the legislative process can tolerate a system under which legislation we send over to the Senate can be held up anonymously by a single member of the other body simply by putting a private under-the-table hold on something.

I would just suggest again, Mr. Chairman, that I am not willing to provide additional super majority requirements anywhere until we first of all address the basic requirement of any legislative body, which is to see to it that a majority can at least get a vote on propositions that affect the public.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. DREIER. I just wanted to make one comment on this.

I know that my friend was a virulent opponent to the North American Free Trade Agreement. I was a strong supporter.

Mr. OBEY. I wouldn't say virulent, but I was opposed.

Mr. DREIER. Well, you were pretty strong in the testimony you provided in the Rules Committee on this.

The thing that strikes me is that under my provision we would have been required to have a three-fifths vote to pass that rule on the North American Free Trade Agreement.

Mr. OBEY. And I don't think that is legitimate. I think that a majority—if it perceives an emergency—needs to be able to react to it. I happen to disagree vehemently with the result of that because they ran rough-shod, I felt, over my own committee.

I believe that you have to put your substantive views about issues and your ideological and political views about issues below your beliefs about institutional requirements. My fervent belief in

terms of institutional requirements—if it is to be held accountable, it must be able to function by majority vote.

Let me be very blunt about it. What bugs me about this whole process is that in the last election the public thought they were putting Bill Clinton in charge and they thought they were putting the Democratic party in charge to do some things. They feel that they have a right to hold us accountable for our actions or inaction. I think they ought to be able to do that, too.

The problem that we have is because of these practices of holds and filibusters, we wind up not being able to get a vote on items that a majority has agreed upon. Therefore, we are held accountable even though we have no power to break through that—

Mr. DREIER. Under very important circumstances where they need to be waived, get that three-fifths vote to break the rules.

Mr. OBEY. Which, in essence, puts the minority in control. I have a quaint view that if you want to be in control, you ought to elect the majority.

Mr. DREIER. You can at mid-session say that you want to change this rule.

Chairman HAMILTON. We have less than 7 minutes remaining on the vote in the House.

Mr. Walker?

Mr. WALKER. I just want to make a quick point.

I think we are learning some quaint things here myself. I think what we are learning is that the majority rule, under the gentleman from Wisconsin's definition of it, means that you can break the rules, ignore the rules, and do whatever you want to. If you are a majority and that is what it takes to get things done, then you ought to be able to do it.

I think that is kind of outside the scope of what most Americans think. There are a lot of Americans who get up late in the morning and think it is important for them to get to work and would like to go speeding down the highway at 90 miles an hour in order to get there. If the cop stops them, they don't have the ability to say, "Oh well, I am sorry. I am allowed to break the rules because it was important that I get to work."

But the gentleman from Wisconsin defines this very much in that way, that if the majority can't live within the rules structure it itself imposes at the beginning of the session, then it ought to be able to break those rules without any regard.

All the gentleman from California is suggesting is that if the majority does not choose to obey its own rules, there ought to be some penalty for that as well. And the penalty should be that they need to get a three-fifths vote any time they move outside their own rules. It seems to me that that is one way to try to assure that we live within the rules. What is wrong with us living within the rules in this institution, just like everybody else in society has to live within the rules?

Chairman HAMILTON. The Chair will declare a recess and we will come back and take this discussion up.

Mr. OBEY. The rules permit us to waive the rules. There is no breaking of rules. The rule is put in there to—

Mr. WALKER. I think the rest of America would love to have that, too.

Mr. OBEY. I would suggest that the gentleman who is asking that the Congressional Record accurately reflect what he said on the House Floor, not continue to put words in my mouth that I never said.

Chairman HAMILTON. The committee will have a recess.

[Recess.]

Chairman HAMILTON. The committee will resume its sitting. A vote will be demanded by the chairman on the Dreier amendment on super majorities.

The Chair will recognize the gentleman from Wisconsin and the Clerk will distribute the amendment.

Which one is it?

#### AMENDMENT NO. 23, FUNDING AMENDMENTS

Mr. OBEY. Mr. Chairman, I think it is labelled Amendment 15. It has to do with across-the-board cuts.

Chairman HAMILTON. The Clerk will distribute the Obey amendment on across-the-board cuts.

The amendment is ordered published, printed in the record, and open for amendment.

The Chair recognizes the gentleman from Wisconsin in support of the amendment.

Mr. OBEY. Mr. Chairman, this again is simply an effort to enhance Members' ability to know what it is they are voting on, because I have the quaint idea that if they know what they are voting on, they might vote a little better. It relates to across-the-board cuts.

What often happens now is that on appropriations bills a Member will offer what is called an across-the-board cut. He will say that it will cut, for instance, highway demonstration projects by 3 percent or 5 percent. They will have sheets at the door. Things have really changed in this regard because now when you vote on things people come into the chamber, somebody hands them a sheet of paper which ostensibly describes what the amendment is that they are voting on. It naturally puts whatever they are voting on in the best possible light and doesn't always include all the information that is needed to make an informed decision.

All this amendment says is that if you are going to offer an across-the-board cut, the amendment must list the dollar effect of that cut on every specific program, project, or activity under that bill. So in other words, for every item for which a dollar amount is listed in the appropriations bill, the cut must simply list what the dollar effect will be by account, program, and project so that Members have a detailed understanding of exactly what will be cut.

[The amendment No. 23 proposed by Mr. Obey follows:]

## Amendment Offered by Mr. Obey

After section 114, add the following new section:

"Sec. 115. Funding Amendments.

In Rule XXIII, add the following new clause:

'8. No amendment to a general appropriation bill may propose to increase or decrease all items of appropriation contained in that bill by a fixed percentage amount, unless such amendment sets forth the exact dollar changes on the basis of each program, project, or activity contained in the bill.'"



Chairman HAMILTON. Any discussion on the Obey amendment on across-the-board cuts?

Mr. Allard?

Mr. ALLARD. Mr. Chairman, I don't support the Obey amendment. I guess I see a contradiction here. We have individuals here from the Appropriations Committee wanting to have more authority to determine how to spend the dollars and how to portion those dollars out. I have a real concern that we focus just on spending cuts. I think at appropriate times it is a good amendment to be made that you want it across-the-board and then you allow the Appropriations Committee to take testimony to determine where best to set those priorities within the various spending parameters.

I speak as a member of the Budget Committee. I think you are a member of the Budget Committee also.

Mr. OBEY. I was once.

Mr. ALLARD. I just think that this is further than we want to go. I guess on tax increases we ought to figure out exactly how everybody is going to be impacted by a tax increase, but I think we need to leave some flexibility to the committees, so I am opposed to it.

Mr. OBEY. Would the gentleman yield?

Mr. ALLARD. I would be glad to yield.

Mr. OBEY. I am baffled by the last comment. This doesn't have anything to do with what any committee can do. The gentleman said that I was trying to expand the authority of the Appropriations Committee. This doesn't have anything to do with the authority of the Appropriations Committee. All it says is that if any Member—and I routinely offer across-the-board cuts to my own bill—whenever an amendment is offered, it must fully explain what the dollar impact is going to be on each program so that you don't have a debate going on between, say, the subcommittee chairman and the person who offers the amendment about what the effect is.

It leaves in the hands of the person offering the amendment the full ability to determine what that cut is. This is simply a 100 percent disclosure requirement.

Mr. ALLARD. Are you telling me that when you make these amendments on the Floor on cuts that what that individual says on the Floor and what would be in this amendment, then the Appropriations Committee would still have the flexibility to do—

Mr. OBEY. No. No.

Mr. ALLARD. That is my point. It is locking the Appropriations Committee into these various projects. It may be with adequate testimony in the Appropriations Committee and more discussion—those figures may have to be adjusted for practical reasons. I do feel more comfortable, in many cases, voting for a fixed reduced amount and then taking testimony as to how that might be accomplished.

If you are a businessman or if you are running a budget in a municipality or a city or State or most budgets, you determine where your spending limits are and then how you're going to set your priorities of spending. A lot of times, that is arrived at after a lot of discussion and debate and analysis.

I think we need to maintain that ability to introduce an amendment that says that there will be a 2 percent reduction in spending

and then leave it up to the Appropriations Committee to come up with those breakouts.

Mr. OBEY. Mr. Chairman, that reflects a total lack of understanding of what the existing rules are. Right now, the Appropriations Committee does not have any ability to adjust any amendment that is offered on an across-the-board cut. They should not have.

If a Member offers an across-the-board cut, he has a right to expect that it will be an across-the-board cut and that it will not be jimmied by the committee. The committee has no power to change a Member's amendment.

All this amendment says is that when you offer an across-the-board cut, you simply list the dollar amount by which you are cutting each program. That is all it says. I am baffled that anyone would have any objection to it. It just says that if you are going to vote for a 3 percent cut, in addition to knowing that the transportation bill is going to be cut by 3 percent, you would to have some idea of what that is going to apply to.

We routinely have long fractious debates about what the effect of this will be on Program X or Program Y. We don't need those debates. The author of the amendment ought to be able to define that for himself. That is all I am saying.

Mr. ALLARD. I understand what you are saying. Thank you.

Mr. OBEY. I don't think you do.

Chairman HAMILTON. Mr. Dreier?

Mr. DREIER. Thank you very much, Mr. Chairman.

Accountability is a word I have used throughout this entire process. It seems that my friend is trying to enhance the degree of accountability. Am I correct in assuming that?

Mr. OBEY. Exactly.

Mr. DREIER. I would say that this is a step. I would be inclined to look favorably on this amendment as long as we really took this accountability issue to what I think is something very important, and that is this issue of baseline budgeting.

The American people get extraordinarily frustrated when they hear about the tremendous cuts that we make and yet they don't seem to actually be cuts. Why? Because of the baseline budget process, they are not cuts.

I would like to ask my friend if he would be willing to eliminate the baseline budgeting process itself as we proceed with this. I know it may not relate to this—

Mr. OBEY. Mr. Chairman, that has nothing to do with this amendment whatsoever.

Mr. DREIER. It may not, but I am asking a question.

Mr. OBEY. Let me correct the record.

I have in my hand a 22-page list of cuts—not cuts from baselines but cuts from last year's spending levels. I have a 22-page list of cuts which we have made. So that spending level for each of those programs is below the dollar level we spent last year.

Mr. DREIER. That may be the case in some programs.

Mr. OBEY. So I don't want the impression left that we only cut from the baseline. The Appropriations Committee does not cut from the baseline. The Budget Committee may, but the Appropriations Committee does not have that luxury.

Mr. DREIER. So in other words, there are not cuts that take place that actually end up being increases?

Mr. OBEY. There may be in some other committee. There aren't in ours.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. One of the problems we have here with this amendment—given the gentleman's previous amendment that said that we have 24 hours notice—is that as the appropriations went forward, and if there were any changes whatsoever in the bill, it would make the whole across-the-board amendment then out of order because you would have had to print this 24 hours in advance, you would have had each activity and project specified in it. If any of those were changed along the way, your amendment at that point would be out of order under the process.

So what the gentleman is trying to do with this amendment, given the procedure he has already brought before the committee, is suggest that he wants to get rid of virtually all across-the-board cuts.

Mr. OBEY. That is nonsense. I would be happy to change the other amendment to make certain that that doesn't occur.

Don't tell me what I am trying to do. I know what I am trying to do and I have told you what I am trying to do. Don't mischaracterize what I am trying to do.

I am not opposed to across-the-board amendments. I offer them myself. I simply feel that the Members have a right to know—

Chairman HAMILTON. Mr. Walker has the Floor.

Mr. WALKER. The gentleman has a very interesting angle on personal attack. I am not attacking him personally. I am attacking his stupid idea.

[Laughter.]

Mr. OBEY. Then do so, but don't mischaracterize what I am doing.

Mr. WALKER. I am not mischaracterizing at all.

Chairman HAMILTON. Any further discussion on the Obey amendment, Mr. Walker?

Mr. WALKER. I am suggesting, Mr. Chairman, that the effect of this, along with the 24-hour rule the gentleman has previously proposed—in a one-two punch—is to effectively get rid of all ability to do an across-the-board cut.

I understand as an appropriator and as a member of that powerful committee why many members of that committee want to get rid of the ability of Members in the House to cut their programs and cut their bills. I understand that. The country understands that. The American people and middle class Americans understand that Congress wants to do everything possible to stop us from cutting budgets.

This is a major attempt right here before us to stop any kind of across-the-board cuts in spending. So I would suggest that if you do approve this amendment, this is a perfect example of everything middle class America believes is wrong about this Congress, that Congress will do anything in its power to stop spending cuts from taking place.

Chairman HAMILTON. Any further discussion?

Mr. OBEY. Mr. Chairman, I most strenuously object to the—I am confused. I am looking around this room. I know it is not Halloween, but there must be ghosts here somewhere because he is seeing something that isn't there.

I will happily stipulate that the gentleman can make any change he wants to make in the previous amendment I have offered so that it has no impact whatsoever on the amendment we're talking about right now.

The only thing this is aimed at doing—and any effort to describe it in any other fashion is totally illegitimate - - the only thing this amendment is trying to do is to make certain that if you or I offer an across-the-board amendment to the bill that every Member voting on that cut has an absolute right to know what the precise dollar amount will be on each and every program.

We already have those—we apply that rule now to sequestration. Anytime a sequestration takes place under the Budget Act, it applies to every program, project, or activity within the affected department.

I am only suggesting that if a Member offers an across-the-board cut that he have the courtesy to tell people what the impact of that will be on each and every program that will be cut. That is all it does and has no connection with any other amendment. If you want to offer an amendment to make certain it doesn't, I will happily cosponsor it.

Mr. WALKER. I will offer such an amendment.

You would accept an amendment to your previous amendment that says that this procedure will not apply to appropriations measures.

Mr. OBEY. No, that doesn't have anything to do with across-the-board cuts.

Mr. WALKER. You said that you would accept any amendment that would correct the problem.

Chairman HAMILTON. This is getting out of hand.

We have an amendment in front of us. The arguments have been made for and against the amendment. Let's proceed.

I assume the gentleman will require a vote on his amendment, so we will go to the next amendment.

Mr. Obey has another amendment.

#### AMENDMENT NO. 24, TO ALLOW DEBATE IN THE HOUSE TO INCLUDE REFERENCES TO THE SENATE

Chairman HAMILTON. What amendment is it, Mr. Obey?

Mr. OBEY. Mr. Chairman, I think you had better read the next amendment so that the gentleman from Pennsylvania cannot mischaracterize it.

Chairman HAMILTON. The Clerk will distribute the Obey amendment.

Which one is it?

Mr. OBEY. My No. 16.

The CLERK. Amendment offered by Mr. Obey, Title I, insert the following new section:

Section 115, debate in the House.

Mr. WALKER. I ask unanimous consent that the amendment be considered as read.

Chairman HAMILTON. Without objection.

Mr. OBEY. I object. I would like the amendment read so that everyone knows what the amendment says.

Chairman HAMILTON. The Clerk will read the amendment.

The CLERK. Amendment offered by Mr. Obey.

In Title I, insert the following new section:

“Sec. 115. Debate in the House.

“In Rule XIV, clause 1, strike the second sentence and insert the following: ‘Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the sponsorship in the Senate of bills, resolutions, and amendments, descriptions relating to Senate action or inaction concerning a measure or matter, descriptions relating to the rules of the Senate and the effect of such rules on actions concerning measures or matters in the Senate, and quotations from Senate proceedings.’”

Chairman HAMILTON. The gentleman is recognized in support of the amendment.

Mr. OBEY. Mr. Chairman, the purpose of this amendment is to simply allow Members in the House to discuss the impact of Senate rules, actions, or inactions on measures in which the House is involved. Under the rules of the House now, we have the peculiar situation, for instance, in which—even though I object to the fact that the filibuster is being used routinely to stop unemployment compensation, to stop grazing fee action, to stop the President’s jobs bill—we cannot under the rules of the House even make reference to the fact that that is occurring because right now the rules prevent any mention at all of the Senate, which we call the other body.

All I am suggesting is that that rule ought to be more loosely interpreted so that if a Member wants to discuss the fact that Senate rules, for instance, are preventing us from getting completed action on a jobs bill—or any other bill you want to talk about—that we be allowed to do so. It is simply eliminating what is now, in effect, a gag rule in the House so that we can at least refer to the impact of the filibuster rule or the hold rule or anything of a similar nature.

[The amendment No. 24 proposed by Mr. Obey follows:]

## Amendment Offered by Mr. Obey

In Title I, insert the following new section:

"Sec. 115. Debate in the House.

In Rule XIV, clause 1, strike the second sentence and insert the following: 'Debate may include references to actions taken by the Senate or by committees thereof which are a matter of public record, references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments, descriptions relating to Senate action or inaction concerning a measure or matter, descriptions relating to the rules of the Senate and the effect of such rules on actions concerning measures or matters in the Senate, and quotations from Senate proceedings.'

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. The amendment will be voted on and we will go to the next Obey amendment.

#### AMENDMENT NO. 25, CONFERENCE MANAGERS

Mr. OBEY. My amendment No. 10. [Committee Amendment No. 25.]

Chairman HAMILTON. The Clerk will distribute amendment number 10.

What amendment is that?

Mr. OBEY. Conference managers.

Chairman HAMILTON. Without objection the amendment is considered as read, printed in the record, and open for amendment.

The gentleman is recognized in support of the amendment.

Mr. OBEY. Mr. Chairman, I want to read the amendment so that it cannot be mischaracterized.

It simply says, "The second sentence of rule 10, clause 6(f) of the rules of the House is amended to read as follows:

"In appointing Members to conference committees, the speaker shall, to the greatest extent practicable, only appoint Members who support the House position on final passage of the measure."

I don't expect to have a long debate on this. I understand that Mr. Walker and others will distinctly not approve of the amendment. But I happen to believe that the obligation of a conferee is to defend the House position just as the obligation of a Senate conferee is to defend the Senate position.

Chairman HAMILTON. The Chair is not able to support this amendment, I don't think.

Mr. OBEY. I didn't think you would.

[Laughter.]

Mr. OBEY. But I think there are many Members in the House who feel that the rules ought to be as they were in my Legislature, which is that if you are on the conference you are there to work out differences between the two bodies, not to try to shape the bill to suit your own personal opinion.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, since my position has already been characterized by the gentleman, I do want to point out—since he has pointed out on several occasions previously—about a pattern of activity here. This amendment represents also a pattern of activity. This is one more measure being brought forward by a member of the majority designed to make certain that only spenders get to participate in conferences. For instance, what this would mean on appropriations bills is that the only people the speaker could appoint to a conference would be those who voted in the House for the spending.

So you would have in the committee room only people who were for the spending. You would have absolutely no one who voted against the bill and against the spending.

This is part of a pattern we are seeing emerging here that only big spenders need apply. We can't have three-fifths rules. We can't have anything that prevents the rules from being broken. And now

the gentleman proposes that we go to conference with only those people who have previously supported the spending.

I would agree with the chairman. I think this is an outrageous proposal.

Chairman HAMILTON. I am not sure I characterized it that way. [Laughter.]

Mr. OBEY. Mr. Chairman, I would simply want to respond—without lengthening the debate unduly—that that also is a quaint interpretation. The fact is that this applies to every bill in the House. The fact is that when you provide tax bills, for instance—tax bills are usually shot through with special provisions. They don't spend money. They give money away through the tax code. That is just as damaging to the Treasury.

This is not confined to appropriations bills, by any means. But I would simply point out that in the case of the bill which I managed on the Floor this year—the foreign operations bill—that brought to the Floor a bill which cut spending by \$1.5 billion. By far the most opposition to that bill was by people who wanted us to spend more on a wide variety of programs, whether it be aid to Israel or aid to a dozen other countries that people were heavily lobbying for.

Chairman HAMILTON. Any further discussion?

Mr. OBEY. This is simply an effort to make certain that if you are on the conference, you are defending the House position as opposed to the Senate position. The Senate position is often much higher than the House's position.

Chairman HAMILTON. Is the gentleman asking for a vote on this amendment?

Mr. OBEY. Sure.

Mr. WALKER. Mr. Chairman, if we're actually going to vote on the amendment, I think we ought to look at it technically. I have a copy of the rules book here.

The sentence that he is amending—what he is taking out is the sentence that says that anytime after the original appointment the speaker may remove members or appoint additional members to the conference committees. He would strike that sentence and replace it with this sentence.

I think what he wants to do—just to make certain we are technically correct—is do the third sentence which says, "In appointing members to the conference committees, the speaker shall appoint no less than a majority of members who generally supported the House position as determined by the speaker."

I think that is what he intended to change.

Mr. OBEY. That is correct.

Mr. WALKER. But that is not what your amendment says.

Do I understand that what you want to do is the third sentence rather than the second sentence?

Mr. OBEY. If that is the case, I appreciate the fact that the gentleman has caught a drafting error. It certainly is what I would like.

Mr. WALKER. I would simply point out that that is the kind of thing that also your amendment on 24 hours would prevent us from doing on the Floor.

Chairman HAMILTON. Without objection, the Obey amendment will be so amended.



We will vote on this Obey amendment at a later point.

The Chair simply wants to announce at this point, because Mr. Dreier has to leave, that we are approaching the end of the amendments. I think there are several more. But it is my hope that we can conclude consideration of amendments this morning and then set time this afternoon to begin voting.

Mr. Dreier and I, under the unanimous consent agreement, have to agree upon a time to vote.

Mr. OBEY. Mr. Chairman, could I ask Mr. Dreier a question?

Chairman HAMILTON. Sure.

Mr. OBEY. Since this so-called spender has to be in the Rules Committee testifying for an amendment that cuts \$22 billion in spending, can you tell me what time that meeting is going to take place?

Mr. DREIER. Yes, that is from 11:00 to 3:00.

Mr. OBEY. That's on the rescission?

Mr. DREIER. Yes, and then the D.C. state-hood bill comes up in the Rules Committee at 3:00.

Mr. WALKER. If I may say to the gentleman, I am also appearing before that and \$22 billion is a pittance. I have \$48 billion in mine.

[Laughter.]

Mr. OBEY. And my mother is bigger than your mother.

[Laughter.]

Chairman HAMILTON. We are looking at about 3:00 to reassemble to begin voting, just to let you know. If there are strong objections to that, please let me know, but I would like very much to try to finish the voting this afternoon. I think it will take us several hours to do it.

Any further amendments?

Mr. OBEY. Mr. Chairman, I do have several others, but I think they would best be offered as amendments to other amendments.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Not in this section.

Chairman HAMILTON. Any further amendments on the Floor section?

[No response.]

Chairman HAMILTON. Apparently not. We will go to the final section.

Mr. OBEY. Mr. Chairman, I should say on the Floor section, if you are closing it off, that I will not offer the amendment that I had noticed the committee on filibuster, but I do want to make clear that I will be offering that in every other venue and it will have to be dealt with, in my judgment, before there is any significant expansion of minority rights.

Chairman HAMILTON. We now move to the section on staffing and support agencies.

The Chair recognizes Ms. Dunn. Do you have an amendment?

Ms. DUNN. Yes, I have, Mr. Chairman.

#### AMENDMENT NO. 26, PROVIDING TWO-THIRD—ONE-THIRD COMMITTEE STAFF RATIOS

Chairman HAMILTON. The Dunn amendment will be distributed, please.

The amendment will be printed in the record and open for amendment at any point.

The gentlewoman from Washington is recognized in support of her amendment.

Ms. DUNN. Thank you, Mr. Chairman.

Mr. Chairman, this is another amendment that speaks to one of our great concerns from the minority perspective, and does so, I believe, in a reasonable long-term way in the form of a change that can easily be absorbed by the institution.

Earlier this year on the Floor I offered a 25 percent staff reduction amendment coupled with a requirement to establish a two-to-one ratio on all committee staff.

I understand the concerns of the majority side that if we cut back staff at the same time we move toward fairer staffing ratios we would be in effect laying off Democratic staff. So let's at least at a minimum agree that we should reach this level of fairness within 5 years so that we can make use of attrition, for example. And let's include the overloaded staffs of the budget and appropriations committees in this fairness in staffing proposal.

We all know that the Senate did this years ago in the name of fairness. We note, too, that this ratio currently exists among statutory staff on the House side. I simply propose that we adopt that same ratio on the investigative staff.

The Government Operations Committee, for example—which has been a prime example as far as partisanship of membership—is a very good example here of the staffing disparity that I wish to correct in my proposal.

On the day the chairman and ranking member of the Government Operations Committee testified before the subcommittee on which I serve, they had a total on staffing of 54 Democrats and 4 Republicans. Many here probably know that in 1970 in the Legislative Reorganization Act of 1970 the House actually voted to adopt an overall two-to-one staffing ratio only to have that vote reversed the next year by the Democratic Caucus.

It is fundamentally unfair, Mr. Chairman, that Republicans who represent 40 percent of the membership in the House of Representatives have—at least at the beginning of this year—only 24 percent of the staff. Let's commit to fairness in staffing, even if it takes 5 years to get there.

[The amendment No. 26 proposed by Ms. Dunn follows:]

## Amendment to H.R. \_\_\_\_

Offered by *Ms. Dunn*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. MAJORITY-MINORITY COMMITTEE STAFF RATIOS.**

2 (a) IN GENERAL.---Notwithstanding any other provisions of law,  
3 not later than the beginning of the One Hundred Sixth Congress, not less  
4 than one-third of the staff funding made available to each standing, select,  
5 special, ad hoc, or other committee of the House of Representatives shall  
6 be allocated to the minority party. The requirement of the preceding  
7 sentence shall be phased in during the One-Hundred Fourth and One-  
8 Hundred Fifth Congresses and carried out by rule of the House, regulation,  
9 or other appropriate authority pursuant to a timetable agreed to be the  
10 majority leader and the minority leader of the House.

11 (b) EXCEPTION.---Subsection (a) shall not apply to the Committee  
12 on Standards of Official Conduct.

Chairman HAMILTON. Any further discussion?

I might just say to the gentlewoman that this question of staff ratios is very much under discussion now. One of the things we are looking at—as I think you know—is that we would try to create in a staff non-partisan staff. I am not sure how to characterize that. Administrative work, largely in a staff.

They would not be included in any ratio between majority and minority. Then you would look at the ratio, setting aside the administrative staff or the non-partisan staff.

Your amendment goes to a problem that is very, very much under discussion now. I think you are correct, of course, to observe that on the Democratic side the connection between this amendment and staff cuts has to be looked at very carefully. There is a great concern about us being in a position of cutting Democratic staff while hiring Republican staff.

I think we will probably be able to work through something on this, but we haven't quite got the right formula yet. In any event, the amendment speaks to a genuine problem and a lot of discussion is going forward on it. That is about all I can say at the moment.

Mr. OBEY. Mr. Chairman, could I comment?

Chairman HAMILTON. Sure.

I would like to say that I remember when the original Bolling initiative was, in essence—I remember when that was rolled back. I agree with you that there ought to be some correction.

I would just offer a gratuitous and friendly piece of advice on this. I would encourage you—and I am not asking you to look at it today—but I would encourage you as we are trying to work through some kind of compromise on this—to look at the model of associate staff because one of the ways we have gotten around the traditional lock-jaw that we have between the parties on the issue of staff ratios is by the device of associate staff, which some committees use.

Some people don't like the fact that it is used. But what it means, for instance, is that each member of the committee has access to an associate staffer. So that means that if you have whatever percentage of Republicans you have on the committee, that is the percentage of associate staff that you have because you have one for each member.

I am simply suggesting that as we go through further steps on this, you take a look at that as a possible way to get out of this definitional gridlock that has prevented us from reaching a reasonable compromise on it.

The associate staff idea, as it works on our committee, came because of a joint effort by me and Jack Kemp. We don't agree on very much, but we agreed that there ought to be equal parceling out of those staff opportunities. That is the device by which we were able to work it out.

I would also say that I think in the context of discussing this, Mr. Chairman, we do again—at the risk of offending our brothers in the Senate—need to recognize that there are some substantial and in my view grossly unfair differences between staff compensation, House versus Senate.

For example, for legislative directors, for legislative assistants, for press secretaries, and district State directors, Senate compensa-

tion for those four slots exceeds House compensation by anywhere from 10 to 50 percent. The last time I looked, the only thing Senators do that we don't do is that they vote on treaties and they engage in filibusters. And we also don't confirm appointments. But other than that, we have the same duties.

It also seems to me, Mr. Chairman, that we need to find some way to equalize compensation between the bodies. I think we need to do a lot of equalization all the way around the horn on this. I think this ought to be considered as we try to figure out how to work our way through the problem.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. If not, we will vote on this amendment, I am sure.

Any further amendments with respect to staff and support agencies?

Mr. ALLARD. Mr. Chairman, I have an amendment.

Chairman HAMILTON. Mr. Allard has an amendment.

#### AMENDMENT NO. 27, DETAILEES FROM SUPPORT AGENCIES AND EXECUTIVE BRANCH

Mr. ALLARD. It has to do with the detailees from Congressional support agencies and Executive agencies.

Chairman HAMILTON. The Clerk will distribute the Allard amendment.

The amendment is printed in the record and open for amendment, considered as read.

The gentleman from Colorado?

Mr. ALLARD. Mr. Chairman, this amendment provides that Congress reimburse the entity for the detailee that is regularly employed for the cost of their services. The reason is that it promotes accountability and the current situation masks through a number of Government employees, a Member of Congress, a committee, or agency employees.

We have some 37,900 employees here with the Legislative Branch. There is probably even more than that because we don't know how many are detailees whose salaries are being picked up by the various agencies that work here on the Capitol.

I think this is an issue as far as budget accountability, truly being able to know where the employees are and how many we have. I think it would help us a lot in making decisions as they relate to the budget. That is the reason for making the amendment.

[The amendment No. 27 proposed by Mr. Allard follows:]

Amendment to H.R. \_\_\_\_

Offered by Mr. *Allard*

At the appropriate place in Title III, insert the following new section:

1 **SEC. \_\_. DETAILEES FROM CONGRESSIONAL SUPPORT AGENCIES**  
2 **AND EXECUTIVE AGENCIES.**

3 (a) REIMBURSEMENT.---The cost of the service on detail to a  
4 committee of the House of Representatives or the Senate or the personal  
5 office of a member of the House of Representatives or the Senate of a  
6 person who is regularly employed by an instrumentality of Congress or an  
7 executive agency shall be fully reimbursed to the instrumentality of  
8 Congress or executive agency by the committee or personal office that  
9 receives the service.

10 (b) DEFINITION.---In this section, the term "instrumentality of  
11 Congress" means---

12 (1) the General Accounting Office;

13 (2) the Congressional Budget Office;

14 (3) the Congressional Research Service of the Library of  
15 Congress;

16 (4) the Government Printing Office; and

17 (5) the Office of Technology Assessment.

Chairman HAMILTON. Any further discussion on this?

As the gentleman from Colorado knows, this is an explosive amendment in many respects. I have discussed it at some length with my colleagues. It is a difficult one for them.

Mr. SPRATT. Would it apply to Congressional fellows who often serve in our offices for 6-month periods of time?

Mr. ALLARD. I don't know that I am entirely familiar with the Congressional fellows. Are these individuals that come from the agencies and they are paid a salary in the agency?

Mr. SPRATT. Yes.

Mr. ALLARD. Then the answer is yes. It would be my intention to include that.

Mr. SPRATT. So that would come out of our office account?

Mr. ALLARD. Yes.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. We will vote on this amendment at a later time.

Any further amendments?

The Chair has one amendment relating to the Intelligence Committee. I would like that distributed at the moment.

I will simply say that it provides for an 8-year rather than a 6-year term for members of the Intelligence Committee. The Senate today has 8 years. I would like to offer that at this time.

I see no reason to have any further discussion of it unless Members have a question.

My only thought on it is that my experience on the Intelligence Committee suggests to me that the 8-year term makes a lot of sense. The 6-year term is fairly short.

[The amendment proposed by Mr. Hamilton follows:]

Page 13, strike lines 13 through 19 and insert the following:

Clause 1(c) of rule XLVIII of the Rules of the House of Representatives is amended to read as follows:

"(c) No Member of the House other than the Majority Leader and the Minority Leader may serve on the Select Committee during more than four Congresses in any period of six successive Congresses (disregarding for this purpose any service performed as a Member of such committee for less than a full session in any Congress), except that the incumbent Chairman or Ranking Minority Member having served on the Select Committee for four Congresses and having served as Chairman or Ranking Minority Member for not more than one Congress shall be eligible for reappointment to the Select Committee as Chairman or Ranking Minority Member for one additional Congress."

Mr. OBEY. I don't recall what the existing rule is now. Is it identical to the budget? Does it have the exemption for a Chair who is elected?

Chairman HAMILTON. Yes, it does have the exemption.

Mr. OBEY. So it is identical to the Budget Committee now?

Chairman HAMILTON. It tracks it.

Is there any objection to the amendment?

Ms. DUNN. No objection.

Chairman HAMILTON. Without objection, the amendment—

Mr. WALKER. I am reading through this. It seems to me that you are referring to four Congresses and six successive Congresses and not years here. That would be considerable—

Counsel: All this does, Mr. Walker, is require that there be mandatory rotation off the Intelligence Committee. So you would serve four terms with the terms starting at the beginning of a Congress and ending at the end of the Congress rather than having 6 years of continuous service where some members are bumped off in the middle of a year. This avoids that, but this requires mandatory rotation.

Mr. WALKER. In other words, the four Congresses would be the 8 years. But I was looking at the six successive Congresses. But that simply refers to not being able to serve more than 8 years within a 12-year period?

Chairman HAMILTON. That's correct.

Any objection?

[No response.]

#### ADOPTION OF AMENDMENT TO U.C.

Chairman HAMILTON. The amendment is adopted.

Any further amendments?

Ms. Dunn?

Ms. DUNN. Thank you, Mr. Chairman.

#### AMENDMENT NO. 28, PROVIDING TWENTY-FIVE PERCENT CUT IN LEGISLATIVE BRANCH FUNDING

Ms. DUNN. Could we have my 25 percent legislative cut-back amendment passed out, please?

Chairman HAMILTON. The Clerk will distribute the Dunn amendment, 25 percent cut.

Ms. DUNN. Mr. Chairman, this is an amendment to Title III, page 35, lines 16 through 22.

The amendment I am proposing is to set a specific goal of a 25 percent reduction in the funding of the Legislative Branch over the next 5 years. The President has committed himself to cutting the White House staff by 25 percent. Members more senior than I have spoken eloquently about the over-reliance on committee staff.

Comparing the 102nd Congress with the 92nd Congress 20 years ago is instructive because it shows us that the average length of bills passed has increased three-fold and the total number of pages of laws passed has more than tripled as well.

That is why I have argued before that we can make reductions in the size of committee staff.

Mr. Chairman, at least 82 House committee staff members receive salaries above that paid to former chairman of the Joint Chiefs of Staff, Colin Powell, and that seems out of proportion to me. Others have argued persuasively that we can realize other savings through joint administration, more computerization, and so forth. I think we should be looking at these suggestions.

We all know that very tough spending reductions must be made and will affect the American people. Before we do that, let's show the American people that we are willing to cut here in Congress first. Let's commit to a 25 percent reduction in the Legislative Branch over the next 5 years. Congress will become less staff reliant and we will lead by example in making cuts here before making deeper cuts in services.

[The amendment No. 28 proposed by Ms. Dunn follows:]



## Amendment to H.R. \_\_\_\_

Offered by Ms. Dunn

Strike Page 35, line 16, through Page 35, line 22, and insert in lieu thereof the following:

- 1           "(2) a reduction, from the level as of September 30, 1993, of 25
- 2 percent over a 5 year period in the total level of expenditures from
- 3 appropriated funds to the legislative branch."

Chairman HAMILTON. Any further discussion?

Mr. Walker?

Mr. WALKER. Mr. Chairman, I want to go on record as supporting this amendment.

In large part, I think it reflects a changed reality. The argument made for much of the last two decades in the Congress for increasing staff and resources here was that we had to have staff and resources to offset an Administration that was from a hostile political party and more people were needed on Capitol Hill in order to give us the resources to meet that particular problem.

Today, the entire Government is in the control of one political party and there is certainly no need any longer for Congress to have the kind of staffing to offset that margin. In fact, it would seem to argue against the increased staff in Congress.

The gentlelady has really made a significant contribution here in suggesting that now is an appropriate time for Congress to cut back on its overall spending. It is something that we could surely achieve, although not without some hardship. This would be a difficult thing to do on Capitol Hill, but we ought to be willing to do some of the difficult things at this point.

I thank her for the amendment.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. If not, this will be an amendment we will vote on.

Another amendment?

#### AMENDMENT NO. 29, ABOLISHING LEGISLATIVE SERVICE ORGANIZATIONS (LSO'S)

Chairman HAMILTON. Mr. Allard?

Mr. ALLARD. Mr. Chairman, I have an amendment to be offered by myself on the elimination of legislative service organizations. I think staff has that amendment.

Chairman HAMILTON. The Clerk will distribute the amendment.

The amendment is printed in the record and the gentleman is recognized in support of it.

Mr. ALLARD. Mr. Chairman, I thought we had very good testimony presented by at least one individual—several referred to it—about the abuse that is tied in with the legislative service organizations. I am offering an amendment to eliminate taxpayer funding for all legislative service organizations, commonly referred to as LSOs, except for the Democratic Study Group and the Republican Study Committee.

My amendment would recognize the unique political nature and service of the Democratic Study Group and the Republican Study Committee. They would be allowed to exist as part of the leadership structure.

Other LSOs would be abolished. However, these groups would be allowed to continue like the 110 other unofficial House organizations without special funding. Several reform efforts to end the financial abuse and inappropriate activities have been pursued over the last 10 years. None of these official findings and recommendations have been implemented. Congress has spent \$35 million in

tax funds on LSOs over the last 10 years. Of these funds, \$7.7 million—an amazing 22 percent—are not even accounted for in the LSOs' own records.

We also heard testimony that taxpayer funds diverted to LSOs are not subject to the same restrictions as Member or committee funds. LSOs can and do spend their tax funds on entertainment, receptions, meals, travel, and expensive gifts.

No specific rules have been adopted defining their role, purpose, or function. The lack of guidance and public disclosure have left them to become taxpayer-funded special interest groups that lobby Congress and influence legislation.

LSOs maintain dubious relationships with outside organizations where the line between the public's tax dollar and special interest dollars become blurred. This commingling of resources raises both legal and ethical considerations.

After abolishing select committees in a show of Congressional reform, we continue to allow LSOs to operate as though they were essential and without problem. Now efforts are underway to recreate the abolished selects into LSOs, thus circumventing the will of the whole House.

Mr. Chairman, I would move the Allard amendment.

[The amendment No. 29 proposed by Mr. Allard follows:]

Amendment to H.R. \_\_\_

Offered by Mr. *Allard*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. ABOLITION OF LEGISLATIVE SERVICE ORGANIZATIONS.**

2 (a) **ABOLITION.**---Notwithstanding any other provision of law, aAll  
3 legislative service organizations except the Democratic Study Group and  
4 the Republican Study Committee are abolished.

5 (b) **DEFINITION.**---As used in the preceding paragraph, the term  
6 "legislative service organization" has the meaning given that term in the  
7 regulations of the Committee on House Administration, as in effect on  
8 June 1, 1993.

Chairman HAMILTON. What groups are affected by this? What LSOs? Do you have a list of them, by chance?

Mr. ALLARD. There is a whole group of LSOs. Let me see if I have a list.

Mr. OBEY. Could we have a complete list before we vote on it, Mr. Chairman?

Chairman HAMILTON. It would be helpful to have a list of the LSOs.

Mr. ALLARD. Let me see if I can get that for the committee. I have a directory here and we can read down through that list for the committee.

Two obvious LSOs would be the Republican Study Group and the Democrat Study Group. They have been exempted from my amendment.

We can take the Arts Caucus as an example.

Mr. OBEY. Would this eliminate the Black Caucus?

Mr. ALLARD. They would be a legislative service organization, yes.

Mr. OBEY. So they would not be able to band together to deal with their special problems?

Mr. WALKER. They would still be able to do it, like the Steel Caucus does informally.

Chairman HAMILTON. The legislative service organizations that have Federal money—I presume most of those operate with contributions from Members' allowances. Do some have direct Federal funding?

Mr. ALLARD. Mr. Chairman, I'm sorry—

Chairman HAMILTON. I am trying to figure out what Federal funds are involved in the legislative service organizations.

Mr. ALLARD. Some of those legislative service organizations require that the Members pay money in order to be a member. Of course, those are taxpayer dollars that go into our Congressional offices. Those become a part of those. Because of that transfer over of funds, in effect, you lose accountability on those dollars.

I would just respond to the Member here, Congressman Roberts is the one that brought this to the attention of the committee and he had a list of LSOs. I am sure we have a list of that out of the record for his information.

Chairman HAMILTON. Are there other LSOs, for example, that get direct appropriations from Federal funds other than through Member contributions?

Mr. ALLARD. In testimony, I think a majority of those come from Members of Congress who contribute to those LSOs.

Mr. WALKER. If the gentleman would yield, they do get office space. They are provided with office space. I can give you a list of them here, but they are provided with office space, telephones, and a lot of that kind of thing. So they are indeed—

Chairman HAMILTON. I have the general sense that the LSOs have kind of sprung up like topsy around here and we have not had very close oversight of them. So the gentleman's amendment has some merit to me that we look into this. Whether or not we ought to say, "Abolish all the money," I can't really make that judgment now.

Mr. ALLARD. Mr. Chairman, I have a list here of some of the LSOs. If you would like, I can read some of them.

Mr. OBEY. Rather than reading some of them, could we just have a printed list?

Mr. ALLARD. What I have are their receipts, expenditures, and the percent that is unaccounted for.

The Arts Caucus, for example—the percent that is unaccounted for there is 25 percent. There is another caucus called the Automotive Caucus, where there is an unaccounted percent of funds of 77.9 percent. The Black Caucus has 33 percent that are unaccounted for. The Border Caucus has 82 percent unaccounted for. The California Democratic Delegation—which is one of the LSOs—has done a relatively good job of keeping track of their expenditures with about 2.99 percent of funds unaccounted for.

The Federal Government Service Task Force, Hispanic Caucus, House Wednesday Group, Human Rights Caucus, New York State Delegation Caucus, the Pennsylvania Delegation Caucus—I do have a list of a few of them. I would be glad to provide those to the members of this committee.

Chairman HAMILTON. Mr. Swift is on the Administration Committee.

Mr. Swift?

Mr. SWIFT. I just checked with the committee to find the exact status of it. This has been under operation for some time—not only study but we have been working on it. Final action has been held up on a disagreement between Mr. Boehner and Mr. Kleczka over exactly how the auditing process should go. It is my understanding that that is about to be resolved. In fact, we hope to take action on this on Monday.

That action will include a regularization of this. In other words, things that we cannot do with our office funds they cannot do with money they get from our office funds. The whole list of things the gentleman raised are legitimate concerns which the House Administration Committee has been addressing. This is under control and is going to be dealt with. I think it is wholly inappropriate to deal with it here.

Mr. WALKER. Mr. Chairman, Mr. Allard's staff has been helping me get some information here for the committee, but if you want to refer to page 850 and 851 in your committee proceedings book here, that is available. We will also make copies of that available. It shows that there is a total of \$34 million altogether that is reported funding, \$26 million expenditures, somewhere around \$7.7 million unaccounted for.

I think it is entirely appropriate for us to be dealing with this here. Again, we are about reforming the Congress. If we decide that instead of regularizing the process what we want to do is abolish some of these groups, that is an entirely appropriate action for this particular committee to be taking. The gentleman is certainly within the proper bounds of our authority to be considering this.

I, for one, don't have a great deal of faith that the House Administration Committee follows through on some of these things. I was a part of the reform group that supposedly turned over all the administrative functions of the House to the new director of legislative services. I find out by reading press accounts within recent

days that we still haven't turned over the House information systems because the House Administration Committee and powerful members of that want to keep a hold of that particular administrative unit of the Congress. That was supposed to have been done a year or more ago.

So the idea that the House Administration Committee is handling this doesn't give me a great deal of confidence, in all honesty. I think the gentleman is entirely appropriate in bringing this matter before this committee.

Mr. SWIFT. Would the gentleman yield?

Mr. WALKER. Sure, I would be happy to yield.

Mr. SWIFT. I don't share your skepticism of the House Administration Committee. I did not mean to imply that I thought it was inappropriate for him to bring it up here. I think it is inappropriate. My personal view is that we don't need to deal with it, but obviously it is an appropriate place to raise the issue.

Chairman HAMILTON. This will be voted on. I thank the gentleman.

Any further amendments?

Mr. OBEY. Mr. Chairman, I am not sure that I want to offer this amendment, but I would ask the Chair's guidance in how we might deal with the problem.

On several occasions since I have been chairman of committees around here, I have had the minority staff directors approach me asking that I sign off on minority salaries which would have been higher than salaries being paid by the committee staff director.

I declined to do that. It is sometimes hard to do so because if you are told by the minority, "Look, this is a fellow with special talents. If we can't pay him more than you are paying your guy, we are going to lose him." If you turn it down, you are accused of partisanship.

But I have an institutional view that a staff director running the entire committee ought not to have anyone on the committee staff earning more than the staff director.

I don't know what the proper remedy is, but I know that on occasion we have seen the situation where minority staffers have been paid more than the committee staff director. I have been thinking of offering an amendment which simply said that in no event should the salary paid to a staff person appointed by authority of a ranking minority member of a committee or subcommittee exceed 95 percent of the salary paid to a staff person performing comparable duties assigned by the committee or subcommittee chairman.

I am not going to offer the amendment because I don't know what the right percentage is. But I do think that somewhere along the line we need to have some rule which indicates that in no case will any person be paid more than the person who is actually running the committee.

Chairman HAMILTON. I appreciate the gentleman's comment. I expect that is an area we ought not to get into. The committee chairmen and ranking members usually work those things out among themselves in a satisfactory way. But we will be happy to consider it further.

I appreciate the gentleman's not offering it.

**AMENDMENT NO. 30, PROVIDING EXPEDITED RESCISSIONS  
PROCESS**

Mr. SPRATT. Mr. Chairman, I have two amendments that go back to budget process. Both are bills that the House itself has passed. The first one would be expedited rescissions, the Expedited Rescission Act of 1990.

Chairman HAMILTON. The Clerk will distribute the Expedited Rescission Act of 1990.

The amendment is considered read, printed in the record, and open for amendment.

The gentleman is recognized in support of the amendment.

Mr. SPRATT. I think most Members here are familiar with this particular bill because we voted on it in the House, passed it by a fairly substantial margin, and it has gone nowhere in the Senate. I think this is another opportunity to try to pass the provisions we adopted in the House and put in place. I offer this as part of our markup for that reason.

[The amendment No. 30 proposed by Mr. Spratt follows:]



AMENDMENT TO H.R. 1578  
OFFERED BY MR. Spratt

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Expedited Rescissions  
3 Act of 1993".

4 SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-  
5 POSED RESCISSIONS.

6 (a) IN GENERAL.—Part B of title X of the Congres-  
7 sional Budget and Impoundment Control Act of 1974 (2  
8 U.S.C. 681 et seq.) is amended by redesignating sections  
9 1013 through 1017 as sections 1014 through 1018, re-  
10 spectively, and inserting after section 1012 the following  
11 new section:

12 "EXPEDITED CONSIDERATION OF CERTAIN PROPOSED  
13 RESCISSIONS

14 "SEC. 1013. (a) PROPOSED RESCISSION OF BUDGET  
15 AUTHORITY.—In addition to the method of rescinding  
16 budget authority specified in section 1012, the President  
17 may propose, at the time and in the manner provided in  
18 subsection (b), the rescission of any budget authority pro-

1 vided in an appropriation Act. Funds made available for  
2 obligation under this procedure may not be proposed for  
3 rescission again under this section or section 1012.

4 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

5 “(1) Not later than 3 calendar days after the  
6 date of enactment of an appropriation Act, the  
7 President may transmit to Congress one special mes-  
8 sage proposing to rescind amounts of budget author-  
9 ity provided in that Act and include with that special  
10 message a draft bill that, if enacted, would only re-  
11 scind that budget authority. That bill shall clearly  
12 identify the amount of budget authority that is pro-  
13 posed to be rescinded for each program, project, or  
14 activity to which that budget authority relates.

15 “(2) In the case of an appropriation Act that  
16 includes accounts within the jurisdiction of more  
17 than one subcommittee of the Committee on Appro-  
18 priations, the President in proposing to rescind  
19 budget authority under this section shall send a sep-  
20 arate special message and accompanying draft bill  
21 for accounts within the jurisdiction of each such sub-  
22 committee.

23 “(3) Each special message shall specify, with  
24 respect to the budget authority proposed to be re-

1 scinded, the matters referred to in paragraphs (1)  
2 through (5) of section 1012(a).

3 “(c) PROCEDURES FOR EXPEDITED CONSIDER-  
4 ATION.—

5 “(1)(A) Before the close of the second legisla-  
6 tive day of the House of Representatives after the  
7 date of receipt of a special message transmitted to  
8 Congress under subsection (b), the majority leader  
9 or minority leader of the House of Representaitves  
10 shall introduce (by request) the draft bill accom-  
11 panying that special message. If the bill is not intro-  
12 duced as provided in the preceding sentence, then,  
13 on the third legislative day of the House of Rep-  
14 resentatives after the date of receipt of that special  
15 message, any Member of that House may introduce  
16 the bill.

17 “(B)(i) The bill shall be referred to the Com-  
18 mittee on Appropriations of the House of Rep-  
19 resentatives. The committee shall report the bill  
20 without substantive revision, and with or without  
21 recommendation. The bill shall be reported not later  
22 than the seventh legislative day of that House after  
23 the date of receipt of that special message. If the  
24 Committee on Appropriations fails to report the bill  
25 within that period, that committee shall be auto-

1 matically discharged from consideration of the bill,  
2 and the bill shall be placed on the appropriate cal-  
3 endar.

4 “(ii) The Committee on Appropriations may re-  
5 port to the House, within the 7-legislative day period  
6 described in clause (i), an alternative bill which—

7 “(I) contains only rescissions to the same  
8 appropriation Act as the bill for which it is an  
9 alternative; and

10 “(II) which rescinds an aggregate amount  
11 of budget authority equal to or greater than the  
12 aggregate amount of budget authority rescinded  
13 in the bill for which it is an alternative.

14 “(C) A vote on final passage of the bill referred  
15 to in subparagraph (B)(i) shall be taken in the  
16 House of Representatives on or before the close of  
17 the 10th legislative day of that House after the date  
18 of the introduction of the bill in that House. If the  
19 bill is passed, the Clerk of the House of Rep-  
20 resentatives shall cause the bill to be engrossed, cer-  
21 tified, and transmitted to the Senate within one cal-  
22 endar day of the day on which the bill is passed.

23 “(D) Upon rejection of the bill described in  
24 subparagraph (B)(i) on final passage, a motion in  
25 the House to proceed to consideration of the alter-

## 5

1 native bill reported from the Committee on Appro-  
2 priations under subparagraph (B)(ii) shall be highly  
3 privileged and not debatable.

4 “(E) A vote on final passage of the bill referred  
5 to in subparagraph (B)(ii) shall be taken in the  
6 House of Representatives on or before the close of  
7 the 11th legislative day of that House after the date  
8 of the introduction of the bill in that House for  
9 which it is an alternative. If the bill is passed, the  
10 Clerk of the House of Representatives shall cause  
11 the bill to be engrossed, certified, and transmitted to  
12 the Senate within one calendar day of the day on  
13 which the bill is passed.

14 “(2)(A) A motion in the House of Rep-  
15 resentatives to proceed to the consideration of a bill  
16 under this section shall be highly privileged and not  
17 debatable. An amendment to the motion shall not be  
18 in order, nor shall it be in order to move to recon-  
19 sider the vote by which the motion is agreed to or  
20 disagreed to.

21 “(B) Debate in the House of Representatives  
22 on a bill under this section shall not exceed 4 hours,  
23 which shall be divided equally between those favoring  
24 and those opposing the bill. A motion further to  
25 limit debate shall not be debatable. It shall not be

1 in order to move to recommit a bill under this sec-  
2 tion or to move to reconsider the vote by which the  
3 bill is agreed to or disagreed to.

4 “(C) Appeals from decisions of the Chair relat-  
5 ing to the application of the Rules of the House of  
6 Representatives to the procedure relating to a bill  
7 under this section shall be decided without debate.

8 “(3)(A) A bill transmitted to the Senate pursu-  
9 ant to paragraph (1)(C) or (E) shall be referred to  
10 its Committee on Appropriations. The committee  
11 shall report the bill either without substantive revi-  
12 sion or with an amendment in the nature of a sub-  
13 stitute, and with or without recommendation. The  
14 bill shall be reported not later than the seventh leg-  
15 islative day of the Senate after it receives the bill.  
16 A committee failing to report the bill within such pe-  
17 riod shall be automatically discharged from consider-  
18 ation of the bill, and the bill shall be placed upon  
19 the appropriate calendar.

20 “(B) A vote on final passage of a bill transmit-  
21 ted to the Senate shall be taken on or before the  
22 close of the 10th legislative day of the Senate after  
23 the date on which the bill is transmitted.

24 “(4)(A) A motion in the Senate to proceed to  
25 the consideration of a bill under this section shall be

1 privileged and not debatable. An amendment to the  
2 motion shall not be in order, nor shall it be in order  
3 to move to reconsider the vote by which the motion  
4 is agreed to or disagreed to.

5 “(B) Debate in the Senate on a bill under this  
6 section, and all amendments thereto and all debat-  
7 able motions and appeals in connection therewith,  
8 shall not exceed 10 hours. The time shall be equally  
9 divided between, and controlled by, the majority  
10 leader and the minority leader or their designees.

11 “(C) Debate in the Senate on any debatable  
12 motion or appeal in connection with a bill under this  
13 section shall be limited to not more than 1 hour, to  
14 be equally divided between, and controlled by, the  
15 mover and the manager of the bill, except that in  
16 the event the manager of the bill is in favor of any  
17 such motion or appeal, the time in opposition there-  
18 to, shall be controlled by the minority leader or his  
19 designee. Such leaders, or either of them, may, from  
20 time under their control on the passage of a bill,  
21 allot additional time to any Senator during the con-  
22 sideration of any debatable motion or appeal.

23 “(D) A motion in the Senate to further limit  
24 debate on a bill under this section is not debatable.

1 A motion to recommit a bill under this section is not  
2 in order.

3 “(d) AMENDMENTS AND DIVISIONS GENERALLY  
4 PROHIBITED.—(1) Except as provided by paragraph (2),  
5 no amendment to a bill considered under this section or  
6 to a substitute amendment referred to in paragraph (2)  
7 shall be in order in either the House of Representatives  
8 or the Senate. It shall not be in order to demand a division  
9 of the question in the House of Representatives (or in a  
10 Committee of the Whole) or in the Senate. No motion to  
11 suspend the application of this subsection shall be in order  
12 in either House, nor shall it be in order in either House  
13 to suspend the application of this subsection by unanimous  
14 consent.

15 “(2)(A) It shall be in order in the Senate to consider  
16 an amendment in the nature of a substitute reported by  
17 the Committee on Appropriations under subsection  
18 (c)(3)(A) that complies with subparagraph (B).

19 “(B) It shall only be in order in the Senate to con-  
20 sider any amendment described in subparagraph (A) if—

21 “(i) the amendment contains only rescissions to  
22 the same appropriation Act as the bill that it is  
23 amending contained; and

24 “(ii) the aggregate amount of budget authority  
25 rescinded equals or exceeds the aggregate amount of



1 budget authority rescinded in the bill that it is  
2 amending;

3 unless that amendment consists solely of the text of the  
4 bill as introduced in the House of Representatives that  
5 makes rescissions to carry out the applicable special mes-  
6 sage of the President.

7 “(C) It shall not be in order in the Senate to consider  
8 a bill or an amendment in the nature of a substitute re-  
9 ported by the Committee on Appropriations under sub-  
10 section (c)(3)(A) unless the Senate has voted upon and  
11 rejected an amendment in the nature of a substitute con-  
12 sisting solely of the text of the bill as introduced in the  
13 House of Representatives that makes rescissions to carry  
14 out the applicable special message of the President.

15 “(e) REQUIREMENT TO MAKE AVAILABLE FOR OBLI-  
16 GATION.—Any amount of budget authority proposed to be  
17 rescinded in a special message transmitted to Congress  
18 under subsection (b) shall be made available for obligation  
19 on the earlier of—

20 “(1) the day after the date upon which the  
21 House of Representatives defeats the text of the bill  
22 transmitted with that special message rescinding the  
23 amount proposed to be rescinded and (if reported by  
24 the Committee on Appropriations) the alternative  
25 bill; or

1           “(2) the day after the date upon which the Sen-  
 2           ate rejects a bill or amendment in the nature of a  
 3           substitute consisting solely of the text of the bill as  
 4           introduced in the House of Representatives that  
 5           makes rescissions to carry out the applicable special  
 6           message of the President, ~~unless the President~~  
 7           ~~approved the text of the President's bill transmitted~~  
 8           ~~with that special message, and the Senate passes an~~  
 9           ~~amendment in the nature of a substitute reported by~~  
 10          ~~its Committee on Appropriations.~~

11          “(f) DEFINITIONS.—For purposes of this section—

12           “(1) the term ‘appropriation Act’ means any  
 13           general or special appropriation Act, and any Act or  
 14           joint resolution making supplemental, deficiency, or  
 15           continuing appropriations; and

16           “(2) the term ‘legislative day’ means, with re-  
 17           spect to either House of Congress, any calendar day  
 18           during which that House is in session.”.

19          (b) EXERCISE OF RULEMAKING POWERS.—Section  
 20          904 of such Act (2 U.S.C. 621 note) is amended—

21           (1) by striking “and 1017” in subsection (a)  
 22           and inserting “1013, and 1018”; and

23           (2) by striking “section 1017” in subsection (d)  
 24           and inserting “sections 1013 and 1018”; and

25          (c) CONFORMING AMENDMENTS.—

1           (1) Section 1011 of such Act (2 U.S.C. 682(5))  
2 is amended—

3           (A) in paragraph (4), by striking “1013”  
4 and inserting “1014”; and

5           (B) in paragraph (5)—

6           (i) by striking “1016” and inserting  
7 “1017”; and

8           (ii) by striking “1017(b)(1)” and in-  
9 serting “1018(b)(1)”.

10          (2) Section 1015 of such Act (2 U.S.C. 685)  
11 (as redesignated by section 2(a)) is amended—

12          (A) by striking “1012 or 1013” each place  
13 it appears and inserting “1012, 1013, or  
14 1014”;

15          (B) in subsection (b)(1), by striking  
16 “1012” and inserting “1012 or 1013”;

17          (C) in subsection (b)(2), by striking  
18 “1013” and inserting “1014”; and

19          (D) in subsection (e)(2)—

20           (i) by striking “and” at the end of  
21 subparagraph (A);

22           (ii) by redesignating subparagraph  
23 (B) as subparagraph (C);

1 (iii) by striking "1013" in subpara-  
2 graph (C) (as so redesignated) and insert-  
3 ing "1014"; and

4 (iv) by inserting after subparagraph  
5 (A) the following new subparagraph:

6 "(B) he has transmitted a special message  
7 under section 1013 with respect to a proposed  
8 rescission; and".

9 (3) Section 1016 of such Act (2 U.S.C. 686)  
10 (as redesignated by section 2(a)) is amended by  
11 striking "1012 or 1013" each place it appears and  
12 inserting "1012, 1013, or 1014".

13 (d) CLERICAL AMENDMENTS.—The table of sections  
14 for subpart B of title X of such Act is amended—

15 (1) by redesignating the items relating to sec-  
16 tions 1013 through 1017 as items relating to sec-  
17 tions 1014 through 1018; and

18 (2) by inserting after the item relating to sec-  
19 tion 1012 the following new item:

"Sec. 1013. Expedited consideration of certain proposed rescissions."

20 **SEC. 3. APPLICATION.**

21 (a) **IN GENERAL.**—Section 1013 of the Congressional  
22 Budget and Impoundment Control Act of 1974 (as added  
23 by section 2) shall apply to amounts of budget authority  
24 provided by appropriation Acts (as defined in subsection

1 (f) of such section) that are enacted during the One Hun-  
2 dred Third Congress.

3 (b) SPECIAL TRANSITION RULE.—Within 3 calendar  
4 days after the beginning of the One Hundred Fourth Con-  
5 gress, the President may retransmit a special message, in  
6 the manner provided in section 1013(b) of the Congres-  
7 sional Budget and Impoundment Control Act of 1974 (as  
8 added by section 2), proposing to rescind only those  
9 amounts of budget authority that were contained in any  
10 special message to the One Hundred Third Congress  
11 which that Congress failed to consider because of its sine  
12 die adjournment before the close of the time period set  
13 forth in such section 1013 for consideration of those pro-  
14 posed rescissions. A draft bill shall accompany that special  
15 message that, if enacted, would only rescind that budget  
16 authority. Before the close of the second legislative day  
17 of the House of Representatives after the date of receipt  
18 of that special message, the majority leader or minority  
19 leader of the House of Representaitves shall introduce (by  
20 request) the draft bill accompanying that special message.  
21 If the bill is not introduced as provided in the preceding  
22 sentence, then, on the third legislative day of the House  
23 of Representatives after the date of receipt of that special  
24 message, any Member of that House may introduce the  
25 bill. The House of Representatives and the Senate shall

1 proceed to consider that bill in the manner provided in  
2 such section 1013.

3 **SEC. 4. TERMINATION.**

4 The authority provided by section 1013 of the Con-  
5 gressional Budget and Impoundment Control Act of 1974  
6 (as added by section 2) shall terminate 2 years after the  
7 date of enactment of this Act.

8 **SEC. 5. JUDICIAL REVIEW.**

9 (a) **EXPEDITED REVIEW.—**

10 (1) Any Member of Congress may bring an ac-  
11 tion, in the United States District Court for the Dis-  
12 trict of Columbia, for declaratory judgment and in-  
13 junctive relief on the ground that any provision of  
14 section 1013 (as added by section 2) violates the  
15 Constitution.

16 (2) A copy of any complaint in an action  
17 brought under paragraph (1) shall be promptly de-  
18 livered to the Secretary of the Senate and the Clerk  
19 of the House of Representatives, and each House of  
20 Congress shall have the right to intervene in such  
21 action.

22 (3) Any action brought under paragraph (1)  
23 shall be heard and determined by a three-judge  
24 court in accordance with section 2284 of title 28,  
25 United States Code.

1 Nothing in this section or in any other law shall infringe  
2 upon the right of the House of Representatives to inter-  
3 vene in an action brought under paragraph (1) without  
4 the necessity of adopting a resolution to authorize such  
5 intervention.

6 (b) APPEAL TO SUPREME COURT.—Notwithstanding  
7 any other provision of law, any order of the United States  
8 District Court for the District of Columbia which is issued  
9 pursuant to an action brought under paragraph (1) of sub-  
10 section (a) shall be reviewable by appeal directly to the  
11 Supreme Court of the United States. Any such appeal  
12 shall be taken by a notice of appeal filed within 10 days  
13 after such order is entered; and the jurisdictional state-  
14 ment shall be filed within 30 days after such order is en-  
15 tered. No stay of an order issued pursuant to an action  
16 brought under paragraph (1) of subsection (a) shall be  
17 issued by a single Justice of the Supreme Court.

18 (c) EXPEDITED CONSIDERATION.—It shall be the  
19 duty of the District Court for the District of Columbia  
20 and the Supreme Court of the United States to advance  
21 on the docket and to expedite to the greatest possible ex-  
22 tent the disposition of any matter brought under sub-  
23 section (a).

Chairman HAMILTON. Any further discussion?

Mr. WALKER. Mr. Chairman, there were some Members on the Republican side of the aisle who felt that the problem with this was that it was an attempt to do something less than providing for a true line item veto kind of measure. I think there would still be some concern about the fact that this kind of a small step rather than the large step that needs to be taken toward line item veto.

I think there would be some hesitancy about it. But it is certainly something we could vote on along the way.

Mr. SPRATT. Let me say along those lines that if we had this in law right now, we would certainly vote on the President's rescission before we left here, and that may not happen in the Senate.

Mr. WALKER. That is true.

Mr. SPRATT. So to that extent, it is significant.

Chairman HAMILTON. We will vote on that.

The Clerk will distribute the second Spratt amendment.

Mr. SPRATT. The second is the entitlement review process. Again, this is a compromise—less than what some sought—but it is still a significant process because—

Chairman HAMILTON. I understand your amendment is being copied, Mr. Spratt and is not available for distribution. You will have to describe it.

Here it is. Go ahead, Mr. Spratt.

Mr. SPRATT. This has actually been implemented by Executive Order and I think we adopted it as part of the House rules. But again, to make it a Congressional legislation applicable to both Houses and the entire budget process, I think it is a good idea to put it in this mark and then take it to conference.

Chairman HAMILTON. What does it do?

Mr. SPRATT. This requires that we baseline all entitlement spending based on the Reconciliation Act we just adopted this year, that each year the President's budget must include a variance analysis, a review of actual and projected direct spending. To the extent there is a variation over and above what we have baselined, the President must account for it. He must then make recommendations as to what to do about it, how to eliminate it, how to deal with it in the future, recoupment of the past overage, and elimination of the future overage.

And we must vote on the President's recommendations before we can proceed with the budget process or the appropriations process.

The President adopted this by Executive Order. This simply takes it up a notch in terms of legislative status if we put it in law and make it part of this mark.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I assume maybe your ruling of yesterday with regard to these matters that involve Executive Branch activities probably applies here as well. But I think we are trading fairly far afield now if we begin to set up whole procedures that involve the Executive Branch and everything else in our Congressional reform procedure.

If we are going to go down that route, I have several bills in my file—Fundamental Competitiveness Act and a whole bunch of things—that change the way we do business overall in the Government that could be entered into this process. We could change all



the departments of Government as a way of assuring better ability to deal with Congress and our committee system. There are a lot of things.

I am just afraid that—

Mr. SPRATT. If the gentleman would yield, this doesn't change the way the Executive Branch budgets any more than a biennial budget would.

Mr. WALKER. As I read down through this, we are detailing what the President's recommendations have to include. So in a Congressional reform process, we are telling the President what his recommendations will include.

I am just saying that it seems to me that we stray pretty far off the mark of a Congressional reform process when we are now demanding certain actions of the President, including telling him what his recommendations to the Congress shall include.

Chairman HAMILTON. Let me just ask the counsel if this amendment is beyond the scope of the work of the committee.

Mr. SPRATT. Well, the House adopted it as far as the reconciliation and we implemented it as part of the rules of the House to complement the President's Executive Order. We have acted upon it.

Chairman HAMILTON. The counsel has not had the opportunity to read it. Obviously, it is a complicated amendment. Why don't we just hold this for consideration. We can have the debate at the time we vote.

Is that all right with everybody?

Any further amendments?

Mr. ALLARD. Mr. Chairman, I assume we are now in the miscellaneous column.

Chairman HAMILTON. We are now in the miscellaneous.

#### AMENDMENT NO. 32, COORDINATION OF LEGISLATIVE BRANCH SERVICES

Mr. ALLARD. I have one amendment here that deals with an issue we talked about considerably here in the Committee on the Organization of Congress and it has to do with looking at the duplication of services we have on the House and Senate side. If I remember our discussion correctly, we did have quite a bit of consensus develop on the fact that we do have duplication of effort in both the House and Senate and there ought to be some effort to try to consolidate that down. That might create an opportunity for us to reduce the amount of staff that we have total in Congress by this effort.

So my amendment sets up and requests a report from the appropriate committees in both the House and the Senate about the feasibility of setting up some type of bicameral management board and that they would look at such areas as printing, recording, photography, guide services, folding, and packaging—all the non-political type services that we provide—and then also look at the feasibility, perhaps, of offering some opportunity for some competitive bidding in providing these services.

This is just calling for a report. I would hope that the chairman would accept this amendment.

[The amendment No. 32 proposed by Mr. Allard follows:]

1 **SEC. 343. COORDINATION OF LEGISLATIVE BRANCH SERV-**  
 2 **ICES.**

3 (a) **IN GENERAL.**—Not later than the end of the first  
 4 session of the 104th Congress, the appropriate committees  
 5 of the House and the appropriate committees of the Sen-  
 6 ate are to study and report to their leadership  
 7 recommendations providing for better coordination of the  
 8 legislative branch services, positions, and entities specified  
 9 in subsection (b). The study should consider the need for  
 10 the creation of a bicameral management board to provide  
 11 such coordination.

12 (b) **SERVICES, POSITIONS, AND ENTITIES.**—The  
 13 services, positions, and entities referred to in subsection  
 14 (a) are (1) printing, (2) recording, (3) photography, (4)  
 15 guide service, (5) folding and packaging, (6) chaplain, (7)  
 16 flag office, (8) parking permits, (9) security, (10) Con-  
 17 gressional Budget Office, (11) disbursements and receipts,  
 18 (12) legal services, (13) Architect of the Capitol, (14)  
 19 maintenance of grounds and buildings, (15) library, (16)  
 20 drafting services, (17) research, and (18) computer serv-  
 21 ices.

22 **SEC. 344. COMPETITIVE BIDDING FOR LEGISLATIVE**  
 23 **BRANCH SERVICES AND FACILITIES.**

24 (a) **IN GENERAL.**—Not later than the end of the first  
 25 session of the 104th Congress, the appropriate committees  
 26 of the House and the appropriate committees of the Sen-

1 ate are to study and report on the feasibility of providing  
2 for competitive bidding for the right to operate the legisla-  
3 tive branch facilities and provide the legislative branch  
4 services specified in subsection (b). The study is to con-  
5 sider whether the periodic reauthorization of such facilities  
6 and services is necessary and the appropriate duration for  
7 such reauthorizations.

8 (b) FACILITIES AND SERVICES.—The facilities and  
9 services referred to in subsection (a) are (1) barber and  
10 beauty shops, (2) gymnasium, (3) health and medical, (4)  
11 restaurants, (5) automobile services, and (6) child care.

Chairman HAMILTON. Any objection to it?

Mr. OBEY. Mr. Chairman, I don't know if I have an objection to it because I am not sure what the impact would be without having it reviewed.

So I am not sure that I would want to interpose an objection, but I wouldn't want it approved at this time.

Chairman HAMILTON. We will ask you to seek approval of it when we vote. Mr. Obey can review it between now and then.

Mr. Allard, you had one other amendment offered earlier in the compliance section. I understand that you have made adjustments to that and those adjustments are acceptable. The Chair is prepared to accept your amendment as adjusted.

Mr. ALLARD. That had to do with the Congressional compliance. If the chairman would be willing to accept that amendment, that would be—

Chairman HAMILTON. The Chair accepts that and will include it in the mark.

Any further amendments?

[No response.]

Chairman HAMILTON. That concludes, then, the amending process. We will set up a period for voting.

We will tentatively set the remaining part of the markup for 3:00 this afternoon. We will begin voting pursuant to the unanimous consent requests.

Mr. WALKER. Mr. Chairman, just so that I understand the process that we will use pursuant to the unanimous consent requests a little later, the only amendments that will be permitted to be offered during that amendment process will be those that are amendments on the same subject area but slightly different variations of the amendment. We are not now going to have whole new amendments come into the process. Is that right?

Chairman HAMILTON. The gentleman is correct.

Mr. WALKER. So in other words, when we get the proxy voting, we would have our baseline proxy voting amendment. If that goes down, we would have the opportunity to offer some other iterations of proxy voting, but we would not in that section get a whole new subject area introduced during the debate.

Chairman HAMILTON. That is correct.

The staff will try to distribute to Members the list of votes that will occur this afternoon. I have asked them to get that to you as quickly as possible so that you will have an opportunity to look it over.

It is my intention to go down that list and vote as quickly as possible.

Mr. WALKER. Is there going to be any restriction that the amendments offered would be restricted only to the individual who offered the original amendments so that we have some assurance that we don't spread it out?

Chairman HAMILTON. You have two kinds of amendments here. Any amendment may be discussed and debated for 10 minutes—5 minutes on each side. The kind of amendment you were talking about where one amendment is in order following the disposition of another amendment, we have 20 minutes—10 minutes on each side.

The Chair will recognize the proponent and opponent and that person can handle that allocation of time as they choose.

Mr. WALKER. But it would not be limited to only Members who previously offered the amendment? The amendment process at that point will be open to everyone?

Chairman HAMILTON. That is correct. It will be open to all.

Mr. WALKER. I thank the Chair.

Chairman HAMILTON. Any further questions?

[No response.]

Chairman HAMILTON. If not, we stand adjourned until 3:00.

[Whereupon, at 11:27 a.m., the committee was recessed, to reconvene at the call of the Chair.]



# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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SUNDAY, NOVEMBER 21, 1993

U.S. HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The Joint Committee met, pursuant to recess, at 2:09 p.m. in room SC-5, The Capitol, Hon. Lee H. Hamilton (co-chairman of the committee) presiding.

Chairman HAMILTON. The committee will come to order.

The Chair has been informed that Mr. Emerson and Mr. Spratt will be here briefly. It's not my intent to try to push a vote through until they're here, but I thought we could get some preliminary things out of the way.

First of all, I want to thank the Members for their understanding and cooperation on meeting. We've had an extraordinarily difficult time working out the time. Members have been very cooperative about it and understanding, and I appreciate that. I think we now have a couple of hours here that we can work and either complete or get close to completion of our work.

Members will recall that we're operating under a unanimous consent request, and any of the amendments we vote on under the unanimous consent request are permitted to have five minutes on each side. The Chair is not going to assume that we will have that debate. In other words, I'm going to ask the clerk to call the roll on each amendment, and if you want to have that debate time triggered in, you'll have to seek recognition of the Chair. I want to move the votes along as quickly as we can.

The other thing I would like to do, if it's acceptable to everybody, is to vote on those amendments where there is no derivative amendment first, just for purposes of keeping the docket cleaner, getting those things out of the way, and then we will hold all of the amendments where there may be a derivative amendment until the end and vote on those.

Now, are there any other preliminary matters to resolve before we begin? I think you all have in front of you a list of the votes—

Mr. DREIER. Mr. Chairman, let me, if I might, just state that we're waiting for Mr. Emerson, who has an amendment that we agreed that he would be able to offer when we proceed, because he was ill—

Chairman HAMILTON. That's right. I've told Mr. Emerson he would be permitted to offer that amendment.

On the first amendment that we will consider, Mr. Allard's amendment relating to applying the civil rights and the labor laws, he and I had a discussion, you may recall, earlier, and he agreed to exclude from his amendment OSHA and, I guess, Freedom of Information Act as well. I appreciate that very much.

**MODIFICATION OF AMENDMENT NO. 1, MR. ALLARD'S  
AMENDMENT ON APPLICATION OF LAWS**

So the Chair at this point asks unanimous consent that the Allard amendment may be—well, it's a substitute to his amendment, which will contain his amendment, striking from it the Freedom of Information Act and the OSHA requirements.

Chairman HAMILTON. Is there objection to the unanimous consent request?

[No response.]



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #1 -- Application of Laws

This amendment was agreed to by unanimous consent.

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		
Vice Chairman Dreier		
Representative Obey		
Representative Walker		
Representative Swift		
Representative Solomon		
Representative Gejdenson		
Representative Emerson		
Representative Spratt		
Representative Allard		
Representative Norton		
Representative Dunn		
Total		

Amendment Passed

Chairman HAMILTON. The Chair hears none, so the substitute for the Allard amendment is before us.

So far as I know, there is now no objection to that amendment. Is there objection to that amendment?

[No response.]

#### ADOPTION OF APPLICATION OF LAWS AMENDMENT BY UNANIMOUS CONSENT

Chairman HAMILTON. If not, it is adopted, and I want to thank the gentleman from Colorado for his cooperation on it—

Mr. ALLARD. I thank the Chairman for his diligence. He's worked very hard.

Chairman HAMILTON.—and commend him for it, and I know he'll be watching this as it moves along. We appreciate that.

The next amendment provides for the trial de novo. Would the clerk—do you want to wait a few minutes until Bill is here?

Mr. DREIER. Well, I'd like to. Is there another one that we're going to accept?

Mr. OBEY. Can we give Dave unanimous consent permission to use proxies?

[Laughter.]

Mr. DREIER. I object.

Chairman HAMILTON. We've had a little discussion of that already.

Mr. GEJDENSON. I would like to say for the record at this point that it demonstrates how impractical it is to try to run a legislative body without proxies.

Mr. DREIER. Well, when you're meeting at 2:00 Sunday afternoon, I agree.

Mr. GEJDENSON. Well, we had the same problem on Friday, we had the same problem on Saturday, we're going to have the same problem on Monday.

Mr. DREIER. Yes, but the exigencies of our schedule in these waning days are a little different than under normal procedures. If we reduce the number of committees, we won't have the same kinds of demands—

Mr. GEJDENSON. A legislative body's functioning is different than operating a McDonald's or a shoe store or a factory.

Mr. WALKER. Well, then, how does the Rules Committee and the Appropriations Committee and a number of others do it? I mean, it seems to me that it becomes a ridiculous argument—

#### AMENDMENT NO. 2, TRIAL DE NOVO

Chairman HAMILTON. Okay. The pending order of business is the amendment by Mr. Allard to provide a trial de novo with respect to the compliance issues. Is there any comment? If not, we are prepared to vote, and I'm going to hold it open so Mr. Emerson can vote.

With respect to the time on these amendments, the Chair is going to be pretty tough. We're permitted five minutes on each side now, and I'm not going to let you run over.

Ms. Norton?

Ms. NORTON. I think if I could have had an opportunity, if I my schedule hadn't been so tight, I might have been able to convince Mr. Allard to keep appellate review. I am a former chair of the Equal Employment Opportunity Commission and lived with the de novo hearing. If EEOC had been given the power to hold a formal hearing, there would have been appellate review as there is for all other administrative agencies. EEOC is the anomaly. Because it had no enforcement authority, it had to let the plaintiffs go into court.

The bill before us does have a formal hearing. Thus, if the party were to have de novo review in a district court, that party would have two bites of the apple, something that is virtually unknown in American law. If we were to take the administrative hearing out, then the de novo hearing would be appropriate. One of the reasons I think you'd want to keep the administrative hearing in is that that doesn't cost any money, you don't necessarily have to have a lawyer, and yet you have all of the same protections.

Every agency of the United States Government that has a hearing provides for appellate review. Those cases go to the Court of Appeals for this circuit. I know that Mr. Allard does not mean to increase litigation and, I'm sure, was simply trying to provide for fairness and simply took that from existing legislation. I'm a co-sponsor of the existing legislation, and when the two chief sponsors heard that I was in favor of appellate review, they came to see me on the floor—Mr. Swett and Mr. Shays—and I was able to convince both of them that our own bill should be amended in order to allow only for appellate review.

As a result of there being de novo review, the Federal courts have grown to hate Title VII and the other bills, because they are given matters that basically involve small issues of fact, taken then to a district court, which ought to be reserved for other kinds of matters.

So I think in the tradition of your party—and by the way, I am in that tradition when it comes to litigiousness. When I was the EEOC chair, I became known for instituting alternative dispute resolutions, because I think these things ought to be settled in the kinds—first of all, I think hearings normally shouldn't have to be held. They ought to be settled, and we ought to dispose of most of these matters.

In any case, that is the only reason I am opposing your amendment, because I very much respect the reason, Mr. Allard, that you incorporated this, and wonder if you might reconsider in light of what I've just said and my own experience.

Mr. ALLARD. Well, if the gentlelady would yield—

Chairman HAMILTON. Mr. Allard is recognized for five minutes.

Mr. ALLARD. I would just point out, Mr. Chairman, that this is a little unique situation in that we're actually dealing with the separation of powers between the three branches of Government—between the legislative and the judicial and the executive. Right now within the legislative, the way the process is set up, you have the Legislative Branch being judge and enforcer and then also a legislative body.

Ms. NORTON. I thought there was an independent hearing that we had allowed for.

Mr. ALLARD. Well, with the de novo, then what you do is—I mean, the courts looked at it, and the standard that they have is arbitrary and capricious. My understanding is that that's a very high standard.

Ms. NORTON. Because you've already had a hearing.

Mr. ALLARD. Yes. But they're looking at the procedure, and in order to turn that around—they really don't look at the facts again and don't really turn it around. They just look at the procedure itself.

Ms. NORTON. That's right, because you've already had a hearing, and you're not entitled to two hearings.

Mr. ALLARD. But if you are dealing with a hearing, where's the appointed body from? Let me ask you that. It's from within the Congress itself.

Ms. NORTON. Well, let us clarify that. I thought this was an independent hearing.

Mr. ALLARD. Appointed by the Congress, the Legislative Branch.

Ms. NORTON. Just as the President appoints the judges. Someone has to appoint these people. But I think in our bill, they have to be people with backgrounds that are professional in this field.

Mr. ALLARD. But the point that I'm making is that these individuals who are appointed by the legislature, their appointees act as judge, they act as enforcers within the same legislative body, as well as a legislative body, and that we don't have the separation of powers that you would see on the Executive Branch, for example.

So I'm suggesting because of that unique situation, that de novo would be appropriate in this particular situation. I don't see a lot of small, frivolous cases coming forward, because I think the procedure, by the time they go through that, unless they feel like they really have a serious case where they'd be willing to go on in de novo, and the cost of it—I mean, de novo means you're going to have to pay attorney fees and everything like that.

Ms. NORTON. That's the problem. I'm willing to vote this way. I just want to say that you are proposing something that is unprecedented. No separation of powers question is presented, because these are people who are totally independent and professional.

You're right, there won't be a lot of cases, because we're only talking about the Legislative Branch, but I don't believe that we ought to set up a hearing process in the Congress that uniquely allows employees of the Congress to have two hearings when employees in every other branch, including at the EEOC—at the EEOC, we have a reform bill before us now where finally we are amending the law involving Federal employees who now have a hearing to take away their de novo hearing so that they can only have an appellate hearing.

Mr. ALLARD. Well, my point is it's just a little unique situation because we're dealing with a legislative body, and I don't think there's a clear separation of powers there.

#### VOTE ON AMENDMENT NO. 2

Chairman HAMILTON. The clerk will call the roll on the Allard amendment providing trial de novo.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six Members in the affirmative, six in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #2 -- Trial de novo judicial review

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. So it is six to six. It's a tie, and the amendment fails.

Mr. OBEY. Mr. Chairman, can I just ask a parliamentary inquiry? The first amendment on application of laws, that is now approved unanimously, right?

Chairman HAMILTON. Yes.

Mr. OBEY. Okay. Thank you.

Chairman HAMILTON. So the trial de novo amendment by Mr. Allard is not adopted.

### AMENDMENT NO. 3, BIENNIAL BUDGETING

The next amendment is biennial budgeting, from Mr. Walker. The clerk will call the roll.

Mr. OBEY. Mr. Chairman, on biennial budgeting, I would like to make—

Chairman HAMILTON. Do you want to make a statement? Mr. Obey is recognized for five minutes.

Mr. OBEY. I find it interesting that—what's most interesting to me is that this is one of the many issues in this place which is not partisan. What I find interesting in the Gore report on Government reorganization is that there is a page in the report which bemoans the fact that under our budget system, the Executive Branch has problems determining how real numbers will be by the time they go into effect, because the Budget Office has to start preparing for a budget almost two years in advance.

Then the report suggests that the solution to that is to add a year to the length of the cycle. What that really means is that by the time administrations present their numbers, from the time they first start to determine what the first number is to go to OMB and then back to the agency again in that ping-pong game—by the time that process is finished, by the time it gets put into a bill, by the time it gets sent to Congress, by the time the Congress passes an appropriation bill, you really have a tremendous amount of time expended, and you have a lot of conditions which may have changed significantly.

So I think that to lengthen that cycle by another year is bad mistake, and I think it's a fundamental mistake.

Chairman HAMILTON. Would the gentleman yield?

Mr. GEJDESON. Would the gentleman yield?

Mr. OBEY. Sure. I did want to complete the statement, but I'll be happy to yield.

Chairman HAMILTON. No, no. Go ahead. Finish your statement.

Mr. OBEY. Let me just add one sentence, and then I'll be happy to yield.

The other problem I have is that, frankly, the Federal Government has a responsibility unique to all governments in this country. State governments don't have to try to manage the economy. The National Government does. If we have a two-year budget, what it really means is that once an initial budget is adopted, that for the remainder of that two-year period, we have turned Government over to unelected people on the Federal Reserve, Mr. Greenspan and company, because the only macroeconomic policy which

will be changed will be monetary policy. There is no real opportunity to change fiscal policy.

As a wide variety of presidents have demonstrated, with Mr. Ford wanting to tighten fiscal policy and several others wanting to loosen it, I think that's a fundamental mistake.

I'd be happy to yield to the gentleman from Connecticut.

Mr. GEJDENSON. I was just curious, when's the last time we had a budget where we didn't have a supplemental at the end of the year?

Mr. OBEY. We've never had one. What I always say to people is it would be nice if we could get to an annual budget before we start talking about a biennial budget. We've never had an annual budget.

Mr. GEJDENSON. So we haven't been able to get the numbers right for a 12-month period, and this proposal is that we do the numbers for a 24-month period.

Mr. OBEY. Exactly.

Chairman HAMILTON. Would the gentleman yield?

Mr. OBEY. Sure.

Chairman HAMILTON. I am going to vote for this amendment. I do have some reservations about it. I don't have any doubt in my mind that this is going to be an issue that has to go to the floor for a vote. It's kind of a clash between appropriators and authorizers. But it does seem to me it has some promise to reduce the workload, and the Democratic Administration, of course, has supported it. I'm going to vote for it.

Mr. OBEY. Well, Mr. Chairman, if I could just say, I think this is far different than an issue between appropriators and authorizers. I think this is an issue involving economic policy, and I think there are an awful lot of people on authorizing committees who are just as dubious as I am.

Chairman HAMILTON. Well, we'll discuss this item further, of course, as we move along.

Mr. WALKER IS RECOGNIZED.

Mr. WALKER. Thank you, Mr. Chairman. I'll be brief. This is the proposal as it was put forth by the Administration in the performance review, so that basically what I'm offering is precisely what the Clinton Administration has said it wants in terms of biennial budgeting. It seems to me that if you do have any belief that this is the direction we should go, that this is something where we can adopt a process that is even in line with the Administration, and I would urge its adoption.

### VOTE ON AMENDMENT NO. 3, BIENNIAL BUDGETING

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.



The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, nine in the affirmative, three in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #3 -- Biennial Budgeting

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	9	3

Amendment Passes

Chairman HAMILTON. The Walker amendment is adopted.

The next amendment is Government-wide review, from Mr. Obey, which calls for a study of user fees. Is there any discussion on that?

#### AMENDMENT NO. 4, DISCUSSION OF GOVERNMENT WIDE REVIEW

Mr. OBEY. Mr. Chairman, if I could just make a one-minute comment, this does not in any way call for a study of use of user fees. What it simply says is that we ought to have an analysis of each user fee to determine what that fee would be today had it been indexed for inflation since it was imposed. We indexed the Income Tax Code, and it seems to me we ought to be aware of what the effect is on user fees as well.

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. So this is a one-time study?

Mr. OBEY. I'm sorry, I didn't hear you.

Mr. SOLOMON. I said I'm inclined to support your amendment, but I'm trying to determine, is it a one-time analysis, or is this an ongoing thing? What does your amendment say?

Mr. OBEY. Well, I'd be happy to settle for a one-time study if you're comfortable with that. I guess I had in mind having it as just an annual routine report from the agency. But if you'd be happy with a one-time study, that's fine with me.

Mr. SOLOMON. Well, if you could—I mean, I want to support your amendment. I think it's a good idea, but I'm just worried that we don't want to create ongoing work for GAO when there may be something else there.

Mr. OBEY. CBO.

Mr. SOLOMON. Or CBO. Why don't we just try it for the one year, and if you want to come back and change it later on—

Mr. OBEY. That's fine with me.

Mr. SOLOMON. I would vote for your amendment.

Chairman HAMILTON. Counsel advises me that it appears to be, on the basis of the wording, a one-time study.

Any further question on this amendment?

Mr. EMERSON. Question, Mr. Chairman.

Chairman HAMILTON. Mr. Emerson?

Mr. EMERSON. I want to ask Mr. Obey, this is to update, taking into the account the inflationary impact over the years.

Mr. OBEY. Yes. Example: Let's say that the House restaurant charged a nickel for a candy bar, that the price hadn't been changed since 1913. We'd like to know what the price of that candy bar ought to be if—

Mr. EMERSON. I understand, but is there included in your study any attention to the fundamental efficacy of certain user fees?

Mr. OBEY. No. All we want to do is know what the price would be if it had—I'm not trying to debate anybody on substance. I just want people to know what the indexed value of that would be.

Mr. EMERSON. I would personally favor expanding it a little bit. I'm going to support your amendment as it exists, but—

Ms. DUNN. Mr. Chairman, question.

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Mr. Obey, is there any significant cost to carrying out the proposal?

Mr. OBEY. The people are there at CBO. They've got to do something. They're going to be doing that rather than something else.

**VOTE ON AMENDMENT NO. 4, GOVERNMENT WIDE REVIEW**

Chairman HAMILTON. The question is on the Obey amendment. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #4 -- Government-wide review of user fees

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey	X	
Representative Walker		X
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson	X	
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	11	1

Amendment Passes

The CLERK. Mr. Chairman, 11 in the affirmative, one in the negative.

Chairman HAMILTON. The amendment is adopted.

On No. 5, that could be one with a derivative amendment, so we'll skip it. No. 6, earmarking reporting requirements.

#### AMENDMENT NO. 6, EARMARKING REPORTING REQUIREMENTS

Mr. Obey?

Mr. OBEY. Mr. Chairman, what I'm trying to do here is, since the recommendation calls for the listing of earmarks by the Appropriations Committee, I simply want to suggest we ought to provide a listing of earmarks by everybody in play. I'm going to give you some examples.

The NASA authorization in 1990 earmarked, under section 125, the purchase of eight acres within section 16, township 3, north range 26, east NMPW, De Baca County, New Mexico, to use as a balloon launching facility. The Intermodal Surface Transportation Act, if you take a look at that, you will see page after page after page of earmarks by the authorizing committee. If you take a look at the Congressional Record for page after page after page of projects which are earmarked, the dollar expenditure amounts are earmarked in the authorization bill. You can run down the table, you see what the budget request was, and you can see what the conference agreement is. That conference agreement represents an earmark in every single instance. There are literally hundreds of them.

In the Labor-HEW-Education area, there was an earmark for George Washington University Hospital, \$50 million in the Energy and Commerce Committee. That committee often complains about earmarks when other committees do it, but that's a \$50 million item. A D.C. campus-based drug treatment earmark, \$15 million from the ADAMHA block grant in an authorization bill. The Bethune Cookman College, \$15.7 million earmarked by the Education and Labor Committee. Seven separate grants in the Higher Education Reauthorization Act for earmarking Institutes for Law of the Society, Kansas Satellite Video Center, Academic, Health and Education Center, Este Hall at Shaw University, Mariner-Cobb-Bethune Memorial Fine Arts Center, all in the authorization bill.

So I'd suggest that if we really want to get a clear picture of what Congress is doing on earmarks, we would require a listing in all of the bills, not just the appropriation bill.

Chairman HAMILTON. Any further discussion on the amendment? [No response.]

Chairman HAMILTON. The Chair is not going to vote for this amendment, although it does have some merit to it. What worries me most about it is the requirement that the President has to itemize all of his lobbying activities, and I'm just not sure that's—

Mr. OBEY. Mr. Chairman, if it would make everybody happier, I would be happy to withdraw that piece and simply provide—I have an alternative draft at the desk which would simply provide the requirement for all Congressional committees.

## AMENDMENT TO AMENDMENT NO. 6

Chairman HAMILTON. Is there objection to amending the Obey amendment, striking out the Presidential aspects?

[No response.]

Chairman HAMILTON. Without objection, that's done.

## VOTE ON AMENDMENT NO. 6

The question is on the Obey amendment, as amended. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #6 -- Earmarking Reporting Requirements

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey	X	
Representative Walker	X	
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson	X	
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	12	0

Amendment Passes



The CLERK. Mr. Chairman, 12 in the affirmative, none in the negative.

Chairman HAMILTON. The amendment is adopted.

The next amendment is No. 8, de minimis rule. No. 7 we'll come back to, because it's a derivative situation.

Mr. Dreier?

#### AMENDMENT NO. 8, DISCUSSION OF THE DE MINIMIS RULE

Mr. DREIER. Mr. Chairman, the de minimis rule amendment that I offered requires the Rules Committee to report a resolution eliminating any standing committee that falls below 50 percent of the number of Members serving on that committee at the end of the 103rd Congress, and this is sort of our incentive-based goal of trying to bring about a reduction in the number of committees, especially if Members aren't interested or willing to serve on them.

Chairman HAMILTON. Any further discussion on the Dreier amendment?

[No response.]

Chairman HAMILTON. The Chair cannot support this. I think it goes too far.

The clerk will call the roll.

#### VOTE ON ADMENDMENT NO. 8, DE MINIMIS RULE

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six in the affirmative, six in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #8 -- De Minimis Rule

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

VOTE ON AMENDMENT NO. 9, CONTROL OF GOVERNMENT  
OPERATIONS COMMITTEE

The next amendment is No. 9, control of Government Operations Committee, from Mr. Walker.

Any discussion?

[No response.]

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Six to six, Mr. Chairman.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #9 -- Control of Government Operations Committee

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

VOTE ON AMENDMENT NO. 10, COMMITTEE QUORUM  
REQUIREMENTS AND EARLY ORGANIZATION OF THE CONGRESS

Now, the next amendment, I'm not clear on. Is that a derivative amendment? Apparently not. The clerk will call the roll on No. 10.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Six to six, Mr. Chairman.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #10 -- Committee Quorum Requirements and  
Early Organization of Committees

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.  
 No. 11, I assume, is a derivative amendment situation. No. 12.

**VOTE ON AMENDMENT NO. 12 COMMITTEE PROCEDURES**

The clerk will call the role on No. 12.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #12 -- Committee Procedures

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails



Chairman HAMILTON. The amendment fails.

**VOTE ON AMENDMENT NO. 13, EQUITABLE PARTY RATIOS**

The next amendment is the equitable party ratios on committee, Mr. Allard's amendment. The clerk will call the roll.

Mr. WALKER. Mr. Chairman?

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I think we would at least want to point out that there was a chart distributed the other day indicating that somehow this wasn't a problem, and you do have a new chart at your desk today indicating that those party ratios are somewhat different than what was demonstrated on the chart that we had before us before.

Chairman HAMILTON. Both charts will be made a part of the record, without objection.

Mr. WALKER. I would simply point out that Mr. Allard raises a very legitimate point with regard to committee ratios here.

Mr. ALLARD. Just for the membership, the difference between the two charts is whether you count the delegates on the committees or not in your party ratio. That's why there's a difference in those two numbers. The chart that you have before you does not reflect delegates on the committee, where the previous chart that we had reflected the delegates that were on committees.

Chairman HAMILTON. Thank you, Mr. Allard.

Any further discussion?

[No response.]

**VOTE ON AMENDMENT NO. 13, EQUITABLE PARTY RATIOS**

Chairman HAMILTON. The clerk will call the roll on the equitable party ratios.

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Oh, I'm sorry. Forget it.

Chairman HAMILTON. The clerk will call the roll on the equitable party ratios.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six in the affirmative, six in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #13 -- Equitable party ratios on Committees

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

**VOTE ON AMENDMENT NO. 14, ABOLITION OF JOINT  
COMMITTEES**

The next amendment is No. 14, abolition of joint committees.  
Any discussion?

Mr. ALLARD. It's a good opportunity to cut the number of committees.

Chairman HAMILTON. All right. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, four in the affirmative, eight in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #14 -- Abolition of Joint Committees

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker		X
Representative Swift		X
Representative Solomon		X
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	4	8

Amendment Fails

Chairman HAMILTON. The amendment fails.

**VOTE ON AMENDMENT NO. 15, MEMBERSHIP ON INTELLIGENCE  
COMMITTEE**

No. 15 is the party ratio on Intelligence. That's Mr. Solomon's. Any discussion?

Mr. SOLOMON. Mr. Chairman, I think everybody understands it.

Chairman HAMILTON. The clerk will call the roll on No. 15.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Six to six, Mr. Chairman.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #15 -- Reduce membership of Permanent Select  
Committee on Intelligence

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

Mr. GEJDENSON. Mr. Chairman, I'd just say on the next one, we've almost achieved this, and the leadership is moving toward exactly this thing, but I think it's wrong to put it in concrete.

#### VOTE ON AMENDMENT NO. 16, SCHEDULING

Chairman HAMILTON. Okay. The next amendment is No. 16, the Dunn amendment. Any further discussion?

[No response.]

Chairman HAMILTON. If not, the clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. No.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Two in the affirmative, 10 in the negative, Mr. Chairman.

Chairman HAMILTON. The amendment fails.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #16 -- Establish 3 consecutive 5 day work weeks followed by one week with no legislative business

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier		X
Representative Obey		X
Representative Walker		X
Representative Swift		X
Representative Solomon		X
Representative Gejdenson		X
Representative Emerson		X
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	2	10

Amendment Fails

I might say to Ms. Dunn that this almost certainly will be discussed further down the line.

Mr. SOLOMON. Mr. Chairman, I just wanted to recall a conversation that you and I and others had. Although I had just respectfully had to vote against that amendment, it is a contentious issue. The House is divided over the issue, and certainly if this comes to the Rules Committee, we want to do everything we can to make this amendment in order so that it can be debated on the floor of the Congress. You said that you supported that. I certainly do, and I would hope that this will be debated on the floor.

Chairman HAMILTON. I agree with the gentleman.

#### AMENDMENT NO. 17, DISCUSSION OF MOTION TO RECOMMIT

The Solomon amendment, No. 17, the motion to recommit.

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Solomon, do you want to say anything about this?

Mr. SOLOMON. Well, I would yield to my friend down there, hoping he's going to say he's going to vote for my amendment.

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. No, I don't think I'm going to, but let me explain—I'm not going to offer the amendment today, because I don't think there's any purpose in getting into another hassle about it, but in fairness, I do want the Members to know what I will be doing in other venues.

The Chairman of the committee the other day read a statement from the parliamentarian indicating that an amendment linking any changes in the House to changes that would occur in the Senate filibuster or hold rules would be outside of the scope. I talked to the parliamentarian and obtained language which would not be outside of scope. That language would read as follows: "The effective date of this provision shall be determined by the House after a report from the Committee on Rules."

Now, frankly, what that means is that—what I envision happening is that the Democratic caucus would in fact instruct the Rules Committee to report to us when the Senate had adopted a change in the filibuster rule that allowed for an eventual vote, if a majority so desired in the Senate. Example: While I voted against the Brady bill, I thought that the Senate action in threatening to hold it up on a filibuster was outrageous.

While I don't want to resurrect that debate today, I just wanted to inform the gentleman that that's what I will be doing so that there's no misunderstanding because I don't raise that issue today. I will be raising it in other venues, and I expect the caucus will in fact adopt such an instruction to the Rules Committee.

Mr. SOLOMON. Well, David, although I don't agree with your premise, certainly I respect you for it.

Mr. Chairman, let me just say that back in 1909, when the Republicans were in the majority, believe it or not, a group of Republicans and a group of Democrats looking to support the minority rights of Democrats wrote into the Rules of this House the right of the minority party to offer the motion to recommit with instruc-

tions. For all these years, that's been respected by both parties, regardless of who was in office, up until just recently.

In the mid-1980s, when Tom Foley became our Speaker, that precedent was broken for the first time, and as you know, it caused all kinds of ill feelings. There were efforts on the floor to disrupt the House, which I don't like to participate in, but did.

We had a meeting with the Democrat leadership and the Republican leadership, and they agreed that we would recognize the rights of the minority, and all I'm trying to do is just to write this into the law in order to try to have some comity, Dave—

Mr. OBEY. I want to make clear, I expect to support you on some of those items, but I do want it in the context of a recognition that the principal obligation of a legislative body is to allow that body to get its work done, even if we disagree with the outcome, and right now the filibuster stands in the way.

Mr. SOLOMON. And a 10-minute debate and a 15-minute vote is certainly not going to be disruptive of the House.

Mr. Chairman, I hope people can support my amendment.

Chairman HAMILTON. It's the Chairman's intent to support the amendment, but I want to make sure, this allows the minority one shot, right?

Mr. SOLOMON. That's right.

Chairman HAMILTON. And you provide for the two hours of debate.

Mr. SOLOMON. Exactly.

Chairman HAMILTON. And the motion is controlled by the minority leader or his designee.

Any further discussion?

[No response.]

#### VOTE ON AMENDMENT NO. 17, MOTION TO RECOMMIT

Chairman HAMILTON. The clerk will call the role.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, 10 in the affirmative, two in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #17 -- Motion to Recommit

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	10	2

Amendment Passes

Chairman HAMILTON. The amendment is adopted.

**VOTE ON AMENDMENT NO. 18, RESTRICTIVE RULE**

No. 18 is the restrictive rules. That's the Dreier amendment. Any discussion?

Mr. DREIER. Mr. Chairman, very briefly, this amendment is designed to give the minority, when we've been forced to accept a closed restrictive rule, one opportunity to amend the rule just before the vote on the previous question.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

Chairman HAMILTON. The amendment fails.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #18 -- Restrictive Rule Amendment

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

The next amendment is the Obey amendment, notice requirements on amendments in the committee of the whole. Any further discussion?

[No response.]

#### VOTE ON AMENDMENT NO. 19, AMENDED

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. No.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

Mr. Chairman, I'm sorry to interrupt, but this amendment has been changed now to reflect the change that Mr. Walker and I had with the 3-day layover. I just wanted to remind people of that.

Chairman HAMILTON. Okay. The clerk will continue calling the role.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Yes.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. No.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. No.

The CLERK. Mr. Chairman, six to six.

Chairman HAMILTON. The amendment fails.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #19 -- Amendments in Committee of the Whole

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

The next amendment, No. 20, is a derivative amendment, and we'll pass on that for now.

**VOTE ON AMENDMENT NO. 21, RECODIFICATION OF HOUSE  
RULES**

No. 21 is the Solomon amendment, recodification of House Rules. Is there discussion?

[No response.]

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, 12 in the affirmative.

Chairman HAMILTON. The amendment is adopted.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #21 -- Recodification of House Rules

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey	X	
Representative Walker	X	
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson	X	
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	12	0

Amendment Passes

The next amendment is No. 22, super-majorities. Mr. Dreier?

Mr. DREIER. I have a backup to that.

Chairman HAMILTON. Okay. It's a derivative amendment, so on to No. 23, the funding amendments on across-the-board cuts. Mr. Obey is recognized.

#### AMENDMENT NO. 23, DISCUSSION OF FUNDING AMENDMENTS

Mr. OBEY. Mr. Chairman, all this amendment says is that when any Member presents an across-the-board cut amendment, including the Chair, that he must simply list the dollar amount of that effect on each item listed in the appropriation bill. So that a Member cannot come to the floor and say, "Well, this will cut, for example, this program by 3 percent and this program by 3 percent." We simply want people to know what the dollar amount will be for each of the programs that are cut.

Mr. SOLOMON. Mr. Chairman, might I be recognized?

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. Just as a respectful rebuttal, this really does put an undue disadvantage on many Members, because we all know what an across-the-board cut is. It's an across-the-board cut equal on everything, unless so stated by exemption. I don't know how Members would really be able to do this.

Mr. OBEY. Let me simply explain, this is simply an effort to end disputes about what an amendment actually means. There is often a question of whether or not an across-the-board cut applies to just the title of a bill or if it applies to each section or if it applies to programs within that section. We're simply trying to make clear exactly what it applies to to reduce the uncertainty that the average Member has when he walks in and doesn't know—if there's an argument between people, he doesn't know who to believe, so some bureaucrat downtown six months later will make that decision.

Mr. SOLOMON. This really effectively wipes out the ability to offer across-the-board cut amendments, because in the course of a debate of an appropriations bill, a number within the appropriations bill can change four or five or six times. I mean, you can have those numbers constantly changing. This would put the burden on the Member offering the across-the-board cut to modify his amendment every time something was adopted in the course of developing the appropriations bill, and so it would basically, I think, fundamentally wipe out the ability of people to offer across-the-board amendments.

Mr. OBEY. All I can say, Mr. Chairman, is that's definitely not true. This is simply a truth-in-labeling amendment, and if people don't want to vote for it, I don't care. Let's just get on with it.

#### VOTE ON AMENDMENT NO. 23, FUNDING AMENDMENTS

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. No.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. No.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. No.

The CLERK. Mr. Chairman, five in the affirmative, seven in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment # 23 -- Funding Amendments

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier		X
Representative Obey	X	
Representative Walker		X
Representative Swift	X	
Representative Solomon		X
Representative Gejdenson	X	
Representative Emerson		X
Representative Spratt		X
Representative Allard		X
Representative Norton	X	
Representative Dunn		X
Total	5	7

Amendment Fails

Chairman HAMILTON. The amendment is not agreed to.

#### AMENDMENT NO. 24, DISCUSSION OF DEBATE IN THE HOUSE

The next item is No. 24, debate in the House on the Senate references. That's an Obey amendment. Any discussion?

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Yes. Again, what this is is about the issue of the filibuster. When Mr. Frank and I began our effort to try to obtain House pressure on the Senate to change the rules on the filibuster, we were told by the parliamentarian we could not even discuss that issue on the House floor, because the House has a strict rule against discussing anything that happens in the Senate.

We think that because, obviously, Senate actions affect the products that are passed by the House, that we ought to have a right to discuss the impact of those rules on legislation, and that's all it does. If people think it's a bad idea, by all means vote against it, but it just seems to me that right now—

Mr. WALKER. Mr. Chairman, I just want to clarify, if I can, if you would, Dave, this would allow, for instance, criticism of majority party actions in the Senate, it would allow criticism of the actions of Senate committees in the way that they're handling legislation, for delay of legislation and all that sort of thing. Is that correct?

Mr. OBEY. No. What I would ask you to do is simply read what the amendment says. "Debate may include references to actions taken by the Senate, or by committees thereof, which are a matter of public record; references to the pendency or sponsorship in the Senate of bills, resolutions, and amendments; descriptions relating to Senate actions or inactions concerning a measure or a matter; descriptions relating to Rules of the Senate and the effect of such rules on actions concerning measures or matters in the Senate; and quotations from Senate proceedings."

Mr. WALKER. I think it's a great idea.

Chairman HAMILTON. Would the gentleman yield to Mr. Solomon?

Mr. SOLOMON. Dave, would you yield for a minute?

Mr. OBEY. Yes.

Mr. SOLOMON. Under current House Rules, there is a rule against one Member impugning the integrity of another—

Mr. OBEY. That would stand. You could not do that.

Mr. SOLOMON. We would not be able to impugn the integrity or call the Senator from New York a snoop or anything like that?

Mr. OBEY. No, I don't think that—

Mr. DREIER. Can we mention by name the Members?

Mr. OBEY. I would ask the staff to correct me if I'm wrong. I think you could mention an action that is in the public record by any individual Senator, but you could not characterize it in a way which would have a negative or positive impact on his character.

Mr. SOLOMON. I just want to make sure that we are not allowed, then, to impugn a Member of the Senate any more than we would be allowed to impugn ourselves.

Mr. OBEY. No.

Mr. SOLOMON. Fine. I'll vote for your amendment.

Chairman HAMILTON. Mr. Allard?

Mr. ALLARD. Mr. Chairman, my understanding is the Senate has a similar provision in their rules over there, and I would say that historically this probably started out as a mutual agreement between the House and the Senate, and if we take this action, I think we can expect a similar action on the Senate side, and I just wonder what type of format we're beginning to set up. We're going to spend time in each other's body criticizing action on the other side and never get to the real issues which are facing the House.

Chairman HAMILTON. Okay. Any further discussion?

[No response.]

#### VOTE ON AMENDMENT NO. 24, DEBATE IN THE HOUSE

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. No.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, 10 in the affirmative, two in the negative.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment # 24 - Debate in the House

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey	X	
Representative Walker	X	
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson	X	
Representative Emerson		X
Representative Spratt	X	
Representative Allard		X
Representative Norton	X	
Representative Dunn	X	
Total	10	2

Amendment Passes

Chairman HAMILTON. The amendment is adopted.

**WITHDRAWAL OF AMENDMENT NO. 25, APPOINTMENT OF  
CONFERENCE MANAGERS**

The next amendment is No. 25, appointment of conferees. Mr. Obey?

Mr. OBEY. Mr. Chairman, in the interest of comity between the two parties, I would withdraw that amendment.

Chairman HAMILTON. The gentleman asks unanimous consent to withdraw the amendment. So ordered.

## Amendment offered by Mr. Obey

At the end of Title I, insert the following new section:

"SEC. 115. Appointment of Conference Mangers.

The second sentence of Rule X, clause 6 (f) of the Rules of the House is amended to read as follows:

"In appointing members to conference committees, the Speaker shall to the greatest extent practicable only appoint members who supported the House position on final passage of the measure."

**AMENDMENT NO. 26, STATEMENT ON MAJORITY/MINORITY  
PARTY RATIOS**

No. 26, the Dunn amendment, two-thirds/one-third staff. Any discussion, Ms. Dunn?

Ms. DUNN. Mr. Chairman, I'd just reiterate that the intent of this amendment is to adjust staff ratios over a period of five years to a 2:1 majority and minority, and it's done through funding, not less than one-third of which would be available to the ranking Republican Member.

Chairman HAMILTON. Any further discussion?

Mr. OBEY. Mr. Chairman, again just as a matter of notice, this is another amendment to which I would expect to apply the language that I referred to on the filibuster when this matter gets to the Rules Committee or whatever other committee it's going to be debated by.

**VOTE ON AMENDMENT NO. 26, MAJORITY/MINORITY PARTY  
RATIOS**

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #26 -- Majority/Minority Staff Ratios

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is not adopted.

I want to say to Ms. Dunn, of course, this is still in very active consideration, and I think adjustments will be made in the direction of her amendment as we move along.

#### VOTE ON AMENDMENT NO. 27, DETAILEES

Ms. DUNN. Thank you, Mr. Chairman.

Chairman HAMILTON. The next amendment is No. 27, reimbursable detailees. That's Mr. Allard's amendment. Any discussion?

[No response.]

Chairman HAMILTON. If not, the clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, the vote is six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #27 -- Detailees from Support Agencies  
and the Executive Branch

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is not adopted.

The next amendment is No. 28.

Mr. DREIER. Mr. Chairman, I have a derivative amendment to that.

VOTE ON AMENDMENT NO. 29, ABOLISHING LSO'S

Chairman HAMILTON. We'll skip that one. The next amendment is No. 29, abolition of legislative service organizations, Mr. Allard's amendment. Any comment?

[No response.]

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, five in the affirmative, seven in the negative.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #29 -- Abolition of Legislative Service Organizations

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson		X
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	5	7

Amendment Fails

Chairman HAMILTON. The amendment is not agreed to.

#### STATEMENT ON LSO'S

Mr. Allard, you may know that the House Administration is going to make an announcement on LSOs within the next day or two, I'm informed, with changes. I think your amendment may have had some impact, even if it was not agreed to.

The next amendment is the Spratt amendment on expedited rescissions. Mr. Spratt, any discussion? If not, the clerk will call the roll.

Mr. SOLOMON. Mr. Chairman, may I be recognized?

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. Mr. Chairman, I have the greatest respect for my good friend, Mr. Spratt, and we've been involved in colloquies and debates on the floor for many years over the difference between an expedited line item veto procedure and a true one, which really means a two-thirds override in the House. I'm afraid if this were to become part of the rule, we never would ever stand a chance of having a true line item veto in the House of Representatives.

Like I say, I understand the gentleman's sincerity. I know that he thinks it's a step in the right direction, but I think it would be an impediment against a real line item veto, and I would urge a no vote on it.

Mr. SPRATT. Mr. Chairman?

Chairman HAMILTON. Mr. Spratt is recognized.

Mr. SPRATT. Two sentences in response. First of all, it's a step in the right direction. I think you'd acknowledge that. If it doesn't work, then it opens up the path to what you would like to see.

Chairman HAMILTON. Mr. Gejdenson?

Mr. GEJDENSON. Mr. Chairman, I'd just say that this is the right way to go. This is a majority rule decision on what we cut as a Congress, not a tyranny by a minority, which could be used in a super-majority procedure.

#### VOTE ON AMENDMENT NO. 30, EXPEDITED RESCISSIONS

Chairman HAMILTON. The clerk will call the role on amendment No. 30.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. No.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Aye.

The CLERK. Mr. Emerson?

Mr. EMERSON. No.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. No.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. No.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #5 -- En Bloc Budget Amendments

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is not agreed to.

The second Spratt amendment, No. 31, entitlement review. Mr. Spratt, any comments?

Mr. SPRATT. I'll gladly comment if anyone has a question.

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Mr. Chairman, I would like to offer an amendment to the proposition.

Chairman HAMILTON. On amendment No. 31?

Mr. OBEY. Yes.

Chairman HAMILTON. We'll defer, then, if this is a derivative question.

#### AMENDMENT NO. 32, COORDINATION OF LEGISLATIVE BRANCH SERVICES

The amendment now is No. 32, coordination of the Legislative Branch, Mr. Allard's amendment.

Mr. ALLARD. I'm working on a derivative amendment on that where we would convert that over to a study and then have that reported to the leadership.

Chairman HAMILTON. It's acceptable to the Chairman if you make that amendment.

Mr. ALLARD. Okay.

Chairman HAMILTON. Without objection, the amendment is made to the Allard amendment so that it requires a study of the coordination of the Legislative Branch. Any question with regard to that?

[No response.]

Chairman HAMILTON. The amendment is adopted.

All right. Now let's go back to the derivative amendments. The first one is Mr. Walker's on the en bloc amendments. It's No. 5.

Ms. DUNN. Mr. Chairman, I wonder if I might ask you a question, please.

Chairman HAMILTON. Yes, indeed.

Ms. DUNN. I have a derivative of an amendment that was not on your list, No. 12, and I wonder if I might ask to have that added.

Chairman HAMILTON. Without objection, the gentlewoman will be allowed to offer a derivative amendment to No. 12.

#### DISCUSSION OF AMENDMENT NO. 5, EN BLOC AMENDMENTS

The Walker amendment, No. 5, the en bloc amendment. Mr. Walker, why don't you explain that, if you would, please, and we'll vote on it, and then we'll have the derivative amendment.

Mr. WALKER. Well, this is the amendment that was en bloc that includes—the first reform makes House-passed authorizations—this isn't exactly the order they're in your package, but here are the reforms. One makes House-passed authorizations binding on the House's initial consideration of appropriations bills. One is a strict scope requirement on appropriations conference reports. Another one is that the conference report can't come back deferring a stronger voting House or differences split, but with full spending. In other words, you can't come back with a position that's higher than both the Houses passed.

We require earmarks to appear in the actual bill language in this. I seek to clearly inform Members of the appropriations statu-

tory standing and to enhance the importance of authorizations in the process by citing the authority on which each separate appropriation is made within the language of the bill. And then, finally, 602(b) allocations would enforce budget priorities of the congressionally passed budget resolution.

Chairman HAMILTON. All right. Any further discussion? The Chair will just acknowledge that from his standpoint, he can accept the first one, which is the making out of order for the House to consider any provision of a general appropriations bill that exceeds the relevant authorization level in the House-passed authorization.

Is that number one, Mr. Walker?

Mr. WALKER. That's number two. The first one is the scope requirement.

Chairman HAMILTON. I'm sorry. Well, the one that I just indicated is one that the Chairman can accept. The others, the Chairman cannot accept, just for information of the committee.

Mr. WALKER. As I understand it, we modified it a little at your behest to say "except conference reports" at one place in it on the appropriations bill, which is fine with me.

Chairman HAMILTON. Okay.

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Would you run by me again what you just said in terms of what you—

Chairman HAMILTON. The Walker en bloc has several portions to it, which Mr. Walker has described, and the Chair indicated that he could accept what Mr. Walker identifies as number two, the second part of his en bloc amendment. That makes it out of order for the House to consider any provision of a general appropriation bill that exceeds the relevant authorization level as set forth in the House-passed authorization bill.

Mr. OBEY. And the others, you indicated you would not—

Chairman HAMILTON. I would not accept. I want to be very frank about this. This business of these appropriations amendments is really quite complicated, and I don't fully understand all of them, and so some of them I'm voting against in part just because I don't understand the implications of all of them.

Mr. OBEY. Mr. Chairman, let me simply say that with respect to the Walker amendments—for instance, the first one would have precluded us from passing a Russian aid package this year.

Mr. WALKER. That's the scope.

Mr. OBEY. Well, it's the first of the Walker amendment. The second one, which the Chair has indicated he would accept, would mean, in effect, that there would be absolutely no incentive for any authorizing committee ever to complete a conference with the Senate, because all you would have to do is to have one House pass an authorization bill, and that is the number which the appropriations process would have to live with. The Senate would have no role, the President would have no role. I doubt very much that you would want to do that, but if the Chairman is going to accept it, there isn't a whole lot I can do about it.

Chairman HAMILTON. I accept the amendment, and as we move this process along, I obviously reserve the right to adjust as I learn

more about these amendments. But it seems to me on its face this is okay.

Mr. Walker, how do we present these?

Mr. WALKER. Well, if we could have a vote on the package, and then I will present the one that the Chairman will accept as a separate amendment, and then I have a backup amendment on the 602(b) allocation.

#### VOTE ON AMENDMENT NO. 5, EN BLOC AMENDMENTS

Chairman HAMILTON. All right. Let's call the roll on the en bloc amendments.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #5A -- Expansion of Unauthorized Appropriations  
Points of Order, with a handwritten modification.

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift	X	
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	9	3

Amendment Passes



Chairman HAMILTON. The amendment is not agreed to.

Now we'll vote on—

Mr. WALKER. Next I will offer the amendment on the expansion of the unauthorized appropriations points of order, which is the one that the Chairman has indicated that he can accept.

**VOTE ON AMENDMENT NO. 5A, EXPANSION OF UNAUTHORIZED POINTS OF ORDER**

Chairman HAMILTON. The clerk will call the roll on that amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, nine in the affirmative, three in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #30 -- Expedited Rescissions

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is adopted.  
Mr. Walker?

#### ADMENDMENT NO. 33, 602 ALLOCATIONS

Mr. WALKER. Now, Mr. Chairman, what I have is, instead of offering the amendment that related to the 602(b) allocations and suballocations, I have a separate amendment, which is available for distribution.

Chairman HAMILTON. The clerk will distribute the amendment. The amendment is considered as read, printed in the record, and the gentleman is recognized in support of the amendment.

Mr. WALKER. The amendment is derived from some work that Mr. Crapo on our side has done to assure that we live within the 602(b) allocations. When the House votes to cut spending on its appropriations bill, it should be possible to target those savings to reduce the deficit. But under the arcane rules of the present budget process, that's not now possible. The overwhelming will of the House usually is that when we're voting to save money, we actually ought to save money.

Under this process, what would happen is, whenever we voted to cut money on the House floor, it would actually vote then to drop the 602(b) allocation so that the amendment would be real on the House floor. If you voted to cut out a major program, if we vote to cut out the Superconducting Super Collider, the money actually gets saved. It doesn't simply get reallocated to the account of that subcommittee for additional spending or for use in supplementals or whatever else they might want to put it to.

So this actually drops the caps in a way to assure that any spending cut is real in the process.

Mr. SPRATT. What if the amendment itself makes the transfer?

Mr. WALKER. That's okay. That's not a problem. This is where someone offers strictly a cut and they're cutting a program, it would assure that when they stand up on the floor and say, "This is being used to cut the deficit," that in fact the scoring would actually do that; that when we actually completed the process, we would not only have voted for the amendment to cut the program on the floor, but the 602 allocations would be dropped so that you actually achieved more spending cuts in the process.

Mr. DREIER. Would the gentleman yield?

Mr. WALKER. Yes.

Mr. DREIER. It seems to me that this is an excellent amendment which is geared toward finally doing what we constantly have votes in the House that we're supposedly doing. Many people think that when we vote to make cuts and when we occasionally have a modicum of success, that cuts are actually going to take place. Under present law, these dollars are reallocated. This amendment would ensure that we can actually address the deficit, which the American people want us to do.

Mr. GEJDENSON. Would the gentleman yield for a question?

Chairman HAMILTON. Mr. Walker has the time.

Mr. WALKER. Well, I just want to clarify that what we would do here is, the way it would work is, at the end of the process what you'd end up doing is adding up all of the additions, all of the

transfers, all of the reductions and so on, and you'd add that all up and so on, and at the end, if that resulted in a reduction, then at that point, the 602(b) account would be——

Mr. GEJDENSON. So it would be at the end of the debate on that bill upon final passage.

Mr. WALKER. Right.

Mr. GEJDENSON. So that you wouldn't have to package each transfer into one vote.

Mr. WALKER. Exactly. Right. Precisely.

Mr. GEJDENSON. I think you may need to rewrite it.

Mr. WALKER. Well, that's what it says.

Mr. SOLOMON. Would the gentleman yield? Mr. Walker, would you yield?

Mr. WALKER. Sure.

Mr. SOLOMON. I just want to point out I think, Mr. Walker, it's really big of you to do this, because you're a very strong supporter of the Space Station, just for example, and where that item was cut and there is a savings, it would go to the deficit.

Mr. WALKER. Yes, that's right.

Mr. SOLOMON. So you really ought to be commended for your amendment.

Mr. WALKER. Well, that's exactly right, but we also, as we cut a lot of other programs on the floor, would have a real debate then about whether or not this money goes to deficit reduction or whether or not it simply is allocated back to the subcommittee for the purpose of just distributing to heaven knows what.

The problem with the Space Station, I will tell you, is if that money ever gets back into the subcommittee coffers, none of that money is going to remain in the Space Program for space priorities. The money will get reallocated to all kinds of social welfare programs. If we're going to ultimately vote to eliminate the Space Station, which I hope we wouldn't do, but if we do that, I want to make certain we cut the deficit with that money. I don't want it reallocated to a whole bunch of social welfare items.

Chairman HAMILTON. Mr. Obey is recognized.

Mr. OBEY. Mr. Chairman, what I want to say is that this amendment would result in a draconian increase in supplementals, which is exactly what I think you want to avoid. Right now, for instance, last year we could not have funded the Russian aid package, which we just passed a month ago, unless we were able to use unexpended funds from the defense appropriations which had been left over from last year's Congressional actions. It would also be, in effect, really a back-door way by which to reduce the 602(a) allocations which the House itself votes on when it votes on the budget resolution.

Mr. WALKER. Dave, if you'd yield, I just want to clarify this could not be used to increase supplementals, because it drops the cap. The money could not go to supplementals. It would have to go for emergencies.

Mr. OBEY. No, but the result would be to produce more supplementals, because——

Mr. WALKER. No, you can't spend money in supplementals that are above the cap.

Chairman HAMILTON. The gentleman from Wisconsin has the time.

Mr. OBEY. The practical effect of this is that if at the end of the process in any year, before you are completing actions that will impact on that fiscal year, if you take the actions suggested by the gentleman from Pennsylvania, then every time a new need comes up, rather than being able to use unexpended funds, you would have to add new money. That will generate the necessity for supplementals, and I think it would be a very bad idea, because as we all know, any time a must-pass supplemental goes through this place, it is an excuse to add on every Christmas tree spending ornament known to God and other lesser beings.

#### VOTE ON AMENDMENT NO. 33, 602 ALLOCATIONS

Chairman HAMILTON. The question is on the Walker amendment, No. 33, for the adjustment of Appropriations Committee section 602 allocations and suballocations. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Yes.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Great amendment. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## AMENDMENT TO H.R. \_\_\_\_\_

Offered by Mr. Walker

At the appropriate place in Title III, insert the following new section:

SEC. \_\_\_\_\_. ADJUSTMENT OF APPROPRIATIONS COMMITTEES SECTION 302  
ALLOCATIONS AND SUBALLOCATION.

Section 302 (e) of the Congressional Budget Act of 1974 is amended by inserting '(1)' before 'At' and by adding at the end the following new paragraphs:

'(2) If a general appropriation bill as reported by the Committee on Appropriations of the House of Representatives or the Senate is amended and that bill as passed by that House reduces the aggregate amount appropriated from the amount appropriated in that bill as so reported, then the suballocations for that fiscal year made by the Committee on Appropriations under subsection (b) (1) to the subcommittee with jurisdiction over that measure shall be reduced by the amount of aggregate reductions made by the House of Representatives or the Senate, as the case may be. That committee shall report to its House -

'(A) an adjusted suballocation for that subcommittee with the appropriate reductions in levels of total new budget outlays and total new budget authority; and

'(B) an adjusted allocation for the committee that is reduced by the reductions in new budget outlays and new budget authority made under subparagraph (A).

'(3) Further Adjustments of Appropriations Committee

Allocations and Suballocation. - Upon the passage of any rescission bill by both Houses of Congress, the suballocation for that fiscal year made by each Committee on Appropriations under subsection (b) (1) to any subcommittee with jurisdiction over that bill shall be reduced by the sum of the rescissions contained in that bill over which it has jurisdiction, and that committee shall report to its House -

' (A) an adjusted suballocation for that subcommittee with the appropriate reductions in levels of total new budget outlays and total new budget authority; and

"(B) an adjusted allocation for the committee that is reduced by the reductions in new budget outlays and new budget authority made under subparagraph (A).'

**SEC. \_\_\_\_\_. ADJUSTMENT OF APPROPRIATIONS COMMITTEES SECTION 602  
ALLOCATIONS AND SUBALLOCATION.**

Section 602 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsections:

'(f) Adjustments of Appropriations Committees Allocations and Suballocation. - If a general appropriation bill as reported by the Committee on Appropriations of the House of Representatives or the Senate is amended and that bill as passed by that House reduces the aggregate amount appropriated from the amount appropriated in that bill as so reported, then the suballocation for that fiscal year made by the Committee on Appropriations under subsection (b) (1) to the subcommittee with jurisdiction

over that measure shall be reduced by the amount of aggregate reduction made by the House of Representatives or the Senate, as the case may be. That committee shall report to its House -

' (1) an adjusted suballocation for that subcommittee with the appropriate reductions in levels of total new budget outlays and total new budget authority; and

' (2) an adjusted allocation for that committee that is reduced by the reductions in new budget outlays and new budget authority made under subparagraph (1).

' (g) Further Adjustments of Appropriations Committees Allocations and Suballocations. - Upon the passage of any rescission bill by both Houses of Congress, the suballocations for that fiscal year made by each Committee on Appropriations under subsection (b) (1) to any subcommittee with jurisdiction over that bill shall be reduced by the sum of the rescissions contained in that bill over which it has jurisdiction, and that committee shall report to its House -

' (1) an adjusted suballocation for that subcommittee with the appropriate reductions in levels of total new budget outlays and total new budget authority; and

' (2) an adjusted allocation for the committee that is reduced by the reductions in new budget outlays and new budget authority made under paragraph (1).'

**SEC. \_\_\_\_\_. CBO TRACKING.**

Section 202 of the Congressional Budget Act of 1974 is



amended by adding at the end the following new subsection:

'(i) Scorekeeping Assistance. - To facilitate compliance by the Committees on Appropriations with sections 302(e)(2) and 602(f), the Office shall score all general appropriation measures as passed the House of Representatives and as passed the Senate and have such scorecard published in the Congressional Record.'

#### **SEC. 4. ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.**

Section 601(a)(2) of the Congressional Budget Act of 1974 is amended by inserting before the period at the end the following: 'and by the amounts of any adjustments pursuant to section 602(f)(2) and section 602(g)(2)'.

#### **EXPLANATION**

This amends the Congressional Budget Act of 1974 to provide for downward adjustments in section 602 and section 302 Appropriations Committee allocations and suballocations when spending cuts amendments are enacted by the House and Senate.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #33 -- Adjustment of Appropriations Committees Section 302  
Allocation and Suballocation

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

**VOTE ON AMENDMENT NO. 7, JURISDICTIONAL REALIGNMENT**

The next amendment is from the gentleman from California, Mr. Dreier, on the jurisdictional realignment.

Mr. DREIER. Mr. Chairman, this was my amendment which provided for a complete restructuring of the committee process. We debated it fully, and I'm happy to proceed with it.

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #7 -- Jurisdictional Realignment

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

#### AMENDMENT NO. 7A, REIVEW OF COMMITTEE JURISDICTIONS

The Chairman has an amendment to the Dreier subject of jurisdictional realignment. The clerk will distribute the amendment.

Mr. GEJDENSON. Mr. Chairman, while they're distributing the amendment, I just want to say I think the Chairman's amendment is an excellent one, as I understand it. I support what Mr. Dreier was trying to do, but I think your approach is the way to go. I think this is the most important thing that this committee can do. What the people want us to do is to make the Congress work, and it is not so much in how many subcommittees or how many Members are on each subcommittee that is the problem, in my opinion. I think the problem is jurisdictional within the House and then between the House and the Senate.

I would hope that this study will go forward and that we can really achieve some changes in the areas of concern to the committees. That helps in conferences, it helps us across the way. It is the most important thing we're going to do here today.

Chairman HAMILTON. Okay. The amendment is before you. All it does is call for a continuing study of the committee jurisdictions.

Mr. DREIER. Mr. Chairman?

Chairman HAMILTON. Mr. Dreier?

Mr. DREIER. Mr. Chairman, I oppose this amendment. You know, this committee was established to deal with this issue. Mr. Solomon and I sit in the Rules Committee. Frankly, I'm the ranking Republican of the Rules of the House Subcommittee, and we've held, I guess, one hearing this year of the Rules of the House Subcommittee.

Now, it seems to me that if we don't deal with this issue of committee jurisdictions, which is clearly a very tough one—everyone here has acknowledged that—but if we don't deal with it, to pass it on the Rules Committee is, I believe, clearly an abrogation of our responsibility as a committee, and I strongly oppose the amendment.

Chairman HAMILTON. Mr. Solomon?

Mr. SOLOMON. Mr. Chairman, I'm the ranking Republican on the Rules Committee, the full committee, and I'm also a Member of my good friend Mr. Dreier's subcommittee. That committee has met once in 10 months.

You know, Mr. Chairman, this committee is the leadership committee appointed by the leadership of both the Republican party and the Democratic party, and for us to slough this off on the Rules Committee just means it will never be heard from again, and we really ought to deal with this issue ourselves, even if it meant extending this committee for this purpose only for another six months. But I would oppose the amendment.

Chairman HAMILTON. Mr. Walker?

Mr. WALKER. Mr. Chairman, I also have real problems with this. I mean, again, as Mr. Dreier stated, this is what we were told to do, and now to take it to the Rules Committee, you are sending it to the single most partisanly stacked committee in the entire Congress. Now, it doesn't seem to me that that's where most of us on

the minority side feel comfortable having these issues resolved, so you couldn't pick a worst place, from the standpoint of equity and fairness, to send this proposition.

Ms. DUNN. Mr. Chairman?

Mr. OBEY. Mr. Chairman?

Chairman HAMILTON. Mr. Obey, and then Ms. Dunn.

Mr. OBEY. Mr. Chairman, I want to say I think this is exactly the right thing to do. Anybody who knows me knows that I have been, for my entire career, a passionate supporter of committee reorganization. I spilled an awful lot of blood over the Bolling reforms to see them shot down by Phil Burton and company a number of years ago.

I think that the Rules Committee has by far the best expertise on the Rules of the House to handle this study. I think that, frankly, it knows a whole lot more about the textural requirements of the House than does this committee, and I think that by virtue of the fact that they review the work product of every committee in the House during their hearings, I think they have a better view of what changes are required than anybody else.

Chairman HAMILTON. Let me just say the reason I offered the amendment. I think Mr. Dreier made a very concerted effort to come up with an answer to a very tough problem, and that's committee jurisdiction. His proposal I did not vote for, obviously, because it's too complex, too controversial, and yet I think that the whole question of committee jurisdiction should be kept in play. If his amendment is defeated—it was defeated a moment ago—this is an effort simply to keep it in play, and that's why the amendment is offered.

Ms. DUNN. Mr. Chairman?

Chairman HAMILTON. Ms. Dunn?

Ms. DUNN. Mr. Chairman, I agree with you and Mr. Gejdenson that this is one of the most important things that this committee ought to be accomplishing during our year's activity, but I think what we're trying to do through this amendment is a perfect example that will cause the public to be more, not less, cynical with the process of the Congress. To send this in the form of a study to a partisan committee, which is held 9:4 by the majority, rather than handle it, as we should, on this committee, which is bipartisan, just shows that we're not willing to take on our own responsibility. I don't think the people want another study, Mr. Chairman.

Mr. DREIER. Mr. Chairman?

Chairman HAMILTON. Mr. Dreier?

Mr. DREIER. Let me just say very briefly that I very much appreciate the Chair's attempt to keep my amendment in play proceeding with jurisdictional realignment, which obviously we think is very important.

Now, in the opening statement that you made, Mr. Chairman, you indicated that you supported a very generous rule for us to consider our measure on the House floor, and I should say that I look forward to offering my amendment on the House floor, fully explaining it to our colleagues, engaging in debate on that, and I think that the package itself is one that clearly should be before our colleagues, and I don't think this amendment is necessary at all. In fact, the Senate in 1977 passed an almost identical amend-

ment that was submitted to the Rules Committee in the Senate for this study, and they have done nothing since that time.

Mr. EMERSON. Mr. Chairman?

Chairman HAMILTON. Mr. Emerson?

Mr. EMERSON. Mr. Chairman, I do not question your motives at all. I'm sure they very well-intentioned. I think this is one of those issues that the majority may not understand very well the perspective of the minority. It's sort of one of those kinds of issues that unless it's being done to you, you can't really appreciate it, and I don't think the majority appreciates very well the sensitivity of this subject to the Members of the minority.

The Rules Committee is strictly a leadership committee. As such, they're a tool of the Speaker and the majority leader, and they really don't exercise any independent judgment. As a matter of fact, I question whether they have very much expertise. I think they do what the parliamentarian, under the direction of the Speaker, tells them he would like to have done.

#### WITHDRAWAL OF AMENDMENT NO. 7A

Chairman HAMILTON. It appears to the Chairman as if the amendment is going go down. He withdraws the amendment in the interest of time.

New  
Sec. \_\_\_\_.

## REVIEW OF COMMITTEE JURISDICTIONS

*offered by Mr. Hamilton*

(a) In General.--It is the sense of the House that the Rules Committee shall undertake and conduct a continuing study of the jurisdictions of the various standing committees of the House under Rule X of the Rules of the House.

(b) Specific.--The House Rules Committee shall periodically prepare for submission to the House a report that assesses the overall effectiveness of the committee system including recommended changes in the Rules of the House which may be necessary or appropriate to effect a more equitable distribution of workload, a more rational combination of jurisdictional responsibilities, or a greater degree of jurisdictional parallelism between the standing committees of the House and Senate.



**AMENDMENT NO. 7B, MULTIPLE REFERRALS**

Mr. DREIER. Mr. Chairman, I have another amendment.

Chairman HAMILTON. Mr. Dreier has another amendment to the jurisdictional realignment. The clerk will distribute the amendment.

Amendment to H.R. \_\_\_\_\_

Offered by Mr. *Dreier*

Page 4, line 10, strike "If practicable,".

Mr. DREIER. Mr. Chairman, I ask unanimous consent that it be considered as having been read.

Chairman HAMILTON. Yes. Okay. Let's go.

Mr. DREIER. During the debate on the realignment amendment, Mr. Swift made the claim that the Chairman's mark takes care of some of the problems of reforming the bill referral process. In fact, it does in section 101, on page 4, say, "If practicable, the Speaker shall initially designate a primary committee whenever a matter is referred to two or more committees and subsequently place time limits on other committees after the primary committee reports." This amendment, if adopted, would make Mr. Swift's claims a reality by requiring the Speaker to initially designate a committee of principal jurisdiction.

This bill does little to eliminate ambiguous and confusing jurisdictional problems, although resolving this problem was cited by virtually all of the chairmen and ranking Members who testified before our committee. By including the word "impracticable," the language in the bill is no different than what's already contained in Rule 10. I think this is a very important reform, and it goes right along the line of what Mr. Swift raised, and I hope very much that my colleagues will support it.

Chairman HAMILTON. Mr. Dreier, my impression is that this limits the flexibility of the Speaker somewhat with regard to the question of joint referral, and I'd be inclined to oppose it.

Mr. Swift, did you want to comment?

Mr. SWIFT. No. I just think that you need a little wiggle room in there. I think that this is not in any way an effort to undercut the basic concept, but you start putting things in concrete, and pretty soon you find yourself coming down the hill that you're trying to go up.

#### VOTE ON AMENDMENT NO. 7B, MULTIPLE REFERRALS

Chairman HAMILTON. The vote is on the Dreier amendment. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six in the affirmative, six in the negative.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #7B -- Multiple Referrals

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

The next on is No. 11, the proxy ban. That's Mr. Dreier's amendment.

#### AMENDMENT NO. 11, BAN ON PROXY VOTING

Mr. DREIER. Ms. Dunn, I believe, has an amendment to Amendment No. 11.

Mr. WALKER. We ought to vote on the full product.

Mr. DREIER. Oh, I'm sorry.

Chairman HAMILTON. We should vote on the Dreier amendment.

Mr. DREIER. It's a complete ban on proxy voting.

Chairman HAMILTON. The clerk will call the roll.

Mr. OBEY. Mr. Chairman, I just want to say on this that I think Mr. Gejdenson—and, please, I don't mean this in a partisan way at all. I mean, let's talk about this in an institutional way. I think that there are changes that we need in the proxy system, but I do believe that the inability of this committee to get together is just an example of how difficult it is to operate without some proxy system.

The Appropriations Committee doesn't use proxies, because we only belong to one committee, so we often don't have to be in any other place. Authorizing committee Members belong to more than one committee. They have often got to be in more than one place at the same time. I think the only way a total no-proxy system works is if you only put people on committees who aren't busy, and I don't see how you do that, given the shape of this institution.

Mr. DREIER. Would the gentleman yield?

Mr. OBEY. Sure.

Mr. DREIER. I thank my friend for yielding, and I would say if we had begun this process right after Labor Day, the way it was supposed to have been handled, we wouldn't have the scheduling problems that we do now, and I should say that we don't have exemptions on the Appropriations Committee for a subcommittee or a markup or different things in the Rules Committee. We just have no proxy voting. No proxy voting is what exists in this House. We either have proxy voting or we don't have proxy voting.

So it seems to me that since it has worked effectively in the committees where we serve—and, by the way, if my committee jurisdiction package had gone through, we would be reducing the number of committees, so we would be moving in the direction to which Mr. Obey refers, that being Members would be serving on fewer committees and would have an opportunity to—

Mr. OBEY. We would if mine were to go through, too.

Chairman HAMILTON. Mr. Allard?

Mr. ALLARD. Thank you, Mr. Chairman. I just have to reflect back on the testimony that we had during the number of months that we were taking testimony, and it seems like the persistent theme that I was constantly hearing is that if we really want to reduce the number of committees in both the House and the Senate, you take away proxy voting, because then people have to set priorities as to how many committees they can and have the time and want to serve on.

I think this is an extremely important issue for those who might be sitting on this committee who, in effect, would like to see some of the bureaucracy reduced that we have here on Capitol Hill, reduce some of the committees that we do have. So I think this is an extremely important vote, and I would cast my vote in favor of the amendment.

Chairman HAMILTON. Mr. Dreier has the time.

Mr. DREIER. I yield to Mr. Walker.

Mr. WALKER. I would point out that I think that today's example is a perfect example of why the ban on proxy voting should be instituted. My guess is that you would find very few committees in the Congress that have proxy voting that would have been able to gather virtually every Member of the committee to be here and voting on a Sunday afternoon. The fact that we did not have proxy votes in this committee meant that people had to show up, or their whole debate failed.

Now, it seems to me that this is a pretty good example of why getting rid of proxies is a pretty good idea. It assures that everybody is going to be there and voting, and we no longer have folks voting—

Mr. GEJDENSON. Would the gentleman yield to me on that point?

Mr. DREIER. I'd be happy to yield to Sam.

Mr. GEJDENSON. I think it also curtails the debate. I think what happens is when you don't have proxy voting, we're under tremendous time pressure to get this done before I have to go off to do my bill or Ms. Norton has to go off and do her bill. I think it is akin to telling a voter that they can't have an absentee ballot. The subject is known, the Member's aware of what he's doing, and he ought to be able to a proxy to represent his constituents.

Mr. DREIER. Can we vote on this amendment, Mr. Chairman?

Mr. WALKER. Absentee ballots do not get paid \$133,000 a year to be there and voting.

#### VOTE ON AMENDMENT NO. 11, BAN ON PROXY VOTING

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #11 -- Ban on Proxy Voting

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

Ms. Dunn has an amendment. The clerk will distribute the amendment.

Ms. Dunn, you're recognized, and the amendment is considered read, printed in the record, and open for amendment.

**AMENDMENT NO. 11A, BAN ON PROXY VOTING IN FULL  
COMMITTEE**

Ms. DUNN. Mr. Chairman, could we have the staff distribute the freshman letter, too, please, to the Members of the committee? Thank you.

[The letter appears in the appendix in page —.]

My amendment proposes that proxies not be allowed at full committee meetings, Mr. Chairman, and where I agree with all the points that have been made on the side of eliminating proxy voting in general, this certainly was a topic that came up time after time in our six months of hearings and was really a pivotal sort of change that we could make that would affect a lot of other things that I think are important to us, including the goal of increasing the deliberative process in our committee work.

Ms. DUNN. There's one additional point I want to make, Mr. Chairman, and that's that in a meeting that I brought together with the leadership of the freshman class, both Democrats and Republicans, out of that meeting came a recommendation that we eliminate proxy voting at the full committee level, Mr. Chairman.

Chairman HAMILTON. Without objection, that letter will be made part of the record.

[The information appears in the appendix.]

Ms. DUNN. Thank you very much. So I would propose that this is a moderate, reasonable proposal that includes most of what we had hoped to do by eliminating proxy voting at committee meetings and subcommittee meetings, and I'd urge an approval on this proposal.

Chairman HAMILTON. Any further discussion?

[No response.]

## Amendment to H.R. \_\_\_

Offered by Ms. Dunn

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. PROXY VOTING.**

2 Clause 2(f) of Rule XI of the Rules of the House of Representatives  
3 is amended to read as follows:

4 "(f) No vote by any member of any committee with respect to any  
5 measure or matter may be cast by proxy. No vote by any member of any  
6 subcommittee with respect to any measure or matter may be cast by proxy  
7 unless such subcommittee, by written rule adopted by the committee,  
8 permits voting by proxy and requires that the proxy authorization shall be  
9 in writing, shall assert that the member is absent on other official business,  
10 shall designate the person who is to execute the proxy authorization, and  
11 shall be limited to a specific measure or matter and any amendments or  
12 motions thereto. Each proxy to be effective shall be signed by the member  
13 assigning his or her vote and shall contain the date and time of day that the  
14 proxy is signed. Proxies may not be counted for a quorum."

**VOTE ON AMENDMENT NO. 11A, BAN ON PROXY VOTING IN FULL  
COMMITTEE**

Chairman HAMILTON. The clerk will call the roll on the Dunn amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Six to six, Mr. Chairman.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #11A -- Ban on Proxy Voting in Full Committee

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

Any further amendments on the proxy vote?

Mr. OBEY. Mr. Chairman, could I interrupt to announce that the Packers are leading the Lions 19 to 17 at this point?

[Laughter.]

Chairman HAMILTON. Very helpful, Mr. Obey.

**DISCUSSION OF AMENDMENT NO. 11B, BAN ON PROXY VOTING IF  
IT CHANGES THE OUTCOME**

Mr. EMERSON. Mr. Chairman, I have an amendment to the amendment.

Chairman HAMILTON. Mr. Emerson has an amendment. The clerk will distribute the amendment.

## Amendment to H.R. \_\_\_

Offered by Mr. *Emerson*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. PROXY VOTING.**

2           The first sentence of Clause 2(f) of Rule XI of the Rules of the  
3 House of Representatives is amended to read as follows:

4           "(f) No vote by any member of any committee or subcommittee with  
5 respect to any measure or matter may be cast by proxy unless the addition  
6 of the vote cast by proxy to the vote totals does not effect the result of the  
7 vote totals."

Mr. EMERSON. Mr. Chairman, if I may proceed, my amendment states that no vote by any Member of any committee or subcommittee with respect to measure or matter may be cast by proxy unless the addition of the vote cast by proxy to the vote totals does not affect the result of the vote totals. In short, if the legislation or amendment being considered is important to the Nation, the least Congress can do is to be present for the vote.

During the Joint Committee's hearings on committee structure, Congressman LaFalce testified regarding his opposition to banning proxy voting. However, he also said that the Small Business Committee had never used a proxy when it would have thwarted some position that the minority was taking and the vote difference came only because of the proxies. Finally, Mr. LaFalce remarked that with fewer assignments, the case for the elimination of proxies would certainly be stronger.

We've had a lot of debate here today and on previous days about this subject, but there are a number of authorizing committees that do not regularly use proxy voting, the Veterans' Affairs Committee being the primary example. Chairman Montgomery, in his testimony before our committee, noted that his committee of 35 Members regularly has an attendance rate of 85 to 90 percent, and they think that that attendance rate is so high because they don't allow proxy voting.

Personally, I favor a complete ban on proxy voting, but my amendment will only ban proxies if their use would change the outcome of a vote. If committees and subcommittees are reduced and serious thought is put into scheduling, there's very little reason to allow proxy voting.

As to the point made by the gentleman from Connecticut, Mr. Gejdenson, that proxy voting is somehow akin to absentee balloting, this analogy just doesn't hold. Absentee ballots allow registered voters an alternative way to exercise their Constitutional voting rights when they cannot make it to the polls. The individual voter still makes all the decisions. They can't designate someone else to vote for them. I have seen and the gentleman has seen time and time and time again where the Member who is being voted has no idea of how he is being voted. The decision is being made by the chairman of the committee.

Mr. GEJDENSON. Would the gentleman yield?

Mr. EMERSON. I'd be glad to yield.

Mr. GEJDENSON. I think that inaccurately portrays what's happening, and I would believe that in every instance that a gentleman leaves his proxy, he is fully aware of the concepts that the individual who he gives the proxy to. You don't see the gentleman giving his proxy to the majority side of the committee very often, I would imagine—the committees that he serves on—where they can use the proxy. If I gave my proxy to Mr. Hamilton or Mr. Obey, I fully know what they would do with it and would discuss with them the issues that will be addressed.

So it's not as if it's simply thrown up in the air for whoever might walk by and take it to whatever end. You give it to somebody who agrees with you and you agree with them, and it enables you to do more work for your constituents rather than limiting you to have to sit in one room for 12 hours—



Mr. EMERSON. Reclaiming my time, the point the gentleman makes is sometimes true, but is equally true the other way around. The gentleman and I served on the old Interior Committee, and I rarely ever saw a vote-taking in the Interior Committee in which I had any feeling that a majority of the Members of the committee knew what the vote was about at all, unless they were present at voting.

Mr. DREIER. Would the gentleman yield?

Mr. EMERSON. I yield.

Mr. DREIER. I thank my friend for yielding. I'd simply like to say that our colleagues in the Senate passed this very modest approach to deal with the issue of proxy voting, and I know that might concern some people here on this committee, the fact that the Senate did it, but it seems to me that that's an example we should follow in this case.

Chairman HAMILTON. I want to say to the gentleman from Missouri that the whole question of proxy voting is very, very much under discussion. I'm not going to be able to support his amendment, but I don't have any doubt at all that some steps will be taken on proxy voting as this reform package moves along.

#### VOTE ON AMENDMENT NO. 11B, BAN ON PROXY VOTING IF IT CHANGES THE OUTCOME

The clerk will call the roll on the Emerson amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Six to six, Mr. Chairman.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #11B -- Ban on Proxy Voting if it  
changes the outcome of the vote

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

The next en bloc amendment is the Dunn amendment, I believe. That's No. 12.

#### AMENDMENT NO. 12A, COMMITTEE PROCEDURES

Ms. DUNN. Mr. Chairman, that's right, and thank you for allowing me to present a derivative of this, even though the main proposal failed.

What I would like to do here, Mr. Chairman, is extract two of the points on No. 12 under committee procedures. They would be point two, which is to include in committee reports a record of roll call votes or a record of those present in the event of a voice vote on motions to report, and number four, which requires the publication of committee attendance and voting records at least two times a year in the Congressional Record.

Chairman HAMILTON. The Chair will support the Dunn amendment. Any further discussion?

## Amendment to H.R. \_\_\_\_

Offered by Mr. DUNN

At the appropriate place in Title I, insert the following new section:

**SEC. \_\_. COMMITTEE REPORTS.**

(a) **ROLLCALL VOTES.**—Clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(B) With respect to each rollcall vote on a motion to report any bill, resolution or matter of a public character, the total number of votes cast for and against reporting, and the names of those members voting for and against, shall be included in the committee report on the measure or matter."

(b) **VOICE VOTES.**—Clause 2(1)(2) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(C) With respect to each non-record vote on a motion to report any measure or matter of a public character, the names of those members of the committee actually present at the time the measure or matter is ordered reported shall be included in the committee report."

## Amendment to H.R. \_\_\_

Offered by ~~Mr.~~ Dunn

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_. PUBLICATION OF COMMITTEE ATTENDANCE AND VOTING**  
2 **RECORDS.**

3 **Clause 2(e)(1)** of Rule XI of the Rules of the House of  
4 **representatives is amended--**

5 (1) in the first sentence by inserting "or subcommittee" after  
6 "committee" the second place it appears; and

7 (2) by inserting at the end the following new sentence: "The  
8 **chairman** of each committee shall publish, in the Congressional  
9 **Record**, the committee and subcommittee attendance and voting  
10 **records** (by calendar day) of each member of the committee on or  
11 **before July 1** and on the last day pf the session of each calendar  
12 **year."**

[No response.]

**VOTE ON AMENDMENT NO. 12A, COMMITTEE PROCEDURES**

Chairman HAMILTON. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. I'll pass, because I'm simply not certain that I understand it.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. If I understand it, no.

The CLERK. Mr. Solomon?

Mr. SOLOMON. I understand it. Yes.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, nine in the affirmative, two in the negative, and one pass.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #12A -- Committee Procedures modified to include record of roll call votes on motion to report, or in the event of a voice vote to include a record of those present in committee reports, and require the publication of committee attendance and voting records at least twice a year in the Congressional Record.

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey - PASSES		
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt	X	
Representative Allard	X	
Representative Norton	X	
Representative Dunn	X	
Total	9	2

Amendment Passes

Chairman HAMILTON. The amendment is adopted.

**VOTE ON AMENDMENT NO. 20, EN BLOC FLOOR AMENDMENTS**

The next en bloc amendments are the Walker amendments. The clerk will call the roll on the en bloc Walker amendments, No. 20.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #20 -- En Bloc Floor Amendments

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

## Amendment Fails

However, one provision which makes the Congressional Record a substantially verbatim transcript of House floor proceedings passed by unanimous consent.

Chairman HAMILTON. The amendment fails.

I will indicate to the gentleman from Pennsylvania that the Chairman's willing to accept number three, which is——

**AMENDMENT NO. 20A, VERBATIM TRANSCRIPTION OF HOUSE  
FLOOR PROCEEDINGS**

Mr. WALKER. The accuracy of the Congressional Record, and I would offer that as a separate amendment.

Chairman HAMILTON. Any question with regard to the Walker amendment on the Congressional Record?

[No response.]

Chairman HAMILTON. If not, the amendment is adopted.

## HOUSE OF REPRESENTATTIVES

Vote on: Amendment #20A -- verbatim transcription of House Floor proceedings

Date: November 21, 1993

The amendment passed by unanimous consent.

Representatives	Yeas	Nays
Chairman Hamilton		
Vice Chairman Dreier		
Representative Obey		
Representative Walker		
Representative Swift		
Representative Solomon		
Representative Gejdenson		
Representative Emerson		
Representative Spratt		
Representative Allard		
Representative Norton		
Representative Dunn		
Total		

Amendment Passed

That takes care of No. 20A.

**VOTE ON AMENDMENT NO. 22, SUPER-MAJORITIES**

The Chair now moves to super-majorities.

Mr. Dreier, I think we did not have a vote on that.

Mr. DREIER. We did not have a vote on that.

Chairman HAMILTON. The question is on the Dreier super-majority. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

Chairman HAMILTON. The amendment fails.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #22 -- Supermajorities

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Mr. Dreier has a derivative amendment.

Mr. DREIER. Mr. Chairman, I have an amendment and ask unanimous consent that it considered as having been read.

**AMENDMENT NO. 22A, WAIVERS ON POINTS OF ORDER**

Chairman HAMILTON. Without objection, so ordered.

Mr. DREIER. Basically, it is a disclosure amendment. Up in the Rules Committee, Mr. Solomon and I regularly have to deal with this issue of blanket waivers being granted, and this amendment simply states that those waivers should be listed so that when we're dealing with them, we are able to have them before us. It's just an informational one, I think. There's no reason to keep from Members the list of the waivers that are being considered in the committee.

Mr. WALKER. The fact is that this would be very helpful, because one of the things that often comes up in the debate on the floor is just what is included in all of these waivers, and you have to have long explanations from time to time, and we've found from time to time that the committee comes to the floor without even knowing what the waivers are that they are granting. It seems to me that we ought to at least have that kind of information before us.

Amendment to H.R. \_\_\_\_

Offered by Mr. *Draier*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_\_\_ . WAIVERS OF POINTS OF ORDER.**

2            Clause 4 of Rule XI of the Rules of the House of  
3 Representatives is amended to read as follows:

4            "(e) Whenever the Committee on Rules reports an order of  
5 business resolution providing for the consideration of any measure  
6 or matter, and the resolution waives points of order against any  
7 violation of House rules, the report on the resolution shall include  
8 a listing of the rules being violated, an explanation of why the  
9 waivers are necessary, including identifying, where appropriate,  
10 the location in the measure or matter, or report thereon,  
11 containing the violation, and, in the case of any violations of the  
12 Budget Act, a summary of the position of the House Committee on  
13 the Budget with respect to the proposed waiver."

Chairman HAMILTON. The Chair has not been able to check this out. It seems on its face to have some merit to it, but I'm not going to be able to support it simply because I have not been able to check it out.

**VOTE ON AMENDMENT NO. 22A, WAIVERS ON POINTS OF ORDER**

The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #22A -- Waivers on Points of Order

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is not adopted.

Now, let me say to the Members, we're fighting a 4:00 deadline here. We have three more derivative amendment situations to go. At the end of that time, I'd like to call a recess. Mr. Dreier and I thought it would be appropriate, and we may have to do it anyway because of the situation on the floor so that all of us can see where we are after we've adopted and rejected a number of amendments. I think we can finish the remaining three if we have the cooperation of the committee in the next few minutes.

No. 28 is the 25 percent funding cut. Ms. Dunn, we did not vote on that amendment, did we?

Mr. DREIER. Mr. Chairman, could I just ask that on that last amendment, during the break, that we possibly rethink it? I mean, it simply was a disclosure amendment, and maybe between now and that vote, you might take a look at it.

Chairman HAMILTON. I will be happy to do that.

Ms. Dunn, we did not vote on the 25 percent cut——

Ms. DUNN. That's correct, Mr. Chairman.

#### VOTE ON AMENDMENT NO. 28, STAFFING REDUCTION

Chairman HAMILTON. The clerk will call the roll on the 25 percent funding cut amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #28 -- 25% Staffing Reduction

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is not adopted.

Ms. DUNN has a derivative amendment.

Ms. DUNN. I do not have—

Chairman HAMILTON. You do not have one. Okay.

Mr. SOLOMON. Mr. Chairman, I have an amendment which I thought was included in Ms. Dunn's. It deals with the number of staffing for the Budget Committee. Could I offer that?

#### AMENDMENT NO 28A, APPLY HOUSE STAFFING REQUIREMENTS

Chairman HAMILTON. The clerk will distribute the Solomon amendment, and we'll take it up.

Mr. SOLOMON. Can I explain it while you're doing that?

Chairman HAMILTON. The gentleman is recognized.

Mr. SOLOMON. Mr. Chairman, real fast, I apologize for not offering the amendment earlier, but I thought it was being included in the Dunn amendment. The amendment simply brings the Appropriations and Budget Committees staff under the same parameters as other standing committees. At present, both committees are exempt from the limit of 30 statutory staff, and both committees are exempt from obtaining expense resolutions from the House Administration Committee for additional investigative staff. Instead, both committees are authorized to hire such staff as they deem appropriate, and in the 102nd Congress, for instance, the Appropriations Committee had 215 staff and the Budget Committee had 99 staff, while the average number of staffers on the remaining 20 standing committees was just 80.

In summary, there is no good reason why the Committees on Budget and Appropriations should have free rein to hire staff when the other committees are subject to the statutory limit of 30 and to House-approved expense resolutions for any additional staff. I think they ought to have to be accountable to somebody, especially the House Administration Committee.

Chairman HAMILTON. Would the gentleman yield?

Mr. SOLOMON. I'd be glad to yield.

Chairman HAMILTON. This is another amendment the Chair just has not had any chance to look at. I don't know the implications of it. I'll have to oppose it on that basis. I'll be happy to continue discussions with the gentleman. He may have some merit here.

Amendment to H.R. \_\_\_\_\_

Offered by Mr. Solomon

At the appropriate place in Title I, insert the following new section:

1    **Sec. \_\_\_\_.** Uniform Applicability of House Committee Staffing Requirements.

2           (a) In order to ensure the comprehensive and uniform applicability of the House  
3 committee staffing provisions, the Committee on Appropriations and the Committee on the  
4 Budget shall be treated the same as other standing committees under clause 5 of rule XI of the  
5 Rules of the House, which requires the approval of committee expense resolutions for  
6 investigative staff; and clause 6 of rule XI, which authorizes the appointment of a specified  
7 number of professional and clerical staff.

8           (b) Technical and conforming amendments:

9           (1) In rule XI, clause 5(a) is amended by striking the following in the first  
10 sentence thereof: "(except the Committee on Appropriations and the Committee on the Budget)".

11           (2) In rule XI, clause 6 is amended by striking subparagraph (b)(4) and  
12 subparagraph (d).

**VOTE ON AMENDMENT NO. 28A, APPLY HOUSE STAFFING  
REQUIREMENTS**

The clerk will call the roll on the Solomon amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #28A -- Apply House Committee  
Staffing Requirements to the Appropriations and  
Budget Committees

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.  
Mr. Dreier has an amendment.

#### AMENDMENT NO. 28B, BASELINE FOR LEGISLATIVE BRANCH REDUCTIONS

Mr. DREIER. Mr. Chairman, I have an amendment, Dreier 002, and I'd ask unanimous consent that it be considered as having been read.

Chairman HAMILTON. Without objection. The clerk will distribute the amendment, and the gentleman is recognized.

Mr. DREIER. The base text of this bill calls for achieving a 12 percent reduction in the number of full-time staff, and it chooses September 30, 1992, as the base. In addition, it requires the implementation of the Vice President's National Performance Review. Consequently, few, if any, staff cuts will be achieved.

First, there's no connection between staff reductions in the Administration and staff reductions in Congress. Our committee was directed to study Congress, not the Executive Branch, and to make recommendations for reform. There's no rational reason to tie staff cuts in Congress to staff cuts in the Administration.

Second, according to the Legislative Appropriations Subcommittee, in the previous and current fiscal years, outlay reductions have fallen 6 percent each year. According to the chairman of that subcommittee, Mr. Fazio, we've already met a 12 percent reduction in terms of personnel. Mr. Fazio tells us that legislative staff has been reduced 8.2 percent over the same period.

Under this scenario, as I mentioned, few, if any, staff reductions will occur, and I find it hard to believe that that's the intention of this committee. To bring about a manageable and meaningful streamlining of staff, the amendment changes the base year on which to measure staff reductions from September 30, 1992, to September 30, 1993, and it eliminates the groundless tie to staff reductions in the Executive Branch.

Mr. GEJDENSON. Would the gentleman yield? The tie isn't groundless. Frankly, the Congress was ahead of the Administration, then run by the Bush Administration, in cutting our spending. We started in 1992, and I think we ought to recognize that we made those cuts. To somehow say that the cuts that we made before it became fashionable at the Executive Branch under the new Administration shouldn't count I think is just not the right thing to do. We ought to take a realistic view, and that includes the cuts we made during that year.

Mr. WALKER. I just want to ask a question. Is the tie to the Executive Branch to say that we would achieve as much of a cut as the Executive Branch does?

Mr. DREIER. Exactly, and I think we should go further than that.

Mr. WALKER. Well, I understand, but hasn't the Executive Branch already claimed a 25 percent cut?

Mr. DREIER. They claimed that early on in the White House staff.

Mr. WALKER. Oh, the White House staff. This isn't tied to the White House staff cut. This is the overall—

Mr. DREIER. This is NPR.

Mr. WALKER. Oh, this is NPR.



## Amendment to H.R. \_\_\_\_

Offered by Mr. Dreier

On Page 35, line 17, strike "1992", and insert in lieu thereof the following:

"1993"; and

On Page 35, line 20, strike "implemented pursuant to" and insert in lieu thereof the following:

"proposed by".

**EXPLANATION**

This amendment requires that the reductions mandated by Sec. 341 on legislative branch streamlining and restructuring shall be made from a base of the total number of full-time equivalent positions in the legislative branch on September 30, 1993, and that the reduction not be contingent upon the adoption of identical reductions in the executive branch.

## VOTE ON AMENDMENT NO. 28B

Chairman HAMILTON. The clerk will call the roll on the Dreier amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. Aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #28B -- Makes 9/30/93 the date for  
Establishing a baseline for Legislative Branch Reductions

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Chairman HAMILTON. The amendment fails.

#### AMENDMENT NO. 31, ENTITLEMENT REVIEW

Mr. Spratt, as I understand it, No. 31 has been worked out?

Mr. OBEY. Mr. Chairman, I talked to Mr. Spratt about an amendment to his amendment which would, in line 3, after the word "reduce," simply add the words "direct spending"; on line 8, after the word "reduce," add "direct spending"; and on line 24, after the words "direct spending," eliminate the remainders of the two lines.

Let me explain what that would do. I think that what John is suggesting is perfectly reasonable; however, I think every committee in this House is entitled to know that if they hit their spending reduction and some other committees don't, that the committee that has met its spending reduction target will not be penalized because some other committee didn't. So this simply makes clear that if there is, in the entitlement area, an overage spending, that the reductions that must be made would be in that area.

Chairman HAMILTON. Mr. Spratt?

Mr. SPRATT. I have no problem with it.

Chairman HAMILTON. Any further discussion?

[No response.]

Chairman HAMILTON. If not, the amendment to the Spratt amendment is agreed to. The question is on the Spratt amendment. Is there any objection to the Spratt amendment?

[No response.]

AMENDMENT NO. 31, ACCEPTED BY UNANIMOUS CONSENT  
**AMENDMENT OFFERED BY MR. SPRATT OF SOUTH  
 CAROLINA**  
**To H.R. \_\_\_\_**

At the end, add the following new title:

1 **BUDGET CONTROL**

2 **SEC. 001. SHORT TITLE; PURPOSE.**

3 (a) **SHORT TITLE.**—This title may be cited as the  
 4 “Budget Control Act of 1993”.

5 (b) **PURPOSE.**—The purpose of this title is to create  
 6 a mechanism to monitor total costs of direct spending pro-  
 7 grams, and, in the event that actual or projected costs ex-  
 8 ceed targeted levels, to require the President and Congress  
 9 to address adjustments in direct spending.

10 **SEC. 002. ESTABLISHMENT OF DIRECT SPENDING TAR-**  
 11 **GETS.**

12 (a) **IN GENERAL.**—The initial direct spending targets  
 13 for each of fiscal years 1994 through 1997 shall equal  
 14 total outlays for all direct spending except net interest and  
 15 deposit insurance as determined by the Director of the Of-  
 16 fice of Management and Budget (hereinafter referred to  
 17 in this title as the “Director”) under subsection (b).

18 (b) **INITIAL REPORT BY DIRECTOR.**—

19 (1) Not later than 30 days after the date of en-  
 20 actment of this Act, the Director shall submit a re-

1 port to Congress setting forth projected direct  
2 spending targets for each of fiscal years 1994  
3 through 1997.

4 (2) The Director's projections shall be based on  
5 legislation enacted as of 5 days before the report is  
6 submitted under paragraph (1). To the extent fea-  
7 sible, the Director shall use the same economic and  
8 technical assumptions used in preparing the concur-  
9 rent resolution on the budget for fiscal year 1994  
10 (H.Con.Res. 64).

11 (c) ADJUSTMENTS.—Direct spending targets shall be  
12 subsequently adjusted by the Director under section  
13 16006.

14 **SEC. 003. ANNUAL REVIEW OF DIRECT SPENDING AND**  
15 **RECEIPTS BY PRESIDENT.**

16 As part of each budget submitted under section  
17 1105(a) of title 31, United States Code, the President  
18 shall provide an annual review of direct spending and re-  
19 cepts, which shall include (1) information supporting the  
20 adjustment of direct spending targets pursuant to section  
21 16006, (2) information on total outlays for programs cov-  
22 ered by the direct spending targets, including actual out-  
23 lays for the prior fiscal year and projected outlays for the  
24 current fiscal year and the 5 succeeding fiscal years, and  
25 (3) information on the major categories of Federal re-

1 ceipts, including a comparison between the levels of those  
2 receipts and the levels projected as of the date of enact-  
3 ment of this Act.

4 SEC. 004. SPECIAL DIRECT SPENDING MESSAGE BY  
5 PRESIDENT.

6 (a) TRIGGER.—In the event that the information sub-  
7 mitted by the President under section 16003 indicates —

8 (1) that actual outlays for direct spending in  
9 the prior fiscal year exceeded the applicable direct  
10 spending target, or

11 (2) that outlays for direct spending for the cur-  
12 rent or budget year are projected to exceed the ap-  
13 plicable direct spending targets,

14 the President shall include in his budget a special direct  
15 spending message meeting the requirements of subsection  
16 (b).

17 (b) CONTENTS.—(1) The special direct spending  
18 message shall include:

19 (A) An explanation of any adjustments to the  
20 direct spending targets pursuant to section 16006.

21 (B) An analysis of the variance in direct spend-  
22 ing over the adjusted direct spending targets.

23 (C) The President's recommendations for ad-  
24 dressing the direct spending, ~~overages, if any, in the~~  
25 ~~prior, current, or budget year.~~

1       (2) The President's recommendations may consist of  
2 any of the following:

3           (A) Proposed legislative changes to reduce out-  
4 lays, increase revenues, or both, in order to recoup  
5 or eliminate the overage for the prior, current, and  
6 budget years in the current year, the budget year,  
7 and the 4 outyears.

8           (B) Proposed legislative changes to reduce out-  
9 lays, increase revenues, or both, in order to recoup  
10 or eliminate part of the overage for the prior, cur-  
11 rent, and budget year in the current year, the budg-  
12 et year, and the 4 outyears, accompanied by a find-  
13 ing by the President that, because of economic con-  
14 ditions or for other specified reasons, only some of  
15 the overage should be recouped or eliminated by out-  
16 lay reductions or revenue increases, or both.

17           (C) A proposal to make no legislative changes  
18 to recoup or eliminate any overage, accompanied by  
19 a finding by the President that, because of economic  
20 conditions or for other specified reasons, no legisla-  
21 tive changes are warranted.

22       (3) Any proposed legislative change under paragraph  
23 (2) to reduce outlays may include reductions in direct  
24 spending or in the discretionary spending limits under sec-  
25 tion 601 of the Congressional Budget Act of 1974.



1 (c) PROPOSED SPECIAL DIRECT SPENDING RESOLU-  
2 TION.—

3 (1) PRESIDENT'S RECOMMENDATIONS TO BE  
4 SUBMITTED AS DRAFT RESOLUTION.—If the Presi-  
5 dent recommends reductions consistent with sub-  
6 section (b)(2)(A) or (B), the special direct spending  
7 message shall include the text of a special direct  
8 spending resolution implementing the President's  
9 recommendations through reconciliation directives  
10 instructing the appropriate committees of the House  
11 of Representatives and Senate to determine and rec-  
12 ommend changes in laws within their jurisdictions to  
13 reduce outlays or increase revenues by specified  
14 amounts. If the President recommends no reductions  
15 pursuant to (b)(2)(C), the special direct spending  
16 message shall include the text of a special resolution  
17 concurring in the President's recommendation of no  
18 legislative action.

19 (2) RESOLUTION TO BE INTRODUCED IN  
20 HOUSE.—Within 10 days after the President's spe-  
21 cial direct spending message is submitted, the text  
22 required by paragraph (1) shall be introduced as a  
23 concurrent resolution in the House of Rep-  
24 resentatives by the chairman of the Committee on  
25 the Budget of the House of Representatives without

1 substantive revision. If the chairman fails to do so,  
2 after the tenth day the resolution may be introduced  
3 by any Member of the House of Representatives. A  
4 concurrent resolution introduced under this para-  
5 graph shall be referred to the Committee on the  
6 Budget.

7 **SEC. 005. REQUIRED RESPONSE BY CONGRESS.**

8 (a) **REQUIREMENT FOR SPECIAL DIRECT SPENDING**  
9 **RESOLUTION.**—Whenever the President submits a special  
10 direct spending message under section 16004, the Com-  
11 mittee on the Budget of the House of Representatives  
12 shall report, not later than April 15, the concurrent reso-  
13 lution on the budget and include in it a separate title that  
14 meets the requirements of subsections (b) and (c).

15 (b) **CONTENTS OF SEPARATE TITLE.**—The separate  
16 title of the concurrent resolution on the budget shall con-  
17 tain reconciliation directives to the appropriate committees  
18 of the House of Representatives and Senate to determine  
19 and recommend changes in laws within their jurisdictions  
20 to reduce outlays or increase revenues by specified  
21 amounts (which in total equal or exceed the reductions  
22 recommended by the President, up to the amount of the  
23 overage). If this separate title recommends that no legisla-  
24 tive changes be made to recoup or eliminate an overage,

1 then a statement to that effect shall be set forth in that  
2 title.

3 (c) REQUIREMENT FOR SEPARATE VOTE TO IN-  
4 CREASE TARGETS.—If the separate title of a concurrent  
5 resolution on the budget proposes to recoup or eliminate  
6 less than the entire overage for the prior, current, and  
7 budget years, then the Committee on the Budget of the  
8 House of Representatives shall report a resolution direct-  
9 ing the Committee on Government Operations to report  
10 legislation increasing the direct spending targets for each  
11 applicable year by the full amount of the overage not re-  
12 couped or eliminated. It shall not be in order in the House  
13 of Representatives to consider that concurrent resolution  
14 on the budget until the House of Representatives has  
15 agreed to the resolution directing the increase in direct  
16 spending targets.

17 (d) CONFERENCE REPORTS MUST FULLY ADDRESS  
18 OVERAGE.—It shall not be in order in the House of Rep-  
19 resentatives to consider a conference report on a concur-  
20 rent resolution on the budget unless that conference report  
21 fully address the entirety of any overage contained in the  
22 applicable report of the President under section 16004  
23 through reconciliation directives requiring spending reduc-  
24 tions, revenue increases, or changes in the direct spending  
25 targets.

1 (e) PROCEDURE IF HOUSE BUDGET COMMITTEE  
2 FAILS TO REPORT REQUIRED RESOLUTION.—

3 (1) AUTOMATIC DISCHARGE OF HOUSE BUDGET  
4 COMMITTEE.—If a special direct spending resolution  
5 is required and the Committee on the Budget of the  
6 House of Representatives fails to report a resolution  
7 meeting the requirements of subsections (b) and (c)  
8 by April 15, then the committee shall be automati-  
9 cally discharged from further consideration of the  
10 concurrent resolution reflecting the President's rec-  
11 ommendations introduced pursuant to section  
12 16004(c)(2) and the concurrent resolution shall be  
13 placed on the appropriate calendar.

14 (2) CONSIDERATION BY HOUSE.—Ten days  
15 after the Committee on the Budget of the House of  
16 Representatives has been discharged under para-  
17 graph (1), any Member may move that the House  
18 proceed to consider the resolution. Such motion shall  
19 be highly privileged and not debatable.

20 (f) APPLICATION OF CONGRESSIONAL BUDGET  
21 ACT.—To the extent that they are relevant and not incon-  
22 sistent with this title, the provisions of title III of the Con-  
23 gressional Budget Act of 1974 shall apply in the House  
24 of Representatives and the Senate to special direct spend-  
25 ing resolutions, resolutions increasing targets under sub-

1 section (c), and reconciliation legislation reported pursu-  
2 ant to directives contained in those resolutions.

3 **SEC. 16006. ADJUSTMENTS TO DIRECT SPENDING TARGETS.**

4 (a) **REQUIRED ANNUAL ADJUSTMENTS.**—Prior to  
5 the submission of the President's budget for each of fiscal  
6 years 1995 through 1997, the Director shall adjust the  
7 direct spending targets in accordance with this section.  
8 Any such adjustments shall be reflected in the targets  
9 used in the President's report under section 16003 and  
10 message (if any) under section 16004.

11 (b) **ADJUSTMENT FOR INCREASES IN BENE-**  
12 **FIICIARIES.**—(1) The Director shall adjust the direct  
13 spending targets for increases (if any) in actual or pro-  
14 jected numbers of beneficiaries under direct spending pro-  
15 grams for which the number of beneficiaries is a variable  
16 in determining costs.

17 (2) The adjustment shall be made by —

18 (A) computing, for each program under para-  
19 graph (1), the percentage change between (i) the an-  
20 nual average number of beneficiaries under that pro-  
21 gram (including actual numbers of beneficiaries for  
22 the prior fiscal year and projections for the budget  
23 and subsequent fiscal years) to be used in the Presi-  
24 dent's budget with which the adjustments will be  
25 submitted, and (ii) the annual average number of

1 beneficiaries used in the adjustments made by the  
2 Director in the previous year (or, in the case of ad-  
3 justments made in 1994, the annual average number  
4 of beneficiaries used in the Director's initial report  
5 under section 16002(b));

6 (B) applying the percentages computed under  
7 subparagraph (A) to the projected levels of outlays  
8 for each program consistent with the direct spending  
9 targets in effect immediately prior to the adjust-  
10 ment; and

11 (C) adding the results of the calculations re-  
12 quired by subparagraph (B) to the direct spending  
13 targets in effect immediately prior to the adjust-  
14 ment.

15 (3) No adjustment shall be made for any program  
16 for a fiscal year in which the percentage increase com-  
17 puted under paragraph (2)(A) is less than or equal to  
18 zero.

19 (c) ADJUSTMENTS FOR REVENUE LEGISLATION.—

20 (1) The Director shall adjust the targets as follows—

21 (A) they shall be increased by the amount of  
22 any increase in receipts; or

23 (B) they shall be decreased by the amount of  
24 any decrease in receipts,

## 11

1 resulting from receipts legislation enacted after the date  
2 of enactment of this title, except legislation enacted under  
3 section 16005.

4 (d) **ADJUSTMENTS TO REFLECT CONGRESSIONAL**  
5 **DECISIONS.**—Upon enactment of a reconciliation bill pur-  
6 suant to instructions under section 16005, the Director  
7 shall adjust direct spending targets for the current year,  
8 the budget year, and each outyear through 1997 by—

9 (1) increasing the target for the current year  
10 and the budget year by the amount stated for that  
11 year in that reconciliation bill (but if a separate vote  
12 was required by section 16005(c), only if that vote  
13 has occurred); and

14 (2) decreasing the target for the current, budg-  
15 et, and outyears through 1997 by the amount of re-  
16 ductions in direct spending enacted in that rec-  
17 onciliation bill.

18 (e) **DESIGNATED EMERGENCIES.**—The Director shall  
19 adjust the targets to reflect the costs of legislation that  
20 is designated as an emergency by Congress and the Presi-  
21 dent under section 252(b) of the Balanced Budget and  
22 Emergency Deficit Control Act of 1985.

1 **SEC. 007. RELATIONSHIP TO BALANCED BUDGET AND**  
 2 **EMERGENCY DEFICIT CONTROL ACT.**

3 Reductions in outlays or increases in receipts result-  
 4 ing from legislation reported pursuant to section 16005  
 5 shall not be taken into account for purposes of any budget  
 6 enforcement procedures under the Balanced Budget and  
 7 Emergency Deficit Control Act of 1985.

8 **SEC. 008. ESTIMATING MARGIN.**

9 For any fiscal year for which the overage is less than  
 10 one-half of 1 percent of the direct spending target for that  
 11 year, the procedures set forth in sections 16004 and  
 12 16005 shall not apply.

13 **SEC. 009. CONSIDERATION OF APPROPRIATION BILLS.**

14 (a) **POINT OF ORDER.**—It shall not be in order in  
 15 the House of Representatives to consider any general ap-  
 16 propriation bill if the President has submitted a direct  
 17 spending message under section 16004 until Congress has  
 18 adopted a concurrent resolution on the budget for the  
 19 budget year that meets the requirements of section 16005.

20 (b) **WAIVER.**—The point of order established by sub-  
 21 section (a) *only* may be waived for all general appropriation  
 22 bills for that budget year through the adoption of one reso-  
 23 lution waiving that point of order.

24 **SEC. 16010. MEANS-TESTED PROGRAMS.**

25 In making recommendations under sections 16004  
 26 and 16005, the President and the Congress should seri-



1 ously consider all other alternatives before proposing re-  
2 ductions in means-tested programs.

3 **SEC. 011. EFFECTIVE DATE.**

4       This title shall apply to direct spending targets for  
5 fiscal years 1994 through 1997 and shall expire at the  
6 end of fiscal year 1997.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #31 -- Entitlement Review

Change made on page two of amendment, then amendment was adopted by unanimous consent

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		
Vice Chairman Dreier		
Representative Obey		
Representative Walker		
Representative Swift		
Representative Solomon		
Representative Gejdenson		
Representative Emerson		
Representative Spratt		
Representative Allard		
Representative Norton		
Representative Dunn		
Total		

Chairman HAMILTON. If not, the Spratt amendment is adopted. The final one is No. 32, coordination of Legislative Branch services.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #32 -- Study of the coordination of Legislative Branch Services

This amendment passed by unanimous consent

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		
Vice Chairman Dreier		
Representative Obey		
Representative Walker		
Representative Swift		
Representative Solomon		
Representative Gejdenson		
Representative Emerson		
Representative Spratt		
Representative Allard		
Representative Norton		
Representative Dunn		
Total		

Mr. Emerson has an amendment.

**AMENDMENT NO. 34, DEBT LIMITS**

Mr. EMERSON. I have an amendment on the debt limit vote.

Chairman HAMILTON. The Emerson amendment is on the debt limit vote. The clerk will pass the amendment.

Amendment to H.R. \_\_\_\_\_  
Offered by Mr. Emerson

At the appropriate place in Title III, insert the following new section:

SEC. \_\_\_\_ . REPEAL OF RULE XLIX OF THE RULES OF THE HOUSE OF REPRESENTATIVES RELATING TO THE STATUTORY LIMIT ON THE PUBLIC DEBT.

Rule XLIX of the Rules of the House of Representatives is repealed.

**EXPLANATION**

This amendment repeals House Rule 49, also known as the "Gephardt Rule." Under Rule 49, House passage of a conference report on the budget resolution automatically spins off a separate bill to extend the debt limit by an amount calculated to be enough to last through the next fiscal year.

Mr. EMERSON. Mr. Chairman, this amendment repeals a rule relating to statutory limit on the public debt. Under House Rule 49, known as the Gephardt rule, House passage of a conference report on the budget resolution automatically spins off a separate bill to extend the debt limit by an amount calculated to be enough to last through the next fiscal year. This amendment is based on legislation introduced by Mr. Stearns of Florida. House Rule 49 permits the House to raise the debt ceiling by incorporating the issue into the concurrent budget resolution. In other words, a vote for the President's budget, according to House Rules, means a vote to raise the debt ceiling. There is no up or down vote on raising the debt limit. More disturbing is the fact that the debt limit resolution must be signed by the President, while a concurrent budget resolution, which is a document of generalities, is not signed by the President.

During the markup of this legislation before us, Mr. Obey has made many references to the need for more honesty on budget issues. The repeal of Rule 49 goes directly to that issue. This eliminates the House Rule so that a vote to raise the debt ceiling will stand on its own, and accountability will not be clouded by parliamentary gimmicks.

Mr. GEJDENSON. Mr. Chairman?

Chairman HAMILTON. Mr. Gejdenson?

Mr. GEJDENSON. I think the gimmick is if we pass this bill, because then it says there's a disconnect between voting for the spending and raising the debt ceiling. You take out your credit cards, you buy your goods, the bill comes. If you vote for the budget resolution that okays the spending, don't then come into shock that the debt limit has to go up if you voted for something that raises spending that makes the debt go up.

If you're against making that debt go up, then vote against the budget resolution. That's the way to be honest about it, not to break it into two votes: "Yes, I want the Space Station, which helps my district. Yes, I want all these other things that I want," but "No, I don't want to pay for it." It ought to be one vote, not two votes. It's disingenuous, I think, to say—not that I'm questioning the gentleman's intent. I think his intent is earnest, but I think it confuses the issue.

Chairman HAMILTON. Mr. Obey?

Mr. OBEY. Mr. Chairman, I would simply say I agree with that, and add to it the observation that it would be ironic indeed if this committee just passed a proposition calling for a two-year budget cycle and then adopted this amendment, because this would guarantee you that you would not even have an annual budget cycle. You would have a continuous—probably every six or seven months—vote on all kinds of changes in the budget. You'd never get to anything else.

#### VOTE ON AMENDMENT NO. 34, DEBT LIMITS

Chairman HAMILTON. The clerk will call the roll on the Emerson amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?  
Mr. DREIER. Aye.  
The CLERK. Mr. Obey?  
Mr. OBEY. No.  
The CLERK. Mr. Walker?  
Mr. WALKER. Aye.  
The CLERK. Mr. Swift?  
Mr. SWIFT. No.  
The CLERK. Mr. Solomon?  
Mr. SOLOMON. Aye.  
The CLERK. Mr. Gejdenson?  
Mr. GEJDENSON. No.  
The CLERK. Mr. Emerson?  
Mr. EMERSON. Aye.  
The CLERK. Mr. Spratt?  
Mr. SPRATT. No.  
The CLERK. Mr. Allard?  
Mr. ALLARD. Aye.  
The CLERK. Ms. Norton?  
Ms. NORTON. No.  
The CLERK. Ms. Dunn?  
Ms. DUNN. Aye.  
The CLERK. Mr. Chairman, six to six.



## HOUSE OF REPRESENTATIVES

Vote on: Amendment #34 -- Debt Limits

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment is defeated.

We have now completed all amendments, and we're ready for final action.

Mr. EMERSON. Mr. Chairman, are we going to have a recess and then come back?

Chairman HAMILTON. Just for the final action.

Mr. EMERSON. Well, I do have another amendment.

Chairman HAMILTON. Well, Mrs. Norton, can you wait for this amendment, please? Mrs. Norton is due on the floor right now.

#### AMENDMENT NO. 35, TERM LIMITS FOR CHAIRMEN AND RANKING MEMBERS

The clerk will distribute the amendment of Mr. Emerson.

Mr. EMERSON. It's a term limit amendment, and I will endeavor to be brief. I don't think much explanation is required. It would limit the service of chairmen and ranking minority Members to not more than three consecutive Congresses, beginning with service in the 104th Congress. We have a rule on our side limiting ranking Members to just three terms——

Mr. GEJDENSON. Didn't you already waive it, sir?

Mr. EMERSON. No, it has not been waived. But this is similar to the rule that applies to the Intelligence Committee and, I think, the Ethics Committee as well. It would make it applicable to all committees and prevent the building up of fiefdoms that are difficult to——

Mr. GEJDENSON. So you exempted the people that were covered under your rule.

Mr. EMERSON. No.

## Amendment to H.R. \_\_\_\_

Offered by Mr. *EMERSON*

At the appropriate place in Title I, insert the following new section:

1 **SEC. \_\_\_\_ TERM LIMITATION FOR COMMITTEE CHAIRMEN AND**  
2 **RANKING MINORITY MEMBERS.**

3 Clause 6(c) of Rule X of the Rules of the House of Representatives  
4 is amended by inserting after the first sentence the following:

5 "The terms of the chairman and the ranking minority member of  
6 each standing committee shall not exceed three consecutive Congresses,  
7 beginning with service during the One Hundred Fourth Congress."

**VOTE ON AMENDMENT NO. 35, TERM LIMITS FOR CHAIRMEN AND RANKING MEMBERS**

Chairman HAMILTON. The clerk will call the roll on the Emerson amendment.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. No.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. No.

The CLERK. Mr. Walker?

Mr. WALKER. Aye.

The CLERK. Mr. Swift?

Mr. SWIFT. No.

The CLERK. Mr. Solomon?

Mr. SOLOMON. It removes me from office, but aye.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. No.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. No.

The CLERK. Mr. Allard?

Mr. ALLARD. Aye.

The CLERK. Ms. Norton?

Ms. NORTON. No.

The CLERK. Ms. Dunn?

Ms. DUNN. Aye.

The CLERK. Mr. Chairman, six to six.

## HOUSE OF REPRESENTATIVES

Vote on: Amendment #35 -- Term Limits for Committee  
Chairmen and Ranking Minority Members

Date: November 21, 1993

Representatives	Yeas	Nays
Chairman Hamilton		X
Vice Chairman Dreier	X	
Representative Obey		X
Representative Walker	X	
Representative Swift		X
Representative Solomon	X	
Representative Gejdenson		X
Representative Emerson	X	
Representative Spratt		X
Representative Allard	X	
Representative Norton		X
Representative Dunn	X	
Total	6	6

Amendment Fails

Chairman HAMILTON. The amendment fails.

All right. We have now completed all amendments. The final action will take place after recess.

Thank you very much, Eleanor.

We have had this suggestion: that if the rule on campaign finance fails, we will meet immediately after that rule fails here to take final action. If the rule is passed and we go into the debate and the amendments on the campaign finance that requires Mr. Gejdenson's presence and maybe some others as well here, Mr. Dreier and I suggest we meet at 9:00 tomorrow morning for final action, which should not take more than a few minutes. Is that all right to proceed that way?

Mr. OBEY. Mr. Chairman, may I just ask a question? I just want to make sure that we understand when we do vote to report what it is we are voting to report. My understanding of the rules under which the committee was created is that this committee is not empowered to report a bill. We are empowered to report recommendations which may include bill language.

Chairman HAMILTON. That's correct. The gentleman is correct.

Mr. DREIER. Mr. Chairman, the one thing I did ask is that possibly if you could look at this and consider the——

Chairman HAMILTON. I'm going to take a look at it, but I don't give the gentleman any guarantees. I will take a look at.

If the rule fails, come back to this room immediately for final action.

With that, the committee stands adjourned.

[Whereupon, at 4:03 p.m., the committee recessed, to reconvene at 9:00 a.m. on Monday, November 22, 1993.]

# MARKUP OF CONGRESSIONAL REFORM LEGISLATION

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MONDAY, NOVEMBER 22, 1993

U.S. HOUSE OF REPRESENTATIVES,  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS,  
*Washington, DC.*

The Joint Committee met, pursuant to recess, at 9:16 a.m. in room SC-5, The Capitol, Hon. Lee H. Hamilton (co-chairman of the committee) presiding.

Chairman HAMILTON. The Joint Committee will come to order.

The Chair will have a motion here, and we'll have discussion on the motion. Before I get to that, I just want to say that I recognize how much of a burden the committee has been for us, particularly in the past few days as we've struggled to get this through, and how much I've appreciated the cooperation Members have extended. I know it has not been easy for them. I'm very grateful to them.

I also want to say a word of appreciation to the staff, to each one of them, because they have just done an extraordinary job in trying to get us all together and in providing the backup that we have needed, and I'm very grateful to them, as I know you are as well.

## MOTION TO REPORT

Chairman HAMILTON. The motion is as follows: I move that we adopt the recommendations considered today as the report of the House Members of the Joint Committee on the subjects contained in H. Con. Res. 192 for the purposes of reporting to the House, and that our actions today be promptly conveyed to the Senate Members of the Joint Committee. The motion is made with the understanding that not all Members support all recommendations contained herein, and that each Member has the right to seek changes at subsequent stages in the process.

I think it's self-evident. Is there discussion on the motion?

Mr. DREIER. Mr. Chairman?

Chairman HAMILTON. Mr. Dreier?

## STATEMENT OF HON. DAVID DREIER, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA

Mr. DREIER. Thank you very much, Mr. Chairman. First, I'd like to join in extending my appreciation to the Members and all the staff for the diligent efforts that have gone into this reform effort over the past year.

Let me say that this has been a very long and, for me personally, somewhat disappointing process. After nearly a year of deliberations, including six months of hearings and taking testimony from hundreds of witnesses and speaking with colleagues on both sides of the aisle, I was confident that all the major options for reform had been laid before us. I, as well as my House Republican colleagues, came away from our two-day full committee retreat at the Naval Academy with optimism that the reform process would yield a bicameral and bipartisan series of recommendations that would significantly change this institution for the better.

Yet our joint markup slipped from early September to October to November 3rd; after the third delay in the Joint Committee process, the Senate subcommittee moved forward on its own; and at this late date, we all have to acknowledge that the full Joint Committee on the Organization of Congress will never meet together again. That's a tragedy for the process of reform.

During this week, the House subcommittee has attempted to do as much as it can to move the process forward. I acknowledge that there are some significant elements in the base bill, particularly the recommended reforms in the ethics process and to bring Congress into compliance with most, if not all, of the laws that apply to the private sector and the Executive Branch.

I also acknowledge that the committee assignment limitations in the base bill are a significant step forward. I note that I maintained those limitations and the tough waiver provisions to accompany them in my amendment to reform comprehensively the committee system.

I acknowledge that eight amendments offered by Republican Members were adopted during the markup of the subcommittee. Some were more significant than others. I was particularly pleased that biennial budgeting, including appropriations, and our proposal to make committee voting records more accessible to the public through the Congressional Record were accepted by a clear bipartisan majority of the subcommittee.

Nevertheless, there are several very important elements to comprehensive Congressional reform that don't appear in this bill, as amended. A ban on proxy voting, jurisdictional reform, a significant reduction in the cost to the Legislative Branch, and a number of other bold new ideas for reform were all rejected. We were not even able to agree that the Rules Committee should not be permitted to generically waive points of order so that Members have no idea what provisions of the standing Rules of the House are being ignored.

I've long been concerned by the attempts of a small, but vocal faction of the Democratic caucus to derail this effort. To some degree, they've succeeded. Twenty-five amendments offered by House Republicans failed in a six-to-six tie. The irony, of course, is that many of these amendments would not just benefit the majority, but would enhance the ability of a majority of Members, Democrats and Republicans, to work their will in the people's House.

Mr. Chairman, we can do better than this, and I hope we can on the floor of the House under an open rule. The Chairman admitted as much when we opened our proceedings this week, when he indicated that this package was not all he hoped it would be. I appreci-



ate the assurances of the Chairman that he's willing to support as generous a rule as possible.

It will come as no surprise to him, however, that generous is not, in my view, how we will proceed. This is the first step in reform of the Congress. Our recommendations will have to be reviewed by our colleagues. It is they, in the end, who should have the final vote on this issue. Only an open rule will assure that the will of the House can be determined. This institution belongs to the people, and it's the people's representatives that we should fully entrust with the responsibility on this question.

Nevertheless, despite my deep and serious misgivings about these recommendations as a whole, I will support the motion to report to keep the process moving forward. At some point, Mr. Chairman, the House will have an opportunity to work its will, and I'm confident that the membership, both Democrats and Republicans, will do the right thing.

I should say that on this issue of an open rule, I had a discussion with Speaker Foley last night, and I know that Mr. Hamilton did, and the only reason I am voting for this is that I hold out a little hope that under an open amendment process, we will be able to allow the membership to work its will.

No one should interpret this package that's moving forward as a bipartisan package. In the spirit of bipartisanship, having spent the last several months working on the North American Free Trade Agreement with Democrats and those in the Administration, I have agreed to move forward with the Democrats' reform package. That's what this is. This is not a bipartisan package. It's a Democrats' reform package. I am doing so based on the assumption that on the floor of the House we will be able to allow Members to work their will and have every single item that was proposed in this committee considered on the House floor.

Chairman HAMILTON. Any further comments?

Mr. OBEY. Yes, Mr. Chairman.

Chairman HAMILTON. Mr. Obey, and then Mr. Walker.

#### STATEMENT OF HON. DAVID R. OBEY, A U.S. REPRESENTATIVE FROM THE STATE OF WISCONSIN

Mr. OBEY. Mr. Chairman, I hadn't intended to make comments, but I guess since a number of people are probably going to lay out their positions, I will, too. I want to make clear the context in which I make these comments.

When the first reforms were established that provided for meaningful disclosure of Members' financial affairs, those recommendations were pushed through the House by a commission chaired by me and on which Mr. Hamilton served as a Member. When we ended the ability of Members to use the stationery account and other allowances and convert that money to cash, that was ended in a reform effort of an organization chaired by me and an organization in which Mr. Hamilton was a Member.

When we limited what Members could make in outside income, those limits were imposed by a commission, again, chaired by me, of which Mr. Hamilton was a Member. When we produced the reforms which published every dollar which is expended by Members'

accounts, those were contained in a task force recommendation, a task force which I chaired. When we, as I said the other day, required Appropriations Subcommittee chairs and Ways and Means Committee chairs to stand for election rather than simply sitting there as a benefit of seniority, those were my amendments.

When we foreclosed what Members could earn on the side as lawyers or what they could earn by serving as, frankly, do-nothing members of corporate boards at \$5,000 a crack, those were my amendments. When we tried to establish an end to patronage in the House by establishing a House administrator, those recommendations were made by the commission on which Mr. Hamilton and I both served.

So I think our record in being interested in reform is clear. But I still have to indicate that, in my view, I think it is regrettable that the Senate chose to move ahead and mark up on their own, without giving us an opportunity to even discuss across the table from one another the issue of the filibuster and Senate hold, issues which I think are relics of another age and would stand in the way of the public attaining the accountability which it needs to see in its legislative bodies.

I guess I would simply say that I will reluctantly vote to report this, but I want it understood that I think two things are basically flawed in the recommendations. Number one, I think it is a serious omission not to have any direct action to end the filibuster, or even any recommendation to do so. Secondly, I do think that it is a large mistake to establish what I would consider stick-in-the-mud budgeting by requiring the Federal Government, once it's made a budget decision, to keep its feet planted firmly in the same place for two years, regardless of what happens in the economy.

I think that's regrettable, and I think that having a two-year budget resolution is a major mistake, but as the Chair has indicated and as Mr. Dreier has indicated, we do reserve the right to try to make changes in the process as it goes along. I'm sure he will, I'm sure others will, and I certainly will myself.

Chairman HAMILTON. Mr. Walker?

**STATEMENT OF HON. ROBERT S. WALKER, A U.S.  
REPRESENTATIVE FROM THE STATE OF PENNSYLVANIA**

Mr. WALKER. Mr. Chairman, we've spent countless hours listening to people bring forth ideas to reform this Congress. A few of those reform ideas, mostly watered down to be of questionable effectiveness and enforcement, are now included in our mark. Don't misunderstand me. This package does no harm and may result in some marginal improvement in the operations of the House.

There's a reason to give the entire House membership a chance to vote on real reform. Those who believe in real reform but choose not to kill the process now have a point. But I cannot add my name to the final product in good conscience. While eight amendments offered by the Republicans were adopted, they are a fairly unavoidable affirmation of the lowest common denominator of reform.

No one can take the political risk today of keeping Congressmen exempt from laws that other Americans must obey. After last night, no one should continue to deny that a basic minority right of

a motion to recommit with instructions is not available on the House floor. And public demands for disclosure in Government and sunshine speak for themselves. President Clinton has made the case for biennial budgeting.

So what's missing? Anything beyond the automatic. In other words, bold, real reform is missing. Twenty-five amendments offered by the Republicans were killed on six-to-six tie votes. All six Republicans voted 25 times to change the way the House really works. Twenty-five times the Democrats said that they like it just the way it is; there's nothing broken, there's nothing to fix.

What Republicans wanted were evidently considered outrageous concepts, outrageous concepts like Members being allowed to offer amendments and get a vote; dangerous rules such as a scope should be observed in the appropriations conference reports or that cuts should actually reduce the deficit; unbearable reductions in the number of Congressional committees that now work so well; unworkable concepts such as that Members should do their jobs by showing up and voting; and the most unreasonable, giving Members enough time to read legislation so that they know what they're voting on.

Mr. Chairman, in my view, this is not bipartisan reform. What we are about to approve is a Democrat reform plan that some of us are allowing to move forward on a bipartisan basis. As for me, I think we should have done much better, and I will vote no.

Chairman HAMILTON. Any further comments? Mr. Solomon, and then Mr. Emerson.

Mr. SOLOMON. I yield to my colleague.

Chairman HAMILTON. Mr. Emerson, go ahead.

#### STATEMENT OF HON. BILL EMERSON, A U.S. REPRESENTATIVE FROM THE STATE OF MISSOURI

Mr. EMERSON. Well, Mr. Chairman, I simply want to associate myself with the remarks of the gentleman from California, Mr. Dreier. I feel as he does. He gave a good rationale for why we are where we are, and I agree with him that we should keep the process moving.

I'm disappointed that we have not been able to accomplish more. I entered this process with great hopes that we might have been able to have achieved some significant bipartisan reforms based on an attitude of fairness. I've always believed that rules that protect the minority are important. I think it's an inherent part of our overall governmental system and that they should be more applicable in the House of Representatives.

I have been disappointed also that there have been obvious efforts to torpedo this committee's activities, probably since the inception. There has been in the House a group who I think their purpose has been, frankly, to thwart what we might have done. But I'm willing to vote to move the matter forward in the hopes that lightning may strike and that, if and when the matter comes to the full House and all Members have the opportunity to review the deliberations that we have undertaken, that we have an opportunity hopefully, with your help, to get a full and open rule in which some of these issues may be fairly discussed and debated.

At that time perhaps, as I say, lightning may strike, and a majority of individual Members may independently see the merits of reform, the efforts of those to torpedo our efforts notwithstanding.

I thank the gentleman.

Chairman HAMILTON. Mr. Solomon, Ms. Dunn, and then Mr. Allard.

**STATEMENT OF HON. GERALD B.H. SOLOMON, A U.S.  
REPRESENTATIVE FROM THE STATE OF NEW YORK**

Mr. SOLOMON. Mr. Chairman, let me just preface my remarks by recalling my good friend David Obey's citation of a litany of Congressional reforms that have already taken place, as if none were left to do. As I listened to them carefully, I couldn't help but observe that they all took place before I got here, and I've been here for 15 years.

But let me just say this. My good friend Mr. Emerson hopes lightning will strike, our ranking Member Dave Dreier is hoping that we will have a generous rule, and our good Chairman, who I deeply respect, has said he will push for a generous rule. Let me just tell you folks something. There is not going to be a generous rule. I am the ranking Republican on the Rules Committee, and I know what's going to happen. The same thing is going to happen that is happening on the two issues that remain on the calendar here today with campaign reform. Those have political implications, and the minority will be shut out. We are going to be dealing with the—

Mr. EMERSON. Mr. Chairman, the committee is not in order.

Chairman HAMILTON. The committee will come to order. Mr. Solomon has the floor.

Mr. SOLOMON. We have another bill on the floor, and there is a philosophical difference between the two parties about cutting spending and whether or not these are draconian cuts, and we again have been shut out with our motion to recommit and with our right to offer amendments. That has political implications.

Nothing has more political implications than what we are doing here today, and the Rules Committee, the most political committee in the entire Congress, where we are outnumbered by 9 to 4, not like any other committee in the Congress, they are going to shut us out. We will not have an opportunity to offer the amendments that this House would pass overwhelmingly, like reducing the number of committees and subcommittees, which would automatically force the cutback in the number of committee staff and in the committee staffing of all these support groups, like LSOs and the Library of Congress and all of these other things. We will not have a right to vote on banning proxy voting.

Now, I will sit here right now and tell you we will be denied in the Rules Committee from being able to offer that. You know it, I know it, everybody here does. So it is not going to be a generous rule. I can go on down—limiting terms of chairmen and ranking Members; a fair ratio of Democrats and Republicans on committees. These will not be allowed; therefore, it will not be a generous rule.

Mr. Chairman, we made an offer to you and the other side that we would vote for this report if we were to be guaranteed no less a restrictive rule than being allowed to offer the amendments that were defeated here—your amendments that were defeated here and ours. If we were allowed at least that guarantee, then I think we would have 12 votes for this unsatisfactory report that we have finished here. But you won't give us that. The Speaker of this House won't give us that assurance, and you know that portends what is going to happen. That's why we have to vote against it.

Having said all of that, let me just ask a question, because it deals with the minority or opposition views, and at some point we, those of us that will not be voting for this today, need to have a copy of the draft report, Mr. Chairman, so that no clock starts ticking for us to develop minority or opposition views—it might be from both sides—that we might submit with that report, and we'd like some kind of guarantee from you that we will have that—

Chairman HAMILTON. After we've voted, I will ask unanimous consent that the normal period for filing supplemental, additional, and minority views be extended to seven days from the date the report is provided to the Members.

Mr. SOLOMON. That is why the Chairman is one of the most respected Members of this House, and I thank you for that.

Mr. DREIER. Would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding. I simply wanted to ask Chairman Hamilton if he would respond to any of the statements that Mr. Solomon made concerning the amendment process.

Chairman HAMILTON. On the floor? Well, I'll be glad to respond, but I don't know that I can go beyond what I've said. Obviously, it's not within my power to determine the rule. I have spoken to the Speaker about it. I have said that my position is to support a generous rule. Beyond that, I have said that I want to support a rule so that the major alternative reforms are given an opportunity to be voted on on the floor.

That's my position. That's what I will argue for before the Rules Committee. I cannot give you any assurances with regard to the Rules Committee or the Speaker or anybody else. That's my position. The Speaker has indicated to me that he supports the idea of a generous rule, but I cannot be critical of the Speaker for not being more specific than that. He doesn't know what he's going to confront. But I can only state my position.

Ms. Dunn?

#### STATEMENT OF HON. JENNIFER DUNN, A U.S. REPRESENTATIVE FROM THE STATE OF WASHINGTON

Ms. DUNN. Thank you, Mr. Chairman. Mr. Chairman, this whole process has been a fascinating one to me. Coming here 11 months ago as one of the new freshman class that had been out spending lots of time talking to folks in my district, it had been, as I said before, burned into my psyche and that of 114 other freshman Members that we had an opportunity to work for bold reform.

Mr. Chairman, I'm going to vote against this motion today, because I believe that we have allowed that opportunity to slide by.

My greatest disappointment comes from the fact that I believe we have not increased the deliberative process. That was my major goal in the many, many hours that I put into this process. I was particularly disappointed when we first viewed the Chairman's mark and with my sense that it was a very weak mark—certainly, at best, pastel changes, which is not what this committee was about.

We have achieved a few important goals. The two-year budget process certainly is important, in my mind, and to those whom I represent, and I hope this will not be chipped away at as we move through the rest of the process. The fact that we will be required if this compliance moves along to act under some of the laws we've imposed on the rest of the country offers me a little bit of hope, but I suspect that some of this will end up in studies, and we all know the notoriety of Government studies, Mr. Chairman. So my hope is that we will see some effect from compliance.

I think that we have missed great opportunities in increasing the deliberative process. We have not attacked the problem of attendance either on the floor or in committees, which could have been attacked by doing away with the proxy system. We have not made this body more accountable, which could have been done through imposing the sunshine legislation or the Open Meetings Act legislation on our body. And we have done very little to extend minority rights, Mr. Chairman, and that probably concerns me as much as anything does.

I want to thank the Chairman for his influence on helping with my proposal through the Rules Committee to consider on the floor, the three weeks here/one week in our districts proposal, because I believe that would add to the deliberative process and it would allow us to concentrate more on the issues that are of importance to the folks back home.

I'm sorry to have to vote against this. I wish that we could have at least come up with a mark as strong as that of the Senate, which I could have supported. We did not. I am afraid that this mark will only be chipped away at as we move through the process, and so I am now prepared to vote against it.

Thank you.

Chairman HAMILTON. Would the gentlewoman yield just a moment? On the Senate mark and the House mark, I want to just observe for you that the Senate has nothing in it—nothing—with regard to compliance with the laws. It has nothing in it with regard to ethics. It has nothing with regard to some of the disclosure provisions we have—for example, the special interest projects. So I don't accept the characterization that the bill is weaker than the Senate's. I think the bill is in fact much stronger than the Senate on some very critical points which they did not take up.

Mr. Allard?

#### STATEMENT OF HON. WAYNE ALLARD, A U.S. REPRESENTATIVE FROM THE STATE OF COLORADO

Mr. ALLARD. Thank you, Mr. Chairman. I'll try and keep my remarks brief. First of all, I'd like to thank you and let you know that I have really appreciated your leadership on this committee. I

know that you've been in a very tenuous position having to try and put something together that you thought would pass this body and dealing with a number of committee chairmen, the Speaker, and perhaps even the Democrat caucus and the type of direction that they gave you as Chairman of this committee. I think you've tried to be fair with this side.

I'd also like to extend my appreciation to the Members of this committee, who have worked hard, and particularly the staff, who I know have put in hours of effort on this committee.

I'd have to tell you that I felt very positive about the progress of this committee up until September, and it seemed like we ran into a stone wall. I was very disappointed at that particular point in time that we didn't move ahead with some type of agenda in September. But we are here today with a proposal before us. I would have hoped that perhaps we'd have taken more of a leadership position out of this committee on the issues and step forward and maybe challenge the Members and maybe challenge the committee chairmen a little more about what really needs to be done to make the Congress more accountable.

The events that led to the creation of this committee actually started when my class were freshmen, and I wonder through our deliberations if somehow or the other we didn't lose some sight of those events, that we lost some sight of the testimony that we had taken hours and hours on and some sight that was given to us from the poll when we polled the Members of this and what they were requesting and what they thought ought to happen in order for this to be a better body in which to legislate.

I would just tell the Chairman that I'm going to have to vote against this particular proposal, but not because I haven't had the greatest respect for your effort on this committee and the other Members on this committee. I just think that we should have been prepared to have taken a little more leadership on the issues of Congressional reform, so many of those issues that have already been mentioned by those who spoke prior to my brief comments.

So having said that, I'd like to just thank the Chairman again for his leadership.

Chairman HAMILTON. Thank you, Mr. Allard.

Mr. Gejdenson?

#### STATEMENT OF HON. SAM GEJDENSON, A U.S. REPRESENTATIVE FROM THE STATE OF CONNECTICUT

Mr. GEJDENSON. Mr. Chairman, I'd like to commend you for getting us through a very difficult process. I think there is a fundamental difference between the sides. The minority wants power sharing. They want to be able to gain through the rules what they don't have at the ballot box.

I think the other problem that I have with the minority Members who are voting against this, it is to vote against every bill that comes before the Congress, because we have not yet achieved perfection in their minds—that the crime bill doesn't erase every crime, that the defense budget doesn't make us 100 percent safe.

I frankly agree that we are taking a step forward that's considerably more than what the Senate is doing. We are avoiding gridlock,

which the Senate isn't doing. Mr. Obey's concern is the key concern here. What has stopped this in the 14 years that I've been here more than anything else is the Senate gridlock, the Senate filibuster, individual Senators holding the entire Congress hostage.

The bill the Chairman is moving through this process is a good one. It goes further than the Senate, and I would hope we could vote quickly, because I have to go to the floor and manage the campaign finance bill.

I would say just one thing to my friend Mr. Solomon. How do you say that you're shut out when you get your own alternative? To say that you're shut out when you get a product and the other side gets a—it is changing the vocabulary of the dictionary. You're having your opportunity. What you want is multiple opportunities, and that's not acceptable.

We need to move forward with a real choice. We have one here today, and I'm frankly saddened that a majority of the other side apparently will not vote for a product that takes us a giant step forward.

#### VOTE ON FINAL PASSAGE

Chairman HAMILTON. The question is on the motion. The clerk will call the roll.

The CLERK. Chairman Hamilton?

Chairman HAMILTON. Aye.

The CLERK. Vice Chairman Dreier?

Mr. DREIER. Aye.

The CLERK. Mr. Obey?

Mr. OBEY. Aye.

The CLERK. Mr. Walker?

Mr. WALKER. No.

The CLERK. Mr. Swift?

Mr. SWIFT. Aye.

The CLERK. Mr. Solomon?

Mr. SOLOMON. No.

The CLERK. Mr. Gejdenson?

Mr. GEJDENSON. Yes.

The CLERK. Mr. Emerson?

Mr. EMERSON. Aye.

The CLERK. Mr. Spratt?

Mr. SPRATT. Aye.

The CLERK. Mr. Allard?

Mr. ALLARD. No.

The CLERK. Ms. Norton?

Ms. NORTON. Aye.

The CLERK. Ms. Dunn?

Ms. DUNN. No.

The CLERK. Mr. Chairman, eight in the affirmative, four in the negative.

Chairman HAMILTON. The motion is adopted.

I ask unanimous consent that the normal period for filing supplemental, additional, and minority views be extended seven days from the date the report is provided to the Members. Without objection, so ordered.



I move that the committee staff be permitted to make necessary clerical, technical, and conforming changes, including changes necessary to conform with the Budget Act. All in favor, say aye.

[Chorus of ayes.]

Chairman HAMILTON. Those opposed, no.

[No response.]

Chairman HAMILTON. The ayes have it, and the motion is agreed to.

Any further business?

Mr. SOLOMON. Mr. Chairman, I'd also just commend the non-partisan staff. Over all these months, they really have done an outstanding job. They have worked jointly with all of us, and they really are to be commended.

Chairman HAMILTON. They have indeed.

Mr. WALKER. Mr. Chairman, from all of us, I believe we also thank you for all the work that you've done to make this into a reasonable, responsible process.

Chairman HAMILTON. Thank you very much. That's a good note to end on.

[Laughter.]

Chairman HAMILTON. The committee stands adjourned.

[Whereupon, at 9:45 a.m., the committee adjourned.]

## SENATE APPENDIX

Opening Statement of Senator Wendell Ford  
November 10, 1993

As the Senate members of the Joint Committee on the Organization of Congress begin their deliberations on legislation to be introduced, there are several points that I wish to make.

1. I commend the Chairs for the breadth of the review and the televising of the hearings. The public is better informed on the operation of Congress.
2. The proposal includes biennial budgets and biennial appropriations that I have advocated for over a decade. It was a sound proposal when I introduced it, and it is sound today.
3. The intent of the provision to limit committee and subcommittee assignments is sound. Implementation must be handled with care. The Majority Leader must be given some discretion to make sure of a working majority in each committee, and the committees must be able to function. Not many members will be willing to accept less than the three committee assignments which will present a problem for the Minority Leader as well as the Majority Leader. I understand the objective of the proposal, but I want to insert a word of caution. Let's make sure that we are improving efficiency and effectiveness and not simply adding another obstacle.
4. The proposal being considered includes major provisions to strengthen the power of the Leader and streamline the flow of legislation. If there is one message from the public that comes through loud and clear, it is stop the stalemate and take the necessary steps to enact needed legislation. Quorum calls, filibusters, holds, and delays are excessive and must be curtailed. This proposal is a reasonable balance between protecting the rights of the minority while permitting the Senate to move the legislative agenda forward.
5. While I am not as enthusiastic as some about abolishing the joint committees, I will not oppose those provisions on the Joint Committee on Printing as long as the oversight of the Government Printing Office is retained by the Senate Committee on Rules and Administration and the Committee on House Administration, AND the dissemination of public information is retained under the control of Congress. The dissemination of public information should not be transferred to the Executive Branch, and I will oppose any effort to do so. The provision in the proposal before us is a satisfactory compromise between current law and the President's National Performance Review proposal.
6. This measure greatly expands the Senate Committee on Rules and Administration's oversight responsibilities. I didn't ask for this change, but I do believe that oversight of legislative branch agencies is important. I do want to alert everyone that the Rules Committee will exercise oversight. Authorizations will not be automatic. They will be based on justifiable needs.
7. The last item that I want to discuss is the reductions. Everyone must realize that all cuts cannot be absorbed by "others". Every entity in the Legislative Branch will feel the impact.

Mr. Chairman, I commend you, the co-Chairman and the staff for your work on this proposal. Thank you.

1 **SEC. 121. RECODIFICATION OF RULES OF THE HOUSE OF**  
2 **REPRESENTATIVES.**

3 The Parliamentarian of the House of Representatives  
4 shall, at the beginning of the 104th Congress, commence  
5 to recodify the Rules of the House of Representatives by  
6 clarifying conflicting definitions, eliminating anachro-  
7 nisms, and reorganizing the rules into a more coherent  
8 and logical structure. Such recodification shall be com-  
9 pleted prior to the commencement of the 105th Congress.  
10 For the purpose of carrying out the recodification, the  
11 Parliamentarian may utilize the services of personnel in  
12 the Congressional Research Service and the Government  
13 Printing Office.

14 **TITLE II—SENATE**

15 [Language to be supplied.]

16 **TITLE III—JOINT HOUSE AND**  
17 **SENATE MATTERS**

18 **Subtitle A—Congressional Budget**  
19 **Process**

20 **CHAPTER I—BIENNIAL BUDGETING**

21 **SEC. 301. REVISION OF TIMETABLE.**

22 Section 300 of the Congressional Budget Act of 1974  
23 (2 U.S.C. 631) is amended to read as follows:

## 1 "TIMETABLE

2 "SEC. 300. (a) IN GENERAL.—Except as provided by  
 3 subsection (b), the timetable with respect to the congres-  
 4 sional budget process for any Congress (beginning with  
 5 the One Hundred Fourth Congress) is as follows:

"First Session	
"On or before:	Action to be completed:
First Monday in February .....	President submits budget recommendations.
February 15 .....	Congressional Budget Office submits report to Budget Committees.
Within 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1 .....	Budget Committees report concurrent resolution on the biennial budget.
April 15 .....	Congress completes action on concurrent resolution on the biennial budget.
May 15 .....	Biennial appropriation bills may be considered in the House.
June 10 .....	House Appropriations Committee reports last biennial appropriation bill.
June 15 .....	Congress completes action on reconciliation legislation.
June 30 .....	Congress completes action on biennial appropriation bills.
October 1 .....	Biennium begins.
"Second Session	
"On or before:	Action to be completed:
May 15 .....	Congressional Budget Office submits report to Budget Committees.
The last day of the session .....	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.

6 "(b) SPECIAL RULE.—In the case of any session of  
 7 Congress that begins in any year immediately following  
 8 a leap year and during which the term of a President (ex-  
 9 cept a President who succeeds himself) begins, the fol-  
 10 lowing dates shall supersede those set forth in subsection  
 11 (a):

1           “(1) First Monday in April. President submits  
2 budget recommendations.

3           “(2) April 20, committees submit views and es-  
4 timates to Budget Committees.

5           “(3) May 15, Budget Committees report con-  
6 current resolution on the biennial budget.

7           “(4) June 1. Congress completes action on con-  
8 current resolution on the biennial budget.

9           “(5) July 1, biennial appropriation bills may be  
10 considered in the House.

11           “(6) July 20, House Appropriations Committee  
12 reports last biennial appropriation bill.”.

13 **SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET**  
14 **AND IMPOUNDMENT CONTROL ACT OF 1974.**

15       (a) **DECLARATION OF PURPOSE.**—Section 2(2) of the  
16 Congressional Budget and Impoundment Control Act of  
17 1974 (2 U.S.C. 621(2)) is amended by striking “each  
18 year” and inserting “biennially”.

19       (b) **DEFINITIONS.**—

20           (1) Section 3(4) of such Act (2 U.S.C. 622(4))  
21 is amended by striking “fiscal year” each place it  
22 appears and inserting “biennium”.

23           (2) Section 3 of such Act (2 U.S.C. 622) is fur-  
24 ther amended by adding at the end the following  
25 new paragraph:

1           “(11) The term ‘biennium’ means the period of  
2           2 consecutive fiscal years beginning on October 1 of  
3           any odd-numbered year.”.

4           (c) BIENNIAL CONCURRENT RESOLUTION ON THE  
5 BUDGET.—

6           (1) Section 301(a) of such Act (2 U.S.C.  
7           632(a)) is amended—

8                   (A) by striking “April 15 of each year”  
9                   and inserting “April 15 of each odd-numbered  
10                   year”;

11                   (B) by striking “the fiscal year beginning  
12                   on October 1 of such year” the first place it ap-  
13                   pears and inserting “the biennium beginning on  
14                   October 1 of such year”;

15                   (C) by striking “the fiscal year beginning  
16                   on October 1 of such year” the second place it  
17                   appears and inserting “each fiscal year in such  
18                   period”;

19                   (D) by striking “and planning levels for  
20                   each of the two ensuing fiscal years” and in-  
21                   serting “and the appropriate levels for each of  
22                   the 3 ensuing fiscal years”;

23                   (E) in paragraph (6) by striking “for the  
24                   fiscal year of the resolution and each of the 4”

1 and inserting “for the biennium of the resolu-  
2 tion and each of the 3”: and

3 (F) in paragraph (7) by striking “for the  
4 fiscal year of the resolution and each of the 4”  
5 and inserting “for the biennium of the resolu-  
6 tion and each of the 3”.

7 (2) Section 301(b) of such Act (2 U.S.C.  
8 632(b)) is amended—

9 (A) in the matter preceding paragraph (1)  
10 by inserting “for a biennium” after “concurrent  
11 resolution on the budget”; and

12 (B) in paragraph (3) by striking “for such  
13 fiscal year” and inserting “for either fiscal year  
14 in such biennium”.

15 (3) Section 301(d) of such Act (2 U.S.C.  
16 632(d)) is amended by inserting “(or, if applicable,  
17 as provided by section 300(b))” after “United States  
18 Code”.

19 (4) Section 301(e) of such Act (2 U.S.C.  
20 632(e)) is amended—

21 (A) in the first sentence by striking “fiscal  
22 year” and inserting “biennium”;

23 (B) by inserting between the second and  
24 third sentences the following new sentence: “On  
25 or before April 1 of each odd-numbered year

1 (or, if applicable, as provided by section 300(b))  
2 the Committee on the Budget of each House  
3 shall report to its House the concurrent resolu-  
4 tion on the budget referred to in subsection (a)  
5 for the biennium beginning on October 1 of  
6 that year.”;

7 (C) in paragraph (6) by striking “such fis-  
8 cal year” and inserting “the first fiscal year of  
9 such biennium.”; and

10 (D) in paragraph (10) by striking “the fis-  
11 cal year covered” and inserting “the biennium  
12 covered”.

13 (5) Section 301(f) of such Act (2 U.S.C.  
14 632(f)) is amended by striking “fiscal year” each  
15 place it appears and inserting “biennium”.

16 (6) Section 301(g)(1) of such Act (U.S.C.  
17 632(g)(1)) is amended by striking “for a fiscal year”  
18 and inserting “for a biennium”.

19 (7) The section heading of section 301 of such  
20 Act is amended by striking “**ANNUAL**” and insert-  
21 ing “**BIENNIAL**”.

22 (8) The table of contents set forth in section  
23 1(b) of such Act is amended by striking “Annual”  
24 in the item relating to section 301 and inserting  
25 “Biennial”.



1 (d) SECTION 302 COMMITTEE ALLOCATIONS.—Sec-  
2 tion 302(a)(2) of such Act (2 U.S.C. 633(a)(2)) is amend-  
3 ed by striking “fiscal year of the resolution and each of  
4 the 4 succeeding fiscal years” and inserting “the biennium  
5 of the resolution and each of the 3 succeeding fiscal  
6 years”.

7 (e) SECTION 303 POINT OF ORDER.—

8 (1) Section 303(a) of such Act (2 U.S.C.  
9 634(a)) is amended by striking “fiscal year” each  
10 place it appears and inserting “biennium”.

11 (2) Section 303(b) of such Act (2 U.S.C.  
12 634(b)) is amended—

13 (A) in subparagraphs (A) and (B) of para-  
14 graph (1) by striking “the fiscal year” each  
15 place it appears and inserting “biennium”;

16 (B) in paragraph (1) by striking “any cal-  
17 endar year” and inserting “any odd-numbered  
18 calendar year (or, if applicable, as provided by  
19 section 300(b))”; and

20 (C) by striking paragraph (2), striking  
21 “(1)”, and redesignating subparagraphs (A)  
22 and (B) as paragraphs (1) and (2), respectively.

23 (f) PERMISSIBLE REVISIONS OF CONCURRENT RESO-  
24 LUTIONS ON THE BUDGET.—Section 304(a) of such Act  
25 (2 U.S.C. 635) is amended—

1           (1) by striking "fiscal year" the first two places  
2           it appears and inserting "biennium";

3           (2) by striking "for such fiscal year"; and

4           (3) by inserting before the period "for such  
5           biennium".

6           (g) PROCEDURES FOR CONSIDERATION OF BUDGET  
7 RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C.  
8 636(b)(3)) is amended by striking "fiscal year" and in-  
9 serting "biennium".

10          (h) REPORTS AND SUMMARIES OF CONGRESSIONAL  
11 BUDGET ACTIONS.—Section 308(a)(1)(A) of such Act (2  
12 U.S.C. 639(a)(1)) is amended by striking "fiscal year (or  
13 fiscal years)" and inserting "biennium".

14          (i) COMPLETION OF ACTION ON REGULAR APPRO-  
15 PRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640)  
16 is amended—

17           (1) by inserting "of any odd-numbered calendar  
18           year" after "July";

19           (2) by striking "annual" and inserting "regu-  
20           lar"; and

21           (3) by striking "fiscal year" and inserting "bi-  
22           ennium".

23          (j) RECONCILIATION PROCESS.—

24           (1) Section 310(a) of such Act (2 U.S.C.  
25           641(a)) is amended—

1           (A) by striking "any fiscal year" in the  
2 matter preceding paragraph (1) and inserting  
3 "any biennium";

4           (B) in paragraph (1) by striking "such fis-  
5 cal year" each place it appears and inserting  
6 "each fiscal year in such biennium"; and

7           (C) in paragraph (2) by inserting "for each  
8 fiscal year in such biennium" after "revenues".

9           (2) Section 310(f) of such Act (2 U.S.C.  
10 641(f)) is amended by striking "for such fiscal year"  
11 and inserting "for such biennium".

12       (k) SECTION 311 POINT OF ORDER.—

13           (1)(A) Section 311(a)(1) of such Act (2 U.S.C.  
14 642(a)) is amended—

15           (i) by striking "for a fiscal year" and in-  
16 serting "for a biennium";

17           (ii) by striking "such fiscal year" the first  
18 place it appears and inserting "either fiscal  
19 year in such biennium";

20           (iii) by striking "during such fiscal year"  
21 and inserting "during either fiscal year in such  
22 biennium";

23           (iv) by striking "revenues for such fiscal  
24 year" and inserting "revenues for a fiscal  
25 year"; and

1           (v) by striking “budget for such fiscal  
2           year” and inserting “budget for either fiscal  
3           year in such biennium”.

4           (B) Section 311(a)(2)(A) of such Act is  
5           amended—

6           (i) by striking “for the first” and inserting  
7           “for either”;

8           (ii) by striking “covering such fiscal year”  
9           and inserting “covering such biennium”;

10          (iii) by striking “the first fiscal year cov-  
11          ered” and inserting “either fiscal year in such  
12          biennium covered”;

13          (iv) by striking “the first fiscal year plus”  
14          and inserting “the biennium plus”; and

15          (v) by striking “4 fiscal years” and insert-  
16          ing “3 fiscal years”.

17          (2) Section 311(b) of such Act (2 U.S.C.  
18          642(b)) is amended by striking “such fiscal year”  
19          the second place it appears and inserting “either fis-  
20          cal year in such biennium”.

21          (1) **BILLS PROVIDING NEW SPENDING AUTHORITY.**—  
22          Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is  
23          amended by striking “for such fiscal year” the second  
24          place it appears and inserting “for the biennium in which  
25          such fiscal year occurs”.

1 (m) DATE OF ADJUSTING ALLOCATIONS.—Section  
2 603(a) of such Act (2 U.S.C. 665b) is amended by insert-  
3 ing after “April 15” the following “(or if section 300(b)  
4 applies by June 15th)”.

5 **SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES**  
6 **CODE.**

7 (a) DEFINITION.—Section 1101 of title 31, United  
8 States Code, is amended by adding at the end thereof the  
9 following new paragraph:

10 “(3) ‘biennium’ has the meaning given to such  
11 term in paragraph (12) of section 3 of the Congres-  
12 sional Budget and Impoundment Control Act of  
13 1974 (2 U.S.C. 622(12)).”.

14 (b) BUDGET CONTENTS AND SUBMISSION TO THE  
15 CONGRESS.—

16 (1) So much of section 1105(a) of title 31,  
17 United States Code, as precedes paragraph (1)  
18 thereof is amended to read as follows:

19 “(a) On or before the first Monday in February of  
20 each odd-numbered year (or, if applicable, as provided by  
21 section 300(b) of the Congressional Budget Act of 1974),  
22 beginning with the One Hundred Fourth Congress, the  
23 President shall transmit to the Congress, the budget for  
24 the biennium beginning on October 1 of such calendar  
25 year. The budget transmitted under this subsection shall

1 include a budget message and summary and supporting  
2 information. The President shall include in each budget  
3 the following:"

4 (2) Section 1105(a)(5) of title 31, United  
5 States Code, is amended by striking "the fiscal year  
6 for which the budget is submitted and the 4 fiscal  
7 years after that year" and inserting "each fiscal  
8 year in the biennium for which the budget is submit-  
9 ted and in the succeeding 3 years".

10 (3) Section 1105(a)(6) of title 31, United  
11 States Code, is amended by striking "the fiscal year  
12 for which the budget is submitted and the 4 fiscal  
13 years after that year" and inserting "each fiscal  
14 year in the biennium for which the budget is submit-  
15 ted and in the succeeding 3 years".

16 (4) Section 1105(a)(9)(C) of title 31, United  
17 States Code, is amended by striking "the fiscal  
18 year" and inserting "each fiscal year in the  
19 biennium".

20 (5) Section 1105(a)(12) of title 31, United  
21 States Code, is amended—

22 (A) by striking "the fiscal year" in sub-  
23 paragraph (A) and inserting "each fiscal year  
24 in the biennium"; and

1           (B) by striking “4 fiscal years after that  
2           year” in subparagraph (B) and inserting “3 fis-  
3           cal years immediately following the second fiscal  
4           year in such biennium”.

5           (6) Section 1105(a)(13) of title 31, United  
6           States Code, is amended by striking “the fiscal  
7           year” and inserting “each fiscal year in the  
8           biennium”.

9           (7) Section 1105(a)(14) of title 31, United  
10          States Code, is amended by striking “that year” and  
11          inserting “each fiscal year in the biennium for which  
12          the budget is submitted”.

13          (8) Section 1105(a)(16) of title 31, United  
14          States Code, is amended by striking “the fiscal  
15          year” and inserting “each fiscal year in the  
16          biennium”.

17          (9) Section 1105(a)(17) of title 31, United  
18          States Code, is amended—

19               (A) by striking “the fiscal year following  
20               the fiscal year” and inserting “each fiscal year  
21               in the biennium following the biennium”;

22               (B) by striking “that following fiscal year”  
23               and inserting “each such fiscal year”; and

1                   (C) by striking "fiscal year before the fis-  
2                   cal year" and inserting "biennium before the bi-  
3                   ennium".

4                   (10) Section 1105(a)(18) of title 31, United  
5                   States Code, is amended—

6                   (A) by striking "the prior fiscal year" and  
7                   inserting "each of the 2 most recently com-  
8                   pleted fiscal years";

9                   (B) by striking "for that year" and insert-  
10                  ing "with respect to that fiscal year"; and

11                  (C) by striking "in that year" and insert-  
12                  ing "in that fiscal year".

13                  (11) Section 1105(a)(19) of title 31, United  
14                  States Code, is amended—

15                  (A) by striking "the prior fiscal year" and  
16                  inserting "each of the 2 most recently com-  
17                  pleted fiscal years";

18                  (B) by striking "for that year" and insert-  
19                  ing "with respect to that fiscal year"; and

20                  (C) by striking "in that year" each place  
21                  it appears and inserting "in that fiscal year".

22                  (c) ESTIMATED EXPENDITURES OF LEGISLATIVE  
23                  AND JUDICIAL BRANCHES.—Section 1105(b) of title 31,  
24                  United States Code, is amended by striking "each year"  
25                  and inserting "each even-numbered year".



1 (d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States  
2 Code, is amended—

4 (1) by striking “fiscal year for” each place it  
5 appears and inserting “biennium for”;

6 (2) by inserting “or current biennium, as the  
7 case may be.” after “current fiscal year”; and

8 (3) by striking “that year” and inserting “that  
9 period”.

10 (e) STATEMENT WITH RESPECT TO CERTAIN  
11 CHANGES.—Section 1105(d) of title 31, United States  
12 Code, is amended by striking “fiscal year” and inserting  
13 “biennium”.

14 (f) CAPITAL INVESTMENT ANALYSIS.—Section  
15 1105(e) of title 31, United States Code, is amended by  
16 striking “ensuing fiscal year” and inserting “biennium to  
17 which such budget relates”.

18 (g) SUPPLEMENTAL BUDGET ESTIMATES AND  
19 CHANGES.—

20 (1) Section 1106(a) of title 31, United States  
21 Code, is amended—

22 (A) in the matter preceding paragraph (1)  
23 by striking “fiscal year” and inserting “bien-  
24 nium”;

1                   (B) in paragraph (1) by striking “that fis-  
2                   cal year” and inserting “each fiscal year in  
3                   such biennium”;

4                   (C) in paragraph (2) by striking “4 fiscal  
5                   years following the fiscal year” and inserting “3  
6                   fiscal years following the biennium”; and

7                   (D) by striking “fiscal year” in paragraph  
8                   (3) and inserting “biennium”.

9                   (2) Section 1106(b) of title 31, United States  
10                  Code, is amended by striking “the fiscal year” and  
11                  inserting “each fiscal year in the biennium”.

12               (h) CURRENT PROGRAMS AND ACTIVITIES ESTI-  
13               MATES.—

14               (1) Section 1109(a) of title 31, United States  
15               Code, is amended—

16                   (A) by striking “On or before the first  
17                   Monday after January 3 of each year (on or be-  
18                   fore February 5 in 1994)” and inserting “At  
19                   the same time the budget required by section  
20                   1105 is submitted for a biennium”; and

21                   (B) by striking “the following fiscal year”  
22                   and inserting “each fiscal year of such period”.

23               (2) Section 1109(b) of title 31, United States  
24               Code, is amended by striking “March 1 of each  
25               year” and inserting “within 6 weeks of the Presi-

1       dent's budget submission for each odd-numbered  
2       year (or, if applicable, as provided by section 300(b)  
3       of the Congressional Budget Act of 1974)".

4       (i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEG-  
5       ISLATION.—Section 1110 of title 31, United States Code,  
6       is amended—

7             (1) by striking "fiscal year" and inserting "bi-  
8       ennium (beginning on or after October 1, 1995)";  
9       and

10            (2) by striking "year before the year in which  
11       the fiscal year begins" and inserting "second cal-  
12       endar year preceding the calendar year in which the  
13       biennium begins".

14       (j) BUDGET INFORMATION ON CONSULTING SERV-  
15       ICES.—Section 1114 of title 31, United States Code, is  
16       amended—

17             (1) by striking "The" each place it appears and  
18       inserting "For each biennium beginning with the bi-  
19       ennium beginning on October 1, 1994, the"; and

20             (2) by striking "each year" each place it  
21       appears.

22       **SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE**  
23                               **OF APPROPRIATIONS ACTS.**

24       Section 105 of title 1, United States Code, is amend-  
25       ed to read as follows:

1 **“§ 105. Title and style of appropriations Acts**

2       “(a) The style and title of all Acts making appropria-  
3 tions for the support of the Government shall be as fol-  
4 lows: ‘An Act making appropriations (here insert the ob-  
5 ject) for the biennium ending September 30 (here insert  
6 the odd-numbered calendar year).’.

7       “(b) All Acts making regular appropriations for the  
8 support of the Government shall be enacted for a biennium  
9 and shall specify the amount of appropriations provided  
10 for each fiscal year in such period.

11       “(c) For purposes of this section, the term ‘biennium’  
12 has the same meaning as in section 3(11) of the Congres-  
13 sional Budget and Impoundment Control Act of 1974 (2  
14 U.S.C. 622(11)).”.

15 **SEC. 305. CONFORMING AMENDMENTS TO RULES OF**  
16 **HOUSE OF REPRESENTATIVES.**

17       (a) Clause 4(a)(1)(A) of rule X of the Rules of the  
18 House of Representatives is amended by inserting “odd-  
19 numbered” after “each”.

20       (b) Clause 4(a)(2) of rule X of the Rules of the House  
21 of Representatives is amended by striking “such fiscal  
22 year” and inserting “the biennium in which such fiscal  
23 year begins”.

24       (c)(1) Clause 4(b)(2) of rule X of the Rules of the  
25 House of Representatives is amended by striking “concur-  
26 rent resolution on the budget for each fiscal year” and

1 inserting "concurrent resolution on the budget required  
2 under section 301(a) of the Congressional Budget Act of  
3 1974 for each biennium".

4 (2) Clause 4(b) of rule X of the Rules of the House  
5 of Representatives is amended by striking "and" at the  
6 end of subparagraph (4), by striking the period and insert-  
7 ing "; and" at the end of subparagraph (5), and by adding  
8 at the end the following new subparagraph:

9 "(6) to use the second year of each biennium to  
10 study issues with long-term budgetary and economic  
11 implications, which would include—

12 "(A) holding hearings to receive testimony  
13 from committees of jurisdiction to identify prob-  
14 lem areas and to report on the results of over-  
15 sight; and

16 "(B) by January 1 of each odd-numbered  
17 year, issuing a report to the Speaker which  
18 identifies the key issues facing the Congress in  
19 the next biennium.".

20 (d) Clause 4(f) of rule X of the Rules of the House  
21 of Representatives is amended by striking "annually" each  
22 place it appears and inserting "biennially".

23 (e) Clause 4(g) of rule X of the Rules of the House  
24 of Representatives is amended—

1           (1) by striking "March 15 of each year" and in-  
2           serting "March 15 of each odd-numbered year (or,  
3           if applicable, as provided by section 300(b) of the  
4           Congressional Budget Act of 1974)";

5           (2) by striking "fiscal year" the first place it  
6           appears and inserting "biennium"; and

7           (3) by striking "that fiscal year" and inserting  
8           "each fiscal year in such ensuing biennium".

9           (f) Clause 4(h) of rule X of the Rules of the House  
10          of Representatives is amended by striking "fiscal year"  
11          and inserting "biennium".

12          (g) Subdivision (C) of clause 2(l)(1) of rule XI of the  
13          Rules of the House of Representatives is repealed.

14          (h) Clause 4(a) of rule XI of the Rules of the House  
15          of Representatives is amended by striking "fiscal year if  
16          reported after September 15 preceding the beginning of  
17          such fiscal year" and inserting "biennium if reported after  
18          August 1 of the year in which such biennium begins".

19          (i) Clause 2 of rule XLIX of the Rules of the House  
20          of Representatives is amended by striking "fiscal year"  
21          and inserting "biennium".

22          **SEC. 306. MULTIYEAR AUTHORIZATIONS.**

23          (a) IN GENERAL.—Title III of the Congressional  
24          Budget Act of 1974 is amended by adding at the end the  
25          following new section:

## 1            "AUTHORIZATIONS OF APPROPRIATIONS

2            "SEC. 314. (a) It shall not be in order in the House  
3 of Representatives or the Senate to consider any bill, joint  
4 resolution, amendment, or conference report that author-  
5 izes appropriations for a period of less than 2 fiscal years,  
6 unless the program, project, or activity for which the  
7 funds are to be spent is of less than 2 years duration.

8            "(b) It shall not be in order in the House of Rep-  
9 resentatives or the Senate to consider any bill, joint resolu-  
10 tion, amendment, or conference report that—

11            "(1) appropriates an amount for a program,  
12 project, or activity not authorized by existing law in  
13 excess of the amount previously appropriated for  
14 such program, project, or activity; or

15            "(2) appropriates an amount for a program,  
16 project, or activity not authorized by law within the  
17 2-year period prior to the date of the authorization.

18            "(c) By January 2 of each odd-numbered year, each  
19 standing committee of the House of Representatives and  
20 the Senate shall file a report with its House outlining its  
21 oversight activities during the Congress. Each report shall  
22 consider the appropriateness of agency missions, the suc-  
23 cess of programs in meeting their goals, and issues to con-  
24 sider when reauthorizing these programs."

1           (b) CONFORMING AMENDMENT.—The table of con-  
2 tents set forth in section 1(b) of the Congressional Budget  
3 and Impoundment Control Act of 1974 is amended by  
4 adding after the item relating to section 313 the following  
5 new item:

“Sec. 314. Authorizations of appropriations.”.

6           **CHAPTER 2—ADDITIONAL**  
7           **BUDGET PROCESS CHANGES**

8           **SEC. 321. CBO REPORTS TO BUDGET COMMITTEES.**

9           Section 308 of the Congressional Budget Act of 1974  
10 is amended by—

11           (1) redesignating subsection (c) as subsection  
12           (d); and

13           (2) inserting after subsection (b) the following:

14           “(c) QUARTERLY BUDGET REPORTS.—The Congres-  
15 sional Budget Office shall, as soon as practicable after the  
16 completion of each quarter of the fiscal year, prepare an  
17 analysis comparing revenues, spending, and the deficit for  
18 the current fiscal year to assumptions included in the Con-  
19 gressional budget resolution. In preparing this report, the  
20 Congressional Budget Office shall combine actual budget  
21 figures to date with projected revenue and spending for  
22 the balance of the fiscal year. The Congressional Budget  
23 Office shall include any other information in this report  
24 that it deems useful for a full understanding of the current  
25 fiscal position of the Federal Government. The reports



1 mandated by this subsection shall be transmitted by the  
2 Director to the Senate and House Committees on the  
3 Budget, and the Congressional Budget Office shall make  
4 such reports available to any interested party upon re-  
5 quest.”.

6 **SEC. 322. GNP BUDGET ANALYSIS; FISCAL AND BUDGET**  
7 **POLICY REPORTS.**

8 (a) GNP BUDGET ANALYSIS.—Section 3(a) of the  
9 Employment Act of 1946 (15 U.S.C. 1022(a)) is amended  
10 by striking “and” at the end of paragraph (3), by striking  
11 the period and inserting “; and” at the end of paragraph  
12 (4), and by adding at the end the following new para-  
13 graph:

14 “(5) a GNP budget analysis comprising—

15 “(A) a statement of broad policy objectives  
16 for the performance of the economy and the al-  
17 location of national output among broad major  
18 categories of spending over the next 10 fiscal  
19 years; and

20 “(B) a GNP analysis showing how the cur-  
21 rent national output is allocated among dif-  
22 ferent major categories and how that allocation  
23 will be affected in 1 year, 5 years, and 10 years  
24 under the policies the President recommends in  
25 pursuit of the statement of objectives.”.

1           (b) FISCAL POLICY REPORTS.—Not later than 7 days  
2 after the President's submission under section 3(a) of the  
3 Employment Act of 1946, the President shall transmit to  
4 the Congress written reports setting forth—

5           (1) the President's long-term budget and fiscal  
6 policy goals as set forth in the most recent analysis  
7 under section 3(a) of the Employment Act of 1946;

8           (2) other material including a 10-year projec-  
9 tion of Federal revenues by source, outlays by func-  
10 tion, and the Federal budget deficit; international  
11 comparisons that would help Congress compare  
12 United States taxes, spending, deficits, debt, and al-  
13 location of national output to that of other coun-  
14 tries, especially our international competitors; and  
15 program performance indicators to allow Congress to  
16 assess the effectiveness of Federal programs in  
17 meeting stated objectives.

18           (c) COMMITTEE REVIEW.—Section 301(a) of the Full  
19 Employment and Balanced Growth Act of 1978 (15  
20 U.S.C. 3131(a)) is amended by inserting after "System,"  
21 the following: "the fiscal and budget policy reports re-  
22 quired under section 322 of the Legislative Reorganization  
23 Act of 1993."

1 **SEC. 323. GOVERNMENT-WIDE REVIEW.**

2 (a) The Director of the Congressional Budget Office  
3 shall, within 90 days of the enactment of this Act, conduct  
4 a review of all Government user fees. This report will set  
5 forth the current level of such fees, the dates at which  
6 the current fees were established, and any alteration in  
7 such fees required to adjust their levels as a result of  
8 changes in consumer price levels since the most recent ad-  
9 justment. The Director shall transmit such findings to the  
10 Congress and to the President.

11 (b) It shall not be in order in the House of Rep-  
12 resentatives or the Senate to consider any concurrent reso-  
13 lution on the budget for the fiscal year beginning the fol-  
14 lowing October 1 after the date of enactment of this Act  
15 until the report described in subsection (a) has been re-  
16 ceived by each House of Congress, and referred to the ap-  
17 propriate committees.

18 **SEC. 324. CONTENT OF BUDGET RESOLUTIONS.**

19 Section 301(a) of the Congressional Budget Act of  
20 1974 is amended by redesignating paragraphs (3) through  
21 (7) as paragraphs (4) through (8), respectively, and by  
22 inserting after paragraph (2) the following new paragraph:

23 "(3) total revenue losses attributable to provi-  
24 sions of Federal tax laws which allow a special exclu-  
25 sion, exemption, or deduction from gross income or  
26 which provide a special credit, a preferential rate of

1 tax, or a deferral of tax liability and the aggregate  
2 amount by which such total shall be increased or de-  
3 creased:”.

## 4 **CHAPTER 3—EFFECTIVE DATE**

### 5 **SEC. 331. EFFECTIVE DATE; APPLICATION.**

6 (a) IN GENERAL.—Except as provided in subsection  
7 (b), chapter 1 of this subtitle and the amendments made  
8 by it shall become effective January 1, 1995, and shall  
9 apply to bienniums beginning after September 30, 1995.

10 (b) FISCAL YEAR 1995.—Notwithstanding subsection  
11 (a), the provisions of—

12 (1) the Congressional Budget Act of 1974, and

13 (2) title 31, United States Code,

14 (as such provisions were in effect on the day before the  
15 effective date of chapter 1 of this subtitle) shall apply to  
16 the fiscal year beginning on October 1, 1994.

17 (c) DEFINITION.—For purposes of this section, the  
18 term “biennium” shall have the meaning given to such  
19 term in paragraph (11) of section 3 of the Congressional  
20 Budget and Impoundment Control Act of 1974 (2 U.S.C.  
21 622(11)), as added by section 302(b)(2) of this Act.

1                   **Subtitle B—Staffing and**  
2                   **Instrumentalities**

3   **SEC. 341. LEGISLATIVE BRANCH STREAMLINING AND RE-**  
4                   **STRUCTURING.**

5           (a) **EFFICIENCIES, SAVINGS, AND STAFF REDUC-**  
6   **TIONS.**—Not later than the beginning of the second ses-  
7   sion of the One Hundred Fourth Congress, the task force  
8   of the House of Representatives under subsection (c) and  
9   the appropriate committees of the Senate shall submit to  
10  the leadership of the House of Representatives and the  
11  leadership of the Senate, respectively, recommendations  
12  for achieving—

13           (1) economic efficiencies and cost savings in the  
14   **administrative operations of the legislative branch;**  
15   **and**

16           (2) reductions, from the level as of September  
17   30, 1992, in the total number of employee positions  
18   (on a full-time equivalent basis) in the legislative  
19   branch, consistent with the reductions for the execu-  
20   **tive branch implemented pursuant to the Report of**  
21   **the National Performance Review, as submitted by**  
22   **the Vice President on September 7, 1993.**

23           (b) **APPROVAL AND IMPLEMENTATION.**—The rec-  
24   **ommendations approved by the appropriate leadership**  
25   **shall be implemented in the regular appropriation bill for**

1 the legislative branch for fiscal year 1997, as reported by  
2 the Committee on Appropriations of the House of Rep-  
3 resentatives or the Committee on Appropriations of the  
4 Senate, as applicable.

5 (c) HOUSE OF REPRESENTATIVES TASK FORCE.—  
6 The Speaker of the House of Representatives shall appoint  
7 a task force for purposes of subsection (a). The task force  
8 shall consist of 12 Members of the House of Rep-  
9 resentatives, as follows:

10 (1) 3 members of the Committee on House Ad-  
11 ministration, appointed by the Speaker in con-  
12 sultation with the majority leader;

13 (2) 2 members of the Committee on House Ad-  
14 ministration, appointed by the Speaker in con-  
15 sultation with the minority leader;

16 (3) 3 members of the Committee on Appropria-  
17 tions, appointed by the Speaker in consultation with  
18 the majority leader;

19 (4) 2 members of the Committee on Appropria-  
20 tions, appointed by the Speaker in consultation with  
21 the minority leader;

22 (5) one additional Member of the House of  
23 Representatives, appointed by the Speaker in con-  
24 sultation with the majority leader; and



1 authorize appropriations for those offices for the next 8  
2 fiscal years.

3 (c) REPEALERS.—

4 (1) GENERAL ACCOUNTING OFFICE.—Section  
5 736 of title 31, United States Code, is repealed.

6 (2) CONGRESSIONAL BUDGET OFFICE.—Section  
7 201(f) of the Congressional Budget Act of 1974 (2  
8 U.S.C. 601(f)) is repealed.

9 (3) CONGRESSIONAL RESEARCH SERVICE.—  
10 Any authorization of appropriations for the Congres-  
11 sional Research Service of the Library of Congress  
12 in effect on the effective date of this paragraph is  
13 repealed.

14 (4) GOVERNMENT PRINTING OFFICE.—Any au-  
15 thorization of appropriations for the Government  
16 Printing Office in effect on the effective date of this  
17 paragraph is repealed.

18 (5) OFFICE OF TECHNOLOGY ASSESSMENT.—  
19 Section 12 of the Technology Assessment Act of  
20 1972 (2 U.S.C. 481) is repealed.

21 (6) EFFECTIVE DATE.—This subsection shall  
22 take effect with respect to fiscal years beginning  
23 with fiscal year 1997.



1 **SEC. 343. COORDINATION OF LEGISLATIVE BRANCH SERV-**  
2 **ICES.**

3 (a) IN GENERAL.—Not later than the end of the first  
4 session of the 104th Congress, the appropriate committees  
5 of the House and the appropriate committees of the Sen-  
6 ate are to study and report to their leadership  
7 recommendations providing for better coordination of the  
8 legislative branch services, positions, and entities specified  
9 in subsection (b). The study should consider the need for  
10 the creation of a bicameral management board to provide  
11 such coordination.

12 (b) SERVICES, POSITIONS, AND ENTITIES.—The  
13 services, positions, and entities referred to in subsection  
14 (a) are (1) printing, (2) recording, (3) photography, (4)  
15 guide service, (5) folding and packaging, (6) chaplain, (7)  
16 flag office, (8) parking permits, (9) security, (10) Con-  
17 gressional Budget Office, (11) disbursements and receipts,  
18 (12) legal services, (13) Architect of the Capitol, (14)  
19 maintenance of grounds and buildings, (15) library, (16)  
20 drafting services, (17) research, and (18) computer serv-  
21 ices.

22 **SEC. 344. COMPETITIVE BIDDING FOR LEGISLATIVE**  
23 **BRANCH SERVICES AND FACILITIES.**

24 (a) IN GENERAL.—Not later than the end of the first  
25 session of the 104th Congress, the appropriate committees  
26 of the House and the appropriate committees of the Sen-

1 ate are to study and report on the feasibility of providing  
 2 for competitive bidding for the right to operate the legisla-  
 3 tive branch facilities and provide the legislative branch  
 4 services specified in subsection (b). The study is to con-  
 5 sider whether the periodic reauthorization of such facilities  
 6 and services is necessary and the appropriate duration for  
 7 such reauthorizations.

8 (b) FACILITIES AND SERVICES.—The facilities and  
 9 services referred to in subsection (a) are (1) barber and  
 10 beauty shops, (2) gymnasium, (3) health and medical, (4)  
 11 restaurants, (5) automobile services, and (6) child care.

## 12 **Subtitle C—Application of Federal** 13 **Laws**

### 14 **SEC. 351. DEFINITIONS.**

15 As used in this subtitle:

16 (1) CONGRESSIONAL EMPLOYEE.—The term  
 17 “congressional employee” means—

18 (A) an employee of the House of Rep-  
 19 resentatives;

20 (B) an employee of the Senate; and

21 (C) an employee of the Architect of the  
 22 Capitol.

23 (2) EMPLOYEE OF THE HOUSE OF REP-  
 24 RESENTATIVES.—The term “employee of the House  
 25 of Representatives” means—

1           (A) an individual who was eligible to file a  
2 formal complaint with the Office of Fair Em-  
3 ployment Practice of the House of Rep-  
4 resentatives under clause 6 of rule LI of the  
5 House of Representatives, as in effect on the  
6 day before the date of enactment of this sub-  
7 title.

8           (B) any applicant for a position that will  
9 last 90 days or more and that is to be occupied  
10 by an individual described in subparagraph (A);  
11 or

12           (C) any individual who was formerly an  
13 employee described in subparagraph (A) and  
14 whose claim of a violation arises out of the indi-  
15 vidual's House of Representatives employment.

16           (3) EMPLOYEE OF THE SENATE.—The term  
17 "employee of the Senate" means—

18           (A) any employee whose pay is disbursed  
19 by the Secretary of the Senate;

20           (B) any applicant for a position that will  
21 last 90 days or more and that is to be occupied  
22 by an individual described in subparagraph  
23 (A)); or

24           (C) any individual who was formerly an  
25 employee described in subparagraph (A) and

1           whose claim of a violation arises out of the indi-  
2           vidual's Senate employment.

3           (4) EMPLOYEE OF THE ARCHITECT OF THE  
4           CAPITOL.—The term "employee of the Architect of  
5           the Capitol" means—

6                   (A) an employee of the Architect of the  
7           Capitol or an individual within the administra-  
8           tive jurisdiction of the Architect of the Capitol  
9           if such employee or individual is paid from  
10          funds under a law providing appropriations for  
11          the legislative branch;

12                   (B) any applicant for a position that will  
13          last 90 days or more and that is to be occupied  
14          by an employee or individual described in sub-  
15          paragraph (A); or

16                   (C) any individual who was formerly an  
17          employee or individual described in subpara-  
18          graph (A) and whose claim of a violation arises  
19          out of the individual's Architect of the Capitol  
20          employment.

21 **SEC. 352. APPLICATION OF LAWS.**

22          (a) LAWS WHICH WILL APPLY.—Within 90 days  
23          after the date final regulations under section 354(b)(1)  
24          to implement the results of the study under section

1 354(a)(1)(A) take effect, the following laws shall apply to  
2 a congressional employee:

3 (1) The Fair Labor Standards Act of 1938 (29  
4 U.S.C. 201 et seq.).

5 (2) Title VII of the Civil Rights Act of 1964  
6 (42 U.S.C. 2000e et seq.).

7 (3) Sections 102 through 104 of the Americans  
8 With Disabilities Act of 1990 (42 U.S.C. 12112-  
9 12114).

10 (4) Section 15 of the Age Discrimination in  
11 Employment Act of 1967 (29 U.S.C. 633a).

12 (5) The Family and Medical Leave Act of 1993  
13 (29 U.S.C. 2611 et seq.).

14 (b) LAWS WHICH MAY BE MADE APPLICABLE.—Any  
15 provision of Federal law shall, to the extent that it relates  
16 to—

17 (1) the terms and conditions of employment (in-  
18 cluding hiring, promotion or demotion, salary and  
19 wages, overtime compensation, benefits, work assign-  
20 ments or reassignments, termination, and family and  
21 medical leave) of employees

22 (2) protection from discrimination in personnel  
23 actions, including discrimination based on—

24 (A) race, color, religion, sex (including  
25 marital and parental status), or national origin

1 within the meaning of section 717 of the Civil  
2 Rights Act of 1964 (42 U.S.C. 20003-16),

3 (B) age within the meaning of section 13  
4 of the Age Discrimination in Employment Act  
5 of 1967 (29 U.S.C. 633a), or

6 (C) handicap or disability within the mean-  
7 ing of section 501 of the Rehabilitation Act of  
8 1973 (29 U.S.C. 791) and sections 102 through  
9 104 of the Americans with Disabilities Act of  
10 1990 (42 U.S.C. 12112-14), and

11 (3) the health and safety of employees, or  
12 apply a congressional employee in accordance with section  
13 354.

14 **SEC. 353. OFFICE OF COMPLIANCE.**

15 (a) ESTABLISHMENT.—There is established in the  
16 legislative branch an Office of Compliance (hereinafter in  
17 this subtitle referred to as the “Office”).

18 (b) COMPOSITION.—

19 (1) BOARD OF DIRECTORS.—The Office shall  
20 have a Board of Directors. The Board of Directors  
21 shall consist of 8 individuals appointed jointly by the  
22 Speaker of the House of Representatives, the Major-  
23 ity Leader of the Senate, and the Minority Leaders  
24 of the House of Representatives and the Senate. Ap-  
25 pointments to the Board of Directors shall be com-

1 pleted not later than 120 days after the date of the  
2 enactment of this subtitle.

3 (2) DIRECTOR.—The Office shall have a Direc-  
4 tor who shall be appointed jointly by the Speaker of  
5 the House of Representatives, the Majority Leader  
6 of the Senate, and the Minority Leaders of the  
7 House of Representatives and the Senate.

8 (c) BOARD OF DIRECTORS QUALIFICATIONS.—

9 (1) IN GENERAL.—The members of the Board  
10 of Directors shall be individuals with training or ex-  
11 pertise in—

12 (A) the application of the laws referred to  
13 in section 352 to employment, and

14 (B) employment in the Congress.

15 (2) SPECIFIC QUALIFICATIONS.—

16 (A) LOBBYING.—No individual who en-  
17 gages in, or is otherwise employed in, lobbying  
18 of the Congress and who is required under the  
19 Federal Regulation of Lobbying Act to register  
20 with the Clerk of the House of Representatives  
21 or the Secretary of the Senate shall be consid-  
22 ered eligible for appointment to, or service on,  
23 the Board of Directors.

24 (B) OFFICE.—No member of the Board of  
25 Directors appointed under subsection (b)(1)

1           may hold or may have held the position of  
2           Member of the House of Representatives, Sen-  
3           ator, or employee of the House of Rep-  
4           resentatives or the Senate.

5           (3) HOLDING OFFICE.—If during a term of of-  
6           fice a member of the Board of Directors engages in  
7           an activity described in paragraph (2)(A), such posi-  
8           tion shall be declared vacant and a successor shall  
9           be selected in accordance with subsection (b)(1).

10          (4) VACANCIES.—A vacancy in the Board of  
11          Directors shall be filled in the manner in which the  
12          original appointment was made.

13          (d) AUTHORITY.—

14                (1) BOARD OF DIRECTORS.—The Board of Di-  
15                rectors appointed under subsection (b)(1) shall have  
16                an advisory authority with respect to the implemen-  
17                tation of this subtitle.

18                (2) DIRECTOR.—The Director appointed under  
19                subsection (b)(2) shall have authority to carry out  
20                the functions described in subsections (a), (b), (c),  
21                and (d) of section 354 and in section 355 and shall  
22                carry out the functions described in sections 356  
23                through 363.

24          (e) BOARD OF DIRECTORS TERM OF OFFICE.—



1           (1) IN GENERAL.—Except as provided in para-  
2 graph (2), membership on the Board of Directors  
3 shall be for 5 years. A member shall only be ap-  
4 pointed for one term of office.

5           (2) FIRST APPOINTMENTS.—Of the members  
6 first appointed to the Board of Directors—

7           (A) 2 shall have a term of office of 2  
8 years.

9           (B) 2 shall have a term of office of 3  
10 years.

11           (C) 2 shall have a term of office of 4  
12 years, and

13           (D) 2 shall have a term of office of 5  
14 years.

15 as designated at the time of appointment by the per-  
16 sons specified in subsection (b)(1).

17           (f) CHAIRPERSON.—The Chairperson of the Board of  
18 Directors shall be appointed from the members of the  
19 Board of Directors by the members of the Board and shall  
20 have responsibility for convening periodic meetings of the  
21 Board.

22           (g) BASIC PAY.—Members of the Board of Directors  
23 shall serve without pay.

1 (h) OFFICE STAFF.—The Director may appoint and  
2 fix the compensation of such staff, including hearing offi-  
3 cers, as are necessary to carry out this subtitle.

4 (i) DETAILEES.—The Director may, with the prior  
5 consent of the Government department or agency con-  
6 cerned, use the services of any such department or agency,  
7 including the services of members or personnel of the Gen-  
8 eral Accounting Office Personnel Appeals Board.

9 (j) CONSULTANTS.—In carrying out this subtitle, the  
10 Director may procure the temporary (not to exceed 1 year)  
11 or intermittent services of individual consultants or orga-  
12 nizations thereof.

13 **SEC. 354. STUDY AND REGULATIONS.**

14 (a) INITIAL ACTION.—

15 (1) STUDY FOR CONGRESSIONAL EMPLOYEES.—

16 The Board of Directors shall conduct a study—

17 (A) of the manner in which the laws made  
18 applicable to congressional employees under sec-  
19 tion 352(a) should apply, and

20 (B) to determine which of the laws re-  
21 ferred to in section 352(b) should apply to Con-  
22 gress and if it should, the manner in which it  
23 should be made applicable.

24 The Board of Directors shall complete such study  
25 and report the results to Congress not later than

1 180 days after the date of the enactment of this  
2 subtitle.

3 (2) STUDY FOR EMPLOYEES OF INSTRUMEN-  
4 TALITIES.—

5 (A) STUDY.—The Director shall conduct a  
6 study of the application to employees of instru-  
7 mentalities of the provisions of Federal law re-  
8 ferred to in section 352. The Director shall  
9 complete such study and submit to Congress a  
10 report containing the results of the study not  
11 later than 180 days after the date the Board  
12 submits a report of the study under paragraph  
13 (1).

14 (B) REGULATIONS.—If, as the result of  
15 the study under subparagraph (A), the Board  
16 determines that employees of instrumentalities  
17 should be covered by the one or more of the  
18 laws referred to in the study, the Board may  
19 issue regulations for such coverage in accord-  
20 ance with subsection (b).

21 (C) DEFINITION.—The term “employee of  
22 an instrumentality” means—

23 (i) any employee of the General Ac-  
24 counting Office, the Government Printing  
25 Office, the Library of Congress, the Office

1 of Technology Assessment, or any other  
2 unit of the legislative branch of the Fed-  
3 eral Government (other than an employee  
4 referred to in paragraph (1) of section  
5 351);.

6 (ii) any applicant for a position that  
7 will last 90 days or more and that is to be  
8 occupied by an individual described in  
9 clause (i); or

10 (iii) any individual who was formerly  
11 an employee described in clause (i) and  
12 whose claim of a violation arises out of the  
13 employment of the individual by an instru-  
14 mentality described in clause (i).

15 (b) REGULATIONS.—

16 (1) LAWS MADE APPLICABLE.—Not later than  
17 180 days after the date of the completion of the  
18 study under subsection (a)(1)(A), the Director shall  
19 propose regulations prescribing the manner in which  
20 laws made applicable to congressional employees  
21 under section 352(a) shall apply to such employees.

22 (2) OTHER LAWS.—Not later than 180 days  
23 after the date of the completion of the study under  
24 subsection (a)(1)(B), the Director shall propose reg-  
25 ulations that specify which of the provisions of Fed-

1       eral law considered in such study shall apply to Con-  
2       gressional employees.

3           (3) REGULATION REQUIREMENTS.—Regulations  
4       under paragraphs (1) and (2)—

5           (A) shall be consistent with the provision  
6       of law made applicable to Congress, including  
7       remedies, except as may otherwise be specifi-  
8       cally provided;

9           (B) shall take into account the costs asso-  
10       ciated with the application of such provisions to  
11       Congressional employees; and

12          (C) may specify specific dates for the ap-  
13       plication of specific provisions and may specify  
14       specific means for the application of such provi-  
15       sions.

16       (c) CONTINUING ACTION.—On an ongoing basis the  
17       Director—

18           (1) shall study the application to Congressional  
19       employees of provisions of Federal law referred to in  
20       section 352 that are enacted after the date of the  
21       enactment of this subtitle; and

22           (2) may propose regulations with respect to  
23       such provisions in accordance with subsection (b).

24       (d) AMENDMENTS AND REPEALS.—The Director  
25       shall recommend changes in or repeals of existing law to

1 accommodate the application of such law to Congressional  
2 employees.

3 (e) CONGRESSIONAL APPROVAL.—

4 (1) IN GENERAL.—Regulations of the Office  
5 shall not go in effect unless approved by the Con-  
6 gress under this subsection.

7 (2) RULEMAKING.—The provisions of this sub-  
8 section are enacted by the Congress—

9 (A) as an exercise of the rulemaking power  
10 of the House of Representatives, and as such  
11 they are deemed a part of the rules of the  
12 House, but applicable only with respect to the  
13 procedure to be followed in the House in the  
14 case of concurrent resolutions of regulation ap-  
15 proval, and such provisions supersede other  
16 rules of the House only to the extent that they  
17 are inconsistent with such other rules; and

18 (B) with full recognition of the con-  
19 stitutional right of the House to change the  
20 rules (so far as relating to the procedure of the  
21 House) at any time, in the same manner and  
22 to the same extent as in the case of any other  
23 rule of the House.

24 (3) REFERRAL.—

1           (A) HOUSE OF REPRESENTATIVES.—Con-  
2           current resolutions relating to approval of regu-  
3           lations proposed under subsection (b) (referred  
4           to in this section as a “concurrent resolution of  
5           regulation approval”) shall, upon introduction  
6           in the House of Representatives, be immediately  
7           referred by the Speaker of the House to the ap-  
8           propriate committee or committees of the  
9           House. Any such concurrent resolution received  
10          from the Senate shall be held at the Speaker’s  
11          table.

12          (B) SENATE.—Concurrent resolutions of  
13          regulation approval shall, upon introduction in  
14          the Senate, be immediately referred by the Pre-  
15          siding Officer of the Senate to the appropriate  
16          committee or committees of the Senate. Any  
17          such concurrent resolution received from the  
18          House of Representatives shall be held at the  
19          desk.

20          (4) COMMITTEE CONSIDERATION.—

21          (A) HOUSE OF REPRESENTATIVES.—Upon  
22          the expiration of 90 days of continuous session  
23          after the introduction of the first concurrent  
24          resolution of regulation approval with respect to  
25          any regulation, each committee of the House of

1           Representatives to which such concurrent reso-  
2           lution was referred shall be discharged from  
3           further consideration of such concurrent resolu-  
4           tion, and such concurrent resolution shall be re-  
5           ferred to the appropriate calendar, unless such  
6           concurrent resolution or an identical resolution  
7           was previously reported, with or without amend-  
8           ments, by each committee to which the concur-  
9           rent resolution was referred. The 90-day period  
10          may be extended by the Speaker, in con-  
11          sultation with the Minority Leader, for such pe-  
12          riod as the Speaker considers appropriate.

13                 (B) SENATE.—Upon the expiration of 90  
14          days of continuous session after the introduc-  
15          tion of the first concurrent resolution of regula-  
16          tion approval with respect to any regulation,  
17          each committee of the Senate to which such  
18          concurrent resolution was referred shall be dis-  
19          charged from further consideration of such con-  
20          current resolution, and such concurrent resolu-  
21          tion shall be placed on the calendar, unless such  
22          concurrent resolution or an identical resolution  
23          was previously reported, with or without amend-  
24          ments, by each committee to which the concur-  
25          rent resolution was referred. The 90-day period



1           may be extended by the Majority Leader, in  
2           consultation with the Minority Leader, for such  
3           period as the Majority Leader considers appro-  
4           priate.

5           (5) CONSIDERATION.—

6                   (A) HOUSE OF REPRESENTATIVES.—It  
7           shall be in order for the Speaker to recognize  
8           a Member of the House of Representatives fa-  
9           voring a concurrent resolution of regulation ap-  
10          proval to call up the concurrent resolution after  
11          it has been on the appropriate calendar for 5  
12          legislative days. When any such concurrent res-  
13          olution is called up, the House shall proceed to  
14          its immediate consideration and the Speaker  
15          shall recognize the Member calling up such con-  
16          current resolution and a Member opposed to  
17          such concurrent resolution for 1 hour of debate  
18          in the House, to be equally divided and con-  
19          trolled by such Members. When such time has  
20          expired, the previous question shall be consid-  
21          ered as ordered on the concurrent resolution to  
22          adoption without intervening motion. It shall  
23          not be in order to move to reconsider the vote  
24          by which such resolution is agreed to or dis-  
25          agreed to.

1           (B) SENATE.—It shall be in order for the  
2           Presiding Officer to recognize a Senator favor-  
3           ing a concurrent resolution of regulation ap-  
4           proval to call up the concurrent resolution after  
5           it has been on the calendar for 5 legislative  
6           days. When any such concurrent resolution is  
7           called up, the Senate shall proceed to its imme-  
8           diate consideration and the Presiding Officer  
9           shall recognize the Senator calling up such con-  
10          current resolution and a Senator opposed to  
11          such concurrent resolution for 1 hour of debate  
12          in the Senate, to be equally divided and con-  
13          trolled by such Senators. When such time has  
14          expired, the Senate shall proceed without any  
15          intervening action to vote on the concurrent  
16          resolution. It shall not be in order to move to  
17          reconsider the vote by which such resolution is  
18          agreed to or disagreed to.

19          (6) CONCURRENT RESOLUTION FROM ANOTHER  
20          HOUSE.—

21                 (A) HOUSE OF REPRESENTATIVES.—If the  
22                 House receives from the Senate a concurrent  
23                 resolution of regulation approval with respect to  
24                 any regulation, the following procedures shall  
25                 apply:

1 (i) REFERRAL.—The concurrent reso-  
2 lution from the Senate with respect to such  
3 regulation shall not be referred to a com-  
4 mittee.

5 (ii) PROCEDURES.—The procedure of  
6 the House with respect to any resolution of  
7 the House with respect to such regulation  
8 shall be the same as if no such resolution  
9 from the Senate had been received. On any  
10 vote on final passage of a concurrent reso-  
11 lution of the House with respect to such  
12 regulation, a resolution from the Senate  
13 with respect to such regulation that con-  
14 tains identical text shall be automatically  
15 substituted for the resolution of the House.

16 (B) SENATE.—If the Senate receives from  
17 the House of Representatives a concurrent reso-  
18 lution of regulation approval with respect to  
19 any regulation, the following procedures shall  
20 apply:

21 (i) REFERRAL.—The concurrent reso-  
22 lution from the House of Representatives  
23 with respect to such regulation shall not be  
24 referred to a committee.

1                   (ii) PROCEDURES.—The procedure of  
2                   the Senate with respect to any concurrent  
3                   resolution of the Senate with respect to  
4                   such regulation shall be the same as if no  
5                   such resolution from the House of Rep-  
6                   representatives had been received. On any  
7                   vote on final passage of a concurrent reso-  
8                   lution of the Senate with respect to such  
9                   regulation, a resolution from the House of  
10                  Representatives with respect to such regu-  
11                  lation that contains identical text shall be  
12                  automatically substituted for the resolution  
13                  of the Senate.

14               (7) COMPUTATION OF DAYS.—For purposes of  
15               this section—

16                   (A) continuity of session of Congress is  
17                   broken only by an adjournment sine die; and

18                   (B) the days on which either House is not  
19                   in session because of an adjournment of more  
20                   than 3 days to a day certain are excluded in the  
21                   computation of the period referred to in para-  
22                   graph (4).

23 **SEC. 355. OTHER FUNCTIONS.**

24               (a) RULES OF THE OFFICE.—The Director shall  
25               adopt rules governing the procedures of the Office, includ-

1 ing the procedures of hearing boards, which shall be sub-  
2 mitted for publication in the Congressional Record. The  
3 rules may be amended in the same manner. The Director  
4 may consult with the Chairman of the Administrative Con-  
5 ference of the United States, the Legal Counsel of the  
6 Senate, and the General Counsel of the House of Rep-  
7 resentatives on the adoption of rules.

8 (b) INVESTIGATIVE AUTHORITY.—The Director shall  
9 have authority to conduct such investigations as it re-  
10 quires to implement sections 357 through 359 and section  
11 361.

12 (c) DUTIES.—The Office shall—

13 (1) carry out a program of education for Mem-  
14 bers of Congress and other employing authorities of  
15 the Congress respecting the laws made applicable to  
16 them and a program to inform individuals of their  
17 rights under laws applicable to congressional em-  
18 ployees and under sections 356 through 361.

19 (2) in carrying out the program under para-  
20 graph (1), distribute the telephone number and ad-  
21 dress of the Office, procedures for action under sec-  
22 tions 356 through 361, and any other information  
23 the Director deems appropriate for distribution, dis-  
24 tribute such information to Members of Congress  
25 and other employing authorities in a manner suit-

1       able for posting, provide such information to new  
2       Congressional employees, distribute such information  
3       to the residences of Congressional employees, and  
4       conduct seminars and other activities designed to  
5       educate employers and employees in such informa-  
6       tion.

7               (3) compile and publish statistics on the use of  
8       the Office by Congressional employees, including the  
9       number and type of contacts made with the Office,  
10      on the reason for such contacts, on the number of  
11      employees who initiated proceedings with the Office  
12      under sections 356 through 361 and the result of  
13      such proceedings, on the number of employees who  
14      filed a complaint under section 359, the basis for the  
15      complaint, and the action taken on the complaint,  
16      and

17              (4) within 180 days of the initial appointment  
18      of the members of the Director and in conjunction  
19      with the Clerk of the House of Representatives and  
20      the Secretary of the Senate, develop a system for the  
21      collection of demographic data respecting the com-  
22      position of the employees of the Congress, including  
23      race, sex, and wages, and a system for the collection  
24      of information on employment practices, including

1 family leave and flexible work hours, in Congressional offices.

2  
3 **SEC. 356. PROCEDURE FOR CONSIDERATION OF ALLEGED**  
4 **VIOLATIONS.**

5 The procedure for consideration of alleged violations  
6 of laws made applicable to congressional employees under  
7 the regulation promulgated under section 354(b) consists  
8 of 4 steps as follows:

9 (1) Step I, counseling, as set forth in section  
10 357.

11 (2) Step II, mediation, as set forth in section  
12 358.

13 (3) Step III, formal complaint and hearing by  
14 a hearing board, as set forth in section 359.

15 (4) Step IV, judicial review if a Congressional  
16 employee is aggrieved by a dismissal under section  
17 359(c), a final decision under section 359(g), or an  
18 order under section 359(h) or 359(i) or if a Member  
19 of the House of Representatives or a Senator is ag-  
20 grieved by a final decision under section 359(g) or  
21 would be subject to an order issued under section  
22 359(h) or 359(i).

23 **SEC. 357. STEP I: COUNSELING.**

24 (a) IN GENERAL.—A Congressional employee alleg-  
25 ing a violation of a law made applicable to congressional

1 employees under section 354 may request counseling  
2 through the Office. The Office shall provide the employee  
3 with all relevant information with respect to the rights of  
4 the employee. A request for counseling shall be made not  
5 later than 180 days after the alleged violation forming the  
6 basis of the request for counseling occurred.

7 (b) PERIOD OF COUNSELING.—The period for coun-  
8 seling shall be 30 days unless the employee and the Office  
9 agree to reduce the period. The period shall begin on the  
10 date the request for counseling is received.

11 **SEC. 358. STEP II: MEDIATION.**

12 (a) IN GENERAL.—Not later than 15 days after the  
13 end of the counseling period under section 357, the em-  
14 ployee who alleged a violation of a law made applicable  
15 to congressional employees under section 354 may file a  
16 request for mediation with the Office. Mediation—

17 (1) may include the Office, the employee, the  
18 employing office, and individuals who are rec-  
19 ommended by organizations composed primarily of  
20 individuals experienced in adjudicating or arbitrating  
21 personnel matters, and

22 (2) shall be a process involving meetings with  
23 the parties separately or jointly for the purpose of  
24 resolving the dispute between the employee and the  
25 employing office.



1 (b) **MEDLATION PERIOD.**—The mediation period shall  
2 be 30 days beginning on the date the request for mediation  
3 is received and may be extended for an additional 30 days  
4 at the discretion of the Office. The Office shall notify the  
5 employee and the head of the employing office when the  
6 mediation period has ended. For purposes of this section,  
7 the term “head of employing office” means the individual  
8 who has final authority to appoint, hire, discharge, and  
9 set the terms, conditions, or privileges of the Congres-  
10 sional employment of an employee.

11 **SEC. 359. STEP III: FORMAL COMPLAINT AND HEARING.**

12 (a) **FORMAL COMPLAINT AND REQUEST FOR HEAR-**  
13 **ING.**—Not later than 30 days after receipt by the Congres-  
14 sional employee of notice from the Office of the end of  
15 the mediation period under section 358, the Congressional  
16 employee may file a formal complaint with the Office. No  
17 complaint may be filed unless the employee has made a  
18 timely request for counseling and has completed the proce-  
19 dures set forth in sections 357 and 358.

20 (b) **HEARING BOARD.**—A board of 3 independent  
21 hearing officers (hereinafter in this Act referred to as a  
22 “hearing board”), who are not Members of the House of  
23 Representatives, Senators, or officers or employees of the  
24 House of Representatives or Senate, chosen by the Direc-  
25 tor (one of whom shall be designated by the Director as

1 the presiding hearing officer) shall be assigned to consider  
2 each complaint filed under subsection (a). The Director  
3 shall appoint hearing officers from candidates who are rec-  
4 ommended by the Federal Mediation and Conciliation  
5 Service, the Administrative Conference of the United  
6 States, or organizations composed primarily of individuals  
7 experienced in adjudicating or arbitrating personnel mat-  
8 ters. A hearing board shall act by majority vote.

9 (c) DISMISSAL OF FRIVOLOUS CLAIMS.—Prior to a  
10 hearing under subsection (d), a hearing board may dismiss  
11 any claim that it finds to be frivolous.

12 (d) HEARING.—A hearing shall be conducted—

13 (1) in closed session on the record by a hearing  
14 board; and

15 (2) no later than 30 days after filing of the  
16 complaint under subsection (a), except that the Of-  
17 fice may, for good cause, extend up to an additional  
18 60 days the time for conducting a hearing.

19 (e) DISCOVERY.—Reasonable prehearing discovery  
20 may be permitted at the discretion of the hearing board.

21 (f) SUBPOENA POWER.—

22 (1) IN GENERAL.—A hearing board may au-  
23 thorize subpoenas, which shall be issued by the pre-  
24 siding hearing officer on behalf of the hearing board  
25 under, in a matter involving the House of Rep-

1       representatives. the seal of the House of Rep-  
2       representatives. for the attendance of witnesses at pro-  
3       ceedings of the hearing board and for the production  
4       of correspondence, books, papers, documents, and  
5       other records. The attendance of witnesses and the  
6       production of evidence may be required from any  
7       place within the United States.

8               (2) FAILURE TO OBEY A SUBPOENA.—

9               (A) SUBPOENA ON SENATE MATTERS.—If  
10       a person refuses to obey a subpoena issued  
11       under paragraph (1) in a matter involving the  
12       Senate, the hearing board may apply to a Unit-  
13       ed States district court for an order requiring  
14       that person to appear before the hearing board  
15       to give testimony, produce evidence, or both, re-  
16       lating to the matter under investigation. The  
17       application may be made within the judicial dis-  
18       trict where the hearing is conducted or where  
19       that person is found, resides, or transacts busi-  
20       ness. Any failure to obey the order of the court  
21       may be punished by the court as civil contempt.

22              (B) SUBPOENA ON HOUSE OF REP-  
23       RESENTATIVES MATTERS.—If a person refuses  
24       to obey a subpoena issued under paragraph (1)  
25       in a matter involving the House of Rep-

1           representatives, the hearing board may report the  
2           refusal to the Committee on Rules which may  
3           take any action it deems appropriate. Such ac-  
4           tion may include—

5                   (i) a referral to the Committee on  
6                   Standards of Official Conduct if the re-  
7                   fusal is by a current Member of the House  
8                   of Representatives or officer or employee of  
9                   the House of Representatives, or

10                   (ii) a report to the House of Rep-  
11                   resentatives of a resolution to certify a  
12                   contempt pursuant to sections 102 and  
13                   104 of the Joint Resolution of June 22,  
14                   1938 (2 U.S.C. 192, 194) if the failure is  
15                   by someone other than a current Member  
16                   of the House of Representatives or officer  
17                   or employee of the House of Rep-  
18                   resentatives.

19           (3) SERVICE OF SUBPOENAS.—The subpoenas  
20           of the hearing board shall be served in the manner  
21           provided for subpoenas issued by a United States  
22           district court under the Federal Rules of Civil Pro-  
23           cedure for the United States district courts.

24           (4) SERVICE OF PROCESS.—All process of any  
25           court to which application is be made under para-

1 graph (2) may be served in the judicial district in  
2 which the person required to be served resides or  
3 may be found.

4 (5) IMMUNITY.—The hearing board is an agen-  
5 cy of the United States for the purpose of part V  
6 of title 18, United States Code (relating to immunity  
7 of witnesses).

8 (g) HEARING BOARD DECISION.—As expeditiously as  
9 possible, but in no case more than 45 days after the con-  
10 clusion of the hearing, the hearing board shall make a de-  
11 cision in the matter for which the hearing was held. The  
12 decision of the hearing board shall be transmitted by the  
13 Office to the employee and the employing office. The deci-  
14 sion shall state the issues raised by the complaint, describe  
15 the evidence in the record, and contain a determination  
16 as to whether a violation of a law made applicable to con-  
17 gressional employees under section 354 has occurred. Any  
18 decision of the hearing board shall contain a written state-  
19 ment of the reasons for the hearing board's decision. The  
20 hearing board shall make its decision available to the pub-  
21 lic

22 (h) REMEDY ORDER.—If the decision of the hearing  
23 board under subsection (g) is that a violation of a law  
24 made applicable to congressional employees under section  
25 354 has occurred, it shall order the remedies under such

1 law as made applicable to congressional employees under  
2 the regulations promulgated under section 354, except  
3 that no Member of the House of Representatives or Sen-  
4 ator shall be personally liable for the payment of com-  
5 pensation and the office accounts of a Member or Senator  
6 shall not be liable for the payment of compensation. The  
7 hearing board shall have no authority to award punitive  
8 damages. The entry of an order under subsection shall  
9 constitute a final decision for purposes of judicial review  
10 under section 360 if the order is not reviewed under sub-  
11 section (i).

12 (i) REVIEW BY THE DIRECTOR.—

13 (1) IN GENERAL.—A congressional employee or  
14 Member of the House of Representatives or Senator  
15 may request the director to review a decision of the  
16 hearing board under subsection (g) (including a de-  
17 cision after a remand under paragraph (2)(A)).  
18 Such a request shall be made within 30 days of the  
19 date of the decision of the hearing board. Review by  
20 the Director shall be based on the record of the  
21 hearing board.

22 (2) DECISION OF THE DIRECTOR.—The Direc-  
23 tor shall issue a decision not later than 60 days  
24 after the date of the request under paragraph (1).  
25 The decision of the Director may—

1 (A) remand to the hearing board the mat-  
2 ter before the Director for the purpose of  
3 supplementing the record or for further consid-  
4 eration:

5 (B) reverse the decision of the hearing  
6 board and enter a new decision and order in ac-  
7 cordance with subsection (h); or

8 (C) direct that the decision and order of  
9 the hearing board be considered as the final de-  
10 cision.

11 (3) FINAL DECISION.—The entry of a decision  
12 under paragraph (2) shall constitute a final decision  
13 for purposes of judicial review under section 360.

14 (j) FUNDS.—There shall be established in the House  
15 of Representatives and in the Senate a fund from which  
16 compensation (including attorney's fees) may be paid in  
17 accordance with an order under subsection (h) or (i) or  
18 as a result of judicial review under section 360. From the  
19 outset of any proceeding in which compensation may be  
20 paid from a fund of the House of Representatives, the  
21 General Counsel of the House of Representatives may pro-  
22 vide the respondent with representation.

23 **SEC. 360. JUDICIAL REVIEW.**

24 (a) IN GENERAL.—Any congressional employee ag-  
25 grieved by a dismissal of a claim under section 359(c) or

1 a final decision under section 359(h) or 359(i), or any  
2 Member of the House of Representatives or Senator ag-  
3 grieved by a final decision under section 359(h) or 359(i),  
4 may petition for review by the United States Court of Ap-  
5 peals for the Federal Circuit.

6 (b) LAW APPLICABLE.—Chapter 158 of title 28,  
7 United States Code, shall apply to a review under sub-  
8 section (a) except that—

9 (1) with respect to section 2344 of title 28,  
10 United States Code, service of the petition shall be  
11 on the House or Senate Legal Counsel, as the case  
12 may be, rather than on the Attorney General;

13 (2) the provisions of section 2348 of title 28,  
14 United States Code, on the authority of the Attorney  
15 General, shall not apply;

16 (3) the petition for review shall be filed not  
17 later than 90 days after the entry in the Office of  
18 a final decision under section 409(d);

19 (4) the Office shall be an “agency” as that  
20 term is used in chapter 158 of title 28, United  
21 States Code; and

22 (5) the Office shall be the respondent in any  
23 proceeding under subsection (a).

24 (c) STANDARD OF REVIEW.—To the extent necessary  
25 for decision, the court shall decide all relevant questions



1 of law and interpret constitutional and statutory provi-  
2 sions. The court shall set aside a final decision under sec-  
3 tion 359(h) or 359(i) if it is determined that the decision  
4 or order was—

5 (1) arbitrary, capricious, an abuse of discretion,  
6 or otherwise not consistent with law;

7 (2) not made consistent with required proce-  
8 dures; or

9 (3) unsupported by substantial evidence.

10 In making the foregoing determinations, the court shall  
11 review the whole record, or those parts of it cited by a  
12 party, and due account shall be taken of the rule of preju-  
13 dicial error. The record on review shall include the record  
14 before the hearing board, the decision of the hearing board  
15 or Director, and the order of the hearing board or Direc-  
16 tor.

17 (d) ATTORNEY'S FEES.—If a congressional employee  
18 is the prevailing party in a proceeding under this section,  
19 attorney's fees for the judicial proceeding may be allowed  
20 by the court in accordance with the standards prescribed  
21 under section 706(k) of the Civil Rights Act of 1964 (42  
22 U.S.C. 2000e-5(k)).

23 **SEC. 361. RESOLUTION OF COMPLAINT.**

24 If, after a formal complaint is filed under section 359,  
25 the employee and the head of the employing office resolve

1 the issues involved, the employee may withdraw the com-  
2 plaint or the parties may enter into a written agreement,  
3 subject to the approval of the Director.

4 **SEC. 362. PROHIBITION OF INTIMIDATION.**

5 Any intimidation of, or reprisal against, any employee  
6 by any Member of the House of Representatives, Senator,  
7 or officer or employee of the House of Representatives or  
8 Senate, or by the Architect of the Capitol, or anyone em-  
9 ployed by the Architect of the Capitol, because of the exer-  
10 cise of a right under this subtitle constitutes an unlawful  
11 employment practice, which may be remedied in the same  
12 manner under this subtitle as is a violation of a law made  
13 applicable to congressional employees under section 354.

14 **SEC. 363. CONFIDENTIALITY.**

15 (a) COUNSELING.—All counseling shall be strictly  
16 confidential except that the Office and the employee may  
17 agree to notify the head of the employing office of the alle-  
18 gations.

19 (b) MEDIATION.—All mediation shall be strictly con-  
20 fidential.

21 (c) HEARINGS.—Except as provided in subsections  
22 (d) and (e), the hearings, deliberations, and decisions of  
23 the hearing board shall be confidential.

24 (d) RELEASE OF RECORDS FOR JUDICIAL ACTION.—  
25 The records and decisions of hearing boards may be made

1 public if required for the purpose of judicial action under  
2 section 9.

3 (e) ACCESS BY COMMITTEES OF CONGRESS.—The  
4 Committee on Standards of Official Conduct of the House  
5 of Representatives and the Select Committee on Ethics of  
6 the Senate shall have access to the hearings, deliberations,  
7 and decisions of the hearing board but only after the hear-  
8 ing board has made a decision under section 359(g) with  
9 respect to the matter for which such hearings and delib-  
10 erations of the hearing board were made.

11 (f) COORDINATION.—The Director shall coordinate  
12 the Director's proceedings with the Committee on Stand-  
13 ards and Official Conduct of the House of Representatives  
14 and the Select Committee on Ethics of the Senate to en-  
15 sure effectiveness, to avoid duplication, and to prevent pe-  
16 nalizing cooperation by respondents in the respective pro-  
17 ceedings.

18 **SEC. 364. POLITICAL AFFILIATION AND PLACE OF RESI-**  
19 **DENCE.**

20 (a) IN GENERAL.—It shall not be a violation of a law  
21 made applicable to congressional employees under section  
22 354 to consider the—

23 (1) party affiliation;

24 (2) domicile, or

1           (3) political compatibility with the employing  
2       office.

3 of a congressional employee with respect to employment  
4 decisions.

5       (b) DEFINITION.—For purposes of subsection (a),  
6 the term “employee” means—

7           (1) an employee on the staff of the House of  
8       Representatives or Senate leadership,

9           (2) an employee on the staff of a committee or  
10       subcommittee,

11          (3) an employee on the staff of a Member of  
12       the House of Representatives or Senate,

13          (4) an officer or employee of the House of Rep-  
14       resentatives or Senate elected by the House of Rep-  
15       resentatives or Senate or appointed by a Member of  
16       the House of Representatives or Senate, other than  
17       those described in paragraphs (1) through (3), or

18          (5) an applicant for a position that is to be oc-  
19       cupied by an individual described in paragraphs (1)  
20       through (4).

21 **SEC. 365. OTHER REVIEW.**

22       No congressional employee may commence a judicial  
23 proceeding to redress practices prohibited under section  
24 354, except as provided in this subtitle and no court or  
25 administrative body shall have jurisdiction to entertain

1 any civil action concerning or related to practices prohib-  
2 ited under section 354.

### 3           **Subtitle D—Miscellaneous**

#### 4 **SEC. 371. SUNSET AGENCY REPORTING REQUIREMENTS.**

5           (a) **IN GENERAL.**—The Committee on Government  
6 Operations of the House of Representatives and the Com-  
7 mittee on Governmental Affairs of the Senate shall con-  
8 duct, with the assistance of the General Accounting Office,  
9 a comprehensive survey of all statutory reporting require-  
10 ments, soliciting the views of House and Senate standing  
11 committees, during the One Hundred Fourth Congress  
12 and report legislation on or before December 31, 1996.  
13 to eliminate obsolete, nonessential, or duplicative reports.

14           (b) **5-YEAR PERIOD.**—The Committee on Govern-  
15 ment Operations of the House of Representatives and the  
16 Committee on Governmental Affairs of the Senate shall  
17 establish a uniform and appropriate procedure for requir-  
18 ing agency reports to Congress to expire after 5 years,  
19 subject to their specific reauthorization, and report legisla-  
20 tion by December 31, 1996, to sunset statutory reporting  
21 requirements.

1 **SEC. 372. JOINT COMMITTEE ON INFORMATION MANAGE-**  
2 **MENT.**

3 (a) **ABOLITION OF JOINT COMMITTEE ON PRINT-**  
4 **ING.**—Chapter 1 of title 44, United States Code, is re-  
5 pealed.

6 (b) **ABOLITION OF JOINT COMMITTEE OF CONGRESS**  
7 **ON THE LIBRARY.**—Sections 223 and 224 of the Legisla-  
8 tive Reorganization Act of 1946 (2 U.S.C. 132B and 133)  
9 are repealed.

10 (c) **ESTABLISHMENT OF JOINT COMMITTEE ON IN-**  
11 **FORMATION MANAGEMENT.**—(1) There is established a  
12 Joint Committee on Information Management (hereafter  
13 in this section referred to as the “Committee”).

14 (2) The Committee shall be composed of 10 members  
15 as follows:

16 (A) 5 members from the Committee on House  
17 Administration of the House of Representatives to  
18 be appointed by the Speaker and 5 members of the  
19 Rules and Administration of the Senate to be ap-  
20 pointed by \_\_\_\_.

21 (d) **FUNCTIONS.**—The Committee shall—

22 (1) coordinate information management for  
23 Congress:

24 (2) establish standards and applications policies  
25 for Congress and its support agencies for informa-  
26 tion technologies, including telecommunications, elec-

1       tronic files and indexing, publishing, and informa-  
2       tion dissemination within Congress and to the public  
3       pursuant to chapters 17 and 19 of title 44, United  
4       States Code;

5             (3) ensure dissemination of executive branch in-  
6       formation to the public as provided in title 44, Unit-  
7       ed States Code; and

8             (4) carry out all functions heretofore carried  
9       out by the Joint Committee on Printing and the  
10       Joint Committee of Congress on the Library.

11       (e) TRANSFER OF FUNCTIONS.—Effective upon the  
12       effective date of this section, all functions of the Joint  
13       Committee on Printing and the Joint Committee of Con-  
14       gress on the Library except those functions carried out  
15       by the Joint Committee of Congress on the Library related  
16       to the supervision of the Botanic Garden and the Capitol  
17       art collection, which shall be transferred to the Committee  
18       on House Administration of the House of Representatives  
19       and the Committee on Rules and Administration of the  
20       Senate, are transferred to the Committee.

21       (f) VACANCIES; CHAIRMANSHIP.—Vacancies in the  
22       membership of the Committee shall not affect the power  
23       of the remaining members to execute the functions of the  
24       Committee, and shall be filled in the same manner as the  
25       original selection. The chairmanship and vice chairman-

1 ship of the Committee shall alternate between the chair-  
2 man of the Committee on Rules and Administration of the  
3 Senate and the chairman of the Committee on House Ad-  
4 ministration of the House of Representatives with each  
5 Congress. The initial chairman of the Committee shall be  
6 the chairman of the Committee on House Administration  
7 and the initial vice chairman shall be the chairman of the  
8 Committee on Rules and Administration.

9 (g) EFFECTIVE DATE.—This section shall take effect  
10 at the beginning of the One Hundred Fourth Congress.

## 11 **Subtitle E—Budget Control**

### 12 **SEC. 381. SHORT TITLE; PURPOSE.**

13 (a) SHORT TITLE.—This subtitle may be cited as the  
14 “Budget Control Act of 1993”.

15 (b) PURPOSE.—The purpose of this subtitle is to cre-  
16 ate a mechanism to monitor total costs of direct spending  
17 programs, and, in the event that actual or projected costs  
18 exceed targeted levels, to require the President and Con-  
19 gress to address adjustments in direct spending.

### 20 **SEC. 382. ESTABLISHMENT OF DIRECT SPENDING TARGETS.**

21 (a) IN GENERAL.—The initial direct spending targets  
22 for each of fiscal years 1994 through 1997 shall equal  
23 total outlays for all direct spending except net interest and  
24 deposit insurance as determined by the Director of the Of-



1 fice of Management and Budget (hereinafter referred to  
2 in this subtitle as the "Director") under subsection (b).

3 (b) INITIAL REPORT BY DIRECTOR.—

4 (1) Not later than 30 days after the date of en-  
5 actment of this Act, the Director shall submit a re-  
6 port to Congress setting forth projected direct  
7 spending targets for each of fiscal years 1994  
8 through 1997.

9 (2) The Director's projections shall be based on  
10 legislation enacted as of 5 days before the report is  
11 submitted under paragraph (1). To the extent fea-  
12 sible, the Director shall use the same economic and  
13 technical assumptions used in preparing the concu-  
14 rent resolution on the budget for fiscal year 1994  
15 (H.Con.Res. 64).

16 (c) ADJUSTMENTS.—Direct spending targets shall be  
17 subsequently adjusted by the Director under section 386.

18 **SEC. 383. ANNUAL REVIEW OF DIRECT SPENDING AND RE-**  
19 **CEIPTS BY PRESIDENT.**

20 As part of each budget submitted under section  
21 1105(a) of title 31, United States Code, the President  
22 shall provide an annual review of direct spending and re-  
23 ceipts, which shall include (1) information supporting the  
24 adjustment of direct spending targets pursuant to section  
25 386, (2) information on total outlays for programs covered

1 by the direct spending targets, including actual outlays for  
2 the prior fiscal year and projected outlays for the current  
3 fiscal year and the 5 succeeding fiscal years, and (3) infor-  
4 mation on the major categories of Federal receipts, includ-  
5 ing a comparison between the levels of those receipts and  
6 the levels projected as of the date of enactment of this  
7 Act.

8 **SEC. 384. SPECIAL DIRECT SPENDING MESSAGE BY PRESI-**  
9 **DENT.**

10 (a) TRIGGER.—In the event that the information sub-  
11 mitted by the President under section 383 indicates —

12 (1) that actual outlays for direct spending in  
13 the prior fiscal year exceeded the applicable direct  
14 spending target, or

15 (2) that outlays for direct spending for the cur-  
16 rent or budget year are projected to exceed the ap-  
17 plicable direct spending targets.

18 the President shall include in his budget a special direct  
19 spending message meeting the requirements of subsection  
20 (b).

21 (b) CONTENTS.—(1) The special direct spending  
22 message shall include:

23 (A) An explanation of any adjustments to the  
24 direct spending targets pursuant to section 386.

1           (B) An analysis of the variance in direct spend-  
2           ing over the adjusted direct spending targets.

3           (C) The President's recommendations for ad-  
4           dressing the direct spending overages, if any, in the  
5           prior, current, or budget year.

6           (2) The President's recommendations may consist of  
7           any of the following:

8           (A) Proposed legislative changes to reduce di-  
9           rect spending outlays, increase revenues, or both, in  
10          order to recoup or eliminate the overage for the  
11          prior, current, and budget years in the current year,  
12          the budget year, and the 4 outyears.

13          (B) Proposed legislative changes to reduce di-  
14          rect spending outlays, increase revenues, or both, in  
15          order to recoup or eliminate part of the overage for  
16          the prior, current, and budget year in the current  
17          year, the budget year, and the 4 outyears, accom-  
18          panied by a finding by the President that, because  
19          of economic conditions or for other specified reasons,  
20          only some of the overage should be recouped or  
21          eliminated by direct spending outlay reductions or  
22          revenue increases, or both.

23          (C) A proposal to make no legislative changes  
24          to recoup or eliminate any overage, accompanied by  
25          a finding by the President that, because of economic

1 conditions or for other specified reasons, no legisla-  
2 tive changes are warranted.

3 (3) Any proposed legislative change under paragraph  
4 (2) to reduce outlays may include reductions in direct  
5 spending.

6 (c) PROPOSED SPECIAL DIRECT SPENDING RESOLU-  
7 TION.—

8 (1) PRESIDENT'S RECOMMENDATIONS TO BE  
9 SUBMITTED AS DRAFT RESOLUTION.—If the Presi-  
10 dent recommends reductions consistent with sub-  
11 section (b)(2)(A) or (B), the special direct spending  
12 message shall include the text of a special direct  
13 spending resolution implementing the President's  
14 recommendations through reconciliation directives  
15 instructing the appropriate committees of the House  
16 of Representatives and Senate to determine and rec-  
17 ommend changes in laws within their jurisdictions to  
18 reduce direct spending outlays or increase revenues  
19 by specified amounts. If the President recommends  
20 no reductions pursuant to (b)(2)(C), the special di-  
21 rect spending message shall include the text of a  
22 special resolution concurring in the President's rec-  
23 ommendation of no legislative action.

24 (2) RESOLUTION TO BE INTRODUCED IN  
25 HOUSE.—Within 10 days after the President's spe-

1 cial direct spending message is submitted, the text  
2 required by paragraph (1) shall be introduced as a  
3 concurrent resolution in the House of Rep-  
4 resentatives by the chairman of the Committee on  
5 the Budget of the House of Representatives without  
6 substantive revision. If the chairman fails to do so,  
7 after the tenth day the resolution may be introduced  
8 by any Member of the House of Representatives. A  
9 concurrent resolution introduced under this para-  
10 graph shall be referred to the Committee on the  
11 Budget.

12 **SEC. 385. REQUIRED RESPONSE BY CONGRESS.**

13 (a) **REQUIREMENT FOR SPECIAL DIRECT SPENDING**  
14 **RESOLUTION.**—Whenever the President submits a special  
15 direct spending message under section 384, the Committee  
16 on the Budget of the House of Representatives shall re-  
17 port, not later than April 15, the concurrent resolution  
18 on the budget and include in it a separate title that meets  
19 the requirements of subsections (b) and (c).

20 (b) **CONTENTS OF SEPARATE TITLE.**—The separate  
21 title of the concurrent resolution on the budget shall con-  
22 tain reconciliation directives to the appropriate committees  
23 of the House of Representatives and Senate to determine  
24 and recommend changes in laws within their jurisdictions  
25 to reduce direct spending outlays or increase revenues by

1 specified amounts (which in total equal or exceed the re-  
2 ductions recommended by the President, up to the amount  
3 of the overage). If this separate title recommends that no  
4 legislative changes be made to recoup or eliminate an over-  
5 age, then a statement to that effect shall be set forth in  
6 that title.

7 (c) REQUIREMENT FOR SEPARATE VOTE TO IN-  
8 CREASE TARGETS.—If the separate title of a concurrent  
9 resolution on the budget proposes to recoup or eliminate  
10 less than the entire overage for the prior, current, and  
11 budget years, then the Committee on the Budget of the  
12 House of Representatives shall report a resolution direct-  
13 ing the Committee on Government Operations to report  
14 legislation increasing the direct spending targets for each  
15 applicable year by the full amount of the overage not re-  
16 couped or eliminated. It shall not be in order in the House  
17 of Representatives to consider that concurrent resolution  
18 on the budget until the House of Representatives has  
19 agreed to the resolution directing the increase in direct  
20 spending targets.

21 (d) CONFERENCE REPORTS MUST FULLY ADDRESS  
22 OVERAGE.—It shall not be in order in the House of Rep-  
23 resentatives to consider a conference report on a concur-  
24 rent resolution on the budget unless that conference report  
• 25 fully addresses the entirety of any overage contained in

1 the applicable report of the President under section 384  
2 through reconciliation directives requiring direct spending  
3 reductions, revenue increases, or changes in the direct  
4 spending targets.

5 (e) PROCEDURE IF HOUSE BUDGET COMMITTEE  
6 FAILS TO REPORT REQUIRED RESOLUTION.—

7 (1) AUTOMATIC DISCHARGE OF HOUSE BUDGET  
8 COMMITTEE.—If a special direct spending resolution  
9 is required and the Committee on the Budget of the  
10 House of Representatives fails to report a resolution  
11 meeting the requirements of subsections (b) and (c)  
12 by April 15, then the committee shall be automati-  
13 cally discharged from further consideration of the  
14 concurrent resolution reflecting the President's rec-  
15 ommendations introduced pursuant to section  
16 384(c)(2) and the concurrent resolution shall be  
17 placed on the appropriate calendar.

18 (2) CONSIDERATION BY HOUSE.—Ten days  
19 after the Committee on the Budget of the House of  
20 Representatives has been discharged under para-  
21 graph (1), any Member may move that the House  
22 proceed to consider the resolution. Such motion shall  
23 be highly privileged and not debatable.

24 (f) APPLICATION OF CONGRESSIONAL BUDGET  
25 ACT.—To the extent that they are relevant and not incon-

1 sistent with this subtitle, the provisions of title III of the  
2 Congressional Budget Act of 1974 shall apply in the  
3 House of Representatives and the Senate to special direct  
4 spending resolutions, resolutions increasing targets under  
5 subsection (c), and reconciliation legislation reported pur-  
6 suant to directives contained in those resolutions.

7 **SEC. 386. ADJUSTMENTS TO DIRECT SPENDING TARGETS.**

8 (a) **REQUIRED ANNUAL ADJUSTMENTS.**—Prior to  
9 the submission of the President's budget for each of fiscal  
10 years 1995 through 1997, the Director shall adjust the  
11 direct spending targets in accordance with this section.  
12 Any such adjustments shall be reflected in the targets  
13 used in the President's report under section 383 and mes-  
14 sage (if any) under section 384.

15 (b) **ADJUSTMENT FOR INCREASES IN BENE-**  
16 **FICIARIES.**—(1) The Director shall adjust the direct  
17 spending targets for increases (if any) in actual or pro-  
18 jected numbers of beneficiaries under direct spending pro-  
19 grams for which the number of beneficiaries is a variable  
20 in determining costs.

21 (2) The adjustment shall be made by —

22 (A) computing, for each program under para-  
23 graph (1), the percentage change between (i) the an-  
24 nual average number of beneficiaries under that pro-  
25 gram (including actual numbers of beneficiaries for



1 the prior fiscal year and projections for the budget  
2 and subsequent fiscal years) to be used in the Presi-  
3 dent's budget with which the adjustments will be  
4 submitted, and (ii) the annual average number of  
5 beneficiaries used in the adjustments made by the  
6 Director in the previous year (or, in the case of ad-  
7 justments made in 1994, the annual average number  
8 of beneficiaries used in the Director's initial report  
9 under section 382(b));

10 (B) applying the percentages computed under  
11 subparagraph (A) to the projected levels of outlays  
12 for each program consistent with the direct spending  
13 targets in effect immediately prior to the adjust-  
14 ment; and

15 (C) adding the results of the calculations re-  
16 quired by subparagraph (B) to the direct spending  
17 targets in effect immediately prior to the adjust-  
18 ment.

19 (3) No adjustment shall be made for any program  
20 for a fiscal year in which the percentage increase com-  
21 puted under paragraph (2)(A) is less than or equal to  
22 zero.

23 (c) ADJUSTMENTS FOR REVENUE LEGISLATION.—

24 (1) The Director shall adjust the targets as follows—

1           (A) they shall be increased by the amount of  
2           any increase in receipts; or

3           (B) they shall be decreased by the amount of  
4           any decrease in receipts,

5           resulting from receipts legislation enacted after the date  
6           of enactment of this subtitle, except legislation enacted  
7           under section 385.

8           (d) ADJUSTMENTS TO REFLECT CONGRESSIONAL  
9           DECISIONS.—Upon enactment of a reconciliation bill pur-  
10          suant to instructions under section 385, the Director shall  
11          adjust direct spending targets for the current year, the  
12          budget year, and each outyear through 1997 by—

13               (1) increasing the target for the current year  
14               and the budget year by the amount stated for that  
15               year in that reconciliation bill (but if a separate vote  
16               was required by section 385(e), only if that vote has  
17               occurred); and

18               (2) decreasing the target for the current, budg-  
19               et. and outyears through 1997 by the amount of re-  
20               ductions in direct spending enacted in that rec-  
21               onciliation bill.

22           (e) DESIGNATED EMERGENCIES.—The Director shall  
23          adjust the targets to reflect the costs of legislation that  
24          is designated as an emergency by Congress and the Presi-

1 dent under section 252(b) of the Balanced Budget and  
2 Emergency Deficit Control Act of 1985.

3 **SEC. 387. RELATIONSHIP TO BALANCED BUDGET AND**  
4 **EMERGENCY DEFICIT CONTROL ACT OF 1985.**

5 Reductions in outlays or increases in receipts result-  
6 ing from legislation reported pursuant to section 385 shall  
7 not be taken into account for purposes of any budget en-  
8 forcement procedures under the Balanced Budget and  
9 Emergency Deficit Control Act of 1985.

10 **SEC. 388. ESTIMATING MARGIN.**

11 For any fiscal year for which the overage is less than  
12 one-half of 1 percent of the direct spending target for that  
13 year, the procedures set forth in sections 384 and 385  
14 shall not apply.

15 **SEC. 389. CONSIDERATION OF APPROPRIATION BILLS.**

16 (a) **POINT OF ORDER.**—It shall not be in order in  
17 the House of Representatives to consider any general ap-  
18 propriation bill if the President has submitted a direct  
19 spending message under section 384 until Congress has  
20 adopted a concurrent resolution on the budget for the  
21 budget year that meets the requirements of section 385.

22 (b) **WAIVER.**—The point of order established by sub-  
23 section (a) may only be waived for all general appropria-  
24 tion bills for that budget year through the adoption of one  
25 resolution waiving that point of order.

1 **SEC. 390. MEANS-TESTED PROGRAMS.**

2       In making recommendations under sections 384 and  
3 385, the President and the Congress should seriously con-  
4 sider all other alternatives before proposing reductions in  
5 means-tested programs.

6 **SEC. 391. EFFECTIVE DATE.**

7       This subtitle shall apply to direct spending targets  
8 for fiscal years 1994 through 1997 and shall expire at the  
9 end of fiscal year 1997.

## HOUSE APPENDIX

## SECTION BY SECTION ANALYSIS

- Section 1. **Short Title and Table of Contents.** The short title of the bill is the "Legislative Reorganization Act of 1993."
- Section 2. **Rulemaking Power of the Senate and the House of Representatives.** This section states that this bill does not abrogate the rulemaking power of the Senate and the House of Representatives.

## TITLE I - REFORM OF THE SENATE

SUBTITLE A - COMMITTEE STRUCTURE; FLOOR MATTERS;  
AND RULES CHANGES

- Section 101. **Senate Committee Assignments.** This section establishes that assignments to committees are to be made by the Majority and Minority leaders under such rules as their respective party caucuses decide.
- Section 102. **Senate Committee Structure.** This section changes Rule XXV of the Standing Rules of the Senate and establishes the following modified committee structure:

"Super A" committees --Armed Services, Appropriations, Foreign Relations, and Finance.  
Senators to have no more than one "Super A" assignment.

"A" committees --Agriculture, Banking, Commerce, Energy, Environment, Governmental Affairs, Judiciary, and Labor. Senators to have no more than two assignments that are either "Super A" or "A" committees.

"B" committees = Budget, Rules, Veterans', Aging, Small Business, and Indian Affairs. Everyone gets one assignment to a "B" .

Ethics and Intelligence are the sole "C" committees and do not count against assignment restrictions.

Each Member is limited to 2 subcommittees per "Super A" or "A", except Appropriations.

Each Member is limited to 1 subcommittee per "B".

Except for Appropriations, "Super A" and "A" committees are limited to no more than three subcommittees. "B" committees are limited to no more than two subcommittees.

No Senator who is chairman of a full committee may serve as chairman of more than one subcommittee.

No Senator who is not a chairman of a committee may serve as a chairman of more than two subcommittees.

New waiver procedure: a privileged resolution to waive assignment limits must be offered by both leaders, naming the Senators receiving the waivers, and must be passed by a yea/nea vote.

As a result of these limitations, committees whose membership, on both the majority and minority side, falling below 50% of the committee's size in the 102nd Congress, are abolished.

An expedited procedure for Rules Committee to redistribute jurisdiction if a committee is abolished.

Section 103. **Senate Scheduling.** This section establishes the following new committee scheduling requirements:

Super "A's", except Appropriations, can only meet on Tuesdays; "A's" only on Wednesdays; and, "B's", except Budget, only on Thursdays.

Subcommittees can only meet on their committee meeting day and not when their full committee is meeting.

Any committee may meet on Mondays or Fridays. In addition, the leadership may grant leave for committees to meet on days other than their designated day.

- Section 104. **Proxy Votes.** This section amends Rule XXVI of the Standing Rules of the Senate to prohibit the use of proxy votes to affect the outcome of any vote at full committee.
- Section 105. **Senate Committee Attendance.** This section provides that committee chairman shall publish committee attendance and voting records in the Congressional Record semi-annually.
- Section 106. **Senate Floor Proceedings.** This section provides the following changes to the Standing Rules of the Senate:
- Rule XXII is amended to require a 3/5ths vote to overturn a ruling of the Chair, post cloture.
- Rule VIII is amended to limit debate to 2 hours on a motion to proceed, made by the Majority Leader or his designee. This limitation shall not apply to any motion to proceed to any motion, resolution, or proposal to change the Standing Rules of the Senate.
- Rule XXII is amended to count time consumed by quorum calls during cloture against the Senator who suggests the absence of a quorum.
- Rule XXVIII is amended to permit dispensing with the reading of a conference report, as long as the report is printed and available one day before the motion to consider is made.
- Rule XV is amended to require 10 Senators to sign a Sense of the Senate resolution for it to be considered, unless the resolution is offered by the Majority or Minority Leaders.
- Section 107. **Dedication of Unexpended Funds to Deficit Reduction.** This section requires the Secretary of the Senate to notify each Senator and chairman of each Senate committee of any excess of appropriations for the proceeding year, and allows such Senators to designate that such funds be returned to the Treasury for deficit reduction.

SUBTITLE B - ETHICS

[Awaiting Report of Senate task force]

SUBTITLE C - APPLICATION OF LAWS TO THE SENATE

[Awaiting Report of Senate task force]

TITLE II - REFORM OF THE HOUSE OF REPRESENTATIVES

[To Be Provided By The House]

TITLE III - REFORM OF THE CONGRESS

SUBTITLE A - BUDGET PROCESS

PART 1 - BIENNIAL BUDGETING

- Section 301. **Revision of Timetable.** This section revises the timetable with respect to the congressional budget process to reflect a two-year budget resolution and appropriations cycle.
- Section 302. **Amendments to the Congressional Budget and Impoundment Act of 1974.** This section amends the Budget Act to provide for two-year budget resolution, reconciliation, and appropriations legislation.
- Section 303. **Amendments to Title 31, U.S.C.** This section conforms the budget submission of the President to a two-year process.
- Section 304. **Two-Year Appropriations Title and Style.** This section conforms appropriations legislation to a two-year process.



- Section 305. **Conforming Amendments to Rules of the House of Representatives.** This sections conforms the Rules of the House of Representatives to a two-year budget resolution, reconciliation, and appropriations process.
- Section 306. **Multiyear Authorization.** This section prohibits authorization legislation for a period of less than two fiscal years.

#### PART 2 - ADDITIONAL BUDGET PROCESS CHANGES

- Section 311. **CBO Reports to Budget Committees.** This section provides for the Congressional Budget Office to prepare quarterly deficit reports.
- Section 312. **Byrd Rule Clarification.** This section amends section 313 of the Budget Act to clarify that the Byrd Rule is permanent, applies to conference reports, requires 60 votes to waive, and applies to extraneous matters.
- Section 313. **GAO Assistance with Authorizations and Oversight.** This section stipulates that in non-budgetary years, GAO's primary audit responsibility is to assist committees with authorization and oversight.

#### PART 3 - EFFECTIVE DATE

- Section 321. **Effective Date; Application.** The first biennial budget cycle begins October 1, 1995.

#### SUBTITLE B - STAFFING; ADMINISTRATION; AND SUPPORT AGENCIES

- Section 331. **Legislative Branch Streamlining and Restructuring.** This section requires the Legislative Branch to reduce staff comparable to those Executive Branch staff reductions implemented as a result of the recommendations of the National Performance Review. The Senate Rules and Appropriations Committees, and the appropriate committees in the House, will prepare an implementation plan to meet these reductions.
- Section 332. **Authorization and Funding of Certain Congressional Instrumentalities.** This section eliminates the permanent authorization of the GAO, CRS, GPO, OTA, and CBO, and establishes an eight-year reauthorization schedule. The Senate Rules and Administration Committee and the appropriate committee of the House of Representatives to perform the reauthorization required under this section.

The instrumentalities are required to set up cost accounting systems for scoring use of their services and to report semiannually on usage by Senators and Committees.

The authorizing committees shall work towards setting up a voucher allocation system for the use of the instrumentalities.

- Section 333. **Detailees from Congressional Instrumentalities and Executive Agencies.** This section requires that detailees from the instrumentalities and the executive branch must be on a reimbursable basis.

#### SUBTITLE C - APPLICATION OF LAWS TO THE CONGRESSIONAL INSTRUMENTALITIES

[Awaiting Report of Senate task force]

#### SUBTITLE D - ABOLISHING THE JOINT COMMITTEES

##### Part I - Joint Economic Committee

- Section 361. **Joint Economic Committee.** This section abolishes the Joint Economic Committee, and transfers the responsibility for reviewing the Economic Report of the President to the Senate Budget Committee and the appropriate committee of the House of Representatives.

##### Part II - Joint Committee on Taxation

- Section 362. **Joint Committee on Taxation.** This section abolishes the Joint Committee on Taxation, and transfers the duties and functions of the Joint Committee on Taxation to the Congressional Budget Office.

## Part III - Joint Committee on the Library

Section 363. **Joint Committee on the Library** This section abolishes the Joint Committee on the Library and transfers the duties and functions of the Joint Committee on the Library to the Senate Committee on Rules and Administration, and to the appropriate committee in the House of Representatives.

## Part IV - Joint Committee on Printing

Section 371. **Joint Committee on Printing.** This section abolishes the Joint Committee on Printing, and transfers the duties and responsibilities of the Joint Committee on Printing to the Public Printer. All oversight functions of the Joint Committee on Printing are transferred to the Senate Committee on Rules and Administration and the appropriate committee in the House of Representatives.

Section 372. **Deputy Public Printers.** This section creates three deputy Public Printer positions, one for each branch of the federal government, and transfers the printing functions for each branch to the appropriate deputy printer.

Section 373. **Annual Report to Congress.** This section requires the Public Printer to include in the Annual Report to Congress information regarding printing costs for each branch, cost comparisons between the public and private sector printing, and the cost of government publications not printed by the GPO.

Section 374. **Superintendent of Documents.** This section stipulates that the Deputy Public Printer for the Legislative Branch will also serve as the Superintendent of Documents, for no additional compensation.

Section 375. **Increase in Exemption of Requirement of Printing by the Government Printing Office.** This section raises the threshold from \$1,000 to \$1,500 under which an executive branch agency is permitted to procure printing by contract, by any Executive Branch agency, or the GPO, at the agency's discretion. Furthermore, if the agency chooses not to use GPO they must provide the Superintendent of Documents, at no charge, sufficient number of copies to distribute to the depository libraries.

- Section 376. **Report on Costs for Printing by Federal Agencies Other Than the Government Printing Office.** This section requires the head of each federal department and agency to report to the Public Printer the costs of all in-house printing.
- Section 377. **Effective Date.** This section makes the effective date for the changes under Part IV to be January 3, 1995.

#### SUBTITLE E - LEGISLATIVE AND EXECUTIVE RELATIONS

- Section 381. **Annual Committee Oversight Goals and Reports.** This section requires standing committees of the House and Senate to prepare an oversight agenda for the purposes of establishing a coordinated program for ensuring that all significant laws, agencies, and programs are reviewed at least every ten years. It also requires committees to give a report to the Congress summarizing their oversight actions and finding, and make recommendations for improvements to such laws, agencies, and programs.
- Section 382. **Sunset Agency Reporting Requiring.** This section provides that any provision in law requiring an executive agency to report to Congress shall be effective for not to exceed five years.

103D CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred  
to the Committee on \_\_\_\_\_

---

**A BILL**

To improve the operations of the legislative branch of the  
Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Legislative Reorganization Act of 1993”.

6 (b) **TABLE OF CONTENTS.**—The table of contents is  
7 as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Rulemaking power of Senate and House of Representatives.

**TITLE I—REFORM OF THE SENATE**

Subtitle A—Scheduling, Committee Structure, Floor Matters, and Rules  
Changes

## 2

- Sec. 101. Senate committee assignments.
- Sec. 102. Senate committee structure.
- Sec. 103. Senate scheduling.
- Sec. 104. Proxy votes.
- Sec. 105. Senate committee attendance.
- Sec. 106. Senate floor proceedings.
- Sec. 107. Dedication of unexpended funds to deficit reduction.

Subtitle B—Ethics

**[TO BE SUPPLIED]**

Subtitle C—Application of Laws to the Senate

**[TO BE SUPPLIED]**

TITLE II—REFORM OF THE HOUSE OF REPRESENTATIVES

**[TO BE SUPPLIED]**

TITLE III—REFORM OF THE CONGRESS

Subtitle A—Budget Process

PART I—BIENNIAL BUDGETING

- Sec. 301. Revision of timetable.
- Sec. 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
- Sec. 303. Amendments to title 31, United States Code.
- Sec. 304. Two-year appropriations; title and style of appropriations Acts.
- Sec. 305. Conforming amendments to rules of House of Representatives.
- Sec. 306. Multiyear authorizations.

PART II—ADDITIONAL BUDGET PROCESS CHANGES

- Sec. 311. CBO reports to budget committees.
- Sec. 312. Byrd rule clarifications.
- Sec. 313. GAO assistance with authorizations and oversight.

PART III—EFFECTIVE DATE

- Sec. 321. Effective date; application.

Subtitle B—Staffing; Administration; and Support Agencies

- Sec. 331. Legislative branch streamlining and restructuring.
- Sec. 332. Authorization of certain congressional instrumentalities.
- Sec. 333. Detailees from congressional support agencies and executive agencies.

Subtitle C—Application of Laws to Instrumentalities of Congress

**[TO BE SUPPLIED]**

Subtitle D—Abolishing the Joint Committees

PART I—JOINT ECONOMIC COMMITTEE

- Sec. 361. Joint Economic Committee.

## PART II—JOINT COMMITTEE ON TAXATION

Sec. 362. Joint Committee on Taxation.

## PART III—JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Sec. 363. Joint Committee on the Library of Congress.

## PART IV—JOINT COMMITTEE ON PRINTING

Sec. 371. Joint Committee on Printing.

Sec. 372. Deputy Public Printers.

Sec. 373. Annual report to Congress.

Sec. 374. Superintendent of Documents.

Sec. 375. Requirement of printing by the Government Printing Office.

Sec. 376. Report on costs for printing by Federal agencies other than the Government Printing Office.

Sec. 377. Technical and conforming amendments.

Sec. 378. Effective date.

## Subtitle E—Legislative and Executive Relations

Sec. 381. Annual committee oversight goals and reports.

Sec. 382. Sunset agency reporting requirements.

1 **SEC. 2. RULEMAKING POWER OF SENATE AND HOUSE OF**  
2 **REPRESENTATIVES.**

3 The provisions of this Act (as applicable) are enacted  
4 by the Congress—

5 (1) insofar as applicable to the Senate, as an  
6 exercise of the rulemaking power of the Senate and,  
7 to the extent so applicable, those sections are  
8 deemed a part of the Standing Rules of the Senate,  
9 superseding other individual rules of the Senate only  
10 to the extent that those sections are inconsistent  
11 with those other individual Senate rules, subject to  
12 and with full recognition of the power of the Senate  
13 to enact or change any rule of the Senate at any  
14 time in its exercise of its constitutional right to de-  
15 termine the rules of its proceedings; and





1 Standing Rules of the Senate are amended to read as fol-  
2 lows:

3       “2. (a) Except as otherwise provided by paragraph  
4 4 of this rule, each of the following standing committees  
5 shall consist of the number of Senators set forth in the  
6 following table on the line on which the name of that com-  
7 mittee appears:

“Committee:	Members
“Appropriations .....	—
“Armed Services .....	—
“Finance .....	—
“Foreign Relations .....	—

8       “(b) Except as otherwise provided by paragraph 4 of  
9 this rule, each of the following standing committees shall  
10 consist of the number of Senators set forth in the follow-  
11 ing table on the line on which the name of that committee  
12 appears:

“Committee:	Members
“Agriculture, Nutrition, and Forestry .....	—
“Banking, Housing, and Urban Affairs .....	—
“Commerce, Science, and Transportation .....	—
“Energy and Natural Resources .....	—
“Environment and Public Works .....	—
“Governmental Affairs .....	—
“Judiciary .....	—
“Labor and Human Resources .....	—

13       “(c) The committees listed in this paragraph (except  
14 for the Committee on Appropriations) shall not have more  
15 than 3 subcommittees.

16       “3. (a) Except as otherwise provided by paragraph  
17 4 of this rule, each of the following standing committees  
18 shall consist of the number of Senators set forth in the

1 following table on the line on which the name of that com-  
 2 mittee appears:

"Committee:	Members
"Aging .....	—
"Budget .....	—
"Indian Affairs .....	—
"Rules and Administration .....	—
"Small Business .....	—
"Veterans' Affairs .....	—

3       “(b) The following committee shall consist of the  
 4 number of Senators set forth in the following table:

"Committee:	Members
"Ethics .....	—
"Intelligence .....	—

5       “(c) The committees listed in this paragraph shall not  
 6 have more than 2 subcommittees.

7       “4. (a) Except as otherwise provided by this  
 8 paragraph—

9               “(1) each Senator may serve on only one com-  
 10 mittee listed in paragraph 2(a) and only two com-  
 11 mittees listed in paragraph 2; and

12               “(2) each Senator may serve on only one com-  
 13 mittee listed in paragraph 3(a).

14       “(b)(1) Each Senator may serve on not more than  
 15 two subcommittees of each committee (other than the  
 16 Committee on Appropriations) listed in paragraph 2 of  
 17 which he is a member.

18       “(2) Each Senator may serve on not more than one  
 19 subcommittee of a committee listed in paragraph 3(a) of  
 20 which he is a member.

1       “(3) Notwithstanding subparagraphs (1) and (2), a  
2 Senator serving as chairman or ranking minority member  
3 of a standing, select, or special committee of the Senate  
4 may serve *ex officio*, without vote, as a member of any  
5 subcommittee of such committee.

6       “(4) No committee of the Senate may establish any  
7 subunit of that committee other than a subcommittee, un-  
8 less the Senate by resolution has given permission there-  
9 fore.

10       “(c) By agreement entered into by the majority lead-  
11 er and the minority leader, the membership of one or more  
12 standing committees may be increased temporarily from  
13 time to time by such number or numbers as may be re-  
14 quired to accord to the majority party a majority of the  
15 membership of all standing committees. When any such  
16 temporary increase is necessary to accord to the majority  
17 party a majority of the membership of all standing com-  
18 mittees, members of the majority party in such number  
19 as may be required for that purpose may serve as mem-  
20 bers of three standing committees listed in paragraph 2.  
21 No such temporary increase in the membership of any  
22 standing committee under this subparagraph shall be con-  
23 tinued in effect after the need therefore has ended. No  
24 standing committee may be increased in membership  
25 under this subparagraph by more than two members in

1 excess of the number prescribed for that committee by  
2 paragraph 2 or 3(a).

3       “(d)(1) No Senator shall serve at any time as chair-  
4 man of more than one standing, select, or special commit-  
5 tee of the Senate.

6       “(2)(A) A Senator who is serving as the chairman  
7 of a committee listed in paragraph 2 or 3(a) may serve  
8 at any time as the chairman of only one subcommittee  
9 of all committees listed in paragraphs 2 and 3(a) of which  
10 he is a member.

11       “(B) Any Senator other than a Senator described in  
12 division (A) may serve as—

13               “(i) the chairman of only one subcommittee of  
14 each committee listed in paragraph 2 or 3(a), of  
15 which he is a member; and

16               “(ii) the chairman of only two subcommittees of  
17 the committees listed in paragraphs 2 and 3(a).

18       “(e) The provisions of this paragraph may only be  
19 waived by the Senate by a resolution designating the Sen-  
20 ator or Senators receiving the waiver and adopted by an  
21 affirmative yea-and-nay vote of the Senators duly chosen  
22 and sworn. The resolution shall be offered by the majority  
23 leader with the approval of the minority leader. The reso-  
24 lution shall be privileged and no amendment thereto shall

1 be in order. Debate on the resolution shall be limited to  
2 one hour, equally divided.”.

3 (b) ABOLITION OF REDUCED COMMITTEES.—

4 (1) NOTIFICATION.—The majority leader and  
5 the minority leader shall notify the chairman of the  
6 Committee on Rules and Administration not later  
7 than 30 days after the convening of a Congress if  
8 the number of majority and minority members of a  
9 committee of the Senate for such Congress each fall  
10 below 50 percent of the number of such members  
11 serving on the committee at the end of the 102d  
12 Congress.

13 (2) RESOLUTION ABOLISHING.—The Committee  
14 on Rules and Administration shall report to the Sen-  
15 ate a resolution abolishing such committee not later  
16 than 30 days after receiving notice under paragraph  
17 (1). The Senate shall consider and act upon the res-  
18 olution not later than 20 session days after the reso-  
19 lution is reported.

20 (3) ADJUSTING OTHER COMMITTEES.—If a  
21 committee is abolished by a resolution pursuant to  
22 paragraph (2), the majority leader and the minority  
23 leader may adjust the membership of other commit-  
24 tees to provide for members of the abolished com-  
25 mittee.

1 **SEC. 103. SENATE SCHEDULING.**

2 Paragraph 3 of rule XXVI of the Standing Rules of  
3 the Senate is amended to read as follows:

4 “3. (a)(1) The provisions of this subparagraph apply  
5 to the committees’ meetings (including meetings to con-  
6 duct hearings) held on Tuesday, Wednesday, or Thursday.

7 “(2) Each committee listed in paragraph 2(a) of rule  
8 XXV (except the Committee on Appropriations) shall only  
9 meet on Tuesdays for the transaction of business before  
10 the committee.

11 “(3) Each committee listed in paragraph 2(b) of rule  
12 XXV shall only meet on Wednesdays for the transaction  
13 of business before the committee.

14 “(4) Each committee listed in paragraph 3(a) of rule  
15 XXV (except the Committee on the Budget) shall only  
16 meet on Thursdays for the transaction of business before  
17 the committee.

18 “(5) Subcommittees of a full committee referred to  
19 in division (2), (3), or (4) may only meet on the day as-  
20 signed to the full committee. Subcommittees may not meet  
21 when the full committee is meeting.

22 “(6) No committee of the Senate or any subcommit-  
23 tee thereof may meet, without special leave, on a day not  
24 designated for such committee or subcommittee under this  
25 subparagraph unless consent therefore has been obtained  
26 from the majority leader and the minority leader (or in

1 the event of the absence of either of such leader, from  
2 the designee of the leaders). The majority leader or the  
3 designee of the majority leader shall announce to the Sen-  
4 ate whenever consent has been given under this division  
5 and shall state the time and place of such meeting. The  
6 right to make such announcement of consent shall have  
7 the same priority as the filing of a cloture motion.

8       “(b) If at least three members of any committee de-  
9 sire that a special meeting of the committee be called by  
10 the chairman and subject to the provisions of subpara-  
11 graph (a), those members may file in the offices of the  
12 committee their written request to the chairman for that  
13 special meeting. Immediately upon the filing of the re-  
14 quest, the clerk of the committee shall notify the chairman  
15 of the filing of the request. If, within three calendar days  
16 after the filing of the request, the chairman does not call  
17 the requested special meeting, to be held within seven cal-  
18 endar days after the filing of the request, a majority of  
19 the members of the committee may file in the offices of  
20 the committee their written notice that a special meeting  
21 of the committee will be held, specifying the date and hour  
22 of that special meeting. The committee shall meet on that  
23 date and hour. Immediately upon the filing of the notice,  
24 the clerk of the committee shall notify all members of the  
25 committee that such special meeting will be held and in-

1 form them of its date and hour. If the chairman of any  
2 such committee is not present at any regular, additional,  
3 or special meeting of the committee, the ranking member  
4 of the majority party on the committee who is present  
5 shall preside at that meeting.”.

6 **SEC. 104. PROXY VOTES.**

7 The paragraph 7 of rule XXVI of the Standing Rules  
8 of the Senate is amended by adding at the end thereof  
9 the following:

10 “(d) Notwithstanding any other provision of this  
11 paragraph, no vote of any member of any committee may  
12 be cast by proxy unless the addition of the vote to the  
13 vote totals does not effect the result of the vote totals.”.

14 **SEC. 105. SENATE COMMITTEE ATTENDANCE.**

15 Rule XXVI of the Standing Rules of the Senate is  
16 amended by adding at the end thereof the following:

17 “(14) The chairman of each committee of the  
18 Senate shall publish, in the Congressional Record,  
19 the committee attendance and voting records of each  
20 member of the committee on or before July 1 and  
21 December 31.”.

22 **SEC. 106. SENATE FLOOR PROCEEDINGS.**

23 (a) **REQUIREMENT OF A THREE-FIFTHS VOTE TO**  
24 **OVERTURN THE CHAIR POST-CLOTURE.**—The third un-  
25 designated paragraph of paragraph 2 of rule XXII of the



1 Standing Rules of the Senate is amended by adding at  
2 the end thereof the following: "Appeals from the decision  
3 of the Presiding Officer shall require an affirmative vote  
4 of three-fifths of the Senators duly chosen and sworn—  
5 except on a measure or motion to amend the Senate rules,  
6 in which case the necessary affirmative vote shall be two-  
7 thirds of the Senators present and voting."

8 (b) NONDEBATABLE MOTION TO PROCEED.—Para-  
9 graph 2 of rule VIII of the Standing Rules of the Senate  
10 is amended by striking the period at the end thereof and  
11 inserting the following: "; except those motions to proceed  
12 made by the majority leader, or his designee, on which  
13 there shall be a time limitation for debate of two hours  
14 equally divided between the majority and the minority  
15 leaders, or their designees. Any such motion to proceed,  
16 by the majority leader, or any other Senator, to any mo-  
17 tion, resolution, or proposal to change any of the Standing  
18 Rules of the Senate shall be debatable."

19 (c) CHARGING QUORUM CALLS AGAINST AN INDIVID-  
20 UAL'S TIME UNDER CLOTURE.—The first sentence of the  
21 third undesignated paragraph of paragraph 2 of rule XXII  
22 of the Standing Rules of the Senate is amended by strik-  
23 ing the period and inserting the following: ", with the time  
24 consumed by quorum calls being charged to the Senator  
25 who requested the call of the quorum."

## 14

1 (d) DISPENSING WITH THE READING OF CON-  
2 FERENCE REPORTS.—Paragraph 1 of rule XXVIII of the  
3 Standing Rules of the Senate is amended by striking “and  
4 shall be determined without debate.” and inserting the fol-  
5 lowing: “notwithstanding a request for the reading of the  
6 conference report (if such report is printed and available  
7 one day prior to the motion to consider), and shall be de-  
8 termined without debate.”.

9 (e) SENSE OF THE SENATE RESOLUTIONS.—Rule  
10 XV of the Standing Rules of the Senate is amended by  
11 inserting at the end thereof the following:

12 “6. On a point of order made by any Senator, no  
13 amendment expressing the sense of the Senate or the  
14 sense of the Congress, or an amendment to such amend-  
15 ment, shall be received unless the amendment is signed  
16 by at least 10 Senators.”.

17 **SEC. 107. DEDICATION OF UNEXPENDED FUNDS TO DEFICI-**  
18 **CIT REDUCTION.**

19 (a) INTERIM RULES.—Not later than January 1,  
20 1995 and each year thereafter through 1998, the Sec-  
21 retary of the Senate shall certify and publish in the Con-  
22 gressional Record a list identifying each member of the  
23 Senate who has used less than the amount allocated to  
24 the personal office of the member during the preceding  
25 fiscal year and the amount of such unused allocation.

1 (b) DEDICATION OF UNEXPENDED FUNDS BEGIN-  
2 NING WITH FISCAL YEAR 1999.—Not later than January  
3 1, 1999 and each year thereafter, the Secretary of the  
4 Senate shall notify each member of the Senate of the  
5 amount of any excess of appropriations allocated to the  
6 personal office of the member for the preceding fiscal year  
7 over the amount expended during the preceding fiscal  
8 year. Any member pursuant to this subsection may, within  
9 30 days of such notification, direct the Secretary of the  
10 Senate to return the excess amount to the general fund  
11 of the Treasury.

12 (c) PERFORMANCE REVIEW GUIDANCE.—In conduct-  
13 ing the performance review required by section 331, the  
14 Senate committees shall include a plan to reduce the dis-  
15 parity between appropriations and allocations to Members.

## 16 **Subtitle B—Ethics**

17 **[TO BE SUPPLIED]**

1 **Subtitle C—Application of Laws to**  
2 **the Senate**  
3 **[TO BE SUPPLIED]**

1       **TITLE II—REFORM OF THE**  
2       **HOUSE OF REPRESENTATIVES**  
3       **[TO BE SUPPLIED]**

1 **TITLE III—REFORM OF THE**  
 2 **CONGRESS**

3 **Subtitle A—Budget Process**

4 **PART I—BIENNIAL BUDGETING**

5 **SEC. 301. REVISION OF TIMETABLE.**

6 Section 300 of the Congressional Budget Act of 1974  
 7 (2 U.S.C. 631) is amended to read as follows:

8 **“TIMETABLE**

9 **“SEC. 300. (a) IN GENERAL.—**Except as provided by  
 10 subsection (b), the timetable with respect to the congres-  
 11 sional budget process for any Congress (beginning with  
 12 the One Hundred Fourth Congress) is as follows:

**“First Session**

<b>“On or before:</b>	<b>Action to be completed:</b>
First Monday in February .....	President submits budget recommendations.
February 15 .....	Congressional Budget Office submits report to Budget Committees.
Within 6 weeks after budget submission.	Committees submit views and estimates to Budget Committees.
April 1 .....	Budget Committees report concurrent resolution on the biennial budget.
April 15 .....	Congress completes action on concurrent resolution on the biennial budget.
May 15 .....	Biennial appropriation bills may be considered in the House.
June 10 .....	House Appropriations Committee reports last biennial appropriation bill.
June 15 .....	Congress completes action on reconciliation legislation.
June 30 .....	Congress completes action on biennial appropriation bills.
October 1 .....	Biennium begins.

**“Second Session**

<b>“On or before:</b>	<b>Action to be completed:</b>
May 15 .....	Congressional Budget Office submits report to Budget Committees.
The last day of the session .....	Congress completes action on bills and resolutions authorizing a new budget authority for the succeeding biennium.

1       “(b) SPECIAL RULE.—In the case of any session of  
2 Congress that begins in any year immediately following  
3 a leap year and during which the term of a President (ex-  
4 cept a President who succeeds himself) begins, the follow-  
5 ing dates shall supersede those set forth in subsection (a):

6               “(1) First Monday in April, President submits  
7 budget recommendations.

8               “(2) April 20, committees submit views and es-  
9 timates to Budget Committees.

10              “(3) May 15, Budget Committees report con-  
11 current resolution on the biennial budget.

12              “(4) June 1, Congress completes action on con-  
13 current resolution on the biennial budget.

14              “(5) July 1, biennial appropriation bills may be  
15 considered in the House.

16              “(6) July 20, House Appropriations Committee  
17 reports last biennial appropriation bill.”.

18 **SEC. 302. AMENDMENTS TO THE CONGRESSIONAL BUDGET**  
19 **AND IMPOUNDMENT CONTROL ACT OF 1974.**

20       (a) DECLARATION OF PURPOSE.—Section 2(2) of the  
21 Congressional Budget and Impoundment Control Act of  
22 1974 (2 U.S.C. 621(2)) is amended by striking “each  
23 year” and inserting “biennially”.

24       (b) DEFINITIONS.—

1           (1) Section 3(4) of such Act (2 U.S.C. 622(4))  
2 is amended by striking “fiscal year” each place it  
3 appears and inserting “biennium”.

4           (2) Section 3 of such Act (2 U.S.C. 622) is fur-  
5 ther amended by adding at the end the following  
6 new paragraph:

7           “(12) The term ‘biennium’ means the period of  
8 2 consecutive fiscal years beginning on October 1 of  
9 any odd-numbered year.”.

10       (c) BIENNIAL CONCURRENT RESOLUTION ON THE  
11 BUDGET.—

12           (1) Section 301(a) of such Act (2 U.S.C.  
13 632(a)) is amended—

14           (A) by striking “April 15 of each year”  
15 and inserting “April 15 of each odd-numbered  
16 year”;

17           (B) by striking “the fiscal year beginning  
18 on October 1 of such year” the first place it ap-  
19 pears and inserting “the biennium beginning on  
20 October 1 of such year”;

21           (C) by striking “the fiscal year beginning  
22 on October 1 of such year” the second place it  
23 appears and inserting “each fiscal year in such  
24 period”;



1 (D) by striking “and planning levels for  
2 each of the two ensuing fiscal years” and in-  
3 sserting “and the appropriate levels for each of  
4 the 3 ensuing fiscal years”;

5 (E) in paragraph (6) by striking “for the  
6 fiscal year of the resolution and each of the 4”  
7 and inserting “for the biennium of the resolu-  
8 tion and each of the 3”; and

9 (F) in paragraph (7) by striking “for the  
10 fiscal year of the resolution and each of the 4”  
11 and inserting “for the biennium of the resolu-  
12 tion and each of the 3”.

13 (2) Section 301(b) of such Act (2 U.S.C.  
14 632(b)) is amended—

15 (A) in the matter preceding paragraph (1)  
16 by inserting “for a biennium” after “concurrent  
17 resolution on the budget”; and

18 (B) in paragraph (3) by striking “for such  
19 fiscal year” and inserting “for either fiscal year  
20 in such biennium”.

21 (3) Section 301(d) of such Act (2 U.S.C.  
22 632(d)) is amended by inserting “(or, if applicable,  
23 as provided by section 300(b))” after “United States  
24 Code”.

1           (4) Section 301(e) of such Act (2 U.S.C.  
2 632(e)) is amended—

3                   (A) in the first sentence by striking “fiscal  
4 year” and inserting “biennium”;

5                   (B) by inserting between the second and  
6 third sentences the following new sentence: “On  
7 or before April 1 of each odd-numbered year  
8 (or, if applicable, as provided by section 300(b))  
9 the Committee on the Budget of each House  
10 shall report to its House the concurrent resolu-  
11 tion on the budget referred to in subsection (a)  
12 for the biennium beginning on October 1 of  
13 that year.”;

14                   (C) in paragraph (6) by striking “such fis-  
15 cal year” and inserting “the first fiscal year of  
16 such biennium,”; and

17                   (D) in paragraph (10) by striking “the fis-  
18 cal year covered” and inserting “the biennium  
19 covered”.

20           (5) Section 301(f) of such Act (2 U.S.C.  
21 632(f)) is amended by striking “fiscal year” each  
22 place it appears and inserting “biennium”.

23           (6) Section 301(g)(1) of such Act (U.S.C.  
24 632(g)(1)) is amended by striking “for a fiscal year”  
25 and inserting “for a biennium”.

1           (7) The section heading of section 301 of such  
2 Act is amended by striking “**ANNUAL**” and insert-  
3 ing “**BIENNIAL**”.

4           (8) The table of contents set forth in section  
5 1(b) of such Act is amended by striking “Annual”  
6 in the item relating to section 301 and inserting  
7 “Biennial”.

8           (d) SECTION 302 COMMITTEE ALLOCATIONS.—Sec-  
9 tion 302(a)(2) of such Act (2 U.S.C. 633(a)(2)) is amend-  
10 ed by striking “fiscal year of the resolution and each of  
11 the 4 succeeding fiscal years” and inserting “the biennium  
12 of the resolution and each of the 3 succeeding fiscal  
13 years”.

14           (e) SECTION 303 POINT OF ORDER.—

15           (1) Section 303(a) of such Act (2 U.S.C.  
16 634(a)) is amended by striking “fiscal year” each  
17 place it appears and inserting “biennium”.

18           (2) Section 303(b) of such Act (2 U.S.C.  
19 634(b)) is amended—

20           (A) in subparagraphs (A) and (B) of para-  
21 graph (1) by striking “the fiscal year” each  
22 place it appears and inserting “biennium”;

23           (B) in paragraph (1) by striking “any cal-  
24 endar year” and inserting “any odd-numbered

1           calendar year (or, if applicable, as provided by  
2           section 300(b)"); and

3           (C) by striking paragraph (2), striking  
4           “(1)”, and redesignating subparagraphs (A)  
5           and (B) as paragraphs (1) and (2), respectively.

6           (f) PERMISSIBLE REVISIONS OF CONCURRENT RESO-  
7           LUTIONS ON THE BUDGET.—Section 304(a) of such Act  
8           (2 U.S.C. 635) is amended—

9           (1) by striking “fiscal year” the first two places  
10          it appears and inserting “biennium”;

11          (2) by striking “for such fiscal year”; and

12          (3) by inserting before the period “for such  
13          biennium”.

14          (g) PROCEDURES FOR CONSIDERATION OF BUDGET  
15           RESOLUTIONS.—Section 305(a)(3) of such Act (2 U.S.C.  
16           636(b)(3)) is amended by striking “fiscal year” and in-  
17           serting “biennium”.

18          (h) REPORTS AND SUMMARIES OF CONGRESSIONAL  
19           BUDGET ACTIONS.—Section 308(a)(1)(A) of such Act (2  
20           U.S.C. 639(a)(1)) is amended by striking “fiscal year (or  
21           fiscal years)” and inserting “biennium”.

22          (i) COMPLETION OF ACTION ON REGULAR APPRO-  
23           PRIATION BILLS.—Section 309 of such Act (2 U.S.C.  
24           640) is amended—

1           (1) by inserting “of any odd-numbered calendar  
2 year” after “July”;

3           (2) by striking “annual” and inserting “regu-  
4 lar”; and

5           (3) by striking “fiscal year” and inserting “bi-  
6 ennium”.

7 (j) RECONCILIATION PROCESS.—

8           (1) Section 310(a) of such Act (2 U.S.C.  
9 641(a)) is amended—

10           (A) by striking “any fiscal year” in the  
11 matter preceding paragraph (1) and inserting  
12 “any biennium”;

13           (B) in paragraph (1) by striking “such fis-  
14 cal year” each place it appears and inserting  
15 “each fiscal year in such biennium”; and

16           (C) in paragraph (2) by inserting “for each  
17 fiscal year in such biennium” after “revenues”.

18           (2) Section 310(f) of such Act (2 U.S.C.  
19 641(f)) is amended by striking “for such fiscal year”  
20 and inserting “for such biennium”.

21 (k) SECTION 311 POINT OF ORDER.—

22           (1)(A) Section 311(a)(1) of such Act (2 U.S.C.  
23 642(a)) is amended—

24           (i) by striking “for a fiscal year” and in-  
25 serting “for a biennium”;

1 (ii) by striking “such fiscal year” the first  
2 place it appears and inserting “either fiscal  
3 year in such biennium”;

4 (iii) by striking “during such fiscal year”  
5 and inserting “during either fiscal year in such  
6 biennium”;

7 (iv) by striking “revenues for such fiscal  
8 year” and inserting “revenues for a fiscal  
9 year”; and

10 (v) by striking “budget for such fiscal  
11 year” and inserting “budget for either fiscal  
12 year in such biennium”.

13 (B) Section 311(a)(2)(A) of such Act is  
14 amended—

15 (i) by striking “for the first” and inserting  
16 “for either”;

17 (ii) by striking “covering such fiscal year”  
18 and inserting “covering such biennium”;

19 (iii) by striking “the first fiscal year cov-  
20 ered” and inserting “either fiscal year in such  
21 biennium covered”;

22 (iv) by striking “the first fiscal year plus”  
23 and inserting “the biennium plus”; and

24 (v) by striking “4 fiscal years” and insert-  
25 ing “3 fiscal years”.

1           (2) Section 311(b) of such Act (2 U.S.C.  
2       642(b)) is amended by striking “such fiscal year”  
3       the second place it appears and inserting “either fis-  
4       cal year in such biennium”.

5       (1) **BILLS PROVIDING NEW SPENDING AUTHORITY.**—  
6       Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is  
7       amended by striking “for such fiscal year” the second  
8       place it appears and inserting “for the biennium in which  
9       such fiscal year occurs”.

10       (m) **DATE OF ADJUSTING ALLOCATIONS.**—Section  
11       603(a) of such Act (2 U.S.C. 665b) is amended by insert-  
12       ing after “April 15” the following “(or if section 300(b)  
13       applies by June 15th)”.

14       **SEC. 303. AMENDMENTS TO TITLE 31, UNITED STATES**  
15                               **CODE.**

16       (a) **DEFINITION.**—Section 1101 of title 31, United  
17       States Code, is amended by adding at the end thereof the  
18       following new paragraph:

19               “(3) ‘biennium’ has the meaning given to such  
20       term in paragraph (12) of section 3 of the Congres-  
21       sional Budget and Impoundment Control Act of  
22       1974 (2 U.S.C. 622(12)).”.

23       (b) **BUDGET CONTENTS AND SUBMISSION TO THE**  
24       **CONGRESS.**—

1           (1) So much of section 1105(a) of title 31,  
2       United States Code, as precedes paragraph (1)  
3       thereof is amended to read as follows:

4       “(a) On or before the first Monday in February of  
5       each odd-numbered year (or, if applicable, as provided by  
6       section 300(b) of the Congressional Budget Act of 1974),  
7       beginning with the One Hundred Fourth Congress, the  
8       President shall transmit to the Congress, the budget for  
9       the biennium beginning on October 1 of such calendar  
10      year. The budget transmitted under this subsection shall  
11     include a budget message and summary and supporting  
12     information. The President shall include in each budget  
13     the following:”.

14           (2) Section 1105(a)(5) of title 31, United  
15       States Code, is amended by striking “the fiscal year  
16       for which the budget is submitted and the 4 fiscal  
17       years after that year” and inserting “each fiscal  
18       year in the biennium for which the budget is submit-  
19       ted and in the succeeding 3 years”.

20           (3) Section 1105(a)(6) of title 31, United  
21       States Code, is amended by striking “the fiscal year  
22       for which the budget is submitted and the 4 fiscal  
23       years after that year” and inserting “each fiscal  
24       year in the biennium for which the budget is submit-  
25       ted and in the succeeding 3 years”.



1           (4) Section 1105(a)(9)(C) of title 31, United  
2 States Code, is amended by striking “the fiscal  
3 year” and inserting “each fiscal year in the  
4 biennium”.

5           (5) Section 1105(a)(12) of title 31, United  
6 States Code, is amended—

7                 (A) by striking “the fiscal year” in sub-  
8 paragraph (A) and inserting “each fiscal year  
9 in the biennium”; and

10                (B) by striking “4 fiscal years after that  
11 year” in subparagraph (B) and inserting “3 fis-  
12 cal years immediately following the second fiscal  
13 year in such biennium”.

14           (6) Section 1105(a)(13) of title 31, United  
15 States Code, is amended by striking “the fiscal  
16 year” and inserting “each fiscal year in the  
17 biennium”.

18           (7) Section 1105(a)(14) of title 31, United  
19 States Code, is amended by striking “that year” and  
20 inserting “each fiscal year in the biennium for which  
21 the budget is submitted”.

22           (8) Section 1105(a)(16) of title 31, United  
23 States Code, is amended by striking “the fiscal  
24 year” and inserting “each fiscal year in the  
25 biennium”.

1           (9) Section 1105(a)(17) of title 31, United  
2 States Code, is amended—

3           (A) by striking “the fiscal year following  
4 the fiscal year” and inserting “each fiscal year  
5 in the biennium following the biennium”;

6           (B) by striking “that following fiscal year”  
7 and inserting “each such fiscal year”; and

8           (C) by striking “fiscal year before the fis-  
9 cal year” and inserting “biennium before the bi-  
10 ennium”.

11          (10) Section 1105(a)(18) of title 31, United  
12 States Code, is amended—

13          (A) by striking “the prior fiscal year” and  
14 inserting “each of the 2 most recently com-  
15 pleted fiscal years”;

16          (B) by striking “for that year” and insert-  
17 ing “with respect to that fiscal year”; and

18          (C) by striking “in that year” and insert-  
19 ing “in that fiscal year”.

20          (11) Section 1105(a)(19) of title 31, United  
21 States Code, is amended—

22          (A) by striking “the prior fiscal year” and  
23 inserting “each of the 2 most recently com-  
24 pleted fiscal years”;

1 (B) by striking “for that year” and insert-  
2 ing “with respect to that fiscal year”; and

3 (C) by striking “in that year” each place  
4 it appears and inserting “in that fiscal year”.

5 (c) ESTIMATED EXPENDITURES OF LEGISLATIVE  
6 AND JUDICIAL BRANCHES.—Section 1105(b) of title 31,  
7 United States Code, is amended by striking “each year”  
8 and inserting “each even-numbered year”.

9 (d) RECOMMENDATIONS TO MEET ESTIMATED DE-  
10 FICIENCIES.—Section 1105(c) of title 31, United States  
11 Code, is amended—

12 (1) by striking “fiscal year for” each place it  
13 appears and inserting “biennium for”;

14 (2) by inserting “or current biennium, as the  
15 case may be,” after “current fiscal year”; and

16 (3) by striking “that year” and inserting “that  
17 period”.

18 (e) STATEMENT WITH RESPECT TO CERTAIN  
19 CHANGES.—Section 1105(d) of title 31, United States  
20 Code, is amended by striking “fiscal year” and inserting  
21 “biennium”.

22 (f) CAPITAL INVESTMENT ANALYSIS.—Section  
23 1105(e) of title 31, United States Code, is amended by  
24 striking “ensuing fiscal year” and inserting “biennium to  
25 which such budget relates”.

1 (g) SUPPLEMENTAL BUDGET ESTIMATES AND  
2 CHANGES.—

3 (1) Section 1106(a) of title 31, United States  
4 Code, is amended—

5 (A) in the matter preceding paragraph (1)  
6 by striking “fiscal year” and inserting “bien-  
7 nium”;

8 (B) in paragraph (1) by striking “that fis-  
9 cal year” and inserting “each fiscal year in  
10 such biennium”;

11 (C) in paragraph (2) by striking “4 fiscal  
12 years following the fiscal year” and inserting “3  
13 fiscal years following the biennium”; and

14 (D) by striking “fiscal year” in paragraph  
15 (3) and inserting “biennium”.

16 (2) Section 1106(b) of title 31, United States  
17 Code, is amended by striking “the fiscal year” and  
18 inserting “each fiscal year in the biennium”.

19 (h) CURRENT PROGRAMS AND ACTIVITIES ESTI-  
20 MATES.—

21 (1) Section 1109(a) of title 31, United States  
22 Code, is amended—

23 (A) by striking “On or before the first  
24 Monday after January 3 of each year (on or be-  
25 fore February 5 in 1994)” and inserting “At

1 the same time the budget required by section  
2 1105 is submitted for a biennium”; and

3 (B) by striking “the following fiscal year”  
4 and inserting “each fiscal year of such period”.

5 (2) Section 1109(b) of title 31, United States  
6 Code, is amended by striking “March 1 of each  
7 year” and inserting “within 6 weeks of the Presi-  
8 dent’s budget submission for each odd-numbered  
9 year (or, if applicable, as provided by section 300(b)  
10 of the Congressional Budget Act of 1974)”.

11 (i) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEG-  
12 ISLATION.—Section 1110 of title 31, United States Code,  
13 is amended—

14 (1) by striking “fiscal year” and inserting “bi-  
15 ennium (beginning on or after October 1, 1995)”;  
16 and

17 (2) by striking “year before the year in which  
18 the fiscal year begins” and inserting “second cal-  
19 endar year preceding the calendar year in which the  
20 biennium begins”.

21 (j) BUDGET INFORMATION ON CONSULTING SERV-  
22 ICES.—Section 1114 of title 31, United States Code, is  
23 amended—

1 (1) by striking "The" each place it appears and  
2 inserting "For each biennium beginning with the bi-  
3 ennium beginning on October 1, 1994, the"; and  
4 (2) by striking "each year" each place it  
5 appears.

6 **SEC. 304. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE**  
7 **OF APPROPRIATIONS ACTS.**

8 Section 105 of title 1, United States Code, is amend-  
9 ed to read as follows:

10 **"§ 105. Title and style of appropriations Acts**

11 "(a) The style and title of all Acts making appropria-  
12 tions for the support of the Government shall be as fol-  
13 lows: 'An Act making appropriations (here insert the ob-  
14 ject) for the biennium ending September 30 (here insert  
15 the odd-numbered calendar year).'

16 "(b) All Acts making regular appropriations for the  
17 support of the Government shall be enacted for a biennium  
18 and shall specify the amount of appropriations provided  
19 for each fiscal year in such period.

20 "(c) For purposes of this section, the term 'biennium'  
21 has the same meaning as in section 3(11) of the Congres-  
22 sional Budget and Impoundment Control Act of 1974 (2  
23 U.S.C. 622(11))."

1 **SEC. 305. CONFORMING AMENDMENTS TO RULES OF**  
2 **HOUSE OF REPRESENTATIVES.**

3 (a) Clause 4(a)(1)(A) of rule X of the Rules of the  
4 House of Representatives is amended by inserting “odd-  
5 numbered” after “each”.

6 (b) Clause 4(a)(2) of rule X of the Rules of the House  
7 of Representatives is amended by striking “such fiscal  
8 year” and inserting “the biennium in which such fiscal  
9 year begins”.

10 (c)(1) Clause 4(b)(2) of rule X of the Rules of the  
11 House of Representatives is amended by striking “concur-  
12 rent resolution on the budget for each fiscal year” and  
13 inserting “concurrent resolution on the budget required  
14 under section 301(a) of the Congressional Budget Act of  
15 1974 for each biennium”.

16 (2) Clause 4(b) of rule X of the Rules of the House  
17 of Representatives is amended by striking “and” at the  
18 end of subparagraph (4), by striking the period and insert-  
19 ing “; and” at the end of subparagraph (5), and by adding  
20 at the end the following new subparagraph:

21 “(6) to use the second year of each biennium to  
22 study issues with long-term budgetary and economic  
23 implications, which would include—

24 “(A) holding hearings to receive testimony  
25 from committees of jurisdiction to identify prob-

1           lem areas and to report on the results of over-  
2           sight; and

3           “(B) by January 1 of each odd-numbered  
4           year, issuing a report to the Speaker which  
5           identifies the key issues facing the Congress in  
6           the next biennium.”.

7           (d) Clause 4(f) of rule X of the Rules of the House  
8           of Representatives is amended by striking “annually” each  
9           place it appears and inserting “biennially”.

10          (e) Clause 4(g) of rule X of the Rules of the House  
11          of Representatives is amended—

12           (1) by striking “March 15 of each year” and in-  
13           serting “March 15 of each odd-numbered year (or,  
14           if applicable, as provided by section 300(b) of the  
15           Congressional Budget Act of 1974)”;

16           (2) by striking “fiscal year” the first place it  
17           appears and inserting “biennium”; and

18           (3) by striking “that fiscal year” and inserting  
19           “each fiscal year in such ensuing biennium”.

20          (f) Clause 4(h) of rule X of the Rules of the House  
21          of Representatives is amended by striking “fiscal year”  
22          and inserting “biennium”.

23          (g) Subdivision (C) of clause 2(l)(1) of rule XI of the  
24          Rules of the House of Representatives is repealed.



1 (h) Clause 4(a) of rule XI of the Rules of the House  
2 of Representatives is amended by striking “fiscal year if  
3 reported after September 15 preceding the beginning of  
4 such fiscal year” and inserting “biennium if reported after  
5 August 1 of the year in which such biennium begins”.

6 (i) Clause 2 of rule XLIX of the Rules of the House  
7 of Representatives is amended by striking “fiscal year”  
8 and inserting “biennium”.

9 **SEC. 306. MULTIYEAR AUTHORIZATIONS.**

10 (a) IN GENERAL.—Title III of the Congressional  
11 Budget Act of 1974 is amended by adding at the end the  
12 following new section:

13 “AUTHORIZATIONS OF APPROPRIATIONS

14 “SEC. 314. (a) It shall not be in order in the House  
15 of Representatives or the Senate to consider any bill, joint  
16 resolution, amendment, or conference report that author-  
17 izes appropriations for a period of less than 2 fiscal years,  
18 unless the program, project, or activity for which the  
19 funds are to be spent is of less than 2 years duration.

20 “(b) It shall not be in order in the House of Rep-  
21 resentatives or the Senate to consider any bill, joint resolu-  
22 tion, amendment, or conference report that—

23 “(1) appropriates an amount for a program,  
24 project, or activity not authorized by existing law in  
25 excess of the amount previously appropriated for  
26 such program, project, or activity; or

1           “(2) appropriates an amount for a program,  
2           project, or activity not authorized by law within the  
3           2-year period prior to the date of the authorization.

4           “(c) By January 2 of each odd-numbered year, each  
5           standing committee of the House of Representatives and  
6           the Senate shall file a report with its House outlining its  
7           oversight activities during the Congress. Each report shall  
8           consider the appropriateness of agency missions, the suc-  
9           cess of programs in meeting their goals, and issues to con-  
10          sider when reauthorizing these programs.”.

11          (b) CONFORMING AMENDMENT.—The table of con-  
12          tents set forth in section 1(b) of the Congressional Budget  
13          and Impoundment Control Act of 1974 is amended by  
14          adding after the item relating to section 313 the following  
15          new item:

“Sec. 314. Authorizations of appropriations.”.

16           **PART II—ADDITIONAL BUDGET PROCESS**

17                           **CHANGES**

18          **SEC. 311. CBO REPORTS TO BUDGET COMMITTEES.**

19          Section 308 of the Congressional Budget Act of 1974  
20          is amended by—

21                   (1) redesignating subsection (c) as subsection  
22                   (d); and

23                   (2) inserting after subsection (b) the following:

24           “(c) QUARTERLY BUDGET REPORTS.—The Congres-  
25          sional Budget Office shall, as soon as practicable after the

1 completion of each quarter of the fiscal year, prepare an  
2 analysis comparing revenues, spending, and the deficit for  
3 the current fiscal year to assumptions included in the Con-  
4 gressional budget resolution. In preparing this report, the  
5 Congressional Budget Office shall combine actual budget  
6 figures to date with projected revenue and spending for  
7 the balance of the fiscal year. The Congressional Budget  
8 Office shall include any other information in this report  
9 that it deems useful for a full understanding of the current  
10 fiscal position of the Federal Government. The reports  
11 mandated by this subsection shall be transmitted by the  
12 Director to the Senate and House Committees on the  
13 Budget, and the Congressional Budget Office shall make  
14 such reports available to any interested party upon re-  
15 quest.”.

16 **SEC. 312. BYRD RULE CLARIFICATIONS.**

17 (a) **PERMANENT EXTENSION OF BYRD RULE.**—The  
18 first sentence of section 904(c) and the second sentence  
19 of section 904(d) of the Congressional Budget Act of 1974  
20 are amended by inserting “313,” after “306,”.

21 (b) **BYRD RULE CLARIFICATIONS.**—Section 313 of  
22 the Congressional Budget Act of 1974 is amended—

23 (1) in subsection (b)(1)(A), by striking “, in-  
24 cluding changes in outlays and revenues brought  
25 about by changes in the terms and conditions under

1       which outlays are made or revenues are required to  
2       be collected”;

3               (2) by redesignating subsections (d) and (e) as  
4       subsections (e) and (f);

5               (3) by redesignating subsection (c), the second  
6       time it appears, as subsection (d) and inserting be-  
7       fore “When” the following:

8       “(c) APPLICATION TO CONFERENCE REPORTS.—”;  
9       and

10              (4) in subsection (d) (as redesignated by para-  
11       graph (3))—

12              (A) in paragraph (1), by striking “and”;  
13       and

14              (B) by redesignating paragraph (2) as  
15       paragraph (3) and inserting after paragraph  
16       (1) the following:

17              “(2)(A) a point of order being made against  
18       any provision producing an increase in outlays in  
19       any fiscal year shall be considered extraneous if the  
20       net effect of provisions affecting outlays reported by  
21       the conferees would cause a Senate committee to fail  
22       to achieve its outlay instruction, and

23              “(B) a point of order being made against any  
24       provision producing a reduction in revenues in any  
25       fiscal year shall be considered extraneous if the net

1 effect of provisions affecting revenues reported by  
2 the conferees would cause a Senate committee to fail  
3 to achieve its revenue instruction, and”.

4 **SEC. 313. GAO ASSISTANCE WITH AUTHORIZATIONS AND**  
5 **OVERSIGHT.**

6 Section 717 of title 31, United States Code, is  
7 amended by adding at the end thereof the following:

8 “(e) During the second session of each Congress, the  
9 Comptroller General shall give priority to requests from  
10 Congress for audits and evaluations of Government pro-  
11 grams and activities.”.

12 **PART III—EFFECTIVE DATE**

13 **SEC. 321. EFFECTIVE DATE; APPLICATION.**

14 (a) **IN GENERAL.**—Except as provided in subsection  
15 (b), this title and the amendments made by it shall become  
16 effective January 1, 1995, and shall apply to bienniums  
17 beginning after September 30, 1995.

18 (b) **FISCAL YEAR 1995.**—Notwithstanding subsection  
19 (a), the provisions of—

20 (1) the Congressional Budget Act of 1974, and

21 (2) title 31, United States Code,

22 (as such provisions were in effect on the day before the  
23 effective date of this title) shall apply to the fiscal year  
24 beginning on October 1, 1994.

1 (c) DEFINITION.—For purposes of this section, the  
2 term “biennium” shall have the meaning given to such  
3 term in paragraph (11) of section 3 of the Congressional  
4 Budget and Impoundment Control Act of 1974 (2 U.S.C.  
5 622(11)), as added by section 402(b)(2) of this Act.

6 **Subtitle B—Staffing; Administra-**  
7 **tion; and Support Agencies**

8 **SEC. 331. LEGISLATIVE BRANCH STREAMLINING AND RE-**  
9 **STRUCTURING.**

10 (a) PERFORMANCE REVIEW.—Not later than one  
11 year after the date of enactment of this Act, the Commit-  
12 tee on Rules and Administration and the Committee on  
13 Appropriations of the Senate and the appropriate commit-  
14 tees of the House of Representatives shall submit to the  
15 leadership of their respective Houses a performance review  
16 together with any necessary implementing legislation for  
17 achieving efficiencies, economies, and reductions in the  
18 total number of full time equivalent positions in the legis-  
19 lative branch comparable to those proposed and imple-  
20 mented for the executive branch in the President’s Na-  
21 tional Performance Review, submitted September 1993.

22 (b) REDUCTION BASE.—The reductions required by  
23 this section shall be made from a base of the total number  
24 of full time equivalent positions in the legislative branch  
25 on the date of introduction of S. Con. Res. 57 (102d Con-

1 gress, 1st Session), the concurrent resolution establishing  
2 the Joint Committee on the Organization of Congress.

3 **SEC. 332. AUTHORIZATION OF CERTAIN CONGRESSIONAL**  
4 **INSTRUMENTALITIES.**

5 (a) **IN GENERAL.**—It is the intent of Congress that  
6 the General Accounting Office, Congressional Budget Of-  
7 fice, Congressional Research Service, Government Print-  
8 ing Office, and Office of Technology Assessment shall be  
9 authorized for 8 fiscal years in accordance with this sec-  
10 tion.

11 (b) **CYCLES.**—

12 (1) **GENERAL ACCOUNTING OFFICE.**—The Gen-  
13 eral Accounting Office shall be authorized by the en-  
14 actment every eighth year beginning with fiscal year  
15 1997 of an Act to authorize appropriations for that  
16 office for the next 8 fiscal years.

17 (2) **CONGRESSIONAL RESEARCH SERVICE.**—The  
18 Congressional Research Service shall be authorized  
19 by the enactment every eighth year beginning with  
20 fiscal year 1999 of an Act to authorize appropria-  
21 tions for that office for the next 8 fiscal years.

22 (3) **GOVERNMENT PRINTING OFFICE.**—The  
23 Government Printing Office shall be authorized by  
24 the enactment every eighth year beginning with fis-

1 cal year 2001 of an Act to authorize appropriations  
2 for that office for the next 8 fiscal years.

3 (4) OFFICE OF TECHNOLOGY ASSESSMENT AND  
4 CONGRESSIONAL BUDGET OFFICE.—The Office of  
5 Technology Assessment and the Congressional  
6 Budget Office shall be authorized by the enactment  
7 every eighth year beginning with fiscal year 2003 of  
8 an Act to authorize appropriations for those offices  
9 for the next 8 fiscal years.

10 (c) JURISDICTION.—

11 (1) IN GENERAL.—The Committee on Rules  
12 and Administration of the Senate and the appro-  
13 priate committee in the House of Representatives  
14 shall have jurisdiction over the authorizations re-  
15 quired by this section.

16 (2) OVERSIGHT.—In reauthorizing instrumen-  
17 talities as required by this section, the committees  
18 referred to in paragraph (1) shall seek to—

19 (A) eliminate duplication between instru-  
20 mentalities;

21 (B) consolidate activities; and

22 (C) increase efficiency within instrumenta-  
23 lities.

24 (d) COST ACCOUNTING REQUIREMENTS.—Effective  
25 on January 1, 1995, each instrumentality of the Congress



1 providing support to the Congress shall prepare by not  
2 later than November 31 of each year an annual report  
3 detailing the cost to the instrumentality of providing sup-  
4 port to each committee of the Senate and Senator. The  
5 report shall be submitted to the Secretary of the Senate  
6 and included in the Secretary's semiannual report.

7 (e) **VOUCHER ALLOCATION SYSTEM.**—The Commit-  
8 tee on Rules and Administration of the Senate and the  
9 appropriate committee of the House of Representatives  
10 shall study and report to their respective Houses as a part  
11 of their authorization responsibilities under subsection (c)  
12 concerning the feasibility of establishing a voucher alloca-  
13 tion system for committees using the services of instru-  
14 mentalities of Congress.

15 (f) **REPEALERS.**—

16 (1) **GENERAL ACCOUNTING OFFICE.**—Section  
17 736 of title 31, United States Code, is repealed.

18 (2) **CONGRESSIONAL BUDGET OFFICE.**—Section  
19 201(f) of the Congressional Budget Act of 1974 (2  
20 U.S.C. 601(f)) is repealed.

21 (3) **CONGRESSIONAL RESEARCH SERVICE.**—Any  
22 authorization of appropriations for the Congressional  
23 Research Service in effect on the effective date of  
24 this paragraph is repealed.



- 1 (2) the Congressional Budget Office;  
2 (3) the Library of Congress;  
3 (4) the Government Printing Office; and  
4 (5) the Office of Technology Assessment.

5 **Subtitle C—Application of Laws to**  
6 **Instrumentalities of Congress**

7 [TO BE SUPPLIED]

8 **Subtitle D—Abolishing the Joint**  
9 **Committees**

10 **PART I—JOINT ECONOMIC COMMITTEE**

11 **SEC. 361. JOINT ECONOMIC COMMITTEE.**

12 (a) ABOLITION.—Effective beginning with the 104th  
13 Congress, the Joint Economic Committee is abolished.

14 (b) TRANSFER OF RESPONSIBILITY.—The Commit-  
15 tee on the Budget and the appropriate committee of the  
16 House of Representatives shall be responsible for review  
17 of the Economic Report of the President required by sec-  
18 tion 103 of the Full Employment and Balanced Growth  
19 Act of 1978 (15 U.S.C. 1022).

20 **PART II—JOINT COMMITTEE ON TAXATION**

21 **SEC. 362. JOINT COMMITTEE ON TAXATION.**

22 (a) ABOLITION.—Effective beginning with the 104th  
23 Congress, the Joint Committee on Taxation is abolished.

24 (b) TRANSFER OF RESPONSIBILITY.—Section 202(b)  
25 of the Congressional Budget Act of 1974 is amended by—



1 of the Senate and the appropriate committee of the House  
2 of Representatives.

3 **PART IV—JOINT COMMITTEE ON PRINTING**

4 **SEC. 371. JOINT COMMITTEE ON PRINTING.**

5 (a) **ABOLITION.**—Chapter 1 of title 44, United States  
6 Code, is repealed.

7 (b) **TRANSFER OF RESPONSIBILITY.**—Subject to sub-  
8 section (c), all duties, authorities, responsibilities, and  
9 functions performed by the Joint Committee on Printing  
10 before the effective date of this part shall be performed  
11 by the Public Printer on and after such date.

12 (c) **OVERSIGHT FUNCTIONS.**—All legislative over-  
13 sight jurisdiction, duties, authorities, responsibilities, and  
14 functions performed by the Joint Committee on Printing  
15 before the effective date of this part shall be performed  
16 by the Committee on Rules and Administration of the Sen-  
17 ate and the Committee on House Administration of the  
18 House of Representatives on and after such date.

19 (d) **REFERENCES.**—Reference in any other Federal  
20 law, Executive order, rule, regulation, or delegation of au-  
21 thority, or any document of or relating to the Joint Com-  
22 mittee on Printing shall be deemed to refer to the Commit-  
23 tee on Rules and Administration of the Senate and the  
24 Committee on House Administration of the House of Rep-  
25 resentatives, or the Public Printer, as appropriate.

1 **SEC. 372. DEPUTY PUBLIC PRINTERS.**

2 (a) IN GENERAL.—Section 302 of title 44, United  
3 States Code, is amended to read as follows:

4 **“§ 302. Deputy Public Printers; appointments; duties**

5 “(a)(1) The President of the United States shall  
6 nominate and, by and with the advice and consent of the  
7 Senate, appoint the—

8 “(A) Legislative Deputy Public Printer who  
9 shall also serve as the Superintendent of Documents;

10 “(B) Executive Deputy Public Printer; and

11 “(C) Judicial Deputy Public Printer.

12 “(2) Each Deputy Printer shall be a suitable person,  
13 who is a practical printer and versed in the art of book-  
14 binding.

15 “(b) In addition to any other duties required by the  
16 Public Printer, the Legislative Deputy Public Printer shall  
17 perform all duties of the Government Printing Office re-  
18 lating to the Legislative branch, including all applicable  
19 duties performed under—

20 “(1) chapter 7 relating to Congressional print-  
21 ing and binding;

22 “(2) chapter 9 relating to the Congressional  
23 Record;

24 “(3) chapter 13 relating to particular reports  
25 and documents, including sections 1326 and 1332;

1           “(4) chapter 17 relating to the distribution and  
2 sale of public documents;

3           “(5) chapter 19 relating to the Depository Li-  
4 brary Program;

5           “(6) chapter 27 relating to Advisory Committee  
6 on Records of Congress; and

7           “(7) section 3511 relating to services performed  
8 for the Federal Information Locator System.

9           “(c) In addition to any other duties required by the  
10 Public Printer, the Executive Deputy Public Printer shall  
11 perform all duties of the Government Printing Office re-  
12 lating to the Executive branch, including all applicable du-  
13 ties performed under—

14           “(1) chapter 5 relating to the production and  
15 procurement of printing and binding;

16           “(2) chapter 11 relating to Executive printing  
17 and binding;

18           “(3) chapter 13 relating to particular reports  
19 and documents; and

20           “(4) chapters 15, 21, 22, 23, 25, 29, 31, 33,  
21 35, 37, and 39.

22           “(d) In addition to any other duties required by the  
23 Public Printer, the Judicial Deputy Public Printer shall  
24 perform all duties of the Government Printing Office re-

1 lating to the Judicial branch, including all applicable du-  
2 ties performed under—

3           “(1) chapter 11 relating to Judiciary printing  
4           and binding, including printings under section 1120;  
5           and

6           “(2) chapter 13 relating to particular reports  
7           and documents.

8           “(e) The Public Printer, in consultation with the  
9           Committee on Rules and Administration of the Senate and  
10          the Committee on House Administration of the House of  
11          Representatives, shall determine the respective duties of  
12          the Deputy Public Printers under this section.”.

13          (b) COMPENSATION.—Section 303 of title 44, United  
14          States Code, is amended in the second sentence by striking  
15          out “the Deputy Public Printer” and inserting in lieu  
16          thereof “each of the Deputy Public Printers”.

17          (c) SUCCESSION.—Section 304 of title 44, United  
18          States Code, is amended by striking out “the Deputy Pub-  
19          lic Printer” and inserting in lieu thereof “one of the Dep-  
20          uty Public Printers designated by the President”.

21          (d) TECHNICAL AND CONFORMING AMENDMENTS.—  
22          (1) The table of sections for chapter 3 of title 44, United  
23          States Code, is amended by striking out the item relating  
24          to section 302 and inserting in lieu thereof the following  
25          new item:

          “302. Deputy Public Printers; appointments; duties.”.



1       (2) Section 313 of title 44, United States Code, is  
2 amended—

3           (A) in the first sentence—

4               (i) by striking out “Deputy Public Print-  
5               er” and inserting in lieu thereof “3 Deputy  
6               Public Printers”; and

7               (ii) by striking out “Joint Committee on  
8               Printing” and inserting in lieu thereof “Com-  
9               mittee on Rules and Administration of the Sen-  
10              ate and the Committee on Administration of the  
11              House of Representatives”;

12          (B) in the second sentence—

13               (i) by striking out “Deputy Public Print-  
14               er” and inserting in lieu thereof “3 Deputy  
15               Public Printers”; and

16               (ii) by striking out “Joint Committee on  
17               Printing” and inserting in lieu thereof “Com-  
18               mittee on Rules and Administration of the Sen-  
19               ate and the Committee on Administration of the  
20               House of Representatives”; and

21          (C) in the third sentence—

22               (i) by striking out “Deputy Public Print-  
23               er” and inserting in lieu thereof “3 Deputy  
24               Public Printers”; and

1                   (ii) by striking out “Joint Committee on  
2                   Printing” and inserting in lieu thereof “Com-  
3                   mittee on Rules and Administration of the Sen-  
4                   ate and the Committee on Administration of the  
5                   House of Representatives”.

6 **SEC. 373. ANNUAL REPORT TO CONGRESS.**

7           Section 309(c) of title 44, United States Code, is  
8 amended—

9           (1) by inserting “(1)” after “(c)”; and

10           (2) by adding at the end thereof the following  
11 new paragraph:

12           “(2) The annual program submitted under this sub-  
13 section shall include a report on—

14           “(A) the printing costs of each branch of the  
15 Government;

16           “(B) with regard to Government publications, a  
17 cost comparison of—

18           “(i) publications published by the Govern-  
19 ment Printing Office;

20           “(ii) Federal agency publications that are  
21 published by such agency;

22           “(iii) publications that are published by  
23 commercial sources that are not Federal enti-  
24 ties under any contract with a Federal agency

1 (other than the Government Printing Office);  
2 and

3 “(iv) publications that are published by  
4 commercial sources that are not Federal enti-  
5 ties under any contract with the Government  
6 Printing Office; and

7 “(C) the cost of all individual printing orders  
8 printed under section 501(a)(1)(C).”.

9 **SEC. 374. SUPERINTENDENT OF DOCUMENTS.**

10 Section 1702 of title 44, United States Code, is  
11 amended by striking out the first sentence and inserting  
12 in lieu thereof “The Legislative Deputy Public Printer ap-  
13 pointed under section 302 shall also serve as the Super-  
14 intendent of Documents for no additional compensation.”.

15 **SEC. 375. REQUIREMENT OF PRINTING BY THE GOVERN-**  
16 **MENT PRINTING OFFICE.**

17 (a) IN GENERAL.—Section 501 of title 44, United  
18 States Code, is amended to read as follows:

19 **“§ 501. Government printing, binding, and blank-book**  
20 **work to be done at Government Printing**  
21 **Office**

22 “(a)(1) All printing, binding, and blank-book work  
23 for Congress, the Executive Office, the Judiciary, other  
24 than the Supreme Court of the United States, and every  
25 executive department, independent office and establish-

1 ment of the Government, shall be done at the Government  
2 Printing Office, except—

3           “(A) classes of work the Public Printer consid-  
4           ers to be urgent or necessary to have done else-  
5           where;

6           “(B) printing in field printing plants operated  
7           by an executive department, independent office or  
8           establishment, and the procurement of printing by  
9           an executive department, independent office or es-  
10          tablishment from allotments for contract field print-  
11          ing, if approved by the Public Printer;

12          “(C) individual printing orders may be ordered  
13          by an executive department or agency costing not  
14          more than \$1,500, if—

15                 “(i) the work is printed by any executive  
16                 department or agency; or

17                 “(ii) the work is printed under a contract  
18                 by a commercial source that is not a Federal  
19                 entity;

20          “(D) printing for the Central Intelligence Agen-  
21          cy, the Defense Intelligence Agency, or the National  
22          Security Agency; or

23          “(E) printing from other sources that is specifi-  
24          cally authorized by law.

1       “(2) For purposes of this subsection, the term ‘print-  
2 ing’ means the process of composition, platemaking, press-  
3 work, silk screen processes, binding, microform, and the  
4 end items of such processes.

5       “(b) Any Federal officer who orders or contracts for  
6 an individual printing order described under subsection  
7 (a)(1)(C) shall include as a term of such order or contract  
8 that the executive agency or department, or the commer-  
9 cial source that provides the printing shall deliver a suffi-  
10 cient number of any document printed under such order  
11 or contract to the Superintendent of Documents for inclu-  
12 sion in the depository library program under chapter 19.  
13 The Public Printer shall promulgate regulations to define  
14 the term ‘sufficient number’ for purposes of this sub-  
15 section.

16       “(c) Printing or binding may be done at the Govern-  
17 ment Printing Office only when authorized by law.”.

18       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
19 Section 207 of the Legislative Branch Appropriations Act,  
20 1993 (44 U.S.C. 501 note; Public Law 102-392; 106  
21 Stat. 1719) is repealed.

1 **SEC. 376. REPORT ON COSTS FOR PRINTING BY FEDERAL**  
2 **AGENCIES OTHER THAN THE GOVERNMENT**  
3 **PRINTING OFFICE.**

4 (a) **IN GENERAL.**—Chapter 11 of title 44, United  
5 States Code, is amended by adding at the end thereof the  
6 following new section:

7 **“§ 1124. Report on costs for printing by Federal agen-**  
8 **cies**

9 “No later than November 1 of each year, the head  
10 of each Federal department and agency shall submit a re-  
11 port to the Public Printer of the cost of publishing all Gov-  
12 ernment publications that were published by such agency  
13 in the preceding fiscal year. Such costs shall not include  
14 Government publications published by the Government  
15 Printing Office or under a Government Printing Office  
16 contract with a commercial source that is not a Federal  
17 entity.”.

18 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
19 The table of sections for chapter 11 of title 44, United  
20 States Code, is amended by adding at the end thereof the  
21 following new item:

“1124. Report on costs for printing by Federal agencies.”.

22 **SEC. 377. TECHNICAL AND CONFORMING AMENDMENTS.**

23 **[TO BE PROVIDED]**

1 **SEC. 378. EFFECTIVE DATE.**

2 The provisions of this part and the amendments  
3 made by this part shall take effect on January 3, 1995.

4 **Subtitle E—Legislative and**  
5 **Executive Relations**

6 **SEC. 381. ANNUAL COMMITTEE OVERSIGHT GOALS AND RE-**  
7 **PORTS.**

8 (a) COMMITTEE OVERSIGHT GOALS AND REPORTS.—  
9 Not later than 45 days following the commencement of  
10 a new Congress, each standing committee of the House  
11 of Representatives and the Senate shall—

12 (1) prepare an oversight agenda for that Con-  
13 gress for the purpose of establishing a coordinated  
14 program for ensuring that all significant laws, agen-  
15 cies, and programs under their jurisdiction are sub-  
16 ject to review at least every 10 years and submit  
17 their agenda for publication, respectively, to the  
18 Speaker of the House of Representatives and the  
19 President pro tempore of the Senate;

20 (2) coordinate, to the maximum extent prac-  
21 ticable, in preparing their oversight agenda with  
22 other House and Senate committees having jurisdic-  
23 tion over the same or related laws, programs, or  
24 agencies;

25 (3) provide, after preparation of the first over-  
26 sight agenda required under this statute, a separate

1 section in their oversight agenda that summarizes  
2 what actions and recommendations occurred with re-  
3 spect to implementing their agenda for that Con-  
4 gress; and

5 (4) transmit their oversight agenda to the Com-  
6 mittee on House Administration of the House of  
7 Representatives and the Committee on Rules and  
8 Administration of the Senate, respectively, for con-  
9 sideration during the committee funding process.

10 (b) **HEARINGS ON INSPECTOR GENERAL, GAO, AND**  
11 **AGENCY AUDIT REPORTS.**—Each committee of the House  
12 of Representatives and the Senate shall hold hearings dur-  
13 ing each Congress for the purpose of reviewing appro-  
14 priate reports relating to the activities of executive agen-  
15 cies over which the committee has oversight responsibility  
16 filed during the preceding Congress, including reports of  
17 the inspectors general, the General Accounting Office, as  
18 well as agency audit reports.

19 **SEC. 382. SUNSET AGENCY REPORTING REQUIREMENTS.**

20 (a) **IN GENERAL.**—Any law requiring an executive  
21 agency to report to Congress shall be effective for not to  
22 exceed 5 years after the date of enactment of such law.

23 (b) **LAWS IN EFFECT.**—Any law requiring an execu-  
24 tive agency to report to Congress in effect on the date  
25 of enactment of this Act shall expire 5 years after such



- 1 date unless the law provides for an earlier expiration date
- 2 in which case the law shall expire on the earlier date.

## PASSED BY UNANIMOUS CONSENT

1. **Tax Loophole Accounting** -- by Mr. Obey -- adopted by UC
2. **To make the Budget Committee subject to assignment limitations** -- by Mr. Spratt -- adopted by UC
3. **To extend the length of time a member can serve on the Intelligence Committee from six to eight years** -- by Mr. Hamilton -- adopted by UC

## AMENDMENTS SUBMITTED FOR ROLL CALL VOTES

1. **Application of Laws** -- by Mr. Allard, as amended, -- passed by U.C.  
To strike Subtitle C, Title III, and insert in lieu thereof language to bring Congress into compliance with and enforce the Age Discrimination in Employment Act of 1967, Title VII of the 1964 Civil Rights Act, and the Family and Medical Leave Act.
2. **Provide Trial de Novo** -- by Mr. Allard -- failed by 6-6 tie vote.  
To strike language in Section 360, Title III, Subtitle C (page 67, line 11, - page 69, line 4) concerning appellate judicial review and insert in lieu thereof de novo judicial review.
3. **Biennial Budgeting** -- by Mr. Walker -- passed by 9-3.  
To revise the timetable for the Congressional Budget Process (beginning with the 104th Congress) to establish a biennial appropriations process and to reflect this change throughout Chapter I.
4. **Government-Wide Review** -- by Mr. Obey -- passed by 11-1.  
To insert a new section after Section 322 to require the Director of CBO within 90 days of the enactment of this Act, to conduct a review of all Government user fees, and to transmit the findings to the Congress.
5. **En Bloc Budget Amendments** -- by Mr. Walker -- failed by 6-6 tie vote.  
To amend the appropriations process by adding six new sections in Title I; tighten scope requirements on conference reports on an account-by-account basis; Expansion of unauthorized appropriations points of order; Citation of specific authorizations; Treatment of earmarks in appropriations measures; Separate votes on matters not as contained in House-passed bills; Section 602 allocations and suballocations.
- 5A. **Expansion of Unauthorized Appropriations Points of Order** -- by Mr. Walker -- passed by a 9-3 vote.

6. **Earmarking Reporting Requirements** -- by Mr. Obey, with amendment -- passed by 12-0 vote.  
To require a report or joint explanatory statement from a committee accompanying a bill authorizing or providing obligational authority or tax expenditures should contain a list of changes in law and earmarks.
7. **Jurisdictional Realignment** -- by Mr. Dreier -- failed by a 6-6 tie vote.  
To strike page 4, line 3, through page 6, line 25, and insert new sections to realign the committee system through the consolidation of jurisdictions; to abolish multiple referrals; to set fixed sizes for certain committees and to limit all other committees to no more than 55 members; to limit assignments; and to allow no more than six subcommittees per committee, excepting Appropriations, among other things.
- 7A. **Review of Committee Jurisdictions** -- by Mr. Hamilton -- withdrawn
- 7B. **Multiple Referrals** -- by Mr. Dreier -- failed by a 6-6 tie vote.
8. **De Minimis Rule** -- by Mr. Dreier -- failed by a 6-6 tie vote.  
To require the Rules Committee to report a resolution eliminating any standing committee that falls below 50% of the number of members serving on that committee at the end of the 103rd Congress.
9. **Control of Government Operations** -- by Mr. Walker -- failed by a 6-6 tie vote.  
To insert a new section to require that the majority of the membership, including the chairman, of the Government Operations Committee be composed of Members of a major political party other than the party in control of the White House.
10. **Committee Quorum Requirement and Early Organization of Committees** -- by Mr. Allard -- failed by a 6-6 tie vote.  
To establish in the Rules of the House that a majority of the members of a committee or subcommittee constitute a quorum; to require that committees be elected by the House within seven days after the commencement of a new Congress; and to require that said committees shall hold their organizational meetings not later than four days after their election.
11. **Ban of Proxy Voting** -- by Mr. Dreier -- failed by a 6-6 tie vote.  
To insert at an appropriate place in Title I a new section to ban proxy voting in committees and subcommittees.
- 11A. **Ban on Proxy Voting in the Full Committee** -- by Ms. Dunn -- failed by a 6-6 tie vote.
- 11B. **Ban on Proxy Voting if it changes the outcome of the vote** -- by Mr. Emerson -- failed by a 6-6 tie vote.

12. **Committee Procedures – by Ms. Dunn – failed by a 6-6 tie vote.**  
To provide open meeting requirements; include in committee reports a record of roll call votes, or a record of those present in the event of a voice vote, on motions to report; give 3 business days for members to file supplemental, minority, or additional views on conference reports; and require the publication of committee attendance and voting records at least twice a year in the Congressional Record.
- 12A. **Committee Procedures – by Ms. Dunn – passed by a 9-2 vote.**  
To include in committee reports a record of roll call votes, or a record of those present in the event of a voice vote, on motions to report; and to require the publication of committee attendance and voting records at least twice a year in the Congressional Record.
13. **Equitable party ratios on Committee – by Mr. Allard -- failed by a 6-6 tie vote.**  
To establish that membership of each committee, subcommittee, and task force or panel shall reflect the ratio of majority to minority party of the House; Delegates and the Resident Commissioner are excluded from count in determining ratios.
14. **Abolition of Joint committees – by Mr. Allard – failed by a vote of 4-8.**  
To abolish the joint committees and transfer the functions of Joint Taxation Committee to the Congressional Budget Office, and the functions of the Joint Economic Committee to the Committee on the Budget.
15. **Membership of Permanent Select Committee on Intelligence – by Mr. Solomon – failed by a 6-6 tie vote.**  
To reduce the size of the Intelligence committee to 13 members and establish a ratio of not more than seven members from the same party.
16. **Scheduling – by Ms. Dunn – failed by a 2-10 vote.**  
To provide three consecutive five-day work weeks of legislative business in the House followed by one week when no legislative business may be scheduled.
17. **Motion to Recommit – by Mr. Solomon – passed by a 10-2 vote.**  
To affirm the motion to recommit including the motion to recommit with amendatory instructions and provides up to two hours of debate on the motion. A second degree amendment was accepted that limits those who may offer the motion to recommit to the minority leader or a designee.
18. **Restrictive Rule – by Mr. Dreier – failed by a 6-6 tie vote.**  
To provide one amendment to the rule if offered by a minority party member of the Rules Committee prior to the moving of the previous questions.

19. **Amendments in Committee of the Whole -- by Mr. Obey -- failed by a 6-6 tie vote.**  
 To prohibit the consideration of first-degree amendments in the Committee of the Whole unless those amendments are subject to certain pre-notification requirements, provided that the three day availability of committee reports has not been waived.
20. **En bloc floor amendments -- by Mr. Walker -- failed by a 6-6 tie vote.**  
 To provide automatic roll calls on appropriations, revenue, and budget or conference reports which increases the public debt; to impose three new requirements on suspensions: (1) Committee has to report the measure or the chairman and ranking member must ask for its consideration; (2) Bills can't authorize in excess of 50 million dollars; and (3) There must be one calendar day of notice in the Congressional Record of the matter and any amendments. To make the Congressional Record a substantially verbatim transcript of House floor proceedings; to ensure one hour of debate on questions of privilege offered by the Majority or Minority Leader.
- 20A. **Substantially verbatim transcript of House Floor proceedings -- passed by U.C.**
21. **Recodification of House rules -- by Mr. Solomon -- passed by a vote of 12-0.**  
 To provide that the House Parliamentarian commence recodification including clarification, reorganization, and modernization of House rules.
22. **Supermajorities -- by Mr. Dreier -- failed by a 6-6 tie vote.**  
 To provide for a 3/5 majority vote to adopt any rule or order reported by the Rules Committee that limits the amending process. The same supermajority would be required to waive provisions of the Budget Act, to adopt certain special rules or orders and to waive the three-day layover requirements.
- 22A. **Waivers on Points of Order -- by Mr. Dreier -- failed by a 6-6 tie vote.**
23. **Funding Amendments -- by Mr. Obey -- failed by a 5-7 vote.**  
 To provide that if an amendment proposes an across the board cut, the amendment must list the exact dollar amount of changes on each program or activity affected by the cut.
24. **Debate in the House -- by Mr. Obey -- passed by a 10-2 vote.**  
 To permit debate in the House to include references to certain actions taken by the Senate or by Senate committees that are in the public record.
25. **Appointment of conference managers -- by Mr. Obey -- WITHDRAWN.**  
 To provide that Members appointed to conference committees should to the greatest extent practicable be Members who supported the House position on final passage of the measure.

26. **Majority/Minority staff ratios** – by Ms. Dunn – failed by a 6-6 tie vote.  
To provide that no less than one-third of the staff funding made available to each standing, select, special, ad hoc or other committee by the beginning of the 106th Congress be designated for minority staff.
27. **Detailees** – by Mr. Allard – failed by a 6-6 tie vote.  
To provide that detailees from support agencies and the executive branch be on a reimbursable basis.
28. **Staffing reduction** – by Ms. Dunn – failed by a 6-6 tie vote.  
To reduce the total level of expenditures from legislative branch appropriations by 25% over five years from the Sept. 30, 1993 level.
- 28A. **Apply House Committee Staffing Requirements to the Appropriations and Budget Committees** – by Mr. Solomon – failed by a 6-6 tie vote.
- 28B. **Establishes 9/30/93 as the date for the baseline for Legislative Branch Reductions** – by Mr. Dreier – failed by a 6-6 tie vote.
29. **Abolition of legislative service organizations** – by Mr. Allard – failed by a 5-7 vote.  
To abolish all LSOs except the Democratic Study Group and the Republican Study Committee.
30. **Expedited Rescissions** – by Mr. Spratt – failed by 6-6 tie vote.  
To provide for an expedited process for the congressional consideration of Presidential rescission proposal.
31. **Entitlement Review** – by Mr. Spratt, with amendment, – passed by U.C.  
To establish targets for entitlement spending. Require the President to identify what actions he would recommend to address situations when atarget is exceeded. Requires the Congress to vote on a response to any overage identified by the President.
32. **Coordination of legislative branch services** – by Mr. Allard, with amendment, – passed by U.C.  
To provide that the appropriate committees of the House and Senate conduct a study on the coordination of legislative branch services, positions, and entities.
33. **Adjustment of Appropriations Committees section 602 Allocation and Suballocation** – by Mr. Walker – failed by 6-6 tie vote.
34. **Debt Limits** – by Mr. Emerson – failed by a 6-6 tie vote.
35. **Term Limits for Committee Chairmen and Ranking Minority Members** – by Mr. Emerson – failed by a 6-6 tie vote.
36. **Final Passage** – passed by 8-4 vote.

## HOUSE OF REPRESENTATIVES

Vote on: FINAL PASSAGE

Adoption of the recommendations considered today as the report of the House members of the Joint Committee on the subjects contained in H. Con. Res. 192 for the purposes of reporting to the House, and that our actions today be promptly conveyed to the Senate members of the Joint Committee. This motion is made with the understanding that not all members support all recommendations contained herein, and that each member has the right to seek changes at subsequent stages in the process.

Date: November 22, 1993

Representatives	Yeas	Nays
Chairman Hamilton	X	
Vice Chairman Dreier	X	
Representative Obey	X	
Representative Walker		X
Representative Swift	X	
Representative Solomon		X
Representative Gejdenson	X	
Representative Emerson	X	
Representative Spratt	X	
Representative Allard		X
Representative Norton	X	
Representative Dunn		X
Total	8	4

By unanimous consent the following two motions were also adopted:

- Members have 7 days to file Minority, supplemental, and additional views once they receive the report.
- Staff is authorized to make necessary technical and conforming changes including changes necessary to conform to the Budget Act.

OPENING STATEMENT OF BILL EMERSON (R-MO)  
JOINT COMMITTEE ON THE ORGANIZATION OF CONGRESS  
NOVEMBER 16, 1993

Chairman Hamilton, Vice-Chairman Dreier, Members of the Joint Committee, I am glad to be here today as we begin to mark-up the House version of Congressional reform. Today marks the next phase in the reform process, with the final destination being a vigorous -- and probably heated -- debate on the House Floor culminating in a vote by the full House. I look forward to that time. It will be a very important event for Congress and the nation.

Briefly, I want to thank my colleagues on the Joint Committee who worked diligently and honestly in a bipartisan manner towards the reform effort. It was a long and interesting year of hearings and meetings and discussions and debate. The bill before us proposes some positive changes -- changes I have advocated and strongly support such as biennial budgeting, committee and subcommittee membership limits, a longer work week, floor and committee scheduling improvements and important oversight requirements. Unfortunately, I can't say that the bill before us is exactly my idea of profound and far-reaching Congressional reform. But, than it shouldn't be exactly my idea, but our ideas and concerns and this is the only bill the House Members of the Joint Committee have to work with. This being the case, I am committed to working within the legislative process to improve this document so that it will reflect real Congressional reform.

Yesterday, I looked back over the notes I had jotted down during the very first hearing of the Joint Committee on the Organization of Congress. During that hearing I was musing on our challenge, and reflected on Lincoln: "The dogmas of the quiet past are inadequate to the stormy present -- we in our generation must think anew and act anew." I feel this way about the job before us and I hope Congress will keep this in mind today and next year when we are faced with difficult decisions regarding maintaining the status quo or moving forward, better equipped to face whatever lies ahead.

It is difficult for a representative democracy to thrive in a climate when leaders are constantly eyed with suspicion and distrust. Still, I believe that this institution is worthy of great respect, and one of the tasks still before us is to restore public confidence in this institution. Today, we have the opportunity to move towards that objective.

The day to day business of Congress and how this body operates does affect the substance and quality of the legislation we pass. Most importantly, unless Congress can prove to the country that it has both the fortitude and desire to change itself, Congress will not have the credibility to make the changes the country needs.

In closing, I would like to remind my colleagues of the truly bipartisan spirit which led to the creation of the Joint Committee on the Organization of Congress. A statesman of another era said, "You serve your party best when you serve your country best." The nation supports true Congressional reform. We need to deliver real Congressional reform.



In recent years a concern has been raised about Congress exempting itself from laws it passes. Notably, James Madison in his Federalist paper No. 57 said "[Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society." More recently, the Senate Majority Leader stated "It has been said here many times tonight that. . . we want to treat Senators the same as everyone else. . . Mr. President, not a single Senator believes that. Not a single Senator wants that." And the President himself more directly addressed the problem by stating, "It's wrong [for Congress] to put new requirements on American business as employers and not follow that rule as employers themselves."

Congress must demonstrate that it does not consider itself above the law. The fundamental issue is that of the trust and confidence of the American people in Congress. Congress needs to make all laws that cover public agencies and private businesses apply to Congress. Congress needs to create coverage that applies equally to all Congressional agencies and employees. Congress needs to make its legal status as comparable to the private sector as possible with regard to liability, procedure, and enforcement. Congress needs to ensure that all employees have a full right to appear in federal court.

I would like to supply for the record an argument developed by the Heritage Foundation concerning the Constitution and Congressional coverage.

Congress "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society," wrote James Madison in *Federalist* No. 57. "This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together." If this link between the two is absent, Madison continued, "every government degenerates into tyranny." As a member of the First Congress in 1790, Madison discussed an "important principle" on the House floor: "all laws should be made to operate as much on the law makers as upon the people."

Thomas Jefferson's *Manual of Parliamentary Practice*, which remains part of the internal rules of the House of Representatives, states that "the framers of our constitution... [took] care to provide that the laws should bind equally on all, and especially that those who make them shall not exempt themselves from their operation." Such views eliminate any historical foundation for present-day theories that congressional coverage is somehow constitutionally problematic.

Nonetheless, it is the view of some federal legislators that their constitutional immunity from liability for legislative actions bars enactment of congressional coverage legislation. The Constitution's "speech or debate" clause has been interpreted to confer immunity from suit on Members of Congress when they are engaged in legislative activity. The clause is intended to deter intimidation and coercion by a hostile executive or judiciary; a further section prevents Congressmen from being harassed while in congressional session and traveling to or from a session. One Supreme Court explanation of the clause found that the immunity applies to any action that is "an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House."<sup>6</sup> Areas which courts have declared to be outside the ambit of the clause include communications with voters and attempts to secure government contracts for constituents.<sup>7</sup>

Only one Supreme Court case has directly addressed employment-related congressional immunities deriving from the speech or debate clause: *Davis v. Passman* (1978), in which a Congressman's administrative assistant claimed that she had been discriminated against because of her gender. The Court found that she was not barred from suing the Congressman so long as the speech or debate clause was not at issue. It remanded the case to a lower court to see if the clause applied. The case was settled before a ruling was made.

Two cases in the United States Court of Appeals for the District of Columbia Circuit have discussed in more detail the nature of the immunities granted by the speech or debate clause, finding that employees cannot make discrimination claims if their duties are "intimately cognate" to the legislative process.<sup>8</sup> When a House restaurant manager claimed that she was fired because she was a woman, she was able to press her claim, but when a House clerk who transcribed testimony claimed that she was fired because of her race, she was barred by the clause from suing. Although the breadth of the speech or debate clause's application is indistinct, it is clear that activities not directly related to the legislative process are not constitutionally shielded.

Protection of the principle of separation of powers has been held by the Supreme Court to be one of the aims of the speech and debate clause.<sup>9</sup> The doctrine's goal is the integrity of the different branches of government. Its origin lies in attempts by British monarchs to use the civil and criminal laws to block legislators with agendas opposed by the king. The modern analogue to such an occurrence would be politicized enforcement of, for example, health and safety regulations. Since much of the law at issue is enforced by agencies nominally under the control of the executive branch (for example, the Occupational Safety and Health Administration), overzealous enforcement against Members of Congress might disrupt the constitutional balance by hindering Congress in accomplishing its constitutionally assigned functions.<sup>10</sup>

Anyone genuinely concerned about the separation of powers, however, should note that current arrangements permit Congress to act as law enforcer and judge as well as legislator. True separation of powers will place such authority out of the hands of Congress. While maintaining the separation of powers is a legitimate concern, congressional coverage as such poses no threat to it. Congress already has procedures to deal with overzealous enforcement in any particular case. Congressional employees who are subpoenaed, for example, are required to submit the subpoenas to the House or Senate. In the majority of such cases, Congress determines that there are no separation of powers implications and instructs the employee involved to comply. If Congress determines that a case involves a constitutional issue, however, it can stop the employee from responding and go to court to press its claim. This procedure allows Congress to protect its legitimate rights, including protecting itself against overzealous or politically motivated prosecutions, without placing itself above the law in every case. Executive enforcement against Congress, under such review, does no more harm to the principle of separation of powers than the frequent legislative directives Congress issues to the executive branch.

Despite such protections, some Members of Congress remain fearful that an Administration could pressure opponents through discriminatory investigations or enforcement actions. Such fears should be mitigated, however, by the fact that Congress is already subject to normal tax and criminal laws, two of the areas most subject to potential political abuse. Further, Members would retain greater ability to counter inappropriate law enforcement actions than would corporations or private citizens. Ultimately, Congress even has the power to change the laws or enforcement procedures if they are abused. The personal experiences of many Members with tax compliance, for instance, has resulted in a codified set of taxpayer protections for all citizens.

The Department of Labor—part of the executive branch—currently manages workers' compensation cases by congressional employees, even holding internal administrative hearings to decide cases. And Members of Congress are not immune from civil or criminal proceedings. The constitutional balance remains stable when the judiciary decides cases concerning Congress or the executive enforces laws affecting it; such events are part of the constitutional balance, not in opposition to it.

Congressional coverage would, in fact, strengthen the separation of powers by limiting Congress from using extra-constitutional methods to bludgeon the executive branch. Although all deliberative functions of Congress would be shielded for constitutional reasons, communications having nothing to do with legislation would be available to the public. The Freedom of Information Act, for instance, would force Members of Congress to reveal such actions as communications to federal regulators made on behalf of favored constituents. The Privacy Act would prevent congressional committees from leaking derogatory information about political enemies who are executive branch employees or private citizens.

Committee Name	83d Cong. majority committee %	Difference from House ratio	103d Cong. majority committee %	Difference from House ratio
<i>Majority Party House Percentage</i>	51%	-----	61%	-----
AGRICULTURE	53	+2	60	-1
APPROPRIATIONS	60	+9	62	+1
ARMED SERVICES	53	+2	60	-1
BANKING	55	+4	61	0
BUDGET	N.A.	---	60	-1
DC	52	+1	64	+3
EDUCATION & LABOR	54	+3	62	+1
ENERGY & COMMERCE	55	+4	61	0
FOREIGN AFFAIRS	55	+4	59	-2
GOVERNMENT OPERATIONS	53	+2	60	-1
HOUSE ADMINISTRATION	58	+7	63	+2
JUDICIARY	53	+2	60	-1
MERCHANT MARINE	52	+1	61	0
NATURAL RESOURCES	56	+5	62	+1
POST OFFICE	52	+1	61	0
PUBLIC WORKS	55	+4	61	0
RULES	67	+16	69	+8 ✓
SCIENCE, SPACE & TECHNOLOGY	N.A.	---	60	-1
SMALL BUSINESS	N.A.	---	60	-1
STANDARDS	N.A.	---	50	-11
UN-AMERICAN ACTIVITIES	56	+5	N.A.	---
VETERANS' AFFAIRS	54	+3	60	-1
WAYS & MEANS	60	+9	63	+2

JENNIFER DUNN  
87H CLYDE BLDG. WASHINGTON

1041 LONGWORTH BUILDING  
WASHINGTON, DC 20515  
(202) 225-7700

50 - 18TH AVENUE, SE  
SUITE 200  
BELLEVUE, WASHINGTON 98004  
(206) 450-0400



UNITED STATES  
HOUSE OF REPRESENTATIVES

PUBLIC WORKS AND  
TRANSPORTATION COMMITTEE

SCIENCE, SPACE, AND  
TECHNOLOGY COMMITTEE

HOUSE ADMINISTRATION  
COMMITTEE

JOINT COMMITTEE ON THE  
ORGANIZATION OF CONGRESS

September 29, 1993

The Hon. Lee Hamilton  
Co-Chairman  
Joint Committee on the Organization of Congress  
Room 175D - House Annex 2  
Washington, D.C. 20515

Dear Lee:

This is to convey to you the attached letter co-signed by the four leaders of the respective Democrat and Republican freshman class reform task forces. This letter came about as a result of a meeting convened in my office to discuss the areas of bipartisan agreement on matters under consideration by the Joint Committee.

In their letter, you will see that they are calling for our committee to be bold in a number of areas. I want to add my voice to theirs. We should be bold in our proposals. If this reform effort fails to achieve much in the public's eye, it should not be because the Joint Committee failed to make serious, thoughtful and bold proposals to truly improve the way this institution operates.

I look forward to working with you toward that end.

Best regards,

JENNIFER DUNN  
Member of Congress

JD:pjb  
attachments

cc: Hon. David Dreier  
Vice Chairman

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

September 28, 1993

The Hon. Lee Hamilton  
Co-Chairman  
Joint Committee on the Organization of Congress  
Room 175D - House Annex 2  
Washington, D.C. 20515

Dear Mr. Chairman:

We believe that the American people want a Congress that works smarter, better and less expensively. To achieve that, the Congress must dramatically increase the quantity and quality of deliberation it devotes to hearings, floor votes and its own budgetary needs.

Central to improving the collective work of the House is to develop a more workable schedule for the body. No other issue has united the freshman class more than our shared frustration with the frenetic and counterproductive schedule of work in the House. It need not be this way. We must embrace technology that can help us schedule the Member's time more efficiently. We must endorse streamlining of unnecessarily overlapping committee jurisdictions, and reduce the number of subcommittees. We must be willing to be fully accountable to the public for the job we perform on their behalf.

The four of us have been convinced through work on our respective freshman class reform task forces that no reform should become a procedural straitjacket. Yet, we have concluded that we must reinvent Congress by embracing the following reforms. Therefore, we strongly encourage the Joint Committee on the Organization of the Congress to include these changes in its forthcoming report:

1) We join the Administration in calling for a biennial budget for both authorizations and appropriations. One year of each Congress should be devoted to appropriating two-year budgets for the government. The other year should be devoted to multi-year authorizations. This approach will allow time to be devoted to the overlooked Congressional responsibility of oversight. Supplemental appropriations can be made for any necessary annual adjustments, just as they are currently.

2) We must reduce the number of subcommittees in the House for two fundamental reasons: a) as a crucial first step toward addressing the problems of overlapping jurisdictions; and b) to minimize the scheduling conflicts that frustrate Members and result in poorly attended hearings and an overall diminution of the deliberative nature of the House.

3) Just as Vice President Gore has called for increased reliance on computer technology to make government work better, we likewise call on the Joint Committee

Hon. Lee Hamilton  
September 28, 1993

to include recommendations that Congressional committee scheduling utilize computer technology better. There is no defensible reason for a subcommittee convening at precisely the same time as its parent committee. Overall, far too many hearings are scheduled without enough thought given to avoiding scheduling conflicts. This leaves frustrated Members dashing from one hearing to another, and undermines the value and deliberative nature of hearings. This technology exists; what does not exist is a will to ensure that hearings are well attended and genuinely deliberative.

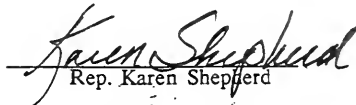
4) In furtherance of the goal of more deliberative hearings, we believe that a public record of hearing attendance should be made available the day following any committee or subcommittee hearing.

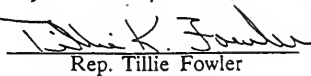
5) The only way to ensure that Members stay at hearings to gather evidence and participate in true deliberation on important legislative matters is to disallow the practice of proxy voting at the full committee level. We do not allow proxy voting when we are doing the public's business on the floor of either the House or Senate, and we should not allow proxy voting when we are doing the crucial part of the public's business that is conducted at the full committee level.

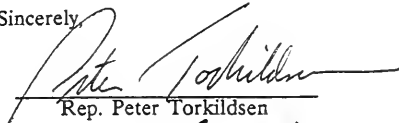
6) Just as the deliberative nature of legislative committee hearings must be protected and enhanced, we must ensure that Members' time on the House floor is protected to foster genuine deliberation on floor votes. We strongly endorse the concept of designating specific parts of each work week for committee work that will not interfere with deliberations on the House floor. It is worth noting that by moving to biennial budgeting, this approach should prove to be attainable.

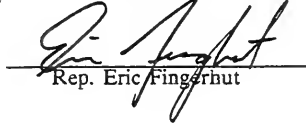
We write as individual freshmen Members who have been deeply involved in reform efforts. And while these are not the only reforms we might individually advocate, we agree that these changes would substantially improve the operation of the House of Representatives. We therefore respectfully request that they be included in the Joint Committee's final reform package.

Sincerely,

  
Rep. Karen Shephard

  
Rep. Tillie Fowler

  
Rep. Peter Torkildsen

  
Rep. Eric Fingerhut

cc: Hon. David Dreier  
Vice Chairman

**SECTION-BY-SECTION SUMMARY OF H.R. XXXX, INCORPORATING THE  
RECOMMENDATIONS OF THE HOUSE MEMBERS OF THE JOINT COMMITTEE  
ON THE ORGANIZATION OF CONGRESS**

**Section 1. Short Title.**

The short title of the bill is the "Legislative Reorganization Act of 1993.

**Section 2. Rulemaking Power of the House and Senate.**

This section is the standard text in "rulemaking statutes" noting that the provisions amending House or Senate rules can be changed by the House or Senate acting unilaterally under each Chamber's constitutional right to determine the rules of its own proceedings.

**TITLE I. HOUSE OF REPRESENTATIVES**

**Section 101. Multiple Referral of Legislation.**

The Speaker, if practicable, should designate a lead committee for all jointly referred measures, and impose subject matter and time limitations on reporting by the other committees which received the legislation.

**Section 102. Membership on Committees.**

**Subsection (a). Assignment Limits**

Members would be limited to six standing committee and subcommittee assignments. These limitations would be waived only with the approval of relevant party caucus and the full House.

**Subsection (b). De Minimis Procedure for Committee Review**

If the size of a standing committee falls below 50% of the 103d Congress level, the House Rules Committee would review the possibility of abolishing the committee and transferring its jurisdiction to other committees.

**Subsection (c). Limitations on the Number of Subcommittees.**

The change establishes in House Rules a limit of 5 subcommittees for major and exclusive committees (except Appropriations), and 4 subcommittees per non-major committee. The terms exclusive, major, and non-major are used here as defined in rules of the majority party caucus. Further, committees may not establish any subunit other than a subcommittee unless the House, by resolution, authorizes its creation.



**Section 103. Scheduling.**

Amends Rule XI to require one week advance notice of all committee and subcommittee meetings and hearings, unless compliance is impracticable. Additional Sense of the House language encourages the development of a legislative schedule with 4-day workweeks, exclusive periods for floor and committee work, and rationalizes committee and subcommittee scheduling through computer scheduling.

**Section 104. Subcommittee Meetings Prohibited During Full Committee Meetings.**

This recommendation precludes subcommittees from meeting during full committee sessions without prior written approval.

**Section 105. Committee Reports.**

This provision would require committee reports and joint explanatory statements accompanying conference reports to describe provisions that directly or indirectly change current law, or earmark funds or provide a specific tax expenditure.

**Section 106. Notice of Jurisdictional Violations.**

This provision requires the Appropriations Committee to notify legislative committees of actions affecting their jurisdictions, and requires legislative committees to notify the Appropriations Committee of actions affecting its jurisdiction.

**Section 107. Independent Investigations and Factfinding for Ethics Investigations.**

Party leaders would appoint a pool of up to 20 outside "factfinders" for potential use in ethics investigations; provision sets qualifications for service and limitations on employment during such service.

**Section 108. Use of Independent Factfinders by the Committee on Standards of Official Conduct.**

At its discretion the Standards Committee could use independent factfinders in lieu of 4 or 6-member investigative subcommittee now authorized in House Rules, with authority for factfinders to recommend disciplinary sanctions.

**Section 109. Term of Membership and Chairmanship on Permanent Select Committee on Intelligence.**

The maximum term for Members of the Intelligence Committee is extended from 6 to 8 years of continuous service, and the chairman is allowed to serve for up to 4 years and a total of 10 years if the last four are served as chair. Service for part of a Congress shall not be taken into account in these service limitations.

**Section 110. Reform of Oversight Process.**

Committees are required to (1) adopt oversight agendas, (2) coordinate oversight activities, (3) review at least every 10 years all matters within their jurisdiction, (4) hold oversight hearings on agency reports, and (5) publish information on oversight activities. The Speaker is authorized to appoint ad hoc oversight committees.

**Section 111. Staff Training.**

This section expresses the Sense of the House that the House Administration Committee should evaluate current training and orientation programs for House employees. The Committee also is urged to develop, administer, and coordinate programs for House staff to enhance their skills and knowledge.

**Section 112. Availability of Legislative Information.**

This section expressed the Sense of the House that (1) the 3-day layover requirement for reports not be waived unless reports have been available for 24 hours; (2) amendments considered under suspension should be printed and available for 24 hours; (3) committee reports should be prepared on computer disk for easier dissemination; (4) in-House cable channels should provide summaries of pending legislation; (5) full text of bills, reports, U.S. Code and Statutes, and support agency reports should be available on line; (6) specified legislative information should be made available to public and Depository Libraries by computer for nominal charge.

**Section 113. Public Understanding of Congress.**

This section expresses the Sense of the House that (1) debate content should be enhanced; (2) private sector efforts to improve public understanding of Congress and the legislative process should be encouraged; (3) citizen access telephone lines should provide agenda information; and (4) Congress should make better use of computer technology to enhance the quality and availability of information on Congress for the public.

**Section 114. House-Senate Staff Salary Parity.**

The provision urges the House Administration Committee and the House Appropriations Committee (in consultation with their Senate counterparts) to study the salary ranges of House and Senate personal, committee, and administrative staff, with a view towards achieving staff salary parity between the chambers.

**Section 115. Expansion of unauthorized appropriations points of order.**

This section expands the current point of order against consideration of unauthorized appropriations to provisions in the bill providing appropriations in excess of the level set in the most recent authorization bill.

**Section 116. Motion to recommit.**

The section guarantees the minority the right to offer a motion to recommit with instructions if such a motion is offered by the minority leader or a designee. Under the new language, the Speaker could postpone for up to two hours the consideration of such a motion.

**Section 117. Debate in the House.**

This section amends House Rule XIV to expand the range of permissible references in House debate to Senate actions to permit references to Senate action or inaction on any measure or matter, to quote from Senate proceedings on any measure or matter, to refer to individual Senators and to the Rules of the Senate and to refer the effect of such Senate practices or Rules on measures or matters pending in the Senate.

**Section 118. Committee reports.**

The section requires committee reports to include the names of the committee members voting for and against reporting a measure or matter, or in the case of voice vote on the motion to report, a listing of the committee members actually present at the time of such vote.

**Section 119. Publication of committee attendance and voting records.**

This section requires all committees to publish twice each year the voting and attendance records of members at all committee meetings and meetings of each committee's subcommittees.

**Section 120. Accuracy of the Congressional Record.**

This section amends House Rules to provide for a "substantially verbatim account of remarks" in the Congressional Record. Members are limited to making only technical grammatical and typographical corrections in transcripts of their remarks. Deletion of unparliamentary remarks can only be made by unanimous consent or order of the House. Violations of the new rule would be subject to investigation by the Committee on Standards of Official Conduct.

**Section 121. Recodification of Rules of the House of Representatives.**

This section directs the Parliamentarian of the House to complete by the beginning of the 105th Congress a draft recodification of the Rules of the House. In this project, he may utilize the services of the Congressional Research Service and the Government Printing Office.

**TITLE II--SENATE**

Provisions to be supplied by Senate.

**TITLE III. JOINT HOUSE AND SENATE MATTERS*****Subtitle A--Congressional Budget Process*****Chapter 1. Biennial Budgeting****Section 301. Revision of Timetable.**

Section 301 revises the timetable for the Congressional budget process (beginning with the 104th Congress) to reflect the changes that appear elsewhere in the chapter; these changes establish biennial budget resolutions and appropriations bills and require that authorizations be made for a minimum of two years. The budget resolution and appropriations bills would be considered in the first session, while authorizing legislation would be considered during the second session.

**Section 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.**

Section 302 reflects the technical amendments to the Budget Act necessary to change to a biennial budget resolution, including revisions to the sections covering reconciliation and enforcement of the budget resolution.

**Section 303. Amendments to Title 31, United States Code.**

Section 303 amends Section 1105 of Title 31 to require the President's to submit budgets biennially, and to include additional information to assist Congress in planning expenditures and revenues over a two-year cycle.

**Section 304. Conforming Amendments to Rules of House of Representatives.**

Section 304 amends the rules of the House to reflect the changes included elsewhere in the bill, primarily involving the switch to a biennial timetable for the budget resolution. A portion of this section directs the House Budget Committee to focus on program oversight and review, to consult with legislative committees about program and policy trends and problems, and to report to the Speaker at the end of each Congress on up-coming issues and policy developments which might affect the future agenda of the House.

**Section 305. Multi-Year Authorizations.**

Section 305 establishes a point of order against considering any bill, joint resolution, amendment, or conference report that authorizes appropriations for a period less than two fiscal years. An exception is made in cases of a program, project, or activity for which funds are to be spent for less than two years.

## **Chapter 2. Additional Budget Process Changes.**

### **Section 321. CBO Reports to Budget Committees.**

Section 321 requires that the Congressional Budget Office file quarterly budget reports with the House and Senate Budget Committees. These reports are to compare revenues, spending, and the deficit for the current fiscal year with the assumptions used in the congressional budget resolution. CBO will also be required to make the reports available to other interested parties upon request. These reports will enable the Congress to compare actual budget results to earlier estimates.

### **Section 322. GNP Budget Analysis; Fiscal and Budget Policy Reports.**

Section 322 requires the Economic Report of the President to include a GNP budget analysis, which is to describe broad policy objectives for the economy, and is to present a GNP budget showing how current national output (by major category) will be affected by the President's pursuit of these objectives. The President would also be required to submit separate fiscal policy reports which are to lay out the President's long-term fiscal policy goals, ten-year budget projections, relevant comparisons between U.S. fiscal policies and those of our international competitors, and performance indicators that can be used by the Congress to assess the effectiveness of federal programs.

## **Chapter 3. Effective Date**

### **Section 331. Effective Date; Application.**

The amendments included in the subtitle take effect January 1, 1995, and apply to bienniums beginning after September 30, 1995. The changes in the Budget Act and in title 31 of the U. S. Code do not apply in fiscal year 1995.

#### *Subtitle B---Staffing and Instrumentalities.*

### **Section 341. Legislative Branch Streamlining and Restructuring.**

The Speaker will appoint a task force to make recommendations and issue a report (along with the appropriate Senate committees) to the leadership to achieve: (1) economic efficiencies and cost savings in the administrative operations of the Legislative Branch, and (2) staffing reductions consistent with reductions implemented for the Executive Branch under the National Performance Review. The base employment level from which reductions would be taken is the number of full-time legislative branch staff employed as of September 30, 1992. The task force must report before the beginning of the second session of the 104th Congress (January 3, 1996). Task force recommendations approved by the leadership will be implemented in the legislative branch appropriation bill for FY1997.

**Section 342. Authorization and Funding of Certain Congressional Instrumentalities.**

This section eliminates the permanent authorization of the General Accounting Office, the Congressional Research Service, the Government Printing Office, the Office of Technology Assessment, and the Congressional Budget Office. It establishes an eight year reauthorization schedule for each entity beginning in FY1997. The section also changes statutory provisions providing permanent authorization for these entities.

**Section 343. Coordination of Legislative Branch Services.**

This section directs the appropriate committees of the House and Senate to study and report to their party leaders by the end of the 104th Congress proposed legislation to coordinate legislative branch services, positions, and organizations. The services for which greater coordination is to be sought include printing, recording, photography, tour guide services, folding and packaging, chaplains' services, flag offices, security and parking, disbursements and receipts of official expenses, legal services, bill drafting services, the Congressional Budget Office, library and research services, computer services, and the operation of the Office of the Architect and maintenance of buildings and grounds. The section suggests the creation of a bicameral management board to implement any proposals resulting from this study.

**Section 344. Privatization and Competitive Bidding.**

This section directs the appropriate committees of the House and Senate to report legislation during the 104th Congress to grant to private firms by competitive bid the right to operate congressional barber and beauty shops, gymnasiums and health clubs, health and medical services, restaurants, automobile services (including purchase and leasing), and child care. Contracts for such services and bids should be periodically reauthorized, but for a period not exceeding five years.

*Subtitle C---Application of Federal Laws***Section 351. Definitions.**

Defines "congressional employee" to include employees of the House, the Senate, or the Architect of the Capitol.

Defines "employee of the House of Representatives" as (1) an individual who was eligible to file a formal complaint with the House Office of Fair Employment Practices under House Rules prior to the enactment of this subtitle; (2) an applicant for such a position lasting longer than 90 days; and (3) a former employee as defined above.

Defines "employee of the Senate" as (1) an individual whose pay is disbursed by the Secretary of the Senate; (2) an applicant for such a position lasting longer than 90 days; and (3) a former employee as identified above.

Defines "employee of the Architect of the Capitol" as (1) an individual employed by the Architect or within the administrative jurisdiction of the Architect who is paid from legislative branch funds; (2) an applicant for such a position lasting longer than 90 days; and (3) a former employee as defined above.

**Section 352. Application of laws.**

This section provides that the Fair Labor Standards Act of 1938, Title VII of the Civil Rights Act of 1964, Sections 102 through 104 of the Americans With Disabilities Act of 1990, and the Family and Medical Leave Act of 1993 shall apply to congressional employees, subject to congressional approval of implementing regulations proposed by the Board of Directors of the Office of Compliance. Such regulations may also propose providing coverage to congressional employees under other statutes.

**Section 353. Office of Compliance.**

This section establishes in the legislative branch: (1) an Office of Compliance (Office) with (2) a Board of Directors, consisting of eight individuals serving without pay appointed to maximum of one five-year term jointly by the Speaker of the House, the Majority Leader of the Senate, and the Minority Leaders of the House and the Senate; (3) a Director of the Office, appointed jointly by the Speaker, the Majority Leader of the Senate, and the Minority Leaders of the House and the Senate.

**Section 354. Study and Regulations.**

This section requires the Director to conduct a study of the application to congressional employees of the provisions of federal law referred to in section 352. A report containing the results of the study is to be submitted to Congress no later than 180 days after the date of enactment of this subtitle, and the Director is to propose appropriate implementing regulations within an additional 180 days. The regulations proposed shall not go into effect unless approved by Congress, by adoption of a concurrent resolution, under fast-track procedures.

The section also defines "employee of an instrumentality" to include any employee of the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and any other unit of the legislative branch other than an office of the House, the Senate, or the Architect of the Capitol. The Director is to conduct a similar study of the application to employees of congressional instrumentalities of the same provisions of federal law (section 352). The study report is due to Congress not later than 180 days after submission of the report on the application of such laws to congressional employees. Instrumentality employees may be provided additional employment protections, subject to the enactment of appropriate legislation under normal legislative procedures.

**Section 355. Other Functions.**

This section provides for certain other functions to be performed by the Director as follows:

(1) adoption of procedural rules for the Office, including hearing boards, which are to be published in the Congressional Record; (2) conduct investigations necessary for the resolution of complaints as described herein; (3) carry out a program of education for Members, employing authorities, and congressional employees informing them of their rights and duties under applicable laws; (4) distribute such information in a manner suitable for posting and dissemination to new Members and employees; (5) publish enforcement statistics pertaining to the activities of the Office and the outcome of complaint proceedings and (6) collect demographic data relative to race, sex, wages, etc. of congressional employees.

**Section 356. Procedure for Consideration of Alleged Violations.**

This section outlines a four-step procedure for consideration of alleged violations of applicable laws to consist of counseling, mediation, formal complaint and administrative hearing, and judicial review.

**Section 357. Step I: Counseling.**

Aggrieved employees may within 180 days of an alleged violation request counseling through the Office which shall continue for a period of 30 days or for such lesser duration as the Office and employee may agree to.

**Section 358. Step II: Mediation.**

At the employee's request, counseling is followed by a mediation period of 30 days, subject to an additional 30-day extension, during which the Office, the employee, and the employing office meet separately or jointly for the purpose of resolving the dispute.

**Section 359. Step III: Formal Complaint and Hearing.**

Within 30 days of notice of the end of mediation, the congressional employee may file a formal complaint with the Office which shall be heard by a 3-member independent Board of hearing officers selected by the Director from among experienced adjudicators and arbitrators recommended by the Federal Mediation and Conciliation Service and similar professional organizations.

All hearings are in closed session and on the record with reasonable prehearing discovery permitted at the Board's discretion. The Board may authorize subpoenas for attendance of witnesses and the production of documents. Board subpoenas are enforceable in (1) matters involving the Senate, by application to an appropriate federal district court; or (2) matters involving the House, by report to the Committee on Rules which may refer disobedience by current Members or House employees to the Committee on Standards of Official Conduct.

Within 45 days of the conclusion of hearings, the Board transmits its decision to the employee and employing office, together with a written statement of its reasoning, which shall also be made available to the public. The decision includes appropriate remedies for any violations found but neither House nor Senate Members personally, nor their office accounts, may be made



liable for payment of compensation. Monetary relief of this nature instead will be satisfied from a separate fund established in each House for that purpose. No punitive damages may be awarded. The Board decision may at the request of the employee or Member be reviewed by the Director who within 60 days is to affirm, reverse, or remand the matter for further consideration.

**Section 360. Judicial Review.**

Any aggrieved congressional employee or any House or Senate Member aggrieved by a final decision may seek judicial review of the Board proceedings before the United States Court of Appeals for the Federal Circuit which is to decide all relevant questions of law and interpret constitutional and statutory provisions. The standard of review requires the court to set aside any final decision that it finds to be (1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law, (2) not made consistent with required procedures, or (3) unsupported by substantial evidence. Attorneys fees may be allowed a prevailing congressional employee.

**Section 361. Resolution of Complaint.**

Complaints may be withdrawn subject to approval by the Director.

**Section 362. Prohibition of Intimidation.**

Reprisals against congressional employees for exercising rights under this Act may be the basis of a complaint subject to the foregoing procedures and remedies.

**Section 363. Confidentiality.**

Generally, all counseling, mediation, and hearings are "strictly confidential," except for disclosures required for purposes of judicial review or for access to the House Committee on Standards of Official Conduct and the Senate Select Committee on Ethics.

**Section 364. Political Affiliation and Place of Residence.**

This section declares that it is not a violation of law to consider in making employment decisions the party affiliation, domicile, or political compatibility of a present or potential staff employee in a congressional office.

**Section 365. Other Review.**

No other administrative or judicial review is available for redress of practices violative of the Act.

*Subtitle D---Miscellaneous***Section 371. Sunset Agency Reporting Requirements.**

The House Committee on Government Operations and the Senate Committee on Governmental Affairs, with the assistance of the GAO, are charged with examining statutory reporting requirements and reporting legislation by a date certain to eliminate nonessential agency reports. The Committees also are instructed to develop a procedure to sunset agency reports within 5 years unless the reports are reauthorized, and to report legislation to achieve this objective.

**Section 372. Joint Committee on Information Management.**

This provision abolishes the Joint Committee on Printing and the Joint Committee on the Library. It creates a Joint Committee on Information Management, comprised of 5 Senators drawn from the Rules and Administration Committee and 5 Representatives drawn from the House Administration Committee with rotating chairmanship between the chambers. The new Committee will (1) have the functions of the Joint Printing and Library Committees; (2) coordinate information management for Congress; (3) establish standards and policies for information technology in Congress; (4) and ensure public dissemination of Executive Branch information.

*Subtitle E---Budget Control***Section 381. Short Title; Purpose.**

Cites this subtitle as the "Budget Control Act of 1993," with an expressed purpose to monitor total costs of direct spending programs and to direct the President and Congress to address adjustments in direct spending levels.

**Section 382. Establishment of Direct Spending Targets.**

This section requires the Director of the Office of Management and Budget to report to Congress on projected direct spending for each fiscal year from FY1994 through FY1997, and specifies economic and technical assumptions which the Director shall use in preparing such report.

**Section 383. Annual Review of Direct Spending and Receipts by President.**

This section directs the President to provide in his budget submission a review of direct spending and receipts, along with information on total outlays for programs specified in the direct spending targets and projected spending for the five succeeding fiscal years. The President shall include information supporting the adjustment of direct spending targets based on the actual outlays.

**Section 384. Direct Spending Message by President.**

If actual outlays exceeded the spending target or if estimates show that the target will be exceeded in the current or a future budget year, the President is directed to: explain the causes of the disparity between the estimated and actual direct spending and to include recommendations for addressing the direct spending overages, if any. The President's recommendations may include any of the following: to reduce direct spending outlays, increase revenues, or both to end the spending overage, to only reduce the spending overage, or to take no legislative action. The President shall submit, with this message, the text of an appropriate "direct spending resolution" implementing his recommendations.

**Section 385. Required Response by Congress.**

The concurrent resolution on the budget must include a separate title containing reconciliation directives to the appropriate House and Senate committees to make appropriate reductions in direct spending outlays or in increased revenues by the amount specified by the President. If less than the full amount is recouped, the Budget Committee shall report a resolution directing the Government Operations Committee to report legislation increasing the direct spending targets accordingly, and no budget resolution may be considered until the House has agreed to adjust the targets. Neither shall it be in order to consider a budget resolution conference report unless the conference report fully addresses all direct spending overages. If the Budget Committee fails to act in a timely fashion on such issues, the concurrent resolution submitted with the President's budget shall be automatically discharged and its consideration becomes a privileged item of business in the House.

**Section 386. Adjustments to Direct Spending Targets.**

This section specifies the methodology to be used by the Director of the Office of Management and Budget in adjusting the direct spending targets and revenue targets from those of the prior year.

**Section 387. Relationship to Balanced Budget and Emergency Deficit Control Act of 1985.**

Exempts outlay reductions or revenue increases undertaken pursuant to direct spending control process from budget enforcement procedures under Balanced Budget and Emergency Deficit Control Act of 1985.

**Section 388. Estimating Margin.**

If direct spending overage is less than .5% of the direct spending target for that fiscal year, the control process will not be triggered.

**Section 389. Consideration of Appropriation Bills.**

This section prohibits consideration of any general appropriation bill if the Congress has

failed to complete action on a direct spending control measure as required above. However, the Rules Committee may report a rule granting a blanket waiver of this section for all general appropriation bills.

**Section 390. Means-Tested Programs.**

Urges the President and Congress to consider all other alternatives before proposing reductions in means tested programs.

**Section 391. Effective Date.**

The subtitle applies to direct spending targets from FY1994 through FY1997 and terminates at the end of FY1997.

[DRAFT]

103D CONGRESS  
1ST SESSION**H. R.** \_\_\_\_\_

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 IN THE HOUSE OF REPRESENTATIVES

Mr. \_\_\_\_\_ introduced the following bill: which was referred to the Committee  
on \_\_\_\_\_

---

**A BILL**

To improve the operations of the legislative branch of the  
Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled.*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Legislative Reorganization Act of 1993”.

6 (b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

Sec. 2. Rulemaking power of Senate and House.

## TITLE I—HOUSE OF REPRESENTATIVES

- Sec. 101. Multiple referral of legislation.
- Sec. 102. Membership on committees.
- Sec. 103. Scheduling.
- Sec. 104. Subcommittee meetings prohibited during full committee meetings.
- Sec. 105. Committee reports.
- Sec. 106. Notice of jurisdictional violations.
- Sec. 107. Independent investigations and factfinding for ethics investigations.
- Sec. 108. Use of independent factfinders by the Committee on Standards of Official Conduct.
- Sec. 109. Term of membership and chairmanship on Permanent Select Committee on Intelligence
- Sec. 110. Reform of oversight process.
- Sec. 111. Staff training.
- Sec. 112. Availability of legislative information.
- Sec. 113. Public understanding of Congress.
- Sec. 114. House-Senate staff salary parity.
- Sec. 115. Expansion of unauthorized appropriations points of order.
- Sec. 116. Motion to recommit.
- Sec. 117. Debate in the House.
- Sec. 118. Committee reports.
- Sec. 119. Publication of committee attendance and voting records.
- Sec. 120. Accuracy of the Congressional Record.
- Sec. 121. Recodification of Rules of the House of Representatives.

## TITLE II—SENATE

## TITLE III—JOINT HOUSE AND SENATE MATTERS

## Subtitle A—Congressional Budget Process

## CHAPTER 1—BIENNIAL BUDGETING

- Sec. 301. Revision of timetable.
- Sec. 302. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
- Sec. 303. Amendments to title 31, United States Code.
- Sec. 304. Two-year appropriations: title and style of appropriations Acts.
- Sec. 305. Conforming amendments to Rules of House of Representatives.
- Sec. 306. Multyear authorizations.

## CHAPTER 2—ADDITIONAL BUDGET PROCESS CHANGES

- Sec. 321. CBO reports to budget committees.
- Sec. 322. GNP budget analysis: fiscal and budget policy reports.
- Sec. 323. Government-wide review.
- Sec. 324. Content of budget resolutions.

## CHAPTER 3—EFFECTIVE DATE

- Sec. 331. Effective date: application.

## Subtitle B—Staffing and Instrumentalities

- Sec. 341. Legislative branch streamlining and restructuring.

- Sec. 342. Authorization and funding of certain congressional instrumentalities.  
 Sec. 343. Coordination of legislative branch services.  
 Sec. 344. Competitive bidding for legislative branch services and facilities.

Subtitle C—Application of Federal Laws

- Sec. 351. Definitions.  
 Sec. 352. Application of laws.  
 Sec. 353. Office of compliance.  
 Sec. 354. Study and regulations.  
 Sec. 355. Other functions.  
 Sec. 356. Procedure for consideration of alleged violations.  
 Sec. 357. Step I: Counseling.  
 Sec. 358. Step II: Mediation.  
 Sec. 359. Step III: Formal complaint and hearing.  
 Sec. 360. Judicial review.  
 Sec. 361. Resolution of complaint.  
 Sec. 362. Prohibition of intimidation.  
 Sec. 363. Confidentiality.  
 Sec. 364. Political affiliation and place of residence.  
 Sec. 365. Other review.

Subtitle D—Miscellaneous

- Sec. 371. Sunset agency reporting requirements.  
 Sec. 372. Joint committee on information management.

Subtitle E—Budget Control

- Sec. 381. Short title; purpose.  
 Sec. 382. Establishment of direct spending targets.  
 Sec. 383. Annual review of direct spending and receipts by president.  
 Sec. 384. Special direct spending message by President.  
 Sec. 385. Required response by Congress.  
 Sec. 386. Adjustments to direct spending targets.  
 Sec. 387. Relationship to Balanced Budget and Emergency Deficit Control Act of 1985.  
 Sec. 388. Estimating margin.  
 Sec. 389. Consideration of appropriation bills.  
 Sec. 390. Means-tested programs.  
 Sec. 391. Effective date.

1 **SEC. 2. RULEMAKING POWER OF SENATE AND HOUSE.**

2       The provisions of this Act (as applicable) are enacted  
 3 by the Congress—

4           (1) insofar as applicable to the House of Rep-  
 5       representatives, as an exercise of the rulemaking power  
 6       of the House of Representatives, subject to and with  
 7       full recognition of the power of the House of Rep-

1       representatives to enact or change any rule of the  
 2       House at any time in its exercise of its constitutional  
 3       right to determine the rules of its proceedings; and  
 4               (2) insofar as applicable to the Senate, as an  
 5       exercise of the rulemaking power of the Senate and,  
 6       to the extent so applicable, those sections are  
 7       deemed a part of the Standing Rules of the Senate,  
 8       superseding other individual rules of the Senate only  
 9       to the extent that those sections are inconsistent  
 10      with those other individual Senate rules, subject to  
 11      and with full recognition of the power of the Senate  
 12      to enact or change any rule of the Senate at any  
 13      time in its exercise of its constitutional right to de-  
 14      termine the rules of its proceedings.

## 15       **TITLE I—HOUSE OF** 16       **REPRESENTATIVES**

### 17      **SEC. 101. MULTIPLE REFERRAL OF LEGISLATION.**

18       Clause 5(c) of rule X of the Rules of the House of  
 19      Representatives is amended—

20               (1) by inserting “and subject-matter” after  
 21      “time”; and

22               (2) by adding at the end the following new sen-  
 23      tence:

24       “If practicable, whenever the Speaker refers a matter  
 25      simultaneously to two or more committees, he shall ini-



1 tially designate one committee as the committee of pri-  
2 mary jurisdiction and subsequently place appropriate time  
3 and subject-matter limitations for completion of consider-  
4 ation of the matter by any other committee after the com-  
5 mittee of primary jurisdiction reports the matter.”.

6 **SEC. 102. MEMBERSHIP ON COMMITTEES.**

7 (a) MAXIMUM NUMBER OF COMMITTEE AND SUB-  
8 COMMITTEE ASSIGNMENTS.—Clause 6(a) of rule X of the  
9 Rules of the House of Representatives is amended by add-  
10 ing at the end the following new subparagraph:

11 “(3)(A) Except as provided by subdivision (E), no  
12 Member (including the Resident Commissioner from Puer-  
13 to Rico and each Delegate to the House) may serve on  
14 more than 2 standing committees or 4 subcommittees of  
15 those standing committees.

16 “(B) Any resolution submitted pursuant to the first  
17 sentence of subparagraph (1) that violates subdivision (A)  
18 shall not be privileged.

19 “(C) Before any committee may approve any sub-  
20 committee assignment that violates subdivision (A), the  
21 chairman or the ranking minority party member, as the  
22 case may be, shall notify the appropriate party caucus.  
23 Each such nomination for subcommittee membership shall  
24 have no force or effect until approved by the House.

1       “(D) If a Member notifies the House of that Mem-  
2 ber’s intention to make a unanimous consent request or  
3 to offer a privileged motion to request a vote to waive the  
4 limitation set forth in subdivision (A) with respect to that  
5 Member, then after the passage of 48 hours, the Speaker  
6 may entertain, upon recommendation of the respective  
7 party caucus, a unanimous consent request of that Mem-  
8 ber or a privileged motion for the waiver of the limitation  
9 set forth in subdivision (A) with respect to that Member.  
10 No such privileged motion or unanimous consent request  
11 may be made for more than one Member at a time.

12       “(E)(i) This subparagraph shall not apply to the  
13 Committee on Standards of Official Conduct.

14       “(ii) Members serving on the Committee on the  
15 Budget may serve on one other standing committee during  
16 their term of service on the Committee on the Budget.  
17 Such Members may take a leave of absence from service  
18 on any committee or subcommittee during the period they  
19 serve on the Budget Committee and their seniority rights  
20 on such committees and on each subcommittee to which  
21 they were assigned at the time shall be fully protected as  
22 if they had continued to serve during the period on leave  
23 of absence. Any Member on such a leave of absence from  
24 a standing committee shall not be deemed to be in vio-

1 lation of any committee or subcommittee service limitation  
2 in this subparagraph.”.

3 (b) DE MINIMIS RULE FOR CONTINUATION OF  
4 STANDING COMMITTEES.—Clause 6 of rule X of the Rules  
5 of the House of Representatives is amended by adding at  
6 the end the following new paragraph:

7 “(i) If the membership of a standing committee for  
8 a Congress is below 50 percent of the number of members  
9 serving on that committee at the end of the One Hundred  
10 Third Congress, then the Committee on Rules shall con-  
11 sider a resolution amending these Rules to eliminate that  
12 committee and transfer its jurisdiction to one or more  
13 other standing committees.”.

14 (c) RESTRICTION ON NUMBER OF SUB-  
15 COMMITTEES.—Clause 6(d) of rule X of the Rules of the  
16 House of Representatives is amended to read as follows:

17 “(d)(1) No exclusive or major committee, except the  
18 Committee on Appropriations, shall have more than 5 sub-  
19 committees. No nonmajor committee shall have more than  
20 4 subcommittees.

21 “(2) As used in this paragraph, the terms exclusive,  
22 major, and nonmajor, when referring to a committee, shall  
23 have the meanings given them by the rules of the majority  
24 party caucus.

1       “(3) No committee may establish any subunit of that  
2 committee other than a subcommittee, unless the House,  
3 by resolution, authorizes such establishment.”.

4 **SEC. 103. SCHEDULING.**

5       (a) **LEGISLATIVE ACTIVITIES OF THE HOUSE.**—It is  
6 the sense of the House of Representatives that there  
7 should be established a schedule of legislative activities of  
8 the House that—

9           (1) provides for 4 full days of legislative busi-  
10 ness per week while the House is in session;

11           (2) sets aside specific periods exclusively for  
12 floor proceedings and exclusively for committee  
13 meetings and hearings;

14           (3) rationalizes the scheduling of committee and  
15 subcommittee meetings and hearings to minimize  
16 scheduling conflicts; and

17           (4) encourages the use of computerized schedul-  
18 ing to minimize such conflicts and requires that the  
19 House Information Systems provide training to com-  
20 mittee and subcommittee staff on the use of comput-  
21 erized scheduling.

22       (b) **NOTIFICATION OF COMMITTEE AND SUB-**  
23 **COMMITTEE MEETINGS AND HEARINGS.**—Clause 2(g)(3)  
24 of rule XI of the Rules of the House of Representatives  
25 is amended—

1           (1) in the first sentence by striking "committee  
2     hearing" and inserting "committee or subcommittee  
3     meeting or hearing";

4           (2) in the first sentence by inserting "meeting  
5     or" before "hearing."; and

6           (3) in the second sentence by inserting "meet-  
7     ing or" before "hearing".

8     **SEC. 104. SUBCOMMITTEE MEETINGS PROHIBITED DURING**  
9           **FULL COMMITTEE MEETINGS.**

10     Clause 2(g) of rule XI is amended by adding at the  
11     end the following new subparagraph:

12     “(7) No subcommittee of any committee may sit  
13     when a meeting or hearing of the committee is in progress  
14     without the prior written approval of the chairman of that  
15     committee.”

16     **“SEC. 105. COMMITTEE REPORTS.**

17     “Clause 3 of rule XXI of the Rules of the House of  
18     Representatives is amended to read as follows:

19     “3. A report from any committee accompanying any  
20     bill authorizing or providing obligational authority or tax  
21     expenditures (as defined by section 3(3) of the Congres-  
22     sional Budget Act of 1974), or the joint explanatory state-  
23     ment accompanying a conference report on any bill au-  
24     thorizing or providing obligational authority or tax ex-  
25     penditures shall contain a concise statement—

1           “(1) describing fully the effect of any provision  
2       of the accompanying bill or conference report which  
3       directly or indirectly changes the application of ex-  
4       isting laws; and

5           “(2) in a separate, clearly identifiable part of  
6       the report or joint explanatory statement, list each  
7       item in the accompanying bill (or that report) or  
8       conference report (or that joint explanatory state-  
9       ment) that earmarks the required use of funds below  
10      the appropriation account level or provides a specific  
11      tax expenditure.”.

12 **SEC. 106. NOTICE OF JURISDICTIONAL VIOLATIONS.**

13       Rule XXI of the Rules of the House of Rep-  
14      resentatives is amended by adding at the end the following  
15      new clause:

16       “8. (a) Whenever the Committee on Appropriations  
17      orders reported any general appropriation bill which in-  
18      cludes any provision in violation of clause 2 or 6 and with-  
19      in the jurisdiction of any other standing committee, it  
20      shall immediately notify that committee.

21       “(b) Whenever any other committee of the House or-  
22      ders reported any bill or resolution, or amendment thereto,  
23      carrying an appropriation from a committee not having  
24      jurisdiction to report appropriations in violation of clause

1 5, that committee shall immediately notify the Committee  
2 on Appropriations.

3 “(c) The Committee on Appropriations shall deliver  
4 copies of appropriation bills as passed the House with  
5 numbered Senate amendments to the appropriate author-  
6 izing committees at least 24 hours before requesting ap-  
7 pointment of conferees thereon unless the Speaker deter-  
8 mines otherwise. The Committee on Appropriations shall,  
9 upon the filing of a conference report on an appropriation  
10 measure, deliver copies of the conference report and ac-  
11 companying joint explanatory statement to the appro-  
12 priate authorizing committees at least 24 hours before  
13 floor action thereon unless the Speaker determines other-  
14 wise.”.

15 **SEC. 107. INDEPENDENT INVESTIGATIONS AND FACTFIND-**  
16 **ING FOR ETHICS INVESTIGATIONS.**

17 (a) APPOINTMENT OF INDEPENDENT PANEL.—(1)  
18 The Speaker and the minority leader of the House of Rep-  
19 resentatives shall appoint jointly 20 independent  
20 factfinders at the beginning of each Congress to carry out  
21 investigations on behalf of the House of Representatives  
22 as required by the Committee on Standards of Official  
23 Conduct. Independent factfinders appointed under this  
24 section may include former Members of Congress, former

1 officers or employees of the Congress, or other private citi-  
2 zens.

3 (2) No individual who engages in, or is otherwise em-  
4 ployed in, lobbying of the Congress and who is required  
5 under the Federal Regulation of Lobbying Act to register  
6 with the Clerk of the House of Representatives or the Sec-  
7 retary of the Senate shall be considered eligible for ap-  
8 pointment as an independent factfinder under this sub-  
9 section.

10 (b) COMPENSATION OF FACTFINDERS.—

11 (1) IN GENERAL.—Each independent factfinder  
12 shall be compensated at a rate equal to the daily  
13 equivalent of the annual rate of basic pay prescribed  
14 for level IV of the Executive Schedule under section  
15 5315 of title 5, United States Code, for each day  
16 (including travel time) during which the independent  
17 factfinder is engaged in the performance of his or  
18 her duties under this section.

19 (2) TRAVEL EXPENSES.—Each independent  
20 factfinder shall be allowed travel expenses, including  
21 per diem in lieu of subsistence, at rates authorized  
22 for employees of agencies under subchapter I of  
23 chapter 57 of title 5, United States Code, while  
24 away from his or her home or regular place of busi-



1       ness in the performance of his or her duties under  
2       this section.

3       **SEC. 108. USE OF INDEPENDENT FACTFINDERS BY THE**  
4                   **COMMITTEE ON STANDARDS OF OFFICIAL**  
5                   **CONDUCT.**

6       The Committee on Standards of Official Conduct of  
7       the House of Representatives shall adopt rules—

8           (1) allowing the committee to decide whether to  
9       use, on a case-by-case basis, 4 or 6 independent  
10      factfinders appointed in lieu of a 4 or 6-member in-  
11      vestigative subcommittee whenever the committee  
12      votes to conduct a preliminary inquiry;

13          (2) providing for the joint selection of 4 or 6  
14      independent factfinders by the chairman and rank-  
15      ing minority party member from the pool of 20 inde-  
16      pendent factfinders appointed pursuant to section  
17      107(a);

18          (3) providing that whenever independent  
19      factfinders are used in lieu of a 4 or 6-member in-  
20      vestigative subcommittee—

21           (A) upon completion of an investigation,  
22      the independent factfinders shall report their  
23      findings of fact and recommendations, if any, to  
24      the committee;

1 (B) if the independent factfinders, by ma-  
2 jority vote, adopt a statement of alleged vio-  
3 lation, the entire committee shall be deemed to  
4 be an adjudicatory subcommittee and be gov-  
5 erned by the rules adopted by the committee to  
6 carry out section 803(d) of the Ethics Reform  
7 Act of 1989;

8 (4) providing that independent factfinders con-  
9 ducting an investigation pursuant to this subsection  
10 shall have the same power to investigate as vested  
11 in the investigative subcommittee, subject to the ap-  
12 proval of the chairman and ranking minority party  
13 member; and

14 (5) providing that the staff of the committee  
15 shall assist the independent factfinders in carrying  
16 out their responsibilities.

17 **SEC. 109. TERM OF MEMBERSHIP AND CHAIRMANSHIP ON**  
18 **PERMANENT SELECT COMMITTEE ON INTEL-**  
19 **LIGENCE**

20 Clause 1(c) of rule XLVIII of the Rules of the House  
21 of Representatives is amended to read as follows:

22 “(c) No Member of the House other than the major-  
23 ity leader and the minority leader may serve on the select  
24 committee during more than four Congresses in any pe-  
25 riod of six successive Congresses (disregarding for this

1 purpose any service performed as a member of such com-  
2 mittee for less than a full session in any Congress), except  
3 that the incumbent chairman or ranking minority member  
4 having served on the select committee for four Congresses  
5 and having served as chairman or ranking minority mem-  
6 ber for not more than one Congress shall be eligible for  
7 reappointment to the select committee as chairman or  
8 ranking minority member for one additional Congress.”.

9 **SEC. 110. REFORM OF OVERSIGHT PROCESS.**

10 (a) **COMMITTEE OVERSIGHT AGENDA.**—Clause 2 of  
11 Rule X of the Rules of the House of Representatives is  
12 amended by adding at the end the following:

13 “(d)(1) Not later than March 1 of the first session  
14 of a Congress, each standing committee of the House shall  
15 adopt an oversight agenda for that Congress addressing  
16 the matters in paragraph (b)(1) of this Clause, and that  
17 agenda shall be submitted to the Committee on House Ad-  
18 ministration. Each committee may request the assistance  
19 of the General Accounting Office and the Congressional  
20 Research Service of the Library of Congress in developing  
21 its oversight agenda and shall, to the maximum extent  
22 feasible—

23 “(A) give priority consideration to including in  
24 its plans the review of those laws, programs, or

1 agencies operating under permanent budget author-  
2 ity or permanent statutory authority;

3 "(B) consult with other committees of the  
4 House which have jurisdiction over the same or re-  
5 lated laws, programs, or agencies within its jurisdic-  
6 tion with the objective of ensuring that there is max-  
7 imum coordination between such committees in the  
8 conduct of such reviews; and such plans shall include  
9 an explanation of what steps have been and will be  
10 taken to assure such coordination and cooperation;  
11 and

12 "(C) ensure that all significant laws, programs,  
13 or agencies within its jurisdiction are subject to re-  
14 view at least once every 10 years.

15 "(2) Each standing committee shall transmit its over-  
16 sight agenda to the Committee on House Administration  
17 for appropriate consideration in conjunction with its com-  
18 mittee expense resolution pursuant to clause 5 of rule XI.

19 "(3) Not later than March 31 in the first session of  
20 a Congress the Committee on House Administration, in  
21 consultation with the Committee on Government Oper-  
22 ations, shall publish and report to the House the oversight  
23 agenda submitted by each committee together with any  
24 recommendations which it may make to assure the most

1 effective coordination of such plans and otherwise achieve  
2 the objective of this Clause.

3       “(e) Each standing committee of the House shall hold  
4 hearings during each Congress for the purpose of review-  
5 ing appropriate reports relating to the activities of execu-  
6 tive agencies over which the committee has oversight re-  
7 sponsibility filed during the preceding Congress, including  
8 reports of the inspectors general, the General Accounting  
9 Office, as well as agency audit reports.

10       “(f) The Speaker, with approval of the House, may  
11 appoint special ad hoc oversight committees for the pur-  
12 pose of reviewing specific matters within the jurisdiction  
13 of 2 or more standing committees.”.

14       (b) COMMITTEE OVERSIGHT REPORT.—Clause 1(d)  
15 of Rule XI of the Rules of the House of Representatives  
16 is amended to read as follows:

17       “(d)(1) Each committee shall submit to the House  
18 not later than January 2 of each odd-numbered year, a  
19 report on the activities of that committee under this Rule  
20 and Rule X during the Congress ending on January 3 of  
21 such year.

22       “(2) Such report shall include separate sections sum-  
23 marizing the legislative and oversight activities of that  
24 committee during that Congress.

1       “(3) The oversight section of such report shall in-  
2 clude a summary of the oversight agenda submitted by  
3 the committee pursuant to Clause 2(d) of Rule X, a sum-  
4 mary of the actions taken and recommendations made  
5 with respect to each such agenda, and a summary of any  
6 additional oversight activities undertaken by that commit-  
7 tee, and any recommendations made or actions taken  
8 thereon.”.

9 **SEC. 111. STAFF TRAINING.**

10       It is the sense of the House that the Committee on  
11 House Administration should review the training and ori-  
12 entation programs currently available for the personal,  
13 committee, and administrative staff of the House, evaluate  
14 their overall effectiveness and utility, and develop, admin-  
15 ister, and coordinate a comprehensive training program  
16 for House staff employees to enhance their subject exper-  
17 tise, skills, and knowledge so they can better assist the  
18 House of Representatives in the discharge of its respon-  
19 sibilities.

20 **SEC. 112. AVAILABILITY OF LEGISLATIVE INFORMATION.**

21       It is the sense of the House that—

22               (1) the 3-day layover requirement for committee  
23 reports on legislation and on conference reports may  
24 not be waived unless the legislation and any accom-  
25 panying committee report or conference report have

1       been available to each Member for at least 24 hours  
2       prior to its consideration on the House floor:

3               (2) an amendment to a bill to be considered  
4       under suspension of the rules should be printed and  
5       available to each Member for at least 24 hours prior  
6       to its consideration:

7               (3) committees and conference committees  
8       should endeavor to file reports on word processing  
9       computer disks to facilitate availability to Members;

10              (4) an internal cable system, a cable channel, or  
11       party specific channels should be developed to pro-  
12       vide Members with summaries of the pending legisla-  
13       tion and should be available to Members in their of-  
14       fices, committee hearing rooms, and in the cloak-  
15       rooms:

16              (5) the full text of bills, amendments, reports,  
17       Congressional Budget Office cost estimates, General  
18       Accounting Office reports, Office of Technology As-  
19       sessment reports, Congressional Research Service re-  
20       ports and Issue Briefs, the Code of Federal Regula-  
21       tions, the annotated Code of Federal Regulations,  
22       the Congressional Record, and the Federal Register  
23       should be made available to all Members and con-  
24       gressional staff via computer no later than the be-  
25       ginning of the 105th Congress; and

1           (6) appropriate legislative information referred  
2           to under paragraph (5) should also be made avail-  
3           able to the public and the Depository Libraries  
4           through a low-cost computer connection.

5 **SEC. 113. PUBLIC UNDERSTANDING OF CONGRESS.**

6           It is the sense of the House of Representatives that  
7           steps should be taken to improve the public's understand-  
8           ing of Congress and the legislative process by—

9           (1) enhancing floor debate on major national is-  
10          sues and improving the deliberative process on the  
11          floor of the House by, for example, implementing  
12          Oxford Union-style debates and related innovations;

13          (2) endorsing the efforts of the United States  
14          Capitol Preservation Commission to raise private  
15          funds for the creation of a congressional education  
16          center;

17          (3) creating a central information telephone line  
18          to enable citizens to find out such information as the  
19          daily floor schedule, committee schedules, bill status  
20          information, issue summaries, newly released re-  
21          ports, how to access on-line information, and visitor  
22          information;

23          (4) encouraging civic education programs to  
24          better inform students, teachers, and citizens in gen-  
25          eral about the legislative process; and



1           (5) encouraging the media galleries to orient  
2       new journalists to the galleries and the Capitol and  
3       to set up parliamentary procedure orientations  
4       through the Congressional Research Service or some  
5       other entity.

6       **SEC. 114. HOUSE-SENATE STAFF SALARY PARITY.**

7       It is the sense of the House that the Committee on  
8       House Administration and the Committee on Appropria-  
9       tions of the House of Representatives, in consultation with  
10      the Committee on Rules and Administration and the Com-  
11      mittee on Appropriations of the Senate, should conduct  
12      a study of the salary ranges of House and Senate per-  
13      sonal, committee, and administrative staff with a view to-  
14      ward achieving bicameral salary parity for House and Sen-  
15      ate staff performing analogous functions.

16      **SEC. 115. EXPANSION OF UNAUTHORIZED APPROPRIA-**  
17                                    **TIONS POINTS OF ORDER.**

18      Clause 2(a) of rule XXI of the Rules of the House  
19      of Representatives is amended by adding at the end the  
20      following new sentence: "It shall not be in order to con-  
21      sider any provision of a general appropriation bill (except  
22      a conference report) that would exceed any applicable au-  
23      thorization level as set forth in any authorization measure  
24      as passed by the House."

1 **SEC. 116. MOTION TO RECOMMIT.**

2 (a) **AFFIRMATION OF THE MOTION TO RECOMMIT.**—  
3 The second sentence of clause 4(b) of rule XI of the Rules  
4 of the House of Representatives is amended by inserting  
5 “nor shall it report any rule or order which would prevent  
6 the motion to recommit from being made as provided in  
7 clause 4 of rule XVI, including a motion to recommit with  
8 amendatory instructions (except in the case of a Senate  
9 measure for which the language of a House-passed meas-  
10 ure has been proposed to be substituted) if offered by the  
11 minority leader (or a designee);” after “present;”.

12 (b) **POSTPONEMENT OF CONSIDERATION.**—Rule I of  
13 the Rules of the House of Representatives is amended by  
14 adding at the end thereof the following new clause:

15 “3. The Speaker may postpone for not to exceed 2  
16 hours the consideration of any motion to recommit.”.

17 **SEC. 117. DEBATE IN THE HOUSE.**

18 Strike the second sentence of clause 1 of rule XIV  
19 of the Rules of the House of Representatives and insert  
20 the following: “Debate may include references to actions  
21 taken by the Senate or by the committees thereof which  
22 are a matter of public record, references to the pendency  
23 or sponsorship in the Senate of bills, resolutions, and  
24 amendments, descriptions relating to Senate action or in-  
25 action concerning a measure or matter, descriptions relat-  
26 ing to the rules of the Senate and the effect of such rules

1 on actions concerning measures or matters in the Senate.  
2 and quotations from Senate proceedings.”.

3 **SEC. 118. COMMITTEE REPORTS.**

4 (a) **ROLLCALL VOTES.**—Clause 2(1)(2)(B) of rule XI  
5 of the Rules of the House of Representatives is amended  
6 to read as follows:

7 “(B) With respect to each rollcall vote on a motion  
8 to report any bill, resolution or matter of a public char-  
9 acter, the total number of votes cast for an against report-  
10 ing, and the names of those members voting for and  
11 against, shall be included in the committee report on the  
12 measure or matter.”.

13 (b) **VOICE VOTES.**—Clause 2(1)(2) of rule XI of the  
14 Rules of the House of Representatives is amended by add-  
15 ing at the end the following:

16 “(C) With respect to each nonrecord vote on a motion  
17 to report any measure or matter of a public character,  
18 the names of those members of the committee actually  
19 present at the time the measure or matter is ordered re-  
20 ported shall be included in the committee report.”.

21 **SEC. 119. PUBLICATION OF COMMITTEE ATTENDANCE AND**  
22 **VOTING RECORDS.**

23 Clause 2(e)(1) of rule XI of the Rules of the House  
24 of Representatives is amended—

1           (1) in the first sentence by inserting "or sub-  
2       committee" after "committee" the second place it  
3       appears; and

4           (2) by inserting at the end the following new  
5       sentence: "The chairman of each committee shall  
6       publish, in the Congressional Record, the committee  
7       and subcommittee attendance and voting records (by  
8       calendar day) of each member of the committee on  
9       or before July 1 and on the last day of the session  
10      of each calendar year."

11 **SEC. 120. ACCURACY OF THE CONGRESSIONAL RECORD.**

12       Rule XIV of the Rules of the House of Rep-  
13       resentatives is amended by adding at the end the following  
14       new section:

15       "9. (a) The Congressional Record shall be a substan-  
16       tially verbatim account of remarks made during the pro-  
17       ceedings of the House, subject only to technical grammati-  
18       cal, and typographical corrections authorized by the Mem-  
19       ber making the remarks involved.

20       "(b) Unparliamentary remarks may be deleted only  
21       by unanimous consent or by other order of the House.

22       "(c) The provisions of clause 4(e)(1) of rule X shall  
23       apply to violations of this rule."



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