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CONGRESSIONAL REFORM

Y 4.R 86/1:C 76/16

Congressional Reform, Hearing, 104t... J

BEFORE THE
COMMITTEE ON RULES
AND
JOINT HEARINGS

BEFORE THE
SUBCOMMITTEE ON LEGISLATIVE AND BUDGET
PROCESS
AND
SUBCOMMITTEE ON RULES AND ORGANIZATION OF
THE HOUSE
OF THE

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

BUILDING ON CHANGE: PREPARING FOR THE 105TH CONGRESS

JULY 17, 24, AND SEPTEMBER 5, 12, 1996

Printed for the use of the Committee on Rules



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BUILDING ON CHANGE: PREPARING FOR THE 105TH CONGRESS

Wednesday, July 17, 1996

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RULES,
Washington, DC.

The committee met, pursuant to call, at 10:05 a.m., in room H-313, The Capitol, Hon. Gerald B.H. Solomon [chairman of the committee] presiding.

Present: Representatives Solomon, Dreier, Goss, Linder, Pryce, Diaz-Balart, McInnis, Greene, Moakley, and Beilenson.

The CHAIRMAN. Everyone please take their seats.

The committee will come to order.

Today the Rules Committee begins a series of several hearings entitled: Building on Change: Preparing for the 105th Congress.

The purpose of these hearing is to consider various proposals by House Members, public witnesses and congressional scholars to further improve the way the House does its business.

As my colleagues are aware, on January 4th, 1995, the House adopted one of the most far-reaching overhauls of this institution in at least the last 50 years. In adopting the House Rules for the 104th Congress on that historic opening day, the new Republican Majority not only kept its commitment to adopt 10 bold House reforms promised in our Contract With America, nearly all of which were adopted by overwhelmingly bipartisan votes, but went on to adopt another 23 House Rules changes designed to make this body more representative, deliberative, accountable and efficient.

These reforms included the following:

The elimination of 3 standing committees and 25 subcommittees; a reduction of one-third of committee staff and funding from the previous Congress; six-year term limits on committee and subcommittee Chairmen and Chairwomen, and an eight-year term limit on the Speaker of the House; the abolishment of proxy or ghost voting in committees; guaranteed broadcast coverage of all public committee hearings and meetings; the publication of committee roll call votes in reports; a three-fifths vote requirement for income tax rate increases and a prohibition of any retroactive income tax rate increase; the abolishment of taxpayer-funded special interest caucuses; the elimination of commemorative bills; the required House roll call votes on tax, spending and budget bills, and that has been a real plus; required truth in budgeting, or baseline scorekeeping in committee reports; required committee oversight agendas; a comprehensive audit of House books, which had never been done before; the abolishment of the joint referral of bills to

multiple committees, which has really helped to expedite legislation in this 104th Congress; and a guarantee to the Minority of a final amendment on every single bill.

In addition, the House passed the Congressional Accountability Act on that historic opening day, applying to the Congress the same laws we impose on the private sector employers.

Over the past 19 months, the Rules Committee has continued to be in the vanguard of spearheading further congressional reforms, including, the new House Gift Ban Rule; the ban on book advances for Members and prior approval by the Ethics Committee of any book contracts by Members.

The legislative line-item veto for the President is now law; the unfunded mandate reform bill is now law; the establishment of a new corrections calendar to repeal costly, burdensome, duplicative and unnecessary regulations; and passage of the Deficit Reduction Lock-Box Act to lock in savings from spending bill reduction amendments, which of course we would still have to push through the Senate.

As I said at the outset of this Congress, reform is not something you do in a day or even in a single Congress. It is and should be an ongoing and dynamic process if this institution is to adapt to the ever-changing times and challenges and to remain close and responsive to the people.

In 1831, during debate on the first reform bill, Lord Macauley urged his colleagues in the British Parliament to "reform so that you may preserve." That is what the thrust of our reforms have been all about: to change this institution in order to preserve its basic character, its constitutional charter and its purpose, and that is to represent the people in the best way possible in making our Nation's laws.

No party has a monopoly on good ideas or reforms. This is a bipartisan or a nonpartisan endeavor because we all love this House and we all want it to be respected by the people we represent by making it as responsive and accountable as possible in addressing the problems that confront this Nation.

Many of the reforms we adopted on opening day of this Congress, for instance, were initially recommended in the previous Congress by a completely bipartisan Joint Committee on the Organization of Congress that was cochaired on the House side by our Rules Committee colleague, Mr. Dreier of California, and by Mr. Hamilton of Indiana.

We recognize that we must continue to have that kind of bipartisan input from our colleagues of both parties if we are both to reform this institution in order to preserve its representative function and to prepare it for the challenges of the next century.

That is why we have scheduled this series of hearings, to receive ideas from Members and the public alike as we prepare for further changes in the 105th Congress that will be adopted on January 5th or the first day or week that we are back under the newly elected Congress.

Today is an open, Members' Day to which we have invited all House Members having any proposals for amending House Rules for further improvements in the organization and operation of this House.

In the subsequent hearings, which will be conducted under the joint auspices of our two subcommittees, chaired by Representatives Dreier and Goss, we will hear from specific reform groups of this House, from both party caucuses, as well as bipartisan reform groups, and we will hear from various public experts and groups that have an interest in reforming this House.

To complement these efforts, we have conducted interviews with committee and leadership staff and we have sent questionnaires to all House Committee Chairmen and Ranking Minority Members to assess our new reforms that have been in place now for almost 2 years, and solicit recommendations on additional changes that we might want to make, or even corrections in changes we made last year.

Following the completion of this series of hearings and related institutional reform assessment efforts, we will prepare recommendations for our leadership for inclusion in the opening day, House Rules package for the 105th Congress.

I want to thank the Ranking Minority Member, Mr. Moakley and his subcommittee Ranking Members for their support for and participation in this ongoing institutional assessment and improvement effort.

Working together on a bipartisan basis and spirit of cooperation, I think we can make further improvements in this House which we all agree are necessary and of which we can all be proud. But most importantly, I think we all realize that by building on the change, by being open to further change, and by being willing to tackle those tough, but necessary, changes, we can further restore and thereby preserve this institution as the kind of people's House that the framers of this great and ongoing experiment in representative democracy intended it to be.

So with that, let's continue with what we are doing so that we can be proud of this House and proud to be Members of this body.

And would I yield now to the Ranking Member of this committee, Mr. Moakley, for any opening statement that he might have.

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

I guess this one-day reform hearing is not the Reform Week on the floor my Republican colleagues had originally hoped for, and I was just wondering, what happened to reform week?

For weeks we have heard from your side of the aisle that the American people want reforms in the House and the Republicans were going to give it to them. Where is it?

Apparently we all know it is a lot easier to talk about change than to implement it. Today we are going to hear a lot of ideas. Some of them will be very good ideas, and some of them won't. But the most important thing we can do, Mr. Chairman, the most important reform this Congress can implement is to cut back on the obscene influence of powerful special interests and their lobbyists over this Congress.

From lobbyists writing legislation in the Speaker's lobbies to special interests whispering in committee Chairman's ears, from decidedly antifamily legislation, to clean water bills written by chemical companies, this first Republican Congress has broken all sorts of records on the influence of special interests, Mr. Chairman, and I think it is a shame.

If my Republican colleagues are real serious today, if they really want to reform the Congress, they will parachute behind their own lines and get rid of this glut of powerful special interests controlling the Congress. And I think, and I agree with you, it is time to give the government back to the American people.

Mr. Chairman, I look forward to listening to the changes coming forward, but I would think that of all of the changes, I think the best change we could have is to get rid of the special interest groups that seem to have an inordinate supply of power when it comes to writing legislation.

Thank you.

The CHAIRMAN. Well, thank you, Mr. Moakley.

Might I just say that in the changes that were made on opening day and thereafter, including the gift ban, we have gone a long way towards making sure that these lobbyists that you talk about do not have any undue input into legislation.

Mr. MOAKLEY. That only means—

The CHAIRMAN. Wait a minute. Don't interrupt me.

Mr. MOAKLEY. OK.

The CHAIRMAN. All right. That means that no longer can any Member of this Congress go to lunch and go out to dinner and be paid for, or accept trips. I think that is one tremendous step in the right direction. We have had a series of other changes.

You also mentioned something about a one-day hearing, Joe, and we have a series of five hearings that are going to be taken up between now and the time that we would adjourn, and that will be chaired by Mr. Dreier and Mr. Goss.

Mr. DREIER. I expect you to attend all of them.

The CHAIRMAN. And we would hope that we would have 100 percent attendance at all of those hearings, because they all are very, very important and they will really be the basis for the changes that might be made on January 5th.

Mr. MOAKLEY. Mr. Chairman, are these going to be full committee hearings?

The CHAIRMAN. Absolutely, yes, they will.

But they might not necessarily be chaired by you and me, it will probably be carried out by our subcommittee Chairmen, but all Members—as you know, we have two subcommittees, and all of the Members of this committee are on one of those two subcommittees. We would expect all Members on both sides to attend all the hearings.

Mr. MOAKLEY. Mr. Chairman.

The CHAIRMAN. Mr. Moakley.

Mr. MOAKLEY. I think that, you know, some of the reforms we made as far as having a cup of coffee with lobbyists to having a sandwich, you know, I don't happen to think they are all that great. I would rather have them barred from Chairman's offices, barred from the Speaker's Office. I think that would strike a greater blow so that they couldn't be advising people on what amendments to put into certain bills when the legislation is flowing through the Congress. That is where the real reform needs to be made.

The CHAIRMAN. That is not a bad idea.

Why don't you propose that. I might even cosponsor it with you.

Mr. MOAKLEY. OK.

The CHAIRMAN. Now, let me go on and yield to someone that we all have to admire and respect for all the work that he has done over the last several years, cochairing the Task Force on Congressional Reform. Much of what we did was the result of he and Congressman Hamilton's task force, and I had the privilege of serving on that, and believe me, was that time-consuming.

But David, it certainly paid off.

I would yield to Mr. Dreier at this point.

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

Let me say that this issue of reform is obviously a tough one, and I will expand on Lord Macauley's directive back in 1831 when he said we must reform to preserve. I can assure you that reforming has never preserved the security of those Members who are responsible for reform, because I continue to take all kinds of heat from lots of people who on both sides of the aisle, frankly, do want to maintain the status quo.

But it is very important for us to reform to preserve, and as Chairman Solomon has said, this 104th Congress has seen the most sweeping and I believe positive changes that we have experienced in well over half a century. And I will also say that it has been rare that I have gone through a week when one of my Democratic colleagues has not come up to me and said, David, if it were not for your taking the Majority in the Congress, we never would have been able to implement the very important reforms that you have been pursuing for the last several years. So I think that that does underscore the fact that there is bipartisan support for this.

I think that Chairman Solomon has raised a very important point that also needs to be addressed here. When I think back to the beginning of 1993 when we established the Joint Committee on the Organization of Congress, for the first time in half a century, the joint bipartisan group that was put together, it seems like just yesterday, and yet the exact same amount of time, going back to the beginning of that committee, will take place between now and the millennium. That is only 3-1/2 years from now that we will see the year 2000.

It strikes me that as we look towards this information-based society, when we look at the fact that committee structure that we have has existed for decades and that computer technology has allowed us the chance to gain expertise from anywhere on the face of the effort, it is important that this institution be brought into the 21st Century, and I believe that many of the proposals that we have been working on will give us the opportunity to do that.

Many of the changes that we have made have been positive, and I will say this; these things that have just been discussed between the Chairman and the Ranking Minority Member sound publicly appealing, but frankly, I believe that to jeopardize the First Amendment Rights of people to participate would be wrong and something that I couldn't support myself. But we are going to look at a wide range of options, and I am pleased to see both Democrats and Republicans who are here with what, I am sure, will be very interesting proposals, and I look forward to working with you all.

Thank you, Mr. Chairman.

The CHAIRMAN. David, there are a long list of Members that are going to be testifying today, and that certainly is a good sign.

Speaking of lobbying, we are going to have some lobbying in reverse. I am being summoned to the Speaker's Office right now to have him lobby me on a couple of rules that we will take up about 3 o'clock this afternoon. Just to clarify, the meeting this afternoon has been delayed from 2 o'clock until 3 o'clock, and we would hope that because of a list of people testifying that Members could be on time, because we will start that meeting promptly on time.

Mr. Dreier, if you would like to come—

Mr. DREIER. I have already passed the torch on to Mr. Goss.

The CHAIRMAN. Mr. Goss, if you would like to come and take over, there might be—

Mr. BEILENSEN. We will be happy to help out.

Mr. MOAKLEY. I hope the Speaker will listen to you for your wisdom.

The CHAIRMAN. Well, he usually does.

Mr. MOAKLEY. Really?

The CHAIRMAN. Yes. You didn't know that; didn't you?

If there are any other opening statements, please recognize the Members. I apologize to those testifying and I will be back as soon as I can.

Mr. GOSS. [Presiding.] Mr. Beilenson.

Mr. BEILENSEN. Thank you, Mr. Chairman.

I have a short opening statement which I shall not make, but I ask unanimous consent, if I may, for it to be put into the record.

Mr. GOSS. Without objection.

Mr. BEILENSEN. If anyone bothers to read it, it both applauds you folks and some of us, too, for having made some of the reforms that have in fact been undertaken successfully this year, and it chides you and us a bit for not doing some other things which badly need doing, and it criticizes you a bit for two or three of your changes which you enacted which we don't think have been all that great, but that is not terribly important.

It is nice that, in all seriousness—I find myself agreeing with everything that has been said, by my friend, Mr. Moakley, and by my friend, Mr. Dreier. It is all quite true. It requires a bipartisan effort.

We failed, frankly, because of our leadership's unwillingness to go ahead with some of these changes a couple years ago, and also because of opposition from some of the folks on your side. You know, the best thing we have done, in my opinion, has been passing the Congressional Accountability Act, something we should have done perhaps 10 years ago. And as I recall, it was held up most recently by a filibuster from the then-Minority over on the Senate side. But you all have done some very useful things with help from good people on our side.

It also is quite true what Mr. Moakley said, that despite what reforms one might undertake and be successful with, in fact, the truth of the matter is—certainly the perception of the matter is—that an awful lot of legislation is worked on or is even written by special interests who have been given access to places of importance which perhaps they weren't allowed into in the past, and that

undermines lots of things that we have done up here in the Rules Committee.

I know that you two gentlemen, Mr. Goss, Mr. Dreier and also Mr. Solomon, have not had a part in that, but some of your leadership in fact has, and it has not been good for the institution.

Anyway, that is all I have to say. I welcome this chance, as we all do, to hear from some of our colleagues as to what other changes perhaps should be made.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Beilenson follows:]

PREPARED STATEMENT OF HON. ANTHONY C. BEILENSEN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I, too, welcome this opportunity to hear from our colleagues on the subject of congressional reform. Today's hearing, and the ones that will follow by the two subcommittees, will give us the chance not only to hear about new proposed changes, but also to evaluate some of the changes that were made at the beginning of this Congress.

As Members know, several of the changes that were implemented at the start of this Congress stemmed from the work of bipartisan Joint Committee on the Organization of Congress that operated during the 103rd Congress. Having failed ourselves to get most of the committee's proposals passed while the Democrats still controlled the House, we admire the majority's success in this regard.

Among the most significant of those reforms were: the elimination of three committees (which was not a proposal of the Joint Committee, but which originated in the context of the committee's work); stricter limits on numbers of subcommittees and committee assignments; a ban on proxy voting; and limitations on bill referrals. Those changes have streamlined our committee system and helped keep Members from being spread too thinly in their committee responsibilities.

Unfortunately, some of the majority's efforts took a wrong turn. The new rule requiring a 3/5 vote to pass a tax increase was an idea that was destined to create problems, making it next to impossible to pass almost any bill reported by the Ways and Means Committee. It is not surprising that the majority has waived that rule almost every time it might have applied. Many of us believe that it is a prime candidate for elimination in the next round of rules changes.

Some of us also think that the majority got carried away in establishing a so-called Corrections Day calendar. We still fail to see what purpose that procedure serves when we already have an expedited procedure—suspension of the rules—that has served the House well for many years.

One reform I had high hopes for when the Republicans gained control was on the House's schedule. At the beginning of the 104th Congress, we were working four, sometimes five, full days a week, as we should have been. Lately, however, we have returned to squeezing a whole week's worth of work into a very intense 48-hour period—as we are doing this week. That kind of scheduling leaves us frantically running from meeting to meeting, and causes us to cut short the time we should be spending on our legislative work.

Finally, as I have said many times before, the one congressional reform that is needed more than any other is campaign finance reform. Everything else we do to straighten out this place would pale in comparison to the change that would occur if we were able to reduce the influence of special interests by changing our campaign finance system. Unfortunately, it appears that, despite the effort the majority is putting forth today and tomorrow, it is not going to happen this year, either.

I'll stop there since we'll be talking about that subject at this afternoon's hearing.

Mr. MOAKLEY. Mr. Chairman.

Mr. GOSS. Mr. Moakley.

Mr. MOAKLEY. For the record, Congressman George Miller would like to have his statement put into the record because he cannot attend the hearing.

I ask unanimous consent that his statement be put into the record.

Mr. GOSS. Without objection.

[The prepared statement of Mr. Miller follows:]

PREPARED STATEMENT OF HON. GEORGE MILLER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Mr. Chairman, I am pleased to have the opportunity to testify this morning in support of changes in House rules that, I believe, would greatly improve the integrity of the legislative process and the regard of the public for this institution and its Members.

Throughout the 104th Congress, there has been a growing concern, within the press and the public, as well as by many Members, about the truly unprecedented role of lobbyists and other special interests in the fashioning of legislation. The minor reforms that have been instituted or contemplated, from barring lobbyists from general access to the second floor of the Capitol to proposals to require identification badges, are inconsequential with respect to addressing the most important issue: the private role played by these special interests in actually writing bills and amendments.

More than a year ago, I introduced a proposed change in the House rules that would require the disclosure by Members of the House of substantial private sector involvement in the drafting of an amendment, bill, or report language. I note with regret that this Committee has taken no action on this proposal, which merits adoption more now than when it was initially introduced.

H.Res. 132 was developed during the debate last year over the Republican leadership's Contract With America. During the consideration of that collection of bills, it became increasingly and disturbingly apparent that special interests were being granted carte blanche access to the formal law-writing processes of the House.

The headline in the *New York Times* said it all:

BUSINESS LEAVES THE LOBBY AND SITS AT CONGRESS'S TABLE

Time magazine said that the Republican leadership "has attached its fortunes to private lobbyists, and is relying on their far-flung influence to pass its agenda." *Newsweek* reported that lobbyists are actually writing the bills. And they have it exactly right.

Corporate representatives, individually and through coalitions like the Thursday Group, the Chemical Manufacturers Association and others, have been writing whole bills and amendments, with no public review and often without hearings, to serve their clients' narrow interests. The arms-length relationship between lobbyist and legislator has been brazenly abandoned.

The examples are stunning—reports of lobbyists rewriting the Clean Water Act to satisfy industry groups, lobbyists plotting the strategy and drafting of bills on regulatory reform and risk assessment working from a Capitol office, lobbyists briefing committee staff on legislation they have written for the staff.

All of these examples, and many more, highlight a relationship between legislator and lobbyist that has become altogether too cozy and that jeopardizes the integrity of the legislative process itself. It does very little good to bar financial contributions from lobbyists within 50 miles of the Capitol while Congress is in session, as some propose, while you continue to allow special interest lobbyists to function effectively as extended staff to the Congress, drafting specific bill language to benefit their clients at the expense of the public.

I would note that since the introduction of H.Res. 132, we have filed several ethics complaints involving the Speaker of the House based on the inappropriate access he has provided to lobbyists and other special interests in his office. And the Ethics Committee has concluded that these individuals were granted improper access.

Clearly, we need to create a clear, unmistakable firewall between special interest money and the legislative process. That is the goal of H.Res. 132.

H.Res. 132 compels full disclosure of the role of all non-public employees in the drafting of legislation, amendments, reports and other products of the legislative process. Both in committee and on the floor, the authors of bills and amendments would be required to disclose what non-public entities have contributed to the development and drafting of the language. Importantly, H.Res. 132 would give any Member of the House the right to demand to know which special interests played a role in the development of the amendment or legislation under consideration.

I am not castigating or being naive about the role of lobbyists. Like any individual, they have a right to make their views known and to seek legislative action. But we in the Congress also have an obligation to let our colleagues, and our constituents, know when the work product we bring forward has been developed to benefit such an interest.

I note that Speaker Gingrich was questioned about the substantial role of lobbyists in drafting the Contract, and replied, "As long as it's out in the open, I have no problem."

My resolution assures that lobbyists' handiwork truly will be "out in the open," and I am hopeful that this Committee will give very strong consideration to its approval.

[The body of the Bill is as follows:]

104TH CONGRESS
1ST SESSION

H. RES. 132

Amending the Rules of the House of Representatives to provide for disclosure of the source of amendments, measures, and committee reports.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. MILLER of California (for himself, Ms. DELAURO, Mr. FROST, Mr. LIPINSKI, Ms. PELOSI, Mr. POSHARD, Mrs. SCHROEDER, Mr. VENTO, and Mr. CLAY) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to provide for disclosure of the source of amendments, measures, and committee reports.

1 *Resolved*, That (a) clause 2(l)(3) of rule XI of the
2 Rules of the House of Representatives is amended by
3 striking “and” before “(D)” and by adding before the pe-
4 riod at the end the following: “(E) a disclosure of whether
5 any part of the report or measure is written, in whole or
6 in part, by any individual other than a Member or em-
7 ployee of the United States and the name of each such
8 individual”.

2

1 (b) Clause 1 of rule XVI of the Rules of the House
2 of Representatives is amended by adding at the end the
3 following new sentence: "Any Member offering an amend-
4 ment in the House, in the Committee of the Whole, or
5 in any committee shall, on the demand of any Member,
6 identify the author of all or any part of that amendment
7 unless it was written by any Member or employee of the
8 United States, in which case the offeror shall so state."

9 (c) Clause 2(1)(2)(A) of rule XI of the Rules of the
10 House of Representatives is amended by inserting before
11 the period the following: "and the chair discloses, prior
12 to entertaining a motion to order the measure reported,
13 the author of such measure if it was written in whole or
14 in part by any individual other than a Member or em-
15 ployee of the United States".

○

Mr. GOSS. Judge Pryce.

Ms. PRYCE. I just wanted to welcome the witnesses here before we get started.

I have a statement that I will supply for the record instead of taking up the committee's time.

Thank you very much.

[The prepared statement of Ms. Pryce follows:]

PREPARED STATEMENT OF HON. DEBORAH PRYCE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OHIO

Mr. Chairman, let me begin by thanking you for holding this hearing today to examine further congressional reforms. Subcommittee Chairmen David Dreier (R-CA) and Porter Goss (R-FL), and you, are to be commended for keeping congressional reform a "front-burner" issue in the second half of the 104th Congress.

The wide-ranging reforms adopted on Opening Day last year have already had a positive effect on the way the House conducts its business. The reduction in committees and subcommittees, new committee jurisdictions, and staff reforms have all served to streamline the legislative process and to bring a welcome new degree of openness and accountability to this institution.

Moreover, creation of the Corrections Calendar, passage of line-item veto and unfunded mandate reform legislation, and new gift rules have reinforced the Rules Committee's position as a leader in the congressional reform and oversight movement. There should be no doubt in the American public's mind that with these changes, and others we will consider during our hearing today, this House, under the new majority, is serious about enacting meaningful internal reforms.

As custodians of the rules of the House, I believe the Rules Committee's greatest contribution to the overall reform effort will be to ensure the highest degree possible of open, informed debate on the legislative issues that matter most to our constituents. We have already accomplished this in part by our commitment to bringing most major bills to the House floor under rules that provide for an open amendment process and fair debate.

For example, by reporting special rules that encourage, rather than require, the pre-printing of amendments in the *Congressional Record*, the Rules Committee has taken a modest step toward improving the deliberative process. I am hopeful that as we work to complete a very full legislative agenda prior to adjourning, our committee will consider other procedures to enhance access to legislative information, such as adhering more closely to layover requirements, and to expedite floor action under open rules, such as including reasonable time limits on the overall amendment process.

In order to further improve the quality of debate, I would recommend that the Rules Committee consider expanding the current Ramseyer requirement for committee reports. Clause 3 of House rule XIII currently requires committee reports on bills and joint resolutions that would repeal or amend any statute to contain a comparative print, or "side-by-side" comparison, of current law and the changes proposed by the committee. This requirement, named for Rep. C. William Ramseyer who established the rule in its original form in 1929, was developed to provide House Members with more precise information on the effects on existing laws of bills and resolutions to be considered on the House floor.

Since the bulk of congressional deliberation takes place in committee, I believe more Members would benefit from a Ramseyer prepared first at the subcommittee level. A Ramseyer drafted after subcommittee mark-up has been completed would, in my view, provide full committee members with a more accurate means of identifying proposed changes to current law, and as a result, would also lead to more informed consideration of subcommittee-approved legislation by the full committee's members.

More importantly, I am confident that the average citizen, whether a law school student or a local elected official, would benefit from expanded information on proposed legislation and their effect on current law. Even lawyers occasionally have a difficult time determining how a particular bill would change current law. The expanded availability of Ramseyer information would be a valuable public resource for understanding whether and how a bill or resolution duplicates, repeals, contradicts, supplements, or modifies existing law. With that kind of increased information on hand, committee and subcommittees will be less likely to rely on the expertise of professional lobbyists and other special interests in crafting their legislation.

Mr. Chairman, it is interesting to note that in January of 1989, during the 101st Congress, the Congressional Record Service raised the idea of a subcommittee Ramseyer in its list of issues for the Rules Committee to consider at that time. Specifically, the CRS wrote that a subcommittee Ramseyer "could make full committee review of subcommittee markup a more meaningful exercise, and might possibly call the attention of the committee members to policy controversies that would await the bill on the House floor." (*House Committee on Rules - List of Subject and Policy Areas for the 101st Congress; January 1989*)

Clearly, a subcommittee Ramseyer requirement could be beneficial as proposed legislation winds its way through the committee process. At the same time, I am aware that preparing additional Ramseyers might result in an increased workload for both committee and Legislative Counsel staffs. Thus, I would also urge the Rules Committee to look into the availability of new computer technology and other appropriate means that would make the preparation of additional Ramseyers possible without reversing our successful efforts to scale back the size of committee staffs.

Mr. Chairman, while I am open to exploring alternatives that are short of a formal change in House rules, I strongly urge the Committee to examine the relative advantages of making Ramseyer information available to Members, their staff, and the general public early in the legislative process. I believe that expanding the scope of the Ramseyer rule would be consistent with our ongoing efforts to reduce the influence of special interests in crafting legislation and to increase public understanding of the legislative process.

Again, thank you Chairman Solomon for holding this hearing today. I look forward to working with my colleagues on the Rules Committee in the time ahead to address this and other proposals to make the House more responsive, more accountable, and more efficient.

Mr. GOSS. We will get on with the Members' testimony after I make just one very brief comment.

I feel very strongly that this is an important thing that we are doing, and I don't want to sound partisan in any way. But I think it is the first time it has happened that we have done this on a bipartisan basis, where we really sat down, with the exception of the task force that Mr. Dreier served on and Mr. Hamilton, but I think just amongst ourselves dealing with the Rules of the House. I may be mistaken on that, and I would defer to Mr. Moakley's wisdom and sense of history, his long years of very wonderful service.

So I think we are doing something right. And we are trying to do it in a bipartisan and a nonpartisan way, because we do honestly think we have an extraordinarily wealth of talent amongst our Members and I don't think anybody here believes that any single Member has got a lock on all wisdom. If they let me know who that Member is that does have a lock on all wisdom—

Mr. MOAKLEY. Dave Dreier.

Mr. GOSS. Well, he is close. We know he is close. But I have heard one or two people say maybe not 100 percent.

Mr. MOAKLEY. He has my vote.

Mr. GOSS. The second area that I just wanted to point out a little bit, again, I think it would be great if we could all understand what the malignant special interests were that detract from the credibility and the reputation of the United States Congress. The problem is, you may think that senior citizens are a special interest in my district, and I may think the AFL-CIO is a special interest in your district; it is very hard to discuss what a special interest is if you are dealing in a partisan way.

I would suggest that maybe special interests aren't the biggest problem. I would say perhaps the obstructionist partisanship is the biggest problem. And I am sorry to say in my 7-1/2 years here, I think the partisanship has gotten a lot worse and a lot more intense than previous times. I don't know why that is—

Mr. DREIER. It started when you came.

Mr. MOAKLEY. The day after you came.

Mr. GOSS. It is possible that that is true.

But the point I would make is if we have rules that we all agree with, procedures we all agree with, we have a better chance of reducing what I would call obstructionist partisanship, because I believe that we will have the confidence that we are not going to be maneuvered or manipulated by process, and a lot of what we are going to be talking about here is process.

So having said those things, and again, thanking the Members who are here, and I hope we will have good participation in this, particularly the Members who come forward to testify, let us begin.

I understand we will start with Mr. Rohrabacher or Mrs. Schroeder?

Mr. Rohrabacher, you are starting off this historic process.

STATEMENT OF DANA ROHRABACHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. ROHRABACHER. All right.

Mr. GOSS. We will try, please, to ask each Member in consideration of others to deal with their ideas appropriately.

Mr. ROHRABACHER. Yes. I will submit my total statement for the record and I will summarize.

Mr. GOSS. Without objection.

Mr. ROHRABACHER. My proposal is a radical one and it basically is that if we are going to look at reform here, let's look at some real solid reform. And my suggestion is that we end the dual authorization-appropriations process that I see serves no useful purpose except to complicate everything that we do and create a total lack of accountability in our system.

It goes right to the heart, people don't know who is responsible for what spending in this body, because nobody can figure out who actually made the decision. And the public can't figure it out, and often we can't figure it out either.

Of course, it used to be a single system, and when they split it up, they thought that there would be some limits that you would have by having appropriators and authorizers, and that would some way limit the congressional pork. And what has happened instead, is that since 1974, the appropriators have become one of the prime sources of pork in the House of Representatives, for Pete's sake. Instead of being some type of a restraint on spending, the authorizers have become the source of pork spending—excuse me, the appropriators.

Under our current system, the authorizers—and I am on two authorization committees, I am the Chairman of the subcommittee, the authorization subcommittee, and basically our subcommittees have become almost meaningless because at times the appropriators do whatever they darn well want to do, and also by having both of these systems we end up having substantive law being made. You know, to a greater degree every year, we find that substantive law is taking place through the appropriations process. And the appropriators, of course, haven't gone through the hearings on the issue like the authorizers have, and so we end up with really a situation where those of us who are not on the Appropria-

tions Committee, everybody else in the entire Congress ends up becoming an in-house lobbyist to people who are on the Appropriations Committee.

So you have two classes of Members of Congress. If we are going to—you know, if we want to really reform Congress, let's get to the heart of the matter and let's look at this very fundamental flaw in what is going on right now. To remedy this situation, I introduced a bill last year with bipartisan support, George Brown was one of the original cosponsors, you might say it could be the Rohrabacher-Brown Act, it was a Concurrent Resolution, Con.Res. 90, to establish a committee structure in which the authorizers and appropriators would be merged into the same committee.

Under my proposal, each committee of the House and Senate would be responsible for appropriations within their area of jurisdiction. Appropriations would continue to be limited by the Budget Resolution, but specifically for each committee, rather than using the current somewhat meaningless system of budget functions.

Well, it is now done only within the Appropriations Committee, regardless of which party is in charge. It would be done under my plan by a vote on the floor of each House. And basically, I believe that all of the major committees should be exclusive and mutually exclusive assignments.

So the fact is, each Member should have one committee assignment with which he or she is focused on and will spend the appropriate amount of time to become an expert in that area. Because what we have now with so many committee assignments and subcommittee assignments, we aren't doing the job of oversight and doing the job of careful evaluation that we are supposed to be doing.

So my proposal would have several advantages. There would be accountability, because people would understand how the process worked, who was responsible for voting in this area for this amount of money. Basically, we would ensure that the same individuals would be voting on spending who also went through the substantive issues of that area because it would all be one process, authorization and appropriations. We could cut the number of committees in half, and thus we would be eliminating undue duplication.

So basically, I believe that my proposal would greatly add to the efficiency of Congress and to the accountability of Congress. And I really appreciate the chance to offer this type of suggestion, and we need to discuss fundamentals rather than just talking about things on the edge, getting the cake to look better, we should talk about, you know, what the ingredients of the cake are.

[The prepared statement of Rohrabacher follows:]

PREPARED STATEMENT OF HON. DANA ROHRBACHER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I thank you for the opportunity to testify today on proposals to make this institution operate more effectively and efficiently.

Mr. Chairman, any discussion of congressional reform and committee structure must come face to face with one unavoidable fact: the House and Senate Appropriations Committees as we know them today, and the dual authorization-appropriations process serve no useful purpose for the Congress.

As a new freshman seven years ago, I was puzzled by the complications of having to (in theory) pass spending bills twice, once as an authorization, and again as an appropriation. In the years since, I've gone from being puzzled to being appalled at the waste, abuse and lack of accountability built into our current system. Although the waste and abuse have diminished significantly under the Republican majority, I've concluded that a change in who runs the system was not enough—the system itself must be changed.

Before the adoption of the Budget Act of 1974, the House and Senate Appropriations Committees apparently served a useful role in restraining the spending proclivities of authorizing committees. After 1974, however, the Appropriations Committees became a prime source of duplication of effort and expense, as well as the prime originators of congressional "pork".

Under our current system, authorization bills have become virtually meaningless as all spending power has become vested in Appropriations. The Appropriations Committees have for years routinely ignored the lack of authorization for their spending. The number of authorization bills enacted into law continues to shrink as the leadership understandably concentrates on the passage of the bills that matter—the appropriations bills.

As a result, substantive law must increasingly be determined through the appropriations process. Congressional power has become so concentrated in the Appropriations Committees that in recent years the primary function of every other Member of Congress has been to be an in-house lobbyist to those on the Appropriations Committee.

To remedy this situation, I introduced in the last Congress, with bipartisan support, a concurrent resolution (H.Con.Res. 90) to establish a committee structure in which authorizing and appropriating would be merged into the same committee. Under my proposal, each committee of the House and the Senate would be responsible for appropriations within their area of jurisdiction. Appropriations would continue to be limited by the budget resolution, but specifically for each committee, rather than using the current mostly meaningless "budget functions". What is now done only within the Appropriations Committee, regardless of which party is in charge, would be done, under my plan, by a vote on the floor of each House.

As part of this reform, I would propose making all major committees exclusive or mutually exclusive assignments, allowing Members to concentrate on their enhanced responsibilities, and greatly reducing committee scheduling conflicts. And, if we allow Appropriations Committee members to transfer their seniority to their new assignment, we will ensure that we retain the benefits of experienced leadership.

My proposal has several advantages:

- It will establish accountability for entitlement spending by putting responsibility for appropriations and entitlements in the same committees.
- It will ensure that those appropriating funds are the same individuals who have participated in hearings on the substantive issues in their jurisdiction.
- It will cut in half the number of committees in front of which Administration and other witnesses must testify.
- It will allow more efficient use of Congressional resources by eliminating unnecessary duplication.

Mr. Chairman, while I do not have the time to go into further detail, I believe my proposal will greatly improve the efficiency and accountability of Congress; and I hope that you will give it careful consideration. I and my staff stand ready to discuss it further in whatever detail you require, and to provide additional written materials for the record. Thank you, Mr. Chairman.

Mr. GOSS. I agree that is a very fundamental question and a very fundamental proposal you have made. We have some information from Mr. Cokem from your State who has posed the question about: The more we are diffused, the more we spend, the more we are centralized, the less we spend.

I think you are on that tack. I think it is a difficult thing, I think it is a good idea and I think we ought to look at it, and I hope we will.

Mr. Moakley.

Mr. MOAKLEY. I guess the Appropriations Committees were formed to be the watchdog over the authorization committees?

Mr. ROHRBACHER. Or the other way around.

Mr. MOAKLEY. Was it the other way around?

Mr. ROHRABACHER. Or the other way around. It could be either way.

Mr. MOAKLEY. But you are right, it looks like sometimes the Appropriations Committee comes in with their idea of what the money should be spent on before the authorization committee gets all of the information.

This committee values the authorization committees' judgment, and I think Chairman Solomon, with very few exceptions, would not allow legislation on appropriation bills, unless the Chairman of the authorization committee OKs it.

But having said that, I get from you then you want to solidify the committees, and yet your party is talking about task forces and ad hoc committees, which is going exactly the wrong direction. I mean, I agree with you, I think if we solidify and reduce the number of committees, we will probably get more economies in the Congress.

Mr. ROHRABACHER. Your point is right on target, and I am not just a rubber stamp for the leadership of my party—

Mr. MOAKLEY. I was just wondering how you felt about the idea of, well, if we get a big project, we have to have an ad hoc committee. Why do we have committees?

Mr. ROHRABACHER. Well, let's make people accountable, let's give them the power to make the decisions and hold them accountable, rather than you are right, bringing together some even more diffused body, it makes it even less accountable.

Mr. MOAKLEY. I don't know how you would go about getting to your original premise to do away with the Appropriations Committee. It is a noble thought. But you well know that that is where all the seniority lies and that is where a lot of the heavy-hitters lie.

Mr. ROHRABACHER. Well, we would have to make sure that if we move forward with this, it would have to be basically a revolt of the masses, I hate to use those terms now.

Mr. MOAKLEY. I thought we were going through that now.

Mr. ROHRABACHER. But the fact is, any senior Member of the Appropriations Committee would have to know that his or her seniority would be protected and that when the new system was established, that they would have their ranking positions in the new system. But just because it is difficult to change the system because you are going to ruffle some senior Member's feathers, we shouldn't let that get in the way.

Mr. MOAKLEY. Look how much the system has changed under Speaker Gingrich, by changing the names of committees, he did away with the seniority system. So it could be done.

You know, the idea sounds intriguing. I would like to think about it a little bit more.

Mr. ROHRABACHER. OK.

Mr. GOSS. Judge Pryce.

Ms. PRYCE. I think we might have already touched on this, but the historical context under which this all happened to begin with was a watchdog-type of thought process.

Mr. ROHRABACHER. Well, historically they thought that this was going to deter spending, because you would have two groups of peo-

ple looking out as the spending proposals went through, you would have to have it authorized and you would have to have it appropriated, thus there would be a limitation.

But what happens instead is because you have—because it became less accountable, you actually had more spending. And since our system was set up this way, that is when the budget went totally out of control, and instead of having small deficits which they were opposed to at that time, we have out-of-control deficits, and it is because I believe you have a lack of accountability.

Ms. PRYCE. Well, this is one of the reforms of the sophomore class, and then probably classes before us when we came in, and I think we soon came to learn how politically difficult it would be to make happen around here, but it will require a revolt of the masses.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. Just very briefly, Mr. Chairman.

I basically agree with you, Dana, that this is a change that ought to be made in some form or other. Obviously, it would be complicated to do. But I can't think of anything that we could do that would get rid of more redundancy and lead to greater efficiency, than somehow melding this system back into what we had in the California State legislature, and what I guess they have in most of the State legislatures.

I disagree with you entirely—and I hope you are not offended—but I don't think it would have very much to do with the deficit. I think the deficit came about because we weren't paying enough attention to the growth of mandatory programs. And we probably would not have had the political will to slow down that growth, which some of us are trying to do now, even if we had a committee process here that was somewhat different from what it is now. But the fact that different people in our same institution are working on the same program areas, on different tracks just doesn't make very much sense at all.

The thing that I find that I dislike—dislike is the wrong word—that I miss the most in comparison with my years in the State legislature, which at the time, at least, was a really quite good legislature, is the fact that we do not seem to spend enough time on oversight, or looking at programs to see how they are working.

I just think that having the same group of men and women working on those programs, seeing how they work and financing them, to the extent they think they are worthwhile and cutting back on them to the extent that they think they are not providing the kind of benefits that had been envisioned when we first enacted those programs, would be a very useful thing.

Mr. ROHRABACHER. I am not sure all of you are just—this is your only committee assignment, but I have four subcommittee assignments, two major committees, International Relations and Science, and I am on four subcommittees. Well, it is impossible for me to basically study what is going on, like the public deserves to have that type of oversight, it is just impossible to do. I will tell you, the vast majority of Members are in the same situation.

Mr. BEILENSEN. If Dave Dreier were here, I would commend to him to take seriously Mr. Rohrabacher's suggestion, politically difficult as it might be to undertake. It seems to me that that is the

single thing we could do to start straightening out the process around here.

Mr. ROHRABACHER. Thank you.

Mr. GOSS. Mr. Moakley.

Mr. MOAKLEY. But you know, that is the problem then, is you are going to have 435 Congressmen seeking a lot fewer committee assignments. And maybe if assignments could be made more specific, maybe cut each committee in half, and one-half is oversight on different matters.

Mr. ROHRABACHER. Sure.

Mr. MOAKLEY. Because we get these grandiose projects and everybody gets up and we make our statements and sign the bills, and see you later, you know. Nobody ever goes back to see what happens.

Mr. ROHRABACHER. That is it.

Mr. MOAKLEY. And you know, it is like Franklin Delano Roosevelt's biggest failure was that there was never a stop sign at the end of the program. I mean, some of those programs kept going and going. There should have been a sunset.

Mr. LINDER. Like LIHEAP.

Mr. MOAKLEY. No. That is a very good program.

But I think, really, I think this is a very good thought. This could be a time-saver, a money-saver.

Mr. ROHRABACHER. True.

Mr. MOAKLEY. It can be a great reform of the Congress.

Mr. ROHRABACHER. Thank you very much.

STATEMENT OF THE HON. PATRICIA SCHROEDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. GOSS. The gentlewoman from Colorado, Mrs. Schroeder.

We are happy to welcome you.

Mrs. SCHROEDER. Thank you, Mr. Chairman.

I thank you all for allowing me to appear.

I must say, to be perfectly honest, I am a little disappointed. I had hoped reform week was going to be more real. I have this feeling it is like kids' day at the mayor's office, you know, where we all get to come and say, hey, this is a good idea, here I am, how nice of the mayor to have me in for cookies and milk.

I am sorry that David Dreier is not here, because I think he would tell you that I appeared more than any other Member before their commission, and I am appearing more than any other Member before any reform commission.

Mr. MOAKLEY. We even watch you on television.

Mrs. SCHROEDER. Exactly. I think reform has become my middle name. But I get very frustrated that we are all willing to have talks about it, but it is very difficult to figure out how we get it to the floor. And I think coming up here to this room, which has maybe 20 public seats, it is like these ideas will probably never see the light of day.

Mr. GOSS. Well, I disagree.

I assure you, we are not here just wasting time. I sit on two other committees and I will rapidly give up one of them, Ethics comes to mind. We are very serious about this, and as we had

hearings before in the last Congress, which led to some results. We are hoping that this Members' Day, followed by the other hearings we plan to have, will lead to changes in the next Congress. So this is not wasting time.

Mrs. SCHROEDER. Well, I don't mean to be that skeptical, but I think every Chairman I have ever appeared in front of on reform, I have heard the same thing, and they have assured me of the same thing, and I always get very frustrated that it seems to be the outbox. It always produces such meager reforms.

At the end of the 100 days, I was the one who went up to the Dome with the "sold" sign, because I really think this place has been sold out. I think that the Campaign Finance Reform bill that we are going to have on the floor this week is a classic example of how seriously it has been sold out.

When a family of four can give \$12.4 million, that to me really tilts the process. Yes, we don't allow lobbyists to buy us an ice cream cone or a cup of coffee, but we can go to a fundraiser and they can pay for our dinner where they are putting a lot of money in our campaign. And I think that that just shows what I think is a real sham.

My whole career has been, "you got to live what you preach." My first campaign, my average contribution was \$7.50. Today my average individual contribution is \$35; with PAC money, it is \$50. So, I mean, I really do believe we should get elected by small campaign contributions.

I am very concerned that if this continues, we got to find a new name for lobbyists. At least we kept them in the lobby. Now they are everywhere except on the floor. My guess is the next thing they will have floor privileges.

I think that when we can cavort with the lobbyists, they can give all sorts of money to our campaign and that is really the only way we can associate with them legally anymore, then we give them all of these privileges to come around here.

I think this has absolutely got to be dealt with, or we look like the best government money can buy, and I think we have to be very clear about that, and I think that feeds the cynicism.

I have several other things that I would like to talk about. Lynn Martin and I and many others have worked for a very long time on dealing with putting this Congress under the same rules everyone else is under. And the problem has always been enforcement.

It is difficult for any group, whether it is lawyers, doctors, Congressmen or anything else, to enforce the rules against other people, as you well know from the Ethics Committee. And my frustration continues to be also with the Ethics Committee. I think we ought to have a rule that if the Ethics Committee does not deal with a complaint within 3 months by either dismissing it or having an investigation, it should go to an independent panel of retired judges.

This is similar to the problem we had of dealing with complaints in Members' offices by violation of Title VII or Equal Pay, or whatever, and I think we ought to deal the same way with the Ethics Committee, because there is always so much busy work and so much they can do, and especially since it is in private, we, other

Members, have no idea what is really going on there, and the whole body gets tainted by what transpires.

We have constantly, in my 24 years here, been concerned about the executive branch, whether they lobby, what they can do, what the rules are, and that is right. We have been very good about making reform proposals for the executive branch.

One of the things that we saw recently concerned me very much, though, and I think calls for a new rule, and that is allowing the military to put detailees in Members' offices. I would like to pass a thing that anyone who is a member of the military working on the Hill has to wear a uniform so at least we would know who they are, because I think allowing the military to put detailees in your office, that relieves you of having to pay for staff.

The military is paying for the staff. And if that doesn't become executive lobbying, how you control that or what you do about that, I don't really know. I think that that is a very serious issue that we also need to deal with.

I guess I don't think we need more money in politics, I think we need to find a way where the average person once again feels their voice counts without having to attach a big check to it. I just continue to be really appalled by the tremendous amount of money we have seen pour into this place and how, if you really align the money that came in with the legislation that went out, and I am really getting ready to do this, I wish I had the chart ready, but the money that came in through PACs and special interests and the legislation that got to the outbox, it does look like a coin-operated machine or a PAC-operated machine. And I think the reform we are going to take up this week on the floor is only going to make it look more that way.

I think all of those things, and I have about 500 other things.

Mr. GOSS. We would welcome them in writing.

Mrs. SCHROEDER. Mr. Rohrabacher, I am sure, would be surprised, but I would concur with a lot of what he said. I voted against the Budget Act when I first came here because I didn't think we needed three tiers, if you have a Budget Committee and then an authorization committee and then an appropriation committee.

I think if we have two of the three, it works a whole lot better than all three. Because we spend an awful lot of time just being traffic cops, trying to figure out how you get everything to the floor in the right order, and I think we have overdone it and we have kind of lost control. So there is some meat in that one, too.

But with that, let me be quiet.

Mr. GOSS. Thank you.

I think you have hit on some very good ideas. The area of campaign finance, as you know, enforcement is not within our jurisdiction, but I agree that is an area where sunshine is supposed to have a benign effect, and I am not sure it does it as well as it should.

I agree with your comments about PACs. I treat them the same as individuals. I think that is the way to go, and that gives them no more or no less than any other individual. It is a free country, and I have found that has worked pretty well.

And I totally agree with your comment about small campaign contributions, and I think there should be limits and they should apply to PACs the same as they apply to any individual.

I think those are the kinds of things that we ought to be putting into campaign reform, and I hope we do get to them.

As for the Ethics Committee, I couldn't agree more, the process is broken. We have proven that this year; it is a broken process, it does not work. There are reasons for that.

We might not agree exactly on all of those reasons, but there are obviously better ways to do business, and I very much hope that we will be able to get to some of those in this process that we are having here. There has been, as you know, some objection from some important people on your side of the aisle about that. I hope you will be able to be with us and encourage reform of the Ethics process. Whether it is an automatic discharge that you propose or something else, I am open to any suggestion that will make the situation work better than it does now, because it is not working very well.

On the military detailees, I tend to agree that we all ought to know what is going on. I come from Florida, and I would point out that we have had a State Department Fellowship program which I have benefited from in my office. I think it would be useful to have a military-type fellowship program as well, to the degree that it is appropriate in Members' offices and understood to be there.

I don't have a problem with that, but I just think we all ought to know what the options are and what has actually happened. I agree with you on that comment.

If you have other comments that you would like to submit, we would be very happy to receive them as well.

Mrs. SCHROEDER. Thank you.

Mr. GOSS. Mr. Moakley.

Mr. MOAKLEY. Mr. Chairman, thank you.

I agree that it is ridiculous that it is against the law that lobbyists can invite you downtown to have a cup of coffee, but that same lobbyist can have a cup of coffee in your office and write an amendment and ask you to submit it on the floor. I mean, that is worse, but there is no crime there.

About the military being assigned to congressional offices, I have read about it. What is the background for that?

Mrs. SCHROEDER. Well, we are still trying to find out, but we do know that the military has got detailees in the Speaker's Office. I have been on the Armed Services Committee for 24 years and we have never had any fellowship program where they came to our offices.

Nobody seems to want to deal with this. We have figured out that it is about \$250,000 a year just to pay for their salaries, and some of the articles that have appeared in the press appear they have gotten involved in a lot of partisan things. Now, maybe they have and maybe they haven't. All I have is the press to go by.

But I think the appearance of that is very bad. And every time we ask the military for what this is about, they start muttering and sputtering and can't find—

Mr. MOAKLEY. Are these people lobbying for projects that their military unit are looking for, or are they—

Mrs. SCHROEDER. I think it is very difficult to know that, Congressman Moakley. I think—the problem is, is if an agency is providing you with \$250,000 worth of added staff a year, the real question is, are you as objective about that agency's budget, whether or not they say a peep?

Mr. MOAKLEY. Not when you are calling that agency by a first name.

Mrs. SCHROEDER. Exactly. And I think that every single one of us could all use probably \$250,000 worth of additional staff somehow, and expertise, and I imagine it helps you get your casework done with that agency and everything else.

The only question is if we are going to allow agencies to do this, I think we ought to have rules about it and I think all Members ought to be able to equally have them. We ought to know who they are. But to have a few special Members get these and we don't know anything about it, I think it looks bad.

Mr. MOAKLEY. Well, I can see a direct violation of the law. I mean, a person is working for an organization he should not be working for. I mean, a military person should be working on military work. What if you had somebody from EPA working in our office and on the EPA payroll?

Mrs. SCHROEDER. I guess that is my point. And if we have all of these extra people in the executive slots, then we ought to downsize the departments. But I don't think that officers, military officers or anybody else, super-grades in different agencies, are there to work in our offices, and that—it is almost like they are doing better oversight of us than we have ever done of them, and that is very troubling.

Mr. MOAKLEY. Thank you, Mr. Chairman.

Mr. GOSS. Mr. Linder.

Mr. LINDER. I would just like to comment that passing laws is not going to make bad people into good people. Full disclosure will let my voters know what I spend and what I take. And if they don't like it, if I am taking too much money from one group or another, they can respond in the election.

As for lobbyists writing amendments, Joe, you know they have been doing it as long as we have had lobbyists, just lobbyists of a different stripe. Lobbyists are here to influence legislation and they have been doing it forever.

Mr. MOAKLEY. Will the gentleman yield?

Mr. LINDER. I would be happy to yield to the gentleman.

Mr. MOAKLEY. Yes, that is true, but since we have gone so far out on a limb that it is taboo to take a cup of coffee from them, then I just think we should go all the way.

Mr. LINDER. I agree that hasn't made anything better around here, but that is the way that this self-regulation tends to go. I don't think there is anything we can do to make anybody think we have done enough. I think we have done too much already.

Mrs. SCHROEDER. Congressman Linder, you have a point. And one of the things that I have watched in my time here has been how reforms often get turned in another way. Many of us thought disclosure would be adequate as a reform, that you would disclose and that would be enough.

I must say, I don't think it is anymore, because what happened to that reform is now when you disclose, the press doesn't go into any of the details, they just look at the bottom line number and say, "X" is the stronger candidate because they have the most money.

Well, to the average person, they are now starting to say, hey, wait a minute, where is that money coming from?

An interesting thing is happening in Colorado in our Senate race in my party, and that is the guy who won't take any PAC money is raising way more money than the other guy, because people are getting real tired of this finally. But just disclosing the final amount or disclosing what was in it, they were using the simple thing to make it the horse race type of thing rather than looking at the content.

I think we have to—why? I mean, why would certain groups give you \$10,000. Not because they believe in good government. I mean, that doesn't have a straight face attached.

They want access, I think. We all know that, and the people know that, and that is why they feel their vote doesn't count as much, because they don't have that additional money.

Mr. LINDER. Your entire criticism is about the press. The public is informed by good decisions. I think the criticisms about the press and about the process—and this is the cleanest Congress probably in history. If you go back to previous Congresses, 20, 30, 40 years ago, they took cash, they didn't report anything, they took hundreds of thousands of dollars in cash. The process is cleaner than it has ever been in this Congress.

It may not be clean enough for you, but we don't have people walking around with seven \$100 bills in their topcoats anymore, and if they do, they are crooks. So we are not going to make bad people good people by how we legislate.

I yield back.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. Nothing.

Mrs. SCHROEDER. I guess my only question is why is our approval rating so low? Somehow we are either not getting the message out or I think there is people also, you know, folks don't give you all that money without wanting something.

Mr. LINDER. You have a media who spends its entire time in cynical attacks on people trying to do a decent job. Newt Gingrich has had 10,800 negative commercials run against him. No wonder his negatives are up.

Mr. MOAKLEY. Would the gentleman yield?

Mr. LINDER. I don't have the time.

Mr. MCINNIS. I would be happy to yield to the gentleman.

Mr. GOSS. Mr. McInnis.

Mr. MOAKLEY. I just wanted to get back to what Mr. Linder said. There was a fellow in Rhode Island who wrote a story about his great, great grandfather that was a United States Senator that came to the Senate with \$10,000 and retired, after spending 15 or 20 years in the Banking Committee, with \$20 million which would show that he really—he was on the payroll of big banks.

Mr. LINDER. Very good investor.

Mrs. SCHROEDER. His wife probably canned and made her own clothes; do you think?

Mr. MOAKLEY. Actually, he turned in those 5-cent coke bottles or something.

Mr. LINDER. Would the gentleman yield?

Hubert Humphrey never had a job that paid more than \$40,000, and he left a will of \$6 million. A good investor.

Mr. GOSS. Well, we need to move on.

We have many Members who want to testify.

Mr. McInnis, do you have a question?

Mr. McINNIS. First of all, I think there are a couple of things we should talk about. One of the reasons that our ratings are the lowest that they have ever been, in all due respect to the gentlelady from Colorado, is because people like the gentlelady from Colorado continually stand up and say, this is the best government money can buy.

It implies there is some kind of bribery or that this is some kind of corruption institution. As the gentlelady knows, you have complete openness, if you think there is a bribery or something like that, to do something about that. You know how to work with the press.

I also want to tell you, let's talk about the Colorado race that you bring up that you say, good for him. The gentleman that she is referring to is a trial attorney. Now, he doesn't take PAC money but take a look at how many tort attorneys have contributed to him. He is being funded by what I think Forbes Magazine referred to as the third most powerful political party in the country, and that is the trial lawyers association.

I also want to refer to, as the Representative, the gentlelady from Colorado knows, that we are both from the same State. We both track each other's financial reports. I would hope that this chart that you come in with discloses if there is any kind of influence by the number of trips that you take.

As the gentlelady knows, and I am not trying to get at you individually but I take personally, I guess, the remark that you make about "best government money can buy" or whatever. I want on that chart to see—since you are one of the most traveled Members of Congress and that travel is not paid for by the government but special interest groups—to see what kind of influence staying at the Hilton in Hawaii, or some of these hotels, how that impacts your particular legislation.

The average, you talk about average donation, Representative Schroeder, throughout my tenure in Colorado politics you have always been one of the best-funded politicians in Colorado, not from \$35 contributions. And I would also say that your leaving the U.S. Congress with several hundred thousand dollars I think in your account—I never did figure out, frankly, where the money went from your presidential race, but I am sure that money, it would be interesting to see what you do with that.

My point is this: I have never once during my years of active debate with you implied that because of the fact that you are very astute at raising money, you are very astute at utilizing the press, you are very astute at criticizing Congress, I have never once made

an implication that your integrity is less than what we would expect. I don't see that.

Just because you have that ability to raise money should not bring the automatic implication that you are the "best government can buy." And I think that is what you are doing through this testimony.

And with due respect, I disagree with some people that say, well, we have too much money in the system. Some of these answers are great, but what are you going to do about the multimillionaire that can come in and doesn't need to have the kind—neither you nor I are millionaires.

Representative Schroeder, you could not have run for office, I could not have run for office, if we didn't have people that believed in us and helped us, whether it is a \$35 contributions or \$2,000 contribution; we couldn't have run.

So as you begin to handicap us with the amount of money that we can have, how are you—how do you reel in the multimillionaire, which in our State we have many, many of those because of the resort communities and things like that.

So I think that is an answer that you have got to come up with before you begin to handicap people like you and I on the amount of money we can raise.

I thought your comment was interesting on the Ethics Committee, and I don't know how to deal with this. I think that your idea is an idea perhaps in the right direction. But somehow through all of this reform, we have got to make sure that whatever we do with the Ethics Committee that it is not used as a forum to cut somebody to shreds with a frivolous claim.

In other words, maybe we could have some kind of enforcement mechanism, much as we do in the courts in Colorado, that if you file a frivolous claim on the Ethics Committee, whether it is a make-up of independent judges, and I think your idea is pretty good on that, if it is a frivolous claim, then there is some way to punish the person filing the frivolous claim.

The other thing that I note, as I read through some of the amendments in here, one of our amendments limits special interests—or limits the amount of money groups can put into something, but exempts Emily's List. It interests me. And I think, Representative Schroeder, a couple of years ago when we dealt with this, you also voted for an amendment which exempted Emily's List.

What I see here in some of this reform is, OK, let's apply it to some groups but not other groups. You know, I find with interest that Emily's List certainly does not limit the amount of contributions they get. Nor does Common Cause, by the way. Common Cause refuses to disclose their contributions. They refuse to put any kind of cap on the contributions they get. They accept corporate contributions but won't disclose to us who those corporate contributors are.

So I guess my—this is brought on by that one little sentence where you say, the "best government money can buy." And I don't think government—I don't think money has bought you during your tenure, although you have had plenty of money to utilize in

your politics. In fact, I think you have been far above that. I don't agree with all of your policies.

So I don't think it is any fairer for me to imply that because you have raised that money that you are the best money can buy, and I don't think it is appropriate for you to make a statement in here, well, we now have "the best government money can buy."

We have the best government because we have got a lot of people like Joe Moakley and Porter Goss and, frankly, with you and some others that have worked darn hard to make sure it is a good government.

Thank you, Mr. Chairman.

Mr. GOSS. Thank you.

Mrs. SCHROEDER. Well, I thank you very much.

Let me make a few comments in response.

I think the one thing we can both be happy about is all the millionaires that have run, that I am aware of in our State, have lost, whether it was Bill Daniels who put a lot of money in Mr. Benson, or it is—

Mr. McINNIS. Well, reclaiming my time. Some of the wealthiest people in this country serve in the United States, serve in the United States Congress, serve in the United States Senate.

Mrs. SCHROEDER. But I am saying in our State we have done a very good job of dealing with the millionaire issue. People are very suspicious of millionaires buying seats and they haven't done very well.

Secondly, I would like to respond to your allegation about do my trips affect my voting?

Mr. McINNIS. I am curious.

Mrs. SCHROEDER. I would be happy to. I disclose all of those. I think you have seen most of them. Most of them are on university campuses where I am lecturing to kids and any money that comes goes to charities in Colorado. I usually end up giving more money to charities in Colorado than I make on my salary.

Mr. McINNIS. It is not on the chart.

Mrs. SCHROEDER. It is. It is there.

Mr. McINNIS. Why don't you on the chart come out with it?

Mrs. SCHROEDER. I will be happy to. There is all sorts of universities.

Mr. McINNIS. Great.

Mrs. SCHROEDER. There is all of those types of thing that I do. Unfortunately, the cigarette lobby and others have not invited me. I don't think I would go anyway. But the trips I think you would find were way aboveboard. Many people have looked at that.

I do think that when you get to the best government money can buy, it goes back to the point that if you have donations from a lot of individual people, that to me is so much healthier than having four or five people who can write big checks. And if you can now have, under this bill that we are going to have on the floor today or tomorrow, a family of four being able to give \$12.4 million dollars, now the millionaire won't have to run. They can go give it to someone they want to run and have their own voice. So we have made it even worse because right now they can't do that.

So on your millionaire point, I think you ought to look at this bill that is going to be on the floor because that is—Linda Smith and

others have been circulating letters about this. This is a very serious loophole that only explodes that whole thing.

And finally, I must say one of the things that I was happy that you said, we have had active debates, I have kept score on how many times you have mentioned my name and will never yield on the floor. One of the things that I think might make this a more civil place is if when someone uses somebody's name on the floor, that they also have to at least yield a minute.

I often have to run to Mr. Moakley to get an extra minute or someone else. I think it would be more civil and kinder if we didn't lash at each other and then refuse to go back and forth. And we could have more, what I would call, active debates than we have had.

Mr. GOSS. I have tried very hard to make sure everybody had equal time here. We have exceeded our time limit by far. We will not get to the subject on the floor unless this committee can meet this afternoon to vote on the rule.

Mr. MOAKLEY. Before Mrs. Schroeder leaves, Mr. Chairman?

Mr. GOSS. Yes.

Mr. MOAKLEY. Just to back up some of the things; a letter from Common Cause, when you were talking about campaign financing, Common Cause says: Any Member of the House who votes for this bill, that is the H.R. 3760, the campaign finance bill, can only be called a protector of corruption. That is Common Cause saying that.

Then there is—

Mr. GOSS. That hearing is this afternoon, Mr. Moakley.

Mr. MOAKLEY. But campaign finances are now being trebled and quadrupled to take care of our millionaire friends, to compete with our millionaire friends.

Then there is a letter in the New York Times talking about a bill that was going through the House, and it says: The bill's sponsors and the committee of lobbyists worked side-by-side on the bill inserting one provision after the other to satisfy industry groups, like the Chemical Manufacturers Association, companies like International Paper, and organizations of citizens' States covered by the law.

Mr. GOSS. Did you read the part about the minimum wage bill in there?

Mr. MOAKLEY. No. It is probably in there, but I just want to show this.

But Representative Dan Schaefer, who was Cochairman of the House Committee on Energy and Power, in a letter written and quoted in the Energy Daily on March 31st, 1995, said: We go to industry and ask industry, what it is we can do to make your job easier and to help you in this competitive world we have rather than writing legislation and having industry comment on what we write?

Mrs. SCHROEDER. It is amazing.

Mr. MOAKLEY. OK. Just as an aside.

Mr. GOSS. Well, I thank you. It is a very useful aside. We got all the asides and equal time. We have been fair.

STATEMENT OF THE HON. JOHN T. DOOLITTLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. GOSS. Mr. Doolittle, I think, we have next.

For the Members in the room, we do have a long list and this is Member's open day. And we have gotten a little off the track, and I accept responsibility for that. I want to try and hold it to the 5-minute rule, if I can.

Mr. DOOLITTLE. Mr. Chairman, I will be happy to further those wishes.

Mr. GOSS. Thank you.

Mr. DOOLITTLE. I have a change to propose in the rules of the House of Representatives, and I have a full statement and I will be happy to submit that.

Mr. GOSS. Without objection.

Mr. DOOLITTLE. The legislation that I bring today would require a witness appearing before Congress to disclose the amount and the source of funding he or his affiliated organization has received from the Federal Government. I think this rules change is important, really in the spirit of full disclosure, not only to the public, which I think is entitled to know concerning the interests and individuals and entities that are supported by the taxpayer dollars and which command the attention of their elected Representatives, but I also think that it is very important that the Members of committees in Congress themselves are aware of which witnesses or organizations are receiving funding from which source of the Federal Government.

I just think that is vital to know as we assess priorities and make decisions to allocate scarce funding.

So that is the proposed rule change, Mr. Chairman.

I believe the Members of the committee have a copy of my proposed rule.

[The prepared statement of Mr. Doolittle follows:]

PREPARED STATEMENT OF HON. JOHN T. DOOLITTLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Good morning, Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you today to propose a change to the Rules of the House of Representatives.

I bring before you today legislation that would require a witness appearing before Congress to disclose the amount and source of funding he, or his affiliated organization, has received from the Federal Government.

The reasons for this rule change are simple.

First, the public needs to know: Requiring witnesses appearing before committee and subcommittee hearings to disclose the amount and source of funding they receive from the Federal Government will make the public knowledgeable of the interests, individuals, and entities that are supported by their taxpayer dollars and which command the attention of their elected representatives.

Second, Congress needs to know: Faced with a myriad of diverse issues to evaluate, each day we must make intelligent and fair decisions about the right policies to promote, the effective programs to support, and the necessary amounts of funding to allocate. These decisions can only be made by a governing body which is thoroughly informed.

In the past, some Members have encouraged a policy of voluntary disclosure of funding information. I believe we can agree that the necessity to reform further the workings of Congress would at this time mandate this disclosure.

Finally, you will note that, as stated in the language, failure to comply with this requirement would exclude the witness' testimony from the hearing record. This is not to discourage valuable witnesses from testifying before relevant committees.

Rather, the point, again, is to foster a well-informed governing body capable of providing for a similarly well-informed electorate.

I would urge your support this rule change.

[The body of the Bill is as follows:]

104TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. DOOLITTLE submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives to require witnesses at committee hearings to submit statements identifying Federal grants or contracts received during the current and previous two fiscal years.

1 *Resolved*, That (a) clause 2(j) of rule XI of the Rules
2 of the House of Representatives is amended by adding at
3 the end the following new subparagraph:

4 “(3)(A) Whenever any hearing is to be conducted by
5 any committee upon any measure or matter, the chairman
6 shall notify all prospective witnesses that written state-
7 ments submitted to the committee shall include the follow-
8 ing information: the amount and source (by agency and
9 program) of any Federal grant (including subgrants from

1 other organizations or from a State pursuant to a Federal
2 block grant) received, and contracts entered into, during
3 the current and previous two fiscal years, by witnesses and
4 any organizations they represent.

5 “(B) If any witness at a committee hearing fails to
6 make an accurate disclosure of the information required
7 by subdivision (A), then all testimony of that witness at
8 that hearing shall be expunged from the hearing record.”.

Mr. GOSS. I thank you. That is useful. It is very clear.

Mr. Beilenson.

Mr. BEILENSEN. One quick question. This is fine. Do we require that all witnesses divulge such information?

I mean, if somebody is representing an interest of one sort or another, do committees necessarily know that that person is there representing such an outfit or industry or profession, or something of that sort? Maybe it is obvious.

Mr. DOOLITTLE. To my knowledge, Mr. Beilenson, there is no such requirement. I mean, I guess the committees individually may have certain information that they can request.

I think when it comes to taxpayer dollars, there is a certain feeling of unfairness when you have groups that are receiving grants or have contracts with the Federal Government who then are using that money to appear before a committee, competing, if you will, with individuals or groups who are not getting Federal funding.

This rule doesn't propose taking away the Federal funding, but simply, in the spirit of full disclosure, requiring that the witness himself come forward and disclose what he and his organization are getting from the Federal Government.

Mr. BEILENSEN. I understand what you are saying, John. It depends on how you look at it, too. And I know you may not agree with me on this, but I get as offended—if that is the right word—when people ask for additional tax breaks or something else for their particular group or industry. That affects all of us as taxpayers as much perhaps as the modest Federal funding that might be involved in whatever group it is that is of concern to you. My only suggestion is that if we have such a requirement, it ought to apply to everybody.

Mr. GOSS. I thank you. I think that is useful as well.

The problem is perception of conflict of interest and where a special interest lies is obviously something we are all wrestling with, and you come at it from a different and useful way.

Thank you very much.

We will now hear from Harold Volkmer from Missouri.

Mr. BEILENSEN. Mr. Chairman, while Mr. Volkmer comes up, Mr. Moran and Mr. Kanjorski, who are scheduled to testify, have prepared statements and won't be here. May we submit them for the record?

Mr. GOSS. Without objection.

[The prepared statement of Mr. Moran follows:]

PREPARED STATEMENT OF HON. JAMES P. MORAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF VIRGINIA

I wanted to thank the committee for conducting this hearing, "Building on Change: Preparing for the 105th Congress."

As we approach the end of this session, we have all learned important lessons on how to improve the legislative process. One lesson is to make sure you can abide by any changes you propose. Someday you may have to live with the consequences. In short, the minority party can enjoy the luxury of criticizing a rule imposed by the majority or even offer irresponsible policy changes. But, one day should that minority ever become a majority its past actions and rhetoric may come back to haunt it.

One such proposal is Clause 5(c) of rule XXI of the U.S. House of Representatives, which states:

no bill or joint resolution, amendment or conference report carrying a Federal income tax rate increase shall be considered as passed or agreed to unless so determined by a vote of not less than 3/5 of the Members voting.

As you may recall, with much fanfare and histrionics the new majority proclaimed that no tax increase could pass this House without the support of 3/5 of the Members in this body. A simple majority was too weak to guard against this terrible sin Congress might commit against the Republic. So, Clause 5(c) was added to the House rules on the very first day of the 104th session. Of course we all know that it only takes a simple majority to waive this rule. And, that is exactly what has happened with every bill and conference report that would have required a 3/5 vote.

On the very first revenue measure the new majority brought before this House, the House leadership chose to ignore this rule. On April 5, 1995, I came to this well and raised a point of order on a provision in the "Contract with America Tax Relief Act" (H.R.1215) that repealed section 1(h) of the Internal Revenue Code affecting the maximum rate for long-term capital gains. While the intent of this provision was to lower the capital gains rate, it actually increased the tax rate on the sale of certain small business stocks, from 14 percent under current law to 19.8 percent.

At that time the speaker's chair ruled that this tax increase was not subject to the three-fifths rule. In a June 12, 1995 letter from House Parliamentarian Charles W. Johnson, it appears that this ruling was made in error and the original point of order should have been sustained.

Since the Parliamentarian confirmed my original challenge, the House leadership has found it necessary to waive the 3/5 vote requirement for consideration of four separate legislative proposals. For the record, the majority has found it necessary to waive the three-fifths rule for:

- the Balanced Budget Act of 1995 (H.R. 2491),
- the Medicare Preservation Act (H.R. 2425),
- the Health Coverage Affordability and Availability Act (H.R. 3103), and
- the Small Business Job Protection Act (H.R.3448).

Each one of these measures included a tax increase that under Clause 5(c) would have required a 3/5 vote for approval. None of these measures received a 3/5 vote.

Throughout this year, I keep hearing this "promises made, promises kept" speech on the floor. I guess if you say it enough times you may fool yourself into believing it. But I do not think the American public will believe it. Instead, they will use this rule change as another example of Congress failing to do what it says. It will feed public cynicism of what is wrong with this institution.

Clause 5(c) is one promise the majority has not kept. It should be repealed.

[The prepared statement of Mr. Kanjorski follows:]

PREPARED STATEMENT OF HON. PAUL E. KANJORSKI, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. Chairman, members of the Rules Committee, I welcome the opportunity to testify today on a topic which I have been deeply concerned about since long before I was elected to the Congress, reform, or as I prefer to call it, "realignment" of our government.

Over the past several Congresses, we have made great strides in reforming the operations of the Congress itself. Under Democratic control, we made service in the Congress a full-time job, limiting outside earnings. We also reformed the way pay raises are granted by requiring an intervening election before they can take effect. We passed a law to require greater disclosure by lobbyists and to prevent departing Members from lobbying their former colleagues as soon as they leave office. Finally we virtually eliminated all gifts to Members and staff from lobbyists or anyone who is not a bona fide personal friend of the Member or staffer.

To their credit, in the current Congress, under Republican control, the administrative procedures of the House have been reformed, the House has gone "on-line," and the number of Committees and Subcommittees has been reduced. These are all long-overdue, positive developments and I commend you for them.

More remains to be done, and the Committee will hear a number of Members today with specific ideas for additional changes, many of which merit your consideration.

I want to encourage you, however, to step back, and widen your field of vision to include reform of not just the legislative branch, but of the executive branch of government as well. Our top priority today should be realignment of both branches of government, not just one. Reform of the legislative branch in isolation will not

be anywhere near as effective as a simultaneous realignment of both the legislative and executive branches together.

As we prepare to enter the 21st century, I believe we have a unique opportunity to realign our government, just as many of our major corporations have done over the past decade, to make it more efficient, more cost-effective, and more responsive to the needs of the people.

We have this opportunity for several reasons. First, because our economy is in generally good shape, with unemployment lower than it has been in many years, with continued low inflation, and with steadily decreasing deficits and a bipartisan agreement to balance the budget by the year 2002. Second, because regardless of which party "wins" the Presidential and Congressional elections in 1996, it is likely that the margin of victory will not be great, and that there will continue to be divided government. In short, in order to effectively govern, we will have to do more grand coalition building, both here on Capitol Hill, and at the other end of Pennsylvania Avenue.

The organizational structure of the United States government, both in the legislative and executive branches, has not kept up with the changes in the greater world environment. Both branches have grown haphazardly and in an evolutionary manner. We need to step back and realign both so that they can function more efficiently in the 21st century.

Today we still have many situations where too many agencies and too many committees and subcommittees are involved with important policy issues. Whether the issue is health care reform or welfare reform, there are clearly too many cooks. When so many people are involved, inevitably decision-making is difficult and the lines of responsibility and accountability are unclear. We have all seen flow charts of the Federal Government that look like spaghetti thrown against a wall. We need a reorganization.

What we need today is essentially a super "Hoover Commission" similar to the Commissions established during the Truman and Eisenhower Administrations between 1947 and 1955, and chaired by former President Herbert Hoover. These Commissions, made up of members appointed by the President, the Speaker of the House and the President of the Senate focused on reorganization of the Executive Branch. I call my proposal a "super Hoover Commission" because I believe it should focus on simultaneous realignment of both the Executive and Legislative branches of our government.

The charters of the original Hoover Commissions define much of what we still need today:

1. Recommending methods and procedures for reducing expenditures to the lowest amount consistent with efficient performance of essential services, activities, and functions;
2. Eliminating duplication and overlapping of services, activities and functions;
3. Consolidating services, activities, and functions of similar nature;
4. Abolishing services, activities, and functions not necessary to the efficient conduct of government;
5. Eliminating nonessential services, functions, and activities which are competitive with private enterprise;
6. Defining responsibilities of officials; and
7. Relocating agencies now responsible directly to the President in departments or other agencies. (Section 1 of Public Law 83-108)

If you add legislative officials, committees and functions to the scope of the Commission's work, that is what we need today.

Another reason why we have a unique opportunity to implement such a proposal is that we have two eminent former officials, one from each party, who could serve as excellent co-chairs of such a Commission, Presidents Carter and Ford. Between them they have many years of experience at various levels of government, they are respected in both their parties, and yet they are sufficiently removed from the day-to-day political battles that they do not excite the passions that all too frequently divide us. They have the skills and temperament to bring us together.

So I would recommend to the Rules Committee that we draft a joint, bipartisan charter for a Commission on Reorganization of the Federal Government, to be chaired by former Presidents Carter and Ford, with equal numbers of members appointed from both parties by the President, whomever he may be in 1997, the Speaker and President of the Senate and the two House and Senate Minority Leaders, whomever they may be in 1997.

We must seize this unique opportunity to take control of our destiny by realigning our structure of government at a time when no party has a decisive advantage, and when our economy permits us to make changes without disrupting our way of life.

Mr. Chairman, this is an idea that I have discussed on a number of occasions with the Vice Chairman of your Committee, Mr. Dreier, who has shown great interest and leadership on reorganization issues, both in this Congress and in previous Congresses. I hope to have further opportunities to work with him, and the members of this Committee, to make it a reality.

STATEMENT OF THE HON. HAROLD L. VOLKMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. VOLKMER. Mr. Chairman, the legislation I am proposing would relieve you of your duties with the Ethics Committee, and all Members of the House from the Ethics Committee. It is the Ethics Requirement Act of 1995. I have worked on it even before this Congress. We have worked and worked, and finally introduced it in December.

Through this Congress, the current Ethics Committee is not doing the job they are assigned to do, and I can understand why. The Ethics Committee is investigator, prosecutor and a judge of their own Members, their own friends, and it is very difficult. My bill calls for a replacement of the Ethics Committee.

And I agree with the gentlelady from Colorado that we have an independent Ethics Committee made up of former or senior Federal judges, five of them; two Members to be picked by the Speaker, two by the Minority Member and the fifth Member to be by those four Members.

This new commission would take over all the duties currently handled by the Committee on Standards of Official Conduct. I feel very strongly that we need to enact this legislation as soon as possible, at least for next year, beginning in the next Congress.

I think an independent Ethics Commission would ensure that all allegations of ethics violations by Members of Congress will be reviewed and acted upon expeditiously. I also feel that they would have the ability to be able to discern what complaints are frivolous, which ones are valid through investigations, and that it would be an impartial body, a lot more impartial than we presently have, the system that we have; not the individuals. I am talking about the system.

And I feel very strongly that if we really want to be able to say that all Members have got a fair hearing, or that all Members have been treated properly, you are going to have to take it out of the hands of all the Members. I can remember back before this, there were cases where they handed down—the Ethics Committee ended up with maybe a slap on the wrist or something like that, but we—as Members, we never knew all what went on, involved in it at all. And so it leaves some doubts.

What the present process is, and I can understand your saying from—your problem is various sources. We now have, I think, a use of the Ethics Commission to try and get at other people and almost in retribution. You file a complaint against one of ours, we will file a complaint against you, that type of thing. And that is an improper use of the Ethics Committee, and I believe that if you had it impartially you would have less likelihood of that occurring.

It may be very difficult to ever get this legislation through, for the simple reason that I think a lot of Members are a little bit afraid of what an impartial Ethics Commission would do. But I say

if you behave yourself, you don't have to worry about it, and that is why I have no problem with it.

In closing, I would like to say one other thing. You mentioned in your opening remarks about bipartisanship, we need more bipartisanship up here. There is no question about it. You can show that today on welfare reform if we get a bill that offers our substitute like you have permitted us with finance campaign reform to do, the same thing with welfare reform.

Mr. GOSS. Thank you, Mr. Volkmer.

[The prepared statement of Mr. Volkmer follows:]

PREPARED STATEMENT OF HON. HAROLD L. VOLKMER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MISSOURI

Mr. Chairman, I appear before you today to discuss my bill, the Ethics Reform Act of 1995.

It has become abundantly clear that the current ethics committee, cannot, or perhaps more accurately, will not do the job they were assigned to do.

My bill calls for the replacement of the ethics committee with an impartial, independent Ethics Commission made up of former Federal Judges. Two members would be picked by the Speaker, two by the Minority Leader, and the fifth member would be named by these four members. This new commission would take over all duties currently handled by the Committee on Standards of Official Conduct.

Mr. Chairman, I feel very strongly that we need to enact this legislation as soon as possible. Our ethics committee has proven that it is not up to the job. An independent Ethics Commission will ensure that all allegations of ethics violations by Members of Congress will be reviewed and acted upon expeditiously.

I welcome any questions from the committee.

Mr. GOSS. My comments about the process being broken, I think, are similar to your comments. It is not that the Ethics Committee that is presently comprised isn't trying to do the best it can under the process it has to labor under. Believe me, they are good individuals.

I won't exempt myself from that statement, but speaking for the other nine, they are doing the best they can do. It is just that the process is, frankly, hopeless and it is certainly one of the areas we are going to be talking about.

I think part of the problem is that too many people are abusing the system, perhaps knowingly, perhaps not. And the other part of the problem is that there is a failure to understand that the Ethics Committee is a peer review mechanism. It isn't the Department of Justice and, you know, we don't have that capability. And maybe the media has raised expectations about what the Ethics Committee can do. That is an expectation that is not going to get fulfilled with the existing process that we have.

Mr. Beilenson.

Mr. BEILENSEN. Only to say, Mr. Chairman, that what my friend from Missouri says appeals to me. I am not nearly so conversant with the process and how it may be broken, or not broken, or how it should be fixed, as my Chairman is, but clearly something needs to be done about it.

Mr. VOLKMER. If the gentleman would yield?

This is the thought process: You have been in the legislative process for years, and I have, too. I am not saying this is almighty and it has to be done this way.

Mr. BEILENSEN. I understand.

Mr. VOLKMER. And everything is provided, you know. It is just a start with an idea. That is what legislation is all about, anyway, is ideas.

Mr. GOSS. I appreciate that.

Mr. VOLKMER. Somebody else may have a better one. But I do think that we need to correct what the present system is. And if we continue down that road, we are just going to have more of a morass.

Mr. BEILENSEN. That I completely agree with, and I can only hope that after I leave Congress some of you folks may pursue this matter to some useful conclusion.

Mr. GOSS. Perhaps after you leave you will be the one summoned back to help us.

Mr. BEILENSEN. I refuse to come back for that purpose.

Mr. GOSS. I have always respected your wisdom.

Mr. VOLKMER. Thank you.

Mr. GOSS. There are many approaches to this. Yours is certainly one. I have proposed a jury system. There are many ways we are going to talk about this, and I thank you for coming forward with this.

I believe we go to Mr.—the Honorable Richard Pombo.

Mr. BEILENSEN. As the Honorable Mr. Pombo comes up, Mr. Chairman, the Honorable Mr. Nadler is not going to be here but has submitted a statement for the record.

May we put that in the record?

Mr. GOSS. We may do that.

Mr. BEILENSEN. Thanks.

[The prepared statement of Mr. Nadler follows:]

PREPARED STATEMENT OF HON. JERROLD NADLER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

I want to thank the Committee on Rules for soliciting the views of Members on improvements to the Rules of the House for the 105th Congress. I believe that making the process by which we consider legislative business more open and accessible to the voters must be a high priority and should be undertaken in a bipartisan manner.

Legislation I have introduced in this Congress, H.Res. 211, the "Plain English in Law Rule," which would help achieve this important goal. This proposed change to House Rule XXII would require that all bills and amendments be drafted to show the additions to, and deletions from, the laws or bills they were amending. This broader application of the Ramseyer Rule, which is now confined to a mere post-script in committee reports, would advance substantially the effort to make the bills and amendments considered in the House more understandable to the public and even to our colleagues.

In addition to making legislation clearer, implementation of the Plain English in Law Rule would present little inconvenience. With all bills and resolution, as well as the U.S. Code, now on-line, it will not even be necessary to retype the sections of law being amended.

As Chairman Solomon will no doubt recall, this was the form in which we drafted legislation when we served together as Members of the New York State Assembly. It aided both Members and private citizens in their understanding of what precisely was being proposed. The Chairman may also recall that it was another New Yorker, Rep. Bertrand Snell, who, as Chairman of the Committee on Rules, presided over the adoption of the Ramseyer Rule in 1929.

Making legislation and amendments readable and understandable should be a minimum standard for any drafting conventions adopted by the House. By including the Plain English in Law Rule in the Rules for the 105th Congress, we can complete the reforms begun by this House in 1929 with the adoption of the Ramseyer Rule. I urge its inclusion.

STATEMENT OF THE HON. RICHARD W. POMBO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. GOSS. Mr. Pombo.

Thank you. Welcome.

We appreciate your remarks.

Mr. POMBO. Well, Mr. Chairman, I have submitted some language for the record, and I would just like to explain the rule that I proposed. On March 7th, 1995, I introduced a rule, a one-page simplification, and it was a very simple rule change which would require that when you introduce legislation that you cite which provision in the Constitution authorizes Congress to take action on that matter.

The idea behind this is that—to start the debate as to what the powers of Congress and the Federal really should be. I am not foolish enough to believe that by a simple rule change that it would in any way restrict the use—or restrict the powers of Congress, but the essence is that if we had to cite which provision in the Constitution authorized us to act in that manner, I believe it would start the debate as to what the powers of the Federal Government really are, what the powers of the States and the local governments and the people really are, and I think, in many instances, that we have overstepped our bounds.

If we had had this debate at the time the legislation was moving through the House, I think that we would have either restricted ourselves to the areas that we should be involved in or, on the other hand, had some constitutional basis for what we were doing.

I believe that this is very important, because over the last 30, 40, 50 years, in many instances, we have taken over powers that should be delegated at the State or local level. And because of that, I think that we have diminished the powers of local government.

But that is basically what the rule change is. It is a very simple, straightforward change, that has garnered a lot of support throughout not only this body but with outside groups. There has been other legislation which would be a law that would do this, but originally what we had done was proposed that this would be a rule change.

Mr. GOSS. This was H.Res. 106?

Mr. POMBO. Yes, sir.

[The prepared statement of Mr. Pombo follows:]

PREPARED STATEMENT OF HON. RICHARD W. POMBO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman, and members of this committee for conducting this hearing today and for allowing Members to express their ideas on how to improve the rules of the House of Representatives.

On March 7, 1995, I introduced a rather simple and one page resolution designed to start a debate on the limits of Congressional authority to act, as laid out in the Constitution. That resolution, H.Res. 106 will do one simple thing—it will require that all legislation submitted must include a statement specifying the power granted, by the Constitution, to Congress that would be exercised in the enactment of that bill or resolution. The goal is to make Members aware of the inherent and mandatory relationship between their legislation and the United States Constitution.

When I first came to Congress, I found it unbelievable that it was not part of the House rules to reference the Constitution when submitting a piece of legislation. Every session of Congress we are sworn in and we promise to uphold the Constitution. Yet, as we accept that responsibility of being Members of Congress it is doubt-

ful that many are familiar with the enumerated powers in Article 1, Section 8 of the Constitution. That section of the Constitution serves as a blueprint for us to build legislation. The founding fathers clearly intended Congress to be a body of delegated and thus limited powers. We, as Members, do not have the power to do whatever we want when it comes to writing legislation. If the founding fathers had intended Congress to have unlimited powers, they would not have bothered enumerating any powers at all.

During the last 60 years that concept of limited and delegated powers has largely disappeared. Since the inception of the New Deal we have seen an explosion of legislation passed by Congress, much of which I believe falls outside the enumerated powers granted to Congress in the U.S. Constitution. Virtually all of this legislation has been rubber-stamped by the Supreme Court that has allowed almost any law to be Constitutional just by invoking the Commerce Clause and General Welfare Clause. For those 60 years those clauses went unchallenged as a vehicle for justifying Federal action in any area. That was until 1995.

In 1995, the Supreme Court ruled in *Lopez v. United States* that the 1990 Gun Free School Zones Act was unconstitutional because Congress, in drafting it, had referred to no source of constitutional authority and because the most plausible source, the power to regulate commerce among the states, would be unavailable in this case because there was no commerce involved.

I do not pretend that forcing Members to cite constitutional authority will be a cure-all for the expansion of the Federal Government of the continued use of the Commerce Clause and General Welfare Clause. As we have seen, restraining the use of the Commerce Clause is neither easy nor popular. Just recently, every Member in this room voted for a piece of legislation that represents a questionable use of Congressional authority. While I supported the Church Arson Prevention Act, and am deeply disturbed and appalled by the actions of these misguided individuals I am concerned that Congress's authority to act in this area is less than that of the 1990 Gun Free School Zones Act which was found to be unconstitutional.

The Court, in *Lopez v. United States*, has done this body a great favor by beginning the debate on the appropriate role of Congress and by showing us that we do have limits. Now I want to bring that debate to the floor of the House of Representatives. I believe it is vital that the Constitution has a place in the great debates undertaken in this body. For if we can have a debate on constitutional authority we will be able to have an honest discussion on the appropriate size and scope of the Federal Government and will help return this body, the people's body, back to them. If we do not have the power to act, however meritorious the issue may be, we must defer to the states as expressed in the 10th Amendment. We cannot allow any part of the Constitution to be ignored. Once we allow that to happen we put the entire document in peril.

Thank you, again, Mr. Chairman, for allowing me to testify today.

[The body of the Bill is as follows:]

104TH CONGRESS
1ST SESSION

H. RES. 106

Requiring that certain introduced measures be accompanied by statements of the constitutional authority for enacting them.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 1995

Mr. POMBO (for himself, Mr. YOUNG of Alaska, Mr. LUCAS, Mr. TALENT, Mr. CRANE, Mr. SHADEGG, Mr. CUNNINGHAM, Mr. BILBRAY, Mr. DOOLITTLE, Mr. SCHAEFER, Mr. TAUZIN, Mr. STUMP, Mrs. CHENOWETH, Mrs. CUBIN, Mr. BAKER of California, Mr. RIGGS, Mr. HUNTER, Mr. COOLEY, Mr. GRAHAM, and Mr. WAMP) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Requiring that certain introduced measures be accompanied by statements of the constitutional authority for enacting them.

- 1 *Resolved*, That no bill or joint resolution shall be ac-
- 2 cepted for introduction unless such bill or joint resolution
- 3 is accompanied by a statement specifying the power grant-
- 4 ed by the Constitution to Congress that would be exercised
- 5 in the enactment of that bill or joint resolution.

Mr. GOSS. Thank you.

I am familiar with it, and coming from local government myself, I have an awful lot of sympathy with what you are trying to accomplish.

Mr. Moakley.

Mr. MOAKLEY. No questions, Mr. Chairman.

Mr. GOSS. Mr. Beilenson?

Mr. BEILENSEN. No.

Mr. GOSS. Thank you very much.

We appreciate your coming forward and we are very glad to include this. We will be going through all of this material.

Mr. POMBO. Thank you.

STATEMENT OF THE HON. EDWARD ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. GOSS. We have the Honorable David Skaggs next on my list. We will postpone him and have the Honorable Edward Royce from California.

Mr. ROYCE. Yes. Thank you, Mr. Chairman.

If I could ask my colleague David Minge to join me as well.

Mr. GOSS. Yes. The gentleman from Minnesota as well.

Mr. ROYCE. We are going to try to be brief here, but let me start with one item, Mr. Chairman.

According to Rule XXVIII, Clause 3, if an item has not been approved by either body, it cannot be added to an Appropriations Conference Report. Unfortunately, several items are still added to the Conference Report in spite of this.

Our question is: How can we ratchet down the rules so that doesn't happen in the future? And the proposal that I am making is that we define an unauthorized earmark, define it in the rules and prohibit its inclusion in Conference Reports to appropriations bills. I propose that if an item listed in the bill language of a Conference Report meets one of the criteria that we would define, it will be considered an unauthorized earmark and subject the Conference Report to a point of order. This is one way in which we can end that practice.

I have submitted a draft resolution which would result in this change. It includes the specific criteria which would flag an item as an unauthorized earmark, and I hope this will serve to help achieve this goal.

Now, the second point is that if earmarking is done in report language, no point of order can be brought against it because this section of the report is not part of what will become law. However, this portion of the Conference Report is used by agencies to guide them when they allocate their budget authority since the agencies want to please, or at least the agencies don't want to antagonize, the Members on the Appropriations Committee.

I propose that the manager's statement in an appropriations Conference Report include a separate section which would list all unauthorized earmarks that were included in it by creating a rule to do that.

Since no point of order can be raised based on items in the manager's statement, I also think that the introduction and vote on a

Sense of the House Resolution be made in order prior to the final passage of an Appropriations Conference Report. It is my hope that a Sense of the House in disagreement with certain earmarks would nullify them in the eyes of the agencies that are allocated budget authority.

This would be an easy way for the House as a whole to basically register its disagreement with this language that otherwise would be used to guide pork-barrel spending by the agencies.

The final proposal is one that the House has overwhelmingly approved three times but has not been enacted: the deficit reduction lockbox. Last year David Minge and I introduced this proposal in the form of a rules change, House Resolution 182. Our hope is that a clean and effective solution can be found to the problem of paper savings that unfortunately turn into new outlays in the twinkling of a legislative eye.

I won't go into again the details of the proposal because you have heard them before, but I have submitted them to you and we have had hearings in the past on this subject. I think this is about the tightest way we can develop a lockbox proposal in the rules.

These are the three suggestions that I make to you today, and now if I could allow my colleague David Minge, to speak.

[The prepared statement of Mr. Royce follows:]

PREPARED STATEMENT OF HON. ED ROYCE, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Chairman Solomon, committee members, I appreciate the opportunity to appear before you today to discuss ways to amend the rules of the House which would allow the House to eliminate "porkbarrel" spending and result in real reductions in the budget deficit from cuts made in Federal appropriations.

The first proposal would amend the rules which govern conference reports. As you know, any specific item which was approved in either the House or Senate is a "conferenceable" item. Conferees, in their capacity to "compromise" on differing language, look to the two versions and use the two funding levels for a specific item as "floor" and "ceiling" levels between which they must determine a final level.

According to Rule 28, clause 3, if an item has not been approved by either body, it cannot be added to a conference report. However, if the conference report targets a more general appropriation, it may not raise a point of order under current rules. This loophole has been exploited and used to insert porkbarrel items in spending bills.

My first proposal is to amend Rule 28 by defining an "unauthorized earmark" and prohibiting their inclusion in conference reports to appropriations bills. If an item listed in the bill language of a conference report meets one of these criteria, it will be considered an unauthorized earmark and subject the conference report to a point of order. As Co-Chairman of the Porkbusters Coalition, I have used these and other criteria in an attempt to objectively determine what is and isn't "pork." We have found this to be an effective way to define and target pork and I feel it deserves inclusion in the House rules.

I have submitted a draft resolution which would result in this change. It includes the specific criteria which would flag an item as an unauthorized earmark. I hope this will serve as a general body from which to begin discussions on this proposed change.

I have also submitted a draft of the second change I would recommend. This proposal is very general and the document before you is to serve more as vehicle to discuss the concept than as the final language to amend the rules and also addresses the issue of earmarking.

If earmarking is done in the Joint Explanatory Statement, commonly referred to as "report language" or "managers' statement," no point of order can be brought against it because this section of the report is not part of what will be law. However, this portion of the conference report is used by agencies in order to guide them where they should allocate their budget authority since the agencies want to please, or at least not anger, the appropriators who control their allocations.

Although this would be unprecedented, I propose that the managers' statement in an appropriations conference report include a separate section which would list all unauthorized earmarks that were included in it. These earmarks would be determined by the same criteria as those in the bill language. This change would effectively mirror Rule 21, clause 3 which states that reports from the Appropriations Committee contain a list of unauthorized appropriations.

Since no point of order can be raised based on items in the managers' statement, I think that the introduction and vote on a "Sense of the House" resolution be made in order prior to the final passage of an appropriations conference report. It is my hope that a sense of the House in disagreement with certain earmarks would nullify them in the eyes of the agencies that are allocated budget authority.

I haven't submitted the specifics of this change such as who would be allowed to introduce this resolution, how long it would be debated, etc., knowing that this change is very complex. I will be happy to work with the members of the committee should you include this as a rule change.

The final proposal is one that the House has overwhelmingly approved three times—first as an amendment to the FY96 Labor-HHS Appropriations bill by a vote of 373-52, and then as a freestanding bill, H.R. 1162 by a vote of 364-59, then as an amendment to the Balanced Budget Downpayment Act II, by a vote of 329-89; the deficit reduction "lockbox." Unfortunately, the lockbox provision was never included in the final language of any legislation before Congress.

Last year, David Minge and I introduced this proposal in the form of a rules change, H.Res. 182. Our hope is that a clean and effective solution can be found to the problem of paper "savings" that unfortunately turn into new outlays in the twinkling of legislative eye.

We've all seen examples of the problem. Money cut from one program, such as the Advanced Solid Rocket Motor program in the 103rd Congress, winds up not in reduction of the deficit but back in the budget enriching other programs. Sometimes, it winds up in the very program from where it was cut. It's a tourniquet to prevent on-going hemorrhaging, and like a tourniquet, it has the virtue of being both quick and effective.

H.Res. 182 would amend the House Rules to require that as soon as any appropriations bill passes the House, the Chairman of the Appropriations Committee shall adjust the appropriate 602(b)(1) suballocation of both new budget authority and outlays to reflect the changes made in the House. It further provides that the money saved in a suballocation may not be reallocated to any other subcommittee—in effect, capping both the suballocations and the overall allocation to reflect the new totals. In addition, the Chairman of the Budget Committee is ordered to make the appropriate revisions in the allocations to the Committee on Appropriations, and those revised allocations shall be deemed to be allocations under Section 602(a)(1) of the Congressional Budget Act, thus allowing a point of order to lie against any bill or conference report which breaches the allocations.

By locking in the savings achieved by amendments to appropriations bills on the House floor, H.Res. 182 insures that any funds cut will truly be saved, not spent for other things. This rules change does not require a new statute or amendment to the budget act, and doesn't require the President's signature; it doesn't even require the concurrence of the other body...we can do it all ourselves.

I welcome the opportunity to work with your respective committees to craft a solution to the problem of "disappearing savings" and unauthorized earmarking, and to insure that the will of the House is fully carried out.

PROJECTED SAVINGS UNDER H.RES. 182

House floor cuts so far for FY 97:

Foreign Operations	\$30.5 million
Legislative Operations	\$5 million
Military Construction	\$0 million
Energy and Water	N/A
Agriculture	\$0 million
Commerce	N/A
DC	N/A
Interior	\$13 million
Labor-HHS	\$0 million
Transportation	\$0 million
Treasury-Postal	N/A
Defense	\$543 million
VA-HUD	\$349 million
TOTAL	\$940.5 million

House floor cuts for FY 96:

Foreign Operations	\$74.5 million
Legislative Operations	\$6.07 million
Military Construction	\$20.9 million
Energy and Water	\$21.481 million
Agriculture	\$281.1 million
Commerce	\$2.7 million
DC	\$0 million
Interior	\$12.8 million
Labor-HHS	\$0 million
Transportation	\$126.393 million
Treasury-Postal	\$65.76 million
Defense	\$0 million
VA-HUD	\$0 million
TOTAL	\$610.894 million

House floor cuts for FY 95:

Agriculture	\$25 million
Commerce	\$264.5 million
DC	\$150 million
Foreign Operations	\$78.5 million
Interior	\$4 million
Labor	\$32 million
Legislative Operations	\$18.5 million
Transportation	\$43.5 million
Treasury	\$42.9 million
TOTAL	\$658.9 million

TOTAL FOR ALL CUTS FROM FY95 THROUGH FY97 = \$2,210,294,000.00

These are cuts resulting from amendments passed on the House floor. If H.Res. 182 had been law, the savings from those cutting amendments would have gone to deficit reduction. Without H.Res. 182, these savings would be returned to the Appropriations Committee where they could be reallocated to other projects. In the prior Congress, conferees did reallocate the spending reductions made on the floor back to the spending committees for allocation to other programs and projects.

[The bodies of the Bills are as follow:]

104TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. ROYCE submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives to prohibit unauthorized earmarks in conference reports on appropriation measures.

1 *Resolved*, That clause 3 of rule XXVIII of the Rules
2 of the House of Representatives is amended by striking
3 the period at the end and inserting the following: “, nor
4 shall their report (in the case of any appropriation meas-
5 ure) include any unauthorized earmark. As used in this
6 clause, the term ‘unauthorized earmark’ refers to any spe-
7 cific item of appropriation (1) that was not the subject
8 of a hearing by the authorizing committee of subject-mat-
9 ter jurisdiction, (2) for which there is no specific author-
10 ization, (3) for which the normal application process pur-

- 1 suant to law is waived, or (4) that was of purely local
- 2 interest without national or regional importance.”.

104TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. ROYCE submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives respecting unauthorized earmarks contained in joint statements of managers accompanying conference reports on appropriation measures.

1 *Resolved*, That clause 6(a) of rule XXVIII of the
2 Rules of the House of Representatives is amended by add-
3 ing at the end the following new sentences: "If the joint
4 statement accompanying a conference report on any ap-
5 propriation measure includes any unauthorized earmark,
6 all such earmarks shall be specifically identified in a sepa-
7 rate part of the joint statement devoted exclusively to list-
8 ing unauthorized earmarks. After the reading of the report
9 and before the reading of the joint statement, or imme-

2

1 diately upon consideration of a conference report if clause
2 2(c) of this rule applies, it shall be in order to consider
3 a sense of the House resolution which only states the fa-
4 vorable or unfavorable position of the House on each un-
5 authorized earmark contained in the joint statement."

H. RES. 182

Amending the Rules of the House of Representatives to require the reduction of section 602(b)(1) suballocations to reflect floor amendments to general appropriation bills, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1995

Mr. Royce (for himself and Mr. Minge) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to require the reduction of section 602(b)(1) suballocations to reflect floor amendments to general appropriation bills, and for other purposes.

Resolved, That (a) clause 4(a) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

'(4) (A) Upon the engrossment in the House of any general appropriation bill (or resolution making continuing appropriations (if applicable)), the chairman of the Committee on Appropriations shall -

'(i) reduce the suballocation of new budget authority to the appropriate subcommittee of that committee made under section 602(b)(1) of the Congressional Budget Act of 1974 by the net amount of reductions in new budget authority resulting from amendments agreed to by the House to that bill, and

'(ii) reduce the suballocation of outlays made under section 602(b)(1) of the Congressional Budget Act of 1974 to the appropriate subcommittee of that committee by the net amount of reductions in outlays resulting from amendments agreed to by the House to that bill,

and promptly report those revisions to the House.

'(B) The reductions in suballocations made under subdivision (A) may not be reallocated by the Committee on Appropriations to any other subcommittee.

'(C) In the House of Representatives, the revised suballocations made under subdivision (A) shall be deemed to be suballocations made under section 602(b)(1) of the Congressional Budget Act of 1974.'

(b) Clause 4(b) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: 'Upon the reporting of revised suballocations to the House by the Committee on Appropriations under paragraph (a), the chairman of the Committee on the Budget shall make appropriate revisions in the allocations to the Committee on Appropriations to reflect the revised suballocations and report those revisions to the House. In the House of Representatives, those revised allocations shall be deemed to be allocations made under section 602(a)(1) of the Congressional Budget Act of 1974.'

**STATEMENT OF THE HON. DAVID MINGE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF MINNESOTA**

Mr. MINGE. I would just like to join in supporting what Mr. Royce has presented to the committee. I would also like to say that I recall in 1993, we had a very unseemly debate, essentially between the Chair of the Public Works Committee and the Chair of the Appropriations Subcommittee for Transportation, over who was going to be in a position to identify projects.

And it was strange; here was people from the same side of the aisle. And I think that in the 104th Congress, the Transportation Appropriations Subcommittee has taken the position it won't do any earmarks, and I really would like to compliment Congressman Wolf for that policy, and I believe that was a bipartisan decision. It was not just a Republican decision in the subcommittee.

So this builds upon what I hope would be a new departure in the appropriations process and it would enable us, as an institution, to more effectively police ourselves.

Mr. GOSS. Thank you very much.

I have here your H.Res. 477. Have you done all that you want to do on that?

Mr. MINGE. Yes. I can just briefly make a presentation on that.

Mr. GOSS. I understand it. The question is if you wanted to put it in the record or submit it for the record?

Mr. MINGE. Sure.

Mr. GOSS. Just say a word about it.

Mr. MINGE. I don't need to go through the whole statement. Maybe I can simply state that this would identify a trust relationship that exists between those in a leadership position and the body at large, so that those in the leadership position do not use their gatekeeping positions for the advantage of their own personal legislation unless it is disclosed to the rest of Congress.

In other words, we are not stuffing things into a Conference Report that no one has a chance to review and then, lo and behold, there is a project in a Member's home district. That is the example of it, and this is not somehow a—it doesn't make it a felony or anything else. It is a statement of principle, and I feel it would be a useful thing to do in our rules.

And I request that my prepared statement be included in the record.

[The prepared statement of Mr. Minge follows:]

**PREPARED STATEMENT OF HON. DAVID MINGE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MINNESOTA**

Thank you Mr. Chairman and distinguished members of the committee. I appreciate this opportunity to testify before you today on the very important issue of Congressional reform. I strongly support efforts such as this that seek to improve the way Congress operates. I hope that these hearings will result in substantive improvements to the Rules of the House.

Although I have many ideas about how to improve the Rules of the House, I understand that our time limitations will not allow me to share all of my proposals with you today. I would appreciate an opportunity in the future to discuss with you, Mr. Chairman, my additional ideas for revising the Rules of the House.

I am here today to urge your consideration and support for my proposed rule entitled "Trust Relationship" which I recently introduced as H.Res. 477. I have provided

copies of this resolution to your panel and think you will find it self explanatory. This resolution is designed to discourage unfair abuses of the legislative process by Members who hold positions of influence in the House leadership, on the committees, or in conference committees. It states, basically, that if a Member of the House in a leadership post uses their position to benefit his or her Congressional district or the district of another Member, then that action should be fully disclosed so as to provide to the Members of the House or the appropriate committee ample opportunity for debate.

Mr. Chairman, I share your concern for bringing more integrity, honesty, and openness to the halls of Congress. It is in this spirit of openness that I have introduced this resolution. As we all know, the American public has a low opinion of Congress. People are fed up with the back-room dealing and horse-trading that has characterized Congressional politics to this day. I am encouraged by some of the Congressional reforms that we have approved during this Congress, but there is much more work to be done. This Trust Relationship proposal that I am submitting for your review is one simple, common-sense change that will show America that this Congress is truly working to bring integrity and openness to Washington.

Mr. Chairman, thank you for your time and your consideration of the Trust Relationship proposal. I look forward to working with you on this and other important reform initiatives.

[The body of the Bill is as follows:]

104TH CONGRESS
2D SESSION

H. RES. 477

IN THE HOUSE OF REPRESENTATIVES

Mr. MINGE submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives
regarding trust relationships.

1 *Resolved*, That the Rules of the House of Representa-
2 tives are amended by adding at the end the following new
3 rule:

4 **“Rule LIII.**

5 **“Trust Relationship.**

6 “Members of the House leadership, chairpersons and
7 ranking minority members of full committees and sub-
8 committees thereof, and members of conference commit-
9 tees have trust relationships with the House and each of
10 its Members in the performance of their duties and re-

2

1 sponsibilities. Before any such Member uses any such po-
2 sition to unduly benefit that or any other Member's con-
3 gressional district, that Member should so disclose the
4 proposed action as to provide the House, or in the case
5 of a committee or subcommittee chairperson or ranking
6 minority member, that committee or subcommittee, a rea-
7 sonable opportunity to consider and debate the merits of
8 the proposed action."

Mr. GOSS. Thank you.

Without objection.

Does that complete all you want to put in?

Mr. MINGE. Pardon?

Mr. GOSS. Does that complete all you wanted to put in?

Mr. MINGE. Yes.

Mr. ROYCE. If I could just request that my prepared statement be submitted for the record?

Mr. GOSS. Yes. Without objection.

As you know, we are going to be compiling a record for our review and research in this matter.

The only comment I would make on the lockbox is I, of course, agree with you on the lockbox. Our problem is we are dealing with the Rules of the House. Somehow or another we have to get the message across to the other side, to the other body on that, because we can do the wonderful thing but if they don't do the wonderful thing, too, it becomes meaningless. Whatever expertise you can do outside the rules and bring pressure to bear over there, please do.

Mr. ROYCE. Yes. We are working with Senator McCain, who is the Chairman on the Senate side of our bipartisan coalition to do exactly that.

Mr. GOSS. I appreciate that.

Mr. Moakley.

Mr. MOAKLEY. Mr. Chairman, as you well know, we in the House are governed by rules of the Senate that are governed by the absence of rules, I think, and there are many rules that we have to adhere to but they don't have to; for instance, germaneness rules. As far as putting matters into the Conference Report if it hasn't gone through the House, I don't know what the Senate's view is on that.

But we—this committee has been guilty of giving waivers, so even if it does violate the rules, if it is told to us it is for the greater good, sometimes we do waive that and allow these matters through.

Mr. MINGE. May I ask a question about that?

Mr. MOAKLEY. Surely.

Mr. MINGE. We have been handicapped by the Byrd rule on the House side.

Mr. MOAKLEY. So have we.

Mr. MINGE. As a House, as an institution.

Mr. MOAKLEY. OK.

Mr. MINGE. Why shouldn't the Senate be subject to a similar handicap, such as what Congressman Royce has presented, lockbox or something else? I mean, I feel that we are in a position to tell the Senate, this is the House Rule. We are sorry, but we are going to have to live with it?

Mr. MOAKLEY. Well, I know the Byrd Rule has really frustrated many of us from time to time, but once that legislation gets to the Senate and the Byrd rule kicks in, that is it. We don't have anything that I know of in the House that does the same thing.

Mr. MINGE. But couldn't we do that? I know we have always said they have no rules over there, but here is the Byrd rule we have to tear our hair out over, they have the filibuster rule, and we tear

our hair out over that, it makes me think they have some sort of super-rule.

Mr. MOAKLEY. They do. They have a rule over there that one Senator can tie up a piece of legislation and nobody knows who that Senator is.

Mr. ROYCE. We have all experienced that.

Mr. MOAKLEY. There are many things the Senate has going for it that we don't. Maybe it is because we are a more democratic body. That might be it.

I just wanted to ask you on—I was detracted by my staff when you said a person files a piece of legislation for his district or something.

Mr. MINGE. OK. This is not to say one doesn't represent his or her district. I mean, I certainly recognize that whether you are in a leadership position or whether you are a humble foot soldier, you represent your district. It is using the leadership position in the context where other Members of Congress do not have an opportunity to even know what is being processed, and essentially slipping the provision in Conference Committee and having a Conference Committee report come out after or simultaneously with a vote on the conference legislation, that is an example of perhaps the most egregious abuse of a leadership position.

Mr. MOAKLEY. Of course, one of the—well, one of the—

Mr. GOSS. You don't want to use the word "prerogative."

Mr. MOAKLEY. No. I am searching for that nonbinding word.

Mr. GOSS. Judgments.

Mr. MOAKLEY. But that is one of the things that goes along with being a Member of the Conference Committee, that you do have that ability.

Mr. ROYCE. But that is precisely what we are trying to curtail. We would like to have an opportunity on the House floor afterwards, afterwards, to have the will of the Body as a Whole express its displeasure with what has occurred in conference, because we think that would have a deterrent effect in the future—

Mr. MOAKLEY. Absolutely.

Mr. ROYCE. —on the abuse. And we would like to work with the staff of the Rules Committee to try to develop a change in the rules that would achieve this goal.

Mr. MOAKLEY. There are people that are expert on Conference Committees. One of the former experts who is no longer with the body, in fact, he is no longer on this side of the grass, told me that his success rate was because he had the staying powers. He stayed until the last. When people were starting to yawn or fall asleep, he would just stay there and he always got what he wanted. And that is the secret of being a successful conferee.

Mr. MINGE. Well, we had the example in 1994, where the Crime Bill came back from the Conference Committee and to the surprise, if not the horror, of the House conferees, they discovered that the staff had added in a grant to a particular college after the Conference Committee had concluded its business. And this led to, as I expect all of us remember, a lot of awkwardness.

Mr. MOAKLEY. Yes, it did.

I know what you are talking about.

Mr. MINGE. And I don't think that was something that was even done in the context that you are talking about, because some of the others on the Conference Committee said that they were assured that the conference process was complete. And I think that it brings all of us into disrespect, the institution into disrespect, and what we ought to be searching for are ways that we can maintain the operation of this institution at a higher level.

And I think that as standards change in society generally, we have to recognize that our standards are changing and we are expecting more of each other and the public expects more of us. So just like business doesn't do things like they did 50 years ago, we aren't doing things like we did 50 years ago and that should be true of all aspects of our operations.

Mr. MOAKLEY. But whenever there is a time limit on something, you know, and people are working around-the-clock on those things, they shouldn't, but those things do happen. And it doesn't make it right, but I understand.

Mr. GOSS. In the interest of time limits and perhaps preventing something that is right from happening, I have to move on.

But I thank you very much for coming before us.

Mr. ROYCE. Thank you, Mr. Chairman.

Mr. MINGE. Thank you.

STATEMENT OF THE HON. DAVID E. SKAGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. GOSS. The Honorable David E. Skaggs from Colorado.

Mr. SKAGGS. Thank you, Mr. Chairman, Mr. Moakley.

Mr. GOSS. We would be happy to accept your full statement into the record and have you discuss with us as much as you wish.

Mr. SKAGGS. Thank you very much.

I think the committee is well aware of my opposition at the outset to the change in the rules that created 5(C) under Rule XXI requiring the three-fifths vote of the House to pass a bill which carries any Federal income tax increase. This was a bad idea when we adopted it at the beginning of this Congress and our experience over the past 18 months has proven that fact, I think. I opposed it for, I think, sound constitutional reasons, to begin with; I think it violates not only the present clause but the fundamental principle of a democracy, as Madison put it, namely, majority rule.

But, Mr. Chairman, today I am asking that you consider repealing this rule for another reason, and that has been because the only meeting this rule has been given has been in its waiver. The Majority leadership has simply waived this rule whenever it has proved inconvenient or they thought that it might prove inconvenient, and it has proved inconvenient a number of times.

By comparison, I noticed in the report of the Task Force on Committee Review and its explanation of some of its recommendations, that it is recommending repeal of another rule adopted at the beginning of the 104th Congress. The rule in question and this recommendation is the one limiting a committee's ability to hold meetings during consideration of bills by the Committee of the Whole under the 5-minute rule.

The task force rationale for its recommendation of repeal in this case is grounded on the unanimous consent and motions adopted

waiving this rule, and explains that it has reduced the rule to, quote, "an unnecessary procedural hurdle that the Minority can employ against Majority action," unquote. Or translated, whenever the rule got in the Majority's way, it was waived. And, Mr. Chairman, a rule that is not generally applied is no rule at all.

The same reasoning should apply in the case of the three-fifths rule. During its pendency in the Rules of the House, whenever it got in the Majority's way, it was waived. It was waived for the Medicare bill, H.R. 2425; the 1995 Budget Bill; the Majority's version of the Kennedy-Kassebaum Health Insurance Bill; the Small Business Jobs Protection Act, and so on. In all these cases, if XXI 5(C) created a problem, it was waived. And of course, when the three-fifths rule wasn't waived for the Majority's tax bill last year, it created much confusion among Members about exactly what its meaning was and revealed not only the problems with its application but its inherent intellectual sloppiness.

Mr. Chairman, the constant waiver of this rule has made a mockery of the rules process. I urge you to put it out of its misery with one last permanent waiver of Rule XXI 5(C) for all legislation, just get rid of it.

[The prepared statement of Mr. Skaggs follows:]

PREPARED STATEMENT OF HON. DAVID E. SKAGGS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF COLORADO

Mr. Chairman, as you know I oppose the Rule XXI(5)(c) requiring the vote of three-fifths of the House of Representatives to pass any bill carrying a Federal income tax increase.

This rule was a bad idea when the House adopted it at the beginning of the 104th Congress and our experience over the past 18 months has proven out that fact.

I oppose the three-fifths rule because it violates the Constitution's Presentment Clause (Article I, Section 7) and what Madison called the fundamental principle of free government, the principle of majority rule.

But, Mr. Chairman, today I'm asking the Committee to consider repealing this rule for another reason. And that is because this rule has had meaning only in its waiver. The Majority Leadership has simply waived this rule whenever it has proved inconvenient, or they thought it might prove inconvenient. And it has proved inconvenient a number of times.

I noticed in the Task Force on Committee Review's Summary of Recommendations, and its explanation of those recommendations, that the Committee recommends repeal of another rule adopted at the beginning of the 104th Congress. The rule in question in this recommendation is the one limiting committees' ability to hold meetings during consideration of bills by the Committee of the Whole under the 5 minute rule. The Task Force's rationale for its recommendation is that the many unanimous consent (76) and privileged motions (5) waiving this rule have reduced it to an "unnecessary procedural hurdle that the minority can employ against majority action." That is, whenever the rule got in the Majority's way, it was waived. And Mr. Chairman, a rule that is not generally applied is no rule at all.

The same reasoning should apply in the case of the three-fifths rule. During the past 18 months, whenever this rule got in the Majority's way, it was waived. Whether it was for the Majority's Medicare bill (H.R. 2425), 1995 Budget Bill (H.R. 2491), the Majority's version of the Kennedy/Kassebaum health insurance bill (H.R. 3103), or the Small Business Job Protection Act (H.R. 3448), if House Rule XXI(5)(c) created a problem for the Majority Leadership's bills, it was waived. And of course, when the three-fifths rule wasn't waived for the Majority's tax bill (H.R. 1215), it created much confusion among Members about the meaning of the rule and revealed not only the problems with its application, but also its inherent intellectual sloppiness.

Mr. Chairman, the constant waiver of this rule has made a mockery of the Rules process in this instance. I urge you to put it out of its misery with one last, permanent waiver of Rule XXI(5)(c) for all legislation considered by the House. Just get rid of it.

Mr. MOAKLEY. Just wave it good-bye.

Mr. GOSS. Thank you.

Mr. SKAGGS. Thank you, Mr. Chairman.

Mr. GOSS. I understand your views. You have articulated them very well in the past and here today.

I think the one bright note in that is that we have had such an abundance of open rules from this Rules Committee that we have had more of this situation with the 5 minutes, which I am grateful for.

I am going to remove myself for 5 minutes. Mr. McInnis is going to take the Chair. It is not disinterest.

Thank you, Mr. Moakley.

Mr. MOAKLEY. David, you and I have talked about this. You are absolutely on point. This thing has been observed by its waiving rather than compliance, and the debacle that we had to face on the floor with it didn't even receive a hearing in the full Judiciary Committee and came to the floor to pass the most sacred of all—to amend the most sacred of all documents, the Constitution. You know, I just thought it was the last straw.

So I think you are right. I would be in favor of waving this good-bye.

Mr. SKAGGS. You know, the parallel between our experience with this rule and the experience with the rule requiring permission of the House for committees to sit under the 5-minute rule, I think, really argues for—

Mr. MOAKLEY. Getting rid of both of them.

Mr. SKAGGS. —equal treatment for both. Get rid of them.

Mr. MOAKLEY. Thank you.

Mr. MCINNIS. [Presiding.] Thank you.

STATEMENT OF THE HON. TOM A COBURN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OKLAHOMA

Mr. MCINNIS. The next witness would be Mr. Coburn from Oklahoma.

Mr. COBURN. Thank you.

Mr. MCINNIS. The gentleman may proceed.

Mr. COBURN. I would just like to summarize what we have done, and I would like permission to enter a formal statement into the record later.

Mr. MCINNIS. Without objection.

Mr. COBURN. The first experience I had coming before this Congress was in subcommittee and committee hearings where we had people testifying that we did not know their background. The fact is, is what someone says and whether or not they have the training, education and experience to back up what they say, is just as important as the words that they say.

We put forth a rule change on the Commerce Committee that required that all people who testify before that committee, with the exceptions of Members of Congress and with the exceptions of individual citizens who are testifying on a personal event, would put forth a curriculum vitae as they brought forth their written testimony. That has worked well since that time, and we have not had anyone challenge the fact that someone has not done it, because

they all have, because it is part of the letter that goes out when securing testimony.

The reason that it is important, is that there is a governmental agency where two out of the top four people today in that agency have no outside experience, except working either for Congress or for that agency. When they give testimony to us, it is invaluable to know what their education, their background and their experience.

I learned this inadvertently during testimony by this Federal Agency. So regardless of the appointment process of other individuals working in the executive branch or other branches of the government, knowing someone's education and expertise lends a great deal of credibility to their testimony, especially on the subjects on which they are testifying.

The absence of that education and experience is very important information for Members of Congress if someone is giving testimony for which they have no experience or education. And so, therefore, this is a very simple rule that changes the House rules so that people who testify before Congress must submit their curriculum vitae and work experience. In order for us to know whether or not they have the practical experience to testify.

And quite frankly, it has helped me on the Commerce Committee, since this was instituted about 4 months ago, to judge how much weight you give people who testify by looking at their resume.

I have nothing to offer other than to say that there is no other place in this country where people are going to be making such major decisions and not know the qualifications of the people who are testifying before them and provide them the information with which to make those decisions.

So I would ask that this be considered and approved. It was accepted and voted on by the Commerce Committee and it has worked very, very well, and when discussed with other Members of Congress, they seem to be interested in it.

[The prepared statement of Mr. Coburn follows:]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC, November 7, 1995.

HON. THOMAS J. BLILEY, JR.
Chairman, Committee on Commerce
2125 Rayburn H.O.B.
Washington, DC

DEAR CHAIRMAN BLILEY: We are writing to request that a curriculum vita be provided by every witness before being allowed to testify before any of the Commerce Committees' hearings.

No matter how expert the witness may be he or she will bring with them certain biases that will prejudice their testimony. It is critical to judging the validity of their testimony that the committee members have knowledge of the witnesses expertise and background. This information is as important in making a decision as the testimony itself. It is, therefore, in the best interest of the Committees' work that all witnesses are given notice they will not be allowed to testify until a vita has been provided to the committee.

We believe this requirement is important enough that it should be formally adopted as part of the Commerce Committee rules for the 105th Congress.

Thank you for your attention in this matter.

[The body of the Bill is as follows:]

104TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. COBURN submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives to
require that witnesses at committee hearings submit cur-
ricula vitae at least 48 hours before testifying.

1 *Resolved*, That (a) clause 2(j) of rule XI of the Rules
2 of the House of Representatives is amended by adding at
3 the end the following:

4 “(3) Before any witness may testify at a hearing of
5 a committee (except the Committee on Standards of Offi-
6 cial Conduct, or the Committee on House Oversight, or
7 the Committee on Rules), that witness shall provide a cur-
8 riculum vitae to the committee (or any subcommittee there-
9 of) which the chairman shall transmit to all members of
10 the committee at least 48 hours before that testimony is

1 presented. The chairman may waive this requirement
2 whenever, in his opinion, circumstances warrant such
3 waiver.”.

4 (b) The amendment made by subsection (a) shall
5 apply with respect to testimony presented at committee
6 hearings occurring at least 30 days after the date of adop-
7 tion of this resolution.

Mr. McINNIS. Mr. Moakley.

Mr. MOAKLEY. Don't the people who screen the witnesses get this information to find out who they are and why they are there?

Mr. COBURN. Well, one would hope so, but there is no formal process within the House to say that that has to be done. And even if they are screening it, the staff is screening it and the real obligation for me as a Member of Congress is to take testimony and have some sense of knowledge about the expertise of that individual that is giving the testimony.

Mr. MOAKLEY. It makes sense, but I thought automatically that there was a process in being where witnesses just wouldn't be testifying before a committee because they desired it. It was because they had some expertise, and this was brought out as a result of some staff people going through and checking it out.

Mr. COBURN. Unfortunately, I would tell you that my experience in this Congress is too often that is not the case and somebody is testifying because they have an agenda, not because they have the experience. And our side of the aisle has been just as guilty of bringing people to testify who are good at testifying but aren't necessarily good at knowledge and background.

Mr. MOAKLEY. Then maybe it is time for your bill.

Mr. COBURN. I think so.

Mr. GOSS. [Presiding.] I apologize.

I agree. After some of the celebrity witnesses we have heard who propose to be experts on some of the things we are trying to legislate about, I couldn't agree with you more.

Mr. COBURN. Thank you.

STATEMENT OF THE HON. ANNA ESHOO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. GOSS. The Honorable Anna Eshoo from California, by intervention from—

Mr. MOAKLEY. Well, no.

Mr. GOSS. You have been here a very long time.

Ms. ESHOO. That is all right.

Mr. GOSS. We welcome your remarks and we will put your written statement into the record.

Ms. ESHOO. Thank you, Mr. Chairman.

I will submit written testimony for the record, if I might. And I wanted to add something to what Mr. Moakley said much earlier this morning when he said that Mr. Miller had testimony that he wanted entered into the record, couldn't be here and he didn't know why.

There has been a death in his family. So I thought that I would add that.

Mr. MOAKLEY. I am sorry to hear that.

Ms. ESHOO. Thank you, Mr. Chairman and Members of the committee for holding this hearing. I appreciate it. I think it is very important.

There are two quick points, but I think they are important, obviously, and that is why I am here, that I would like to make. Certainly, on reforms and the importance of bipartisanship; I do not have a legislative idea that I am bringing forward but, rather, I

think two things that could help rebuild some bipartisanship in the House of Representatives.

I am a Member of the Democratic Caucuses Organization Study and Review Committee, the OSR, and we have been having hearings, certainly with an eye toward if the Democrats were to take back the House, what kinds of things we think are important or that others think are important, based on the experience of the 104th and also looking over our shoulders at some of the mispractices of our own party. So there are two things that I have benefited from and through the hearings that I would like to bring to you today.

The first, that there be a summit meeting called by the leadership of both parties before the 105th Congress begins. I am not here to bring an agenda forward. I think it is very important that the leadership and the membership of both parties do that.

I think it is an engaging idea. And I say this because there are many that have—and we know this. We have said it to one another as we have crossed the street, as we sit in the chambers, that the civility of the Congress has really gone downhill. If, in fact, we want to rebuild the confidence in this institution, and that the American people have confidence in it, then our conduct has to state that.

So I think that the summit meeting is a very important and a good idea. And the other is that there—that we restore a joint orientation for new Members of Congress. If there is anything that I think sets the tone for new people coming in to this institution, it is to meet with their new colleagues.

If there is anything that I noticed about this new Congress coming in as a sophomore—I always say I have only been here for a few minutes—is I would get to the elevator, walk over through the tunnel, cross the street with people and I was so struck by the fact that I didn't really know anyone and that the new Members, I think, really didn't think that they had to or should mingle with Members of the other party.

This is wrong. We all come from districts and we hear in our town hall meetings where our constituents and people across the country, I don't think my constituents are really all that much different from anyone else's, and that is that they expect us, yes, to debate with passion our differences, but they also expect us to work together so that we can produce good things for the American people. So these are two ideas that I think we can and should embrace.

I also want to recall something that took place last week, and I was really struck by this; how we all come together to celebrate the life of a Member once they have left us. And that was—it was a moving and very, very appropriate ceremony for Mr. Emerson. And I thought, isn't it something how we come together in death but in our day-to-day life, legislative life of this institution, how harsh it has become, how bitter it is at times. It is not a source of pride to me, and I don't think it is a source of pride to others as well.

So I hope that in your deliberations that, yes, there are wonderful legislative ideas that I have heard today, but I hope the idea of a summit, a summit meeting that would call all the Members together, how we can advance bipartisanship in the next Congress

and that we restore a true joint orientation for the new Members that infuse new ideas and new blood in this institution, that that be embraced as well.

And I will submit a written copy for the record.

Thank you very much—

Mr. GOSS. Thank you.

Ms. ESHOO. —for hearing me out.

[The prepared statement of Ms. Eshoo follows:]

PREPARED STATEMENT OF HON. ANNA ESHOO, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF CALIFORNIA

Mr. Chairman, I commend you for holding today's hearing and appreciate the opportunity to testify on the importance of bipartisanship in Congress.

Restoring civility in this institution will help raise the public's esteem of government and break the legislative gridlock that's taken hold on Capitol Hill. In my view, a "summit meeting" calling all Members together would encourage more bipartisanship and would go a long way toward achieving that goal in the 105th Congress.

I represent California's 14th Congressional District, which is politically moderate and historically has sent centrist political leaders to Washington. Indeed, I'm the first Democrat to be elected to the House from that area.

I also come from local government, where we enjoyed working in a bipartisan manner and learned to set aside our political differences to achieve results.

Since my election to Congress four years ago, I find myself appreciating more and more the professional relationships we had in local government and which are cherished in my district and I believe throughout our country.

Yes, Democrats and Republicans often have very real policy differences and perspectives on important issues. The expectation is not that we march in unison every time legislation is debated in a committee or on the House floor, but the American people have every right to expect our debate to be civilized and respectful. Instead, they are often treated to a level of debate that does little to enhance the stature of Congress or the importance of the issues themselves.

That can change if we remember to honor each other's humanity and opinions every single day. If we lower the volume, we have a greater chance to improve the content of what is said in the House.

When we've done that in the past, we've accomplished good things for our constituents. The 104th Congress has achieved results when we've worked together.

For example, Democrats and Republicans worked together to pass the most sweeping telecommunications reform legislation in over 60 years, something that Members from both political parties can point to with pride.

On securities litigation reform, we were able to craft a law that discourages frivolous lawsuits while protecting the rights of consumers.

To increase bipartisanship, I am working actively with Democratic Caucus' Organization, Study, and Review Committee to encourage House leaders to organize a "summit meeting" of Democratic and Republican Members in the next Congress. It is my hope that in trying to set a mutually agreeable agenda for legislative action and establishing a bipartisan tone early on in the 105th Congress, we can improve the way we legislate and relate to each other, and ultimately, improve the lives of the American people.

Mr. Chairman, I urge Members from both parties to embrace the idea of a bipartisan "summit meeting." We need to move beyond dealing with each other in terms of stereotypes and caricatures. And the best way to do that is to agree to disagree when we must, but look for opportunities to move forward when we can.

Thank you.

Mr. GOSS. I do sincerely welcome those remarks. I think we all do.

The question of working together, bipartisanship, is increasingly important. I think that the fire-wall between campaigning and the public's business in this institution has crumbled a lot over the years, and I think that is partially responsible for what is happening. I think we all have observed the same phenomenon you rightly put your finger on.

I think perhaps the timing would be good for a summit. I don't speak for anybody but myself on that.

In the other area, I remember very distinctly we had joint briefings in my first year as a freshman, and I found them very useful, and I found that I had exactly the same experience as my counterparts on the other side, one of whom is from Florida, who is a very good friend of mine. We found that when he went to his party and I went to my party gatherings after the Joint Sessions, they both said, forget everything you just heard and now do this.

And there is sort of a—that has sort of overtaken now the spirit of how you deal with the fact that we represent all the people in our district, which is the paramount requirement for all of us, not just the party we happen to belong to. So I welcome your remarks.

Ms. ESHOO. Thank you, Mr. Chairman.

Mr. GOSS. Mr. Moakley.

Mr. MOAKLEY. Before you came here, this was a very congenial place.

Mr. GOSS. I wouldn't put it that way.

Mr. MOAKLEY. Not just—

Mr. BEILENSEN. It was before Mr. Goss came here.

Mr. MOAKLEY. Not just before you came.

I can recall, you know, Tip O'Neill and Jerry Ford debating on the floor, you know, like blood coming out of each other's eyes. That night they would be downtown having lunch and dinner and that weekend be out playing golf, best of friends. Bob Michel and Tip O'Neill, this was a very happy place then.

A few years ago, it changed. People have different ideas of why it changed. But I just think it just—by the way that the pursuit of taking the House over was strategically planned and maybe the campaigning never stopped once we got together. And I think it is unfortunate, because in those days, I used to know the names of all the Members. Unfortunately now, outside the Republicans on this committee, I know very few.

Of course, I was in charge of Patronage in those days so I did know a lot of people. And believe it or not, I put some Republicans to work.

But it was a different time.

Ms. ESHOO. On Patronage?

Mr. MOAKLEY. On Patronage, yes. It was a different setting. And I would love to see those days return, because it is very uncomfortable, really, to go into a situation—you know, I may look like a big, tough guy, but, you know, I don't enjoy confrontation any more than the next guy. I mean, I can handle it and I have handled it, but I would rather do it with a handshake and a smile.

And I think when we get—if we ever do get back to those days, the public will be better served. So I would hope that something like you call for is done, because I think it would come a long way to achieving the end goal.

Mr. GOSS. Mr. McInnis?

Mr. MCINNIS. No questions, Mr. Chairman.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. No questions. I appreciate the gentlelady's testimony.

Ms. ESHOO. Thank you very much.

STATEMENT OF THE HON. MARK ADAM FOLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. GOSS. Mr. Foley, the honorable, distinguished Mark Foley from my home State.

Mr. FOLEY. I would like to associate myself with the words of Ms. Eshoo. And I found in the state legislature we didn't have this bickering. We had good debate. We had partisanship but we didn't have the mean-spiritedness that seems to pervade this place. And it is as much our fault, I think, as Republicans, I think, as it is the other side's.

What I have noticed in this place is it is almost like we are going to get even of their treatment for us last year. It is not a spirit that I think is friendly. I see Mr. Moakley, who is a native of my home State of Massachusetts, as a brother, because of our common roots of our State origin.

Mr. MOAKLEY. Well, when I saw the name Foley, I viewed you very suspiciously.

Mr. FOLEY. But it doesn't have to be so bitter. And it is very disconcerting to go home at night and think you have spent your entire day yelling at other people who really came maybe with a different philosophical viewpoint, but came, nonetheless, to do their best for the people of their district and this country. And somehow we have got to get rid of the philosophical differences, be you a conservative, liberal or whatever, quit the name-calling of what those may be, right wing or left wing, and start talking about how this Nation heals itself.

And it is apparent that people react from the way we react on the floor. People of our Congress criticize violence on TV. Well, turn on C-SPAN and watch some of the most verbal violence you will ever witness. It is not right. It is not fair and it is not the correct posture for this body. And it grieves me to be a part of it at times when it boils down to just, we are right, you are wrong, and we are in charge, so take it or leave it.

Bringing that subject up, I would like to talk about the One-Minutes and Special Orders. I think those possibly should be limited in the future. I think we start our day with One-Minutes, both sides yelling at the other, and it sets a tempo and a mood that pervades the remainder of the day. I think we could do away with One-Minutes.

I think Special Orders shouldn't be an hour. If you want to have additional time, like the 5 minutes, maybe extend them to 10 minutes, but limit the amount of Special Orders after an hour in the evening.

People around here, the clerks, the staffs, the police officers, have lives, have families, have responsibilities, and yet we will allow this place to go on until 1:00 or 2:00 in the morning and listen to people bellow about things that most of us don't care to listen to any longer. I think clearly we should restrict the amount of Special Orders.

Again, divide the time of a total hour per side to 10 or 20 minutes per individual, but limit it to an hour. If we go in regular business past 7 o'clock, then no longer than 9 o'clock should the House operate so people can truly feel like their families are as important

as their jobs and don't have to fear losing one or the other in order to maintain this place.

I have always suggested to Dick Armey that we start earlier in the day, at 9:00, and we end certainly by no later than 7:00. I don't care how important a debate is. Roll it until the next day. Eliminate again, the One-Minutes, Special Orders, get back to work, quit taking the endless breaks and debates and move the legislative calendar forward.

It is not healthy for Members of Congress, regardless of your age, to be on the floor at 12:00 continuing debate on issues that affect the American public. They are not paying attention, nor are we. It is not right. So we should do something about that.

Longer work weeks, with more frequent district work periods, again, get us in Monday through Friday one week, and then let us home for the remainder. This stuff about coming on a Wednesday, starting votes after noon and leaving on Friday after 3:00 is crazy. It doesn't work. It is not conducive to sound management practices, and I think we should reflect on that very carefully and devise a schedule that works.

We have people coming from California, back and forth, and I understand logistical problems, but nonetheless, there has got to be a better way to run the railroad than starting on a Wednesday and ending on a Friday, to allow people at least to either be in one side of the equation or the other, at their homes in their district or in Washington.

Bipartisan activities, I couldn't agree more. There should be more outreach. Again, in the legislature we sat together, we didn't divide the aisle. We had Members of Republicans and Democrats all over the House floor. It wasn't like, OK, you have to sit over there because you are some kind of person, and you are over here because you are another. It was a wonderful feeling. Everybody worked together.

My happiest moment was in the State legislature when we were 20 Democrats, 20 Republicans. Every vote counted. There was no upper-hand. It was beautiful. Some days I wish we were even here and that was a requirement of law, because then I think everybody would be taken seriously, individually for their benefits and merits rather than their political affiliation.

Passing out checks on the House floor or in the Cloakroom or anywhere on Capitol Hill grounds should be prohibited. It was in the State of Florida. I don't understand why people feel it important for a Member to find a Member and give them a check for their campaign funds. There is Post Office boxes, there is Capitol Hill Club, there are other places to go. I think it should be clearly stated that a contribution should never be received in a House facility of any kind.

I know there are exceptions. I have gotten \$5 checks from my district thanking me for my service, that comes in the mail with a letter. Those things are unintentional. This is a citizen doing something.

But those \$2,000 or \$4,000 checks coming from people from PACs know better. And to say here, I just want to give you this, it is wrong. And having other Members do the dirty work on the floor is equally wrong and should be stopped.

I would like to eliminate some more committees, Science, Small Business and others, and I would love to consolidate the budget approach. Budget and Appropriations shouldn't be separate committees, put them together and let them run the program. Too complicated, too many cooks in the soup.

Reduce the former Speaker's Office stipends. If you are a former Speaker, congratulations. I don't think we should pay anyone accounts after they leave office.

Corrections Day in Congress, I strongly urge continuation of this. I think they are important.

We have talked about the lockbox. I just wanted to lend my voice to that. Ensuring the changes in distribution to the U.S. Code to new Members of Congress is implemented properly, paid for out of their Member's accounts, that is a change I sponsored. It was enacted and I would like to see it carried out.

Finally, on former Member privileges. I don't think any Member who is doing any kind of lobbying should be granted any type of access to the floor or the Cloakroom, and possibly including the Members' Gym. I just don't think it is right.

We banned lobbyists from being on the floor in the legislature in Florida. I think clearly this is a distinction. You are entitled to your privileges as a former Member; you can brag about it the rest of your life. But if you are taking an opportunity for gain, to be employed as lobbyists, certain groups, whether you are Planned Parenthood, Mothers Against Drunk Drivers or the American Council of Insurance, you should not have access to the areas where the Members are discussing legislative business. I think it is a simple step and it is something that should be absolutely sanctioned.

On my first occasion to come into the Cloakroom, I had a former Member talking about something that she wanted to do. I brought it to the Sergeant at Arms's Office, they asked her to cease and desist and asked her to leave the Cloakroom. I witnessed it operating properly, as it should. But I think the Members should be clearly notified that that type of activity is unnecessary and unwanted.

Mr. GOSS. Well-stated. That is quite a list of suggestions, and I think many of them we have heard about, and some of them are new. And I think all of them are good, and we will give our consideration to them.

Ms. Rivers is going to talk a little bit about, I believe she is going to talk a little bit about the matter of Special Orders, which is some legislation that I had some years ago, and other matters as well.

So I think that many of us have come to the same conclusions about what is wrong and what we want to try and fix. The one thing that I have discovered is that every time you fix something, you make another problem.

Mr. MOAKLEY. It brings up something else.

Mr. GOSS. But that doesn't mean we shouldn't still try and make improvements.

I appreciate your testimony. We have all of that for the record, I presume.

Mr. FOLEY. You don't actually, but it is just notes.

Mr. MOAKLEY. As far as the One-Minutes, doing away with One-Minutes, I proposed this to Mr. O'Neill when he was Speaker, and

he said this was the way that Members had of venting whatever they had on their mind, and if you did away with it, you know, maybe you would be allowing something to fester and it probably wouldn't be for the good of the institution.

But I always thought, as you stated, that, you know, that many of them were just making political statements, it didn't do anybody any good. But we couldn't change his mind, so it kept on going. And now I think it is your party that wants to keep the Special Orders and the One-Minutes going.

But I would like to see maybe not abolishing them completely, but probably no more than 15-minute One-Minutes per side, and then, as you said, maybe so many hours of Special Orders at night. But not to keep everybody here until 2 o'clock in the morning, maybe 2 hours after the Congress adjourns, or would adjourn, then they would close down the Special Orders.

Mr. FOLEY. Well, I was in the chair one night and I didn't see the people for the One-Minutes, I gaveled quickly and got us out of the House. And I was afraid they were on their way any minute now, because I wanted these employees to be able to go home one night earlier than 10 o'clock.

And again on the One-Minutes, maybe there is a time of day that the One-Minutes can take place later after the session. But I think when you start the first thing, and oftentimes well-intentioned, some people start with one idea, but they hear somebody say something, and it becomes a tit-for-tat and now you are into an all-out war, and the blood pressure goes way up. It is like, let's have a cup of coffee and yell at each other and see if we are really fit for the day's work.

Mr. BEILENSEN. We don't even allow coffee.

Mr. MOAKLEY. I think we probably had two One-Minutes this year—and I don't use them often. Some people think if you are watching C-SPAN, they think you are running reruns; it is the same people up there all the time.

Mr. FOLEY. I know.

Mr. MOAKLEY. But I agree with you. I would like to see some kind of restriction, but not complete abolishment.

Mr. FOLEY. Maybe you can't do more than once every week, so you are not up every day, give somebody else a chance, rotate the order. Again, I just think it is all reflective on the way you start out a morning, and if that is the way you start it, it is not going to get any better by noon or 6 o'clock.

Mr. GOSS. Mr. McInnis.

Mr. MCINNIS. Thank you, Mr. Chairman.

I think your remarks, you have several ideas, most of them are ideas we have heard before. I do want to caution you on one thing, and that is the scheduling. I think the most miserable job in the House is figuring out the schedule. I, for one, would rather work the House until 8 o'clock or 9 o'clock every night so that I can go West, you know, and have a weekend with my family. I would rather start earlier in the morning.

You have 435 people out there with different schedules. In addition, as soon as you start to try, I mean, last week in our committee hearing, somebody made the suggestion: Well, we are going to try and hold this so everybody can make their 2 o'clock plane. For

the rest of the meeting, every witness that was opposed to that particular rule got up and said "so it is more important that the Members make their 2 o'clock meeting instead of dealing with the substance and good government," and so on, and so forth.

So I just want to say to you, I was in the issue of scheduling, I was the Majority Leader for the body, one-fourth of this body, even less than that, and it was miserable. It is easy to criticize it, but until you have been in the shoes of the person who has to make that decision, I think scheduling is—you know, I complained every week because they would have us come in with votes at 1 o'clock. But where I am in the mountains, I can't get in that day, it means I have to leave on Monday to be here by 1 o'clock on Tuesday.

If they moved it to 3 o'clock, just a 2 hour change, I could leave on Tuesday, which means I would have one more day in my district. So I am as guilty as the next complaining, but I know it is awful hard to figure out a schedule that is going to make people happy.

Mr. FOLEY. But I guess that is again where if we had a system where you knew you were going to be in the Capitol, Monday through Friday, and the following week you had off, it may be a little more conducive.

What happens here is one day you are going to meet Monday after 3:00, and then, OK, we changed our mind, it is now Tuesday after 5:00. You start unraveling there and losing any touch with your life, so you are always jumping back and forth.

Mr. MCINNIS. I am just not sure you do that. I mean, if you have legislation all of a sudden that becomes very contested that you didn't think was going to be contested, you have to have that flexibility in your schedule. By the way, the employees that work late at night, even when we are not here, they are given that comp time.

I mean, that is part of the job. You have to expect, when you are dealing with—it is not—we are not making a product that you know it takes you 2-1/2 seconds to bottle, fill the bottle with Coke. So I am just—

Mr. FOLEY. I understand those criticisms.

Mr. MCINNIS. I was the worst critic of Tom DeLay and Mr. Arney on the schedule thing.

Mr. FOLEY. I am not trying to be critical, but the fact is you are starting with a bad system. Even when people get comp time, I don't think it is necessary for the taxpayers to give them comp time to endorse some of the speeches that go on here.

Mr. MCINNIS. It is necessary if it is Scott McInnis and he is talking about water, which is an absolutely critical issue for our State, and the only opportunity I get to address the floor on that issue is Special Orders, then it seems awful important to me, and awful important to the taxpayers that we have an opportunity to reflect our views. And I think everybody that gets up there, for the most part, feels pretty intently about their issue. It is tough to deal with.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. First of all, I think Mr. Foley's testimony, from my point of view, is the best we have had today. I think he said a couple of things I disagree with, but on the whole, I agree very much with his major points.

With respect to the One-Minutes, you will have the opportunity, starting tomorrow, to sign a "Dear Colleague" Mr. Archer and I are in the process of sending around urging the Speaker to put them off until the end of each day.

You are exactly right. We start off each day with this horrible assault on one another from both parties. These things aren't even written by Members any more; they are mainly written by the message people in the Republican and the Democratic parties. If you ever actually listen to what Members are saying to each other—if you are ever on the floor waiting to take up a rule and have to listen for 20 or 30 minutes to this stuff—you marvel at the fact that we allow it to occur. So I strongly agree with you about that.

Finally, I strongly agree with you about the schedule. We all know how difficult it is for people in charge to make people happy. I wouldn't worry about making people happy. You sign on for this job, you get paid a lot of money, only 435 people in the country have it, and you should expect to spend more than 2 or 2-1/2 days a week here.

We might even finish the year a month or two earlier, if we were in session 4 or 5 full days a week, with a week off now and then, and perhaps an additional week from time to time. We get an enormously greater amount done if we are here for several full days in a row.

We do in 4 full days what it takes 8 or 10 or 12 part days to do. If we are just sitting down and really doing our work for a full week, we do an enormous amount of work on the floor. It takes us forever when we divide it up the way we do now.

You are never going to be able to please people or make people happy in terms of having to come from California, or especially Guam or Hawaii, or other places. But when you run for Congress, you are running for an important job that should take your full time much of the year, and that should be understood.

If you have any brains at all, to be frank about it, you move your family here. Members don't do that anymore, but it is exactly what Members should do. It lets you live fairly normal, private lives and be home on weekends. You don't have to go back to your district every weekend the way Members think they have to do. People get sick of seeing you, frankly.

So I hope that you speak to the gentleman in charge and make him do it properly, because when we were in charge, our leaders never did it properly.

Mr. GOSS. Thank you, Mr. Beilenson.

Mr. BEILENSEN. Because of that, I am leaving.

Mr. GOSS. Thank you, Mr. Foley.

I would like to note for the record that the Honorable Rosa DeLauro from Connecticut was here. She had to leave, and I will submit, without objection, her full statement for the record.

[The prepared statement of Ms. DeLauro follows:]

PREPARED STATEMENT OF HON. ROSA L. DELAURO, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CONNECTICUT

I would like to thank the Rules Committee for giving me this opportunity to testify on the pressing topic of congressional reform. I am proud to serve as a Member of Congress, but we have a long way to go to restore integrity to the House of Rep-

representatives. In this Congress, I fear that for every step we've taken forward toward reform, we've taken many, many steps back.

We need to reform Congress and restore public trust in this great democratic institution—the people's House. We also need to let the people know that special interests are not calling the shots in Washington.

There are legislative solutions to some of these problems. I proudly supported two of three critical reform bills this Congress. The first requires lobbyists to register and disclose on what, for whom, and for how much they are lobbying and the second finally bans the practice of gift-giving to Members and staff. These are common sense measures that can help restore faith in Congress. That's why I cannot understand why the Leadership of this House had to be dragged kicking and screaming to enact these basic provisions.

And now it seems that the third element of reform—campaign finance reform—can be characterized as too little, too late. I say too little, but it's not only that the campaign finance reform bill does too little to limit the special interest money in politics that Americans can't stand. It's worse. The bill we will consider tomorrow opens the floodgates to special interest money. The American people want less, not more, special interest influence in politics.

Lobby reform, a gift ban, and campaign finance reform are the three pillars of reform that this Congress must address. The 104th Congress was late on the first two and now the Majority has offered a bill that would guarantee a campaign finance free-for-all. That's not a very good record.

Restoring faith in Congress will require more than just the legislative fixes I've mentioned. Members of Congress need to demonstrate conduct that will not further diminish the institution. The American people should judge Members of Congress by their actions not their words and the actions we have seen this Congress are atrocious.

How are the American people to understand that the Republican leadership invited lobbyists for polluters to rewrite the Clean Water Act? The Majority Whip proudly refers to himself as "the Hammer" for his hardball courting of lobbyist contributions. The Washington Post article on "the Hammer" reads, "By the time the lobbyist left the Congressman's office, he knew that to be a friend of the Republican leadership his group would have to give the party a lot more money (11/27/95)."

This Congress completed the first major re-write of this country's telecommunications laws in 60 years—what should be landmark legislation. Should the American people feel reassured when it is revealed that a telecommunications executive with a stake in the bill was "volunteering" in the office of the Speaker at the time?

I appreciate the opportunity to testify today, but I am concerned that this Congress is failing the test of actions over words. We are paying lip service to reform this morning while a special interest dream campaign finance bill will be on the floor tomorrow. We have a long way to go and I fear we are moving in the wrong direction. Thank you.

STATEMENT OF THE HON. THOMAS M. BARRETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. GOSS. I would call the distinguished gentleman from Wisconsin, Mr. Barrett, to the witness table.

Again, we are working a little bit against the clock.

Mr. BARRETT. I will be very brief.

For a while I thought it was a psychological counseling session, but I think that is good.

I come, frankly, with just one suggestion, and as the 104th Congress comes to a close, I personally feel that the reforms have been few and far between. I am very pleased that we moved forward with the lobbying legislation and the gift legislation, so to that extent I think we have done very well.

At the other extreme I think we are going to have this week a farce with the return of Campaign Finance Reform. Also, if you look back to the Congressional Accountability Act, when that first came up in 1984, included in that was a pet peeve of mine, and

that is the misuse of Frequent Flyer Miles by Members, and the legislation at that time did have it.

It was removed basically in conference, allegedly at the insistence of then-Minority Whip Gingrich, and this session, when we took that measure up on the first day as the centerpiece for the reform measures, its absence was conspicuous. It was swept under the carpet and it has basically remained there since then.

I find it, frankly, an embarrassment that this institution is the only Federal—has the only Federal employees that are allowed to use their Frequent Flyer Miles that are paid for by taxpayers to take vacations to Hawaii or Florida or France, wherever they want to go. The Senate doesn't even do that.

I think that it is just such an obvious reform that there is no reason we don't do it. I understand where some Members feel that it is necessary for their spouses or their staff perhaps to go back and forth between Washington and their district, and I think that that can, frankly, be accommodated. But there is no excuse for using taxpayer-funded trips to take personal vacations. So I would simply ask that we continue to move forward on that issue.

[The prepared statement of Mr. Barrett follows:]

PREPARED STATEMENT OF HON. TOM BARRETT, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF WISCONSIN

I appreciate the opportunity to address the committee on the subject of reforming the rules of the House of Representatives.

As the 104th Congress draws to a close, the time has come to examine the successes and failures of the past two years, with an eye to the future. In the area of congressional reform, the highlights have been few and far between. On the positive note, the House passed strict new limits on lobbyist gifts by a nearly unanimous margin. Conversely, the campaign finance anti-reform bill being readied for the floor, the last known survivor of what was to be "Reform Week," was crafted with the sole intention of killing the issue for the year.

I was a proud cosponsor of the Congressional Accountability Act, a bipartisan bill that became one of the most significant and far-reaching laws passed in the 104th Congress. No longer can Congress exempt itself from legislation affecting the rest of the nation. Unfortunately, one small but important issue slipped through the cracks of this debate: Members' use of frequent flier miles.

As many of you know, the original version of the Congressional Accountability Act considered in 1994 contained a prohibition on the personal use of frequent flier miles accrued through official taxpayer-funded travel. This provision was removed at the last minute, however, at the insistence of then—Minority Whip Newt Gingrich. When the GOP leadership adopted the Accountability Act as the centerpiece of their opening-day reforms upon assuming control of the House, the frequent flier provision was kept on ice, where it remains today.

The House of Representatives is the only segment of the U.S. Government that allows its members to convert the miles earned through official travel to personal use. Even the Senate has seen the light. In my opinion, this reform effort is long overdue, and is being opposed only by those who risk losing thousands of miles.

As we look forward to the beginning of a new Congress in January, the time has come to enact this reform. I thank the Committee for its consideration, and I am hopeful that we can resolve this issue once and for all.

[The body of the Bill is as follows:]

104TH CONGRESS
1ST SESSION

H. R. 1222

To require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 1995

Mr. BARRETT of Wisconsin (for himself, Mr. KLUG, Mr. DEAL of Georgia, Mr. SHAYS, Mr. MINGE, Mr. DICKEY, Mr. McHALE, Mrs. WALDHOLTZ, and Mr. CASTLE) introduced the following bill; which was referred to the Committee on House Oversight

A BILL

To require that travel awards that accrue by reason of official travel of a Member, officer, or employee of the House of Representatives be used only with respect to official travel.

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.**

4 This Act may be cited as the "Frequent Flier Reform
5 Act".

2

1 **SEC. 2. LIMITATION ON USE OF TRAVEL AWARDS.**

2 Notwithstanding any other provision of law, or any
3 rule, regulation, or other authority, any travel award that
4 accrues by reason of official travel of a Member, officer,
5 or employee of the House of Representatives may be used
6 only with respect to official travel.

7 **SEC. 3. REGULATIONS.**

8 The Committee on House Oversight of the House of
9 Representatives shall have authority to prescribe regula-
10 tions to carry out this Act.

11 **SEC. 4. DEFINITIONS.**

12 As used in this Act—

13 (1) the term “travel award” means any fre-
14 quent flier mileage, free travel, discounted travel, or
15 other travel benefit, whether awarded by coupon,
16 membership, or otherwise; and

17 (2) the term “official travel” means, with re-
18 spect to the House of Representatives, travel per-
19 formed for the conduct of official business of the
20 House of Representatives.

Mr. GOSS. I hope we do. I share your views on it.

I get mine back to the office, and I know many Members do that, and I know my wife talks to me about the fact that I give them back to the office, too. So I think you have hit on a point that is a good one.

Mr. Beilenson?

Mr. BEILENSEN. I agree, too. You are completely correct.

Mr. GOSS. Ms. Greene, I didn't see you come in.

Did you have any questions?

Ms. GREENE. No. Thank you very much.

Mr. GOSS. Thank you very much.

Mr. BARRETT. I told you I would be brief.

Thank you.

Mr. GOSS. Mr. Ganske.

STATEMENT OF THE HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. GOSS. The Honorable Mr. Stupak of Michigan, welcome.

Mr. STUPAK. Thank you.

Thank you, Mr. Chairman and other Members.

Let me just, summarize as briefly as possible, we have experienced two shutdowns. As a result of those two government shutdowns we have had several hundred thousands of government workers that were impacted, but more importantly, our citizens and constituents were who relied on government services or benefits that were delayed or not provided; whether it was teachers being laid off, passport services halted, monetary benefits delayed or national parks being closed, our inaction was wrong and should not have occurred.

I do accept that throughout this budget process there are going to be differences, honest differences that must be debated, and there are going to be disagreements that are inevitable. But I do not believe we should ever shut down government and hold government offices hostage to our disagreements. It is our responsibility, not the government workers, to pass a budget.

What I am proposing is basically to take the 13 appropriation bills and separate them out, make it into 28 appropriation bills. For example, when we were debating the issue, there was no disagreement for Department of Veterans Affairs, none whatsoever; But VA monies were tied up in the same bill with HUD. A HUD is not a real popular Department around here, there were some disagreements. So the VA could not do their work because we had a disagreement over HUD. Why not let the VA budget stand alone and let the HUD budget stand alone?

When we take a look at it, there were so many examples besides VA and HUD. Small business, 5,200 of them around the country, lost their guaranteed financing. Over 1,000 contracts valued at \$244 million were lost because SBA funding was tied directly to one of the appropriations bills on which there was strong disagreement. My district, because I border Canada, has over 1,000 export licenses. It caused so much disruption.

So the legislation I introduced, H.Res. 476, proposes that we realign the appropriation measures. I will not increase any commit-

tee workload nor change subcommittee jurisdictions; all I plan on doing is expanding the number of annual appropriation bills from 13 to 28.

Take one of the bills we have right now, Agriculture, Rural Development, Food and Drug Administration, and related agencies. Under my plan, there would be four separate bills instead of a larger, more controversial bill; one for Agriculture, one for Rural Development, one for FDA, and one covering the related agencies.

I mentioned VA and HUD before. It is VA, HUD, Independent Agencies, so you would have one for VA, one for HUD and one for the same Independent Agencies. Again, subcommittee jurisdictions remain the same.

I just think each budget should stand on its own merit. Where we cannot agree, fine. My proposal would make it easier to move the whole budget process along.

At the end of my written testimony, I have placed a listing of the breakdown I am proposing. I worked with the drafters to put this together, and everything in each one of these proposed 28 bills are germane and they are all tied together very tightly.

With that, I would be happy to entertain any questions.

[The prepared statement of Mr. Stupak follows:]

PREPARED STATEMENT OF HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Mr. Chairman, I want to thank you and the members of the House Rules Committee for the opportunity to testify before you today. As this Congress has progressed, it has become evident that some changes in procedure are necessary for the orderly transaction of legislative business. Like you, I am hopeful that this "open day" will shed light on what improvements need to be made for the good of the House and of the citizens of the nation.

One such change that I believe should be considered involves the appropriations process. We remember all too well the two shutdowns at the beginning of this fiscal year that were caused by not passing several of the 13 annual Appropriations Bills. As a result, several hundreds of thousands of government workers were impacted as well as even more American citizens who in some way relied on either the services or benefits provided by those particular appropriations.

Whether it were teachers being laid off, passport services halted, monetary benefits delayed, or national parks closed, our inaction was wrong and should not have occurred.

I understand and appreciate the differing viewpoints on some of those appropriations—not to the degree of having to shut down major parts of the government, but I do accept the fact that not all of us agree on how tax dollars should be spent. I will even go so far as to acknowledge that some disagreements are inevitable. I maintain, however, that we do not need to hold hostage the many government offices, the employees in those offices and the private citizens who benefit from those offices simply because of our inability to compromise on a completely unrelated matter.

For example, there were no major disagreements by either the House or Senate Appropriations Committees or the full House or Senate on the level of appropriations for the Department of Veteran Affairs. However, because the VA monies were tied to the same bill that provided funds for the Department of Housing and Urban Development, operations in the VA were disrupted and no new claims for compensation, pensions and education benefits could be filed during the shutdown period.

Approximately 5,200 small businesses were delayed in receiving SBA guaranteed financing and small businesses across the country lost the opportunity to bid on an estimated 1,036 contracts valued at \$244 million because overall SBA funding is tied directly to a more encompassing and more controversial appropriations bill.

Over 1,000 export licenses valued at more than \$2.2 billion in U.S. exports were delayed and over 200,000 passport applications were not processed because the state department's less controversial appropriations are tied directly to more contentious legislation.

In an effort to limit the amount of disruption to only those departments and agencies whose appropriations are in true disagreement, I have introduced legislation, H.Res. 476, proposing that we have a realignment of appropriations measures. My proposal will neither increase committee workload nor change subcommittee jurisdiction. Rather, it will allow for quick action on those appropriations that are less controversial and allow us to focus on those issues that are in true disagreement.

I propose to expand the number of annual appropriation bills from the current 13 to 28. At the conclusion of this written testimony is the new alignment that I am proposing.

For example, one of the current 13 bills is the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Bill. Under my plan, this one bill would be separated into four bills—one for the Department of Agriculture, one for Rural Development, one for the FDA, and one covering all Agriculture related agencies. The current Veterans Affairs, HUD, and Independent Agencies Bill would be split three ways—one for the VA, one for HUD and one for the same Independent Agencies covered in the bill now.

Again, subcommittee jurisdiction remains the same. Those appropriations where there is little controversy would pass quickly and move through the legislative process. Those that are more contested would be debated separately. If passage of this latter group cannot be accomplished by the beginning of a fiscal year or if a continuing resolution is not passed for them, only those offices directly involved would be affected.

I believe that upon close observation, this suggested change will make a great deal of sense. It is one that can be implemented with very little effort, but at the same time, it is one that can have a significant effect on just how we run our government.

Again, I wish to commend this committee on opening the door to those of us with ideas and a desire to improve the way the business of the Nation and its people is done. Thank you, Mr. Chairman.

LISTING OF NEW APPROPRIATIONS BILLS

1. Department of Agriculture
2. Rural Development
3. Food and Drug Administration
4. Related agencies with respect to agriculture and rural development
5. Department of Commerce
6. Department of Justice
7. Department of State
8. Judiciary
9. Related agencies with respect to the Departments of Commerce, Justice, State and the Judiciary
10. Department of Defense military functions
11. District of Columbia
12. Energy and Water Development
13. Foreign Operations, export financing and related programs
14. Department of Interior
15. Related agencies with respect to the Department of Interior
16. Department of Labor
17. Department of Health and Human Services
18. Department of Education
19. Related agencies with respect to the Departments of Labor, Health and Human Services and Education
20. Legislative Branch
21. Military Construction, family housing, and base realignment and closure functions administered by the Defense Department
22. Department of Transportation
23. Related agencies with respect to the Department of Transportation
24. Department of Treasury
25. Executive Office of the President, United States Postal Service, independent agencies previously included in the Treasury, Postal Service and General Government Appropriations Act, and government wide general provisions
26. Department of Veterans Affairs
27. Department of Housing and Urban Development
28. Independent agencies previously included in the Department of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act

Mr. GOSS. Thank you.

I think your testimony is clear, and the goal you are trying to achieve is equally clear.

We started this hearing off with a fundamental proposal by Mr. Rohrabacher as to how to break this down and make it work better. I certainly agree with your comments about shutting government down. I am not sure we will ever be able to deal with that entirely, because there is more than one branch of government involved in the process. But nevertheless, I think we all have a responsibility to all branches of government to keep the government functioning, either that or do away with that, which is another option which somebody on the committee may consider some day.

Thank you, Mr. Stupak.

Mr. Moakley.

Mr. MOAKLEY. I can understand what you are saying, why should you hold one agency hostage for another, but the reason that some of these are grouped together where they are is just because if they were singularized, they would never see the light of day, so you have to group VA with HUD, because VA is the engine that pulls HUD through, and so there is a reason for putting them together.

I agree that maybe some of them should rise and fall, for instance, like foreign aid, you know, it always has a difficult time, and there is a reason for it.

So I think that you are well-intentioned. But I just don't think it would make the process any quicker. Because there would always be those bills out there that would not be acceptable to the Congress, and they would always be the ones that would have to go by the C.R., or by somebody caving in, and sometimes, nobody wants to cave in.

Mr. STUPAK. But each—you know, I further believe we should be at zero-based budgeting every year. I really believe we should be 2-year budgeting. I really think that if you break these out, if foreign aid can't go on its own, then maybe we shouldn't do it.

Now, I support foreign aid, I have always voted for it, but it would either be found in No. 6, Department of Justice, or 13, Foreign Operations. You have two opportunities really to put that one in there. And if it can't fly on its own face, then maybe we shouldn't be doing it.

Mr. MOAKLEY. Well, foreign aid, Mr. Chairman, foreign aid is a very often mistaken entity. I mean, you go out on the street and ask people how much foreign aid we give to other countries, and you will get 15 percent of our budget or 18 budget, but it is less than 1 percent.

Mr. STUPAK. Often times, people say, 'just stop foreign aid and you can balance the budget tomorrow.' Obviously, that won't work.

Mr. MOAKLEY. Oh, they have no idea. They don't have any idea of the benefits that we get from foreign aid.

So I mean, maybe we have to do a better educational program when it comes to telling people just how important foreign aid is to the survival of this country, and to the way we can do business overseas.

Mr. STUPAK. But every January when we raise our ante at the Oval Office, we realize that there are tough decisions, and that is

one of them, and I do not believe we can blend it to make it an easier decision. And every bill, every bill there is, even nonappropriation bills, have things in them that I like and things I don't like and I have to cast that vote, and you have to balance it off. I think maybe we should do more of that, instead of blend it to ram something through and drag something else through that is not popular.

Mr. GOSS. We are going to rename Foreign Aid "Domestic Relief." Judge Pryce.

Ms. PRYCE. No questions, thank you.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. No questions.

Mr. GOSS. Ms. Greene.

Ms. GREENE. I have no questions.

Mr. GOSS. Thank you for your participation in this.

I think I would like to submit for the record the statement by the Honorable Greg Ganske, without objection.

[The prepared statement of Mr. Ganske follows:]

PREPARED STATEMENT OF HON. GREG GANSKE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF IOWA

Mr. Chairman, I appreciate the opportunity to speak before the committee.

When I ran for Congress, I promised my constituents in Iowa's 4th District to work to eliminate wasteful spending associated with congressional travel at taxpayers' expense. While I recognize the legitimate need for Members of Congress to travel as part of their job, there is abuse of the current system.

At a time when we are trying to get our Federal fiscal house in order and are demanding accountability for taxpayer dollars spent, I think we should look in our own backyard.

This is why on May 2, I introduced H.Res. 423, the Congressional Travel Accountability Resolution. This resolution amends the House rules to increase the personal accountability of House Members for domestic and foreign trips made at taxpayers' expense by requiring Members to submit reports detailing such trips.

Mr. Chairman, I believe that personal accountability leads to responsibility in determining the appropriateness of travel that is taken at taxpayers' expense.

This resolution is simple. The reports will be published twice a year in the *Congressional Record*. Currently, travel taken by Members is only partially reported and not fully disclosed.

The Congressional Travel Accountability Resolution is a common sense solution to an important problem.

Americans have a right to know how much their congressman is spending to take these trips. Unfortunately, it is not accessible to the public. Information about congressional travel can't be found in one place. It is nearly impossible for someone to sift through the current travel reporting maze and determine who has been where and to what expense to them.

If the resolution is adopted, my constituents can easily access information on trips I have taken. They can just pull up the *Congressional Record* on-line and find out how their tax dollars are being used.

I want to stress that this resolution does not determine what trips can and can't be taken. All trips allowed under current rules and regulations are still permissible under my proposal. This legislation merely provides personal accountability and public disclosure for trips taken.

I wanted to take a moment to raise another point—critics fear that accountability will stifle congressional travel. There are two main things to keep in mind when considering this proposition.

First, sunshine is always good. If the public knows where their money is going, then they will be more trusting of this institution and less likely to be critical of legitimate travel taken. Under the current system, they can't find out the truth, therefore, they are wary of expenditures even on legitimate trips.

Second, and most importantly, it is their money and they have a right to know where it is going.

Mr. Chairman, this is the right thing to do. I hope that you will consider making my proposal a part of any rules reform package developed.

I am happy to talk with you or other members of the Rules Committee at any time about this resolution. Please don't hesitate to call me.

Thank you for the opportunity to speak with you today.

[Additional Information Submitted by Mr. Ganske]

Summary of the Congressional Travel Accountability Resolution—H.Res. 423.

Goal of the Resolution

The goal of H.Res. 423 is to increase the accountability of House Members for domestic and foreign trips made at taxpayers' expense.

Currently, travel taken by Members of Congress is only partially reported and not in one central location.

Outline of the Resolution

(1) This will be introduced as an amendment to the Rules of the House.

(2) It requires House Members to submit a semi-annual report to the Clerk of the House on domestic and foreign trips taken at taxpayers' expense. Covered domestic and foreign travel includes any travel that is paid for with Federal dollars. It includes most trips paid for out of the Member's representational allowance, or sponsored by any branch of the Federal Government, including the Speakers's office, House Committees or an Executive agency.

Members will be expected to make reasonable efforts to obtain information on all costs associated with such travel.

(3) Covered travel does not include:

- Travel between the district and the D.C. metropolitan area
- Travel within a Member's District
- Travel within the D.C. metropolitan area
- Travel paid for entirely by private entities
- Travel taken at the Member's own expense

(4) Members will be required to report on such travel for periods ending June 30th and December 31st of each year. Members will then have 60 days to assimilate all the information required. The Clerk will have 30 days to publish the information (Member by Member) in the *Congressional Record*. This means that it will be published on or near March 31st and September 30th of each year.

Co-Sponsors of H.Res. 423, as of July 17, 1996: Charles Bass (R-NH), Sam Brownback (R-KS), Charles Canady (R-FL), Tom Coburn (R-OK), Tom Davis (R-VA), Nathan Deal (R-GA), Phil English (R-PA), Elizabeth Furse (D-OR), George Gekas (R-PA), Porter Goss (R-FL), Lindsey Graham (R-SC), J.D. Hayworth (R-AZ), Scott Klug (R-WI), Jim Leach (R-IA), Jim Lightfoot (R-IA), Zoe Lofgren (D-CA), Paul McHale (D-PA), David Minge (D-MN), Mark Neumann (R-WI), Glenn Poshard (D-IL), George Radanovich (R-CA), Lynn Rivers (D-MI), Chris Shays (R-CT), Randy Tate (R-WA), Dick Zimmer (R-NJ).

[The body of the Bill is as follows:]

104TH CONGRESS
2D SESSION

H. RES. 423

Amending the Rules of the House of Representatives to require each Member of the House of Representatives to submit annual reports for publication in the Congressional Record on certain federally-funded travel taken by the Member during the year.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 1996

Mr. GANSKE (for himself, Mr. KLUG, Mr. CANADY of Florida, Mr. COBURN, Mr. DEAL of Georgia, Ms. LOFGREN, Mr. POSHARD, and Ms. RIVERS) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to require each Member of the House of Representatives to submit annual reports for publication in the Congressional Record on certain federally-funded travel taken by the Member during the year.

1 *Resolved,*

2 **SECTION 1. SHORT TITLE.**

3 This resolution may be cited as the "Congressional
4 Travel Accountability Resolution".

1 SEC. 2. MEMBER REPORTS ON CERTAIN FEDERALLY-FUND-
2 ED TRAVEL.

3 The Rules of the House of Representatives are
4 amended by adding at the end the following new rule:

5 "RULE LIII.

6 "REPORTS ON CERTAIN FEDERALLY-FUNDED TRAVEL.

7 "1. (a) Not later than 60 days after the expiration
8 of each reporting period, each Member shall submit to the
9 Clerk an itemized report detailing all covered Federal trav-
10 el by the Member (as a Member) during the period and
11 the costs associated with such travel.

12 "(b) Each Member shall make reasonable efforts to
13 ascertain the costs associated with covered Federal travel
14 by the Member during each reporting period.

15 "2. Not later than the first day of session occurring
16 after March 31 of each year and the first day of session
17 occurring after September 30 of each year, the Clerk shall
18 submit for publication in the Congressional Record the in-
19 formation received for the previous reporting period.

20 "3. As used in this rule—

21 "(a) the term 'covered Federal travel' means
22 any travel for which reimbursement or payment is
23 made (in whole or in part) from Federal funds, ex-
24 cept that such term does not include travel by the
25 Member—

1 “(1) between the district the Member rep-
2 resents and the Washington metropolitan area,

3 “(2) within the district the Member rep-
4 resents, or

5 “(3) within the Washington metropolitan
6 area;

7 “(b) the term ‘Member’ means a Representative
8 in, or a Delegate or Resident Commissioner to, Con-
9 gress; and

10 “(c) the term ‘reporting period’ means the 6-
11 month period ending with June 30 of each year and
12 the 6-month period ending with December 31 of
13 each year.”.

14 **SEC. 3. EFFECTIVE DATE.**

15 The amendment made by section 2 shall take effect
16 immediately prior to noon January 3, 1997.

STATEMENT OF THE HON. LYNN WOOLSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. GOSS. The Honorable Lynn C. Woolsey of California who has been waiting long and patiently, along with many other Members, and I appreciate you being here.

Thank you very much.

Ms. WOOLSEY. Mr. Chairman and Mr. Moakley and gentle Members, sitting here waiting has been a good experience, because it is very obvious that this open-day hearing, with bipartisan effort, could make this body more responsive to the American people.

Mr. MOAKLEY. If everybody listens to us.

Ms. WOOLSEY. Yes. Well, it is an example for me of how we can go forward and work together.

Mr. Chairman, I have joined with Congresswoman Lowey and a bipartisan group of 28 reformers in introducing a resolution, H. Res. 286, which would amend House Rule XXXII to specifically bar registered lobbyists from the House floor. By limiting lobbyists' floor access to Members when we are debating or voting, this resolution would help to make Congress, I believe, much more responsive to the concerns of the American people, and less responsive to special interests.

In addition, it would help restore America's trust in one of our Nation's most important institutions, and that is the House of Representatives.

Why are lobbyists still being granted floor privileges? Because House rules do not specifically exclude lobbyists from the floor. The rules currently provide for significant leeway in allowing individuals, including registered lobbyists, on the floor of the House, even when they have an interest in pending legislation. This is unacceptable, and I believe it must be stopped.

Mr. Chairman, this rules change, banning lobbyists from the House floor, is long overdue. My constituents at home cannot believe when I tell them that lobbyists are still being permitted on the floor. So I ask you to consider amending House Rule XXXII and help us get lobbyists off the floor for good.

[The prepared statement of Ms. Woolsey follows:]

PREPARED STATEMENT OF HON. LYNN WOOLSEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I would like to thank you for holding this important hearing. Many Members are working hard to make the House of Representatives more accessible to the public, and this Open Day will allow us to focus on making Congress more responsive to the concerns of the American people.

Last year, Members from both sides of the aisle worked together to pass the most sweeping lobbying reform bill in American history. This important law is already helping to rein in the power of lobbyists by imposing tough new reporting and disclosure requirements on them. Despite this monumental achievement, however, registered lobbyists still have access to the floor of the House of Representatives.

While current House rules ban individuals from the House floor when they have an interest in legislation pending before the House, registered lobbyists are still being granted access to the House floor when they have an interest in pending legislation. Last November, for example, a registered lobbyist was allowed on the floor at a time when he had an interest in many bills pending before the House. This is unacceptable and it must be stopped.

House Rule XXXII, which concerns floor privileges, allows the House to "promulgate such regulations as may be necessary to implement the provisions of this rule and to ensure its enforcement." Thus, there is considerable leeway to allow individuals, including registered lobbyists, on the House floor. Without a provision specifically excluding registered lobbyists from the House floor, lobbyists will still have the access they currently enjoy.

I have introduced H.Res. 286, which would keep lobbyists off the floor of the House for good. This resolution, which has bipartisan support, would amend House Rule XXXII to specifically bar registered lobbyists from the House floor. If Congress doesn't pass a resolution specifically excluding registered lobbyists from the House floor, lobbyists will still have access to Members when we are debating or voting on crucial legislation.

I understand that the majority has considered offering a resolution on the floor this week to specifically prohibit former Members of Congress from lobbying on the House floor. I don't think it would make sense to bar ex-Members from the floor, while allowing registered lobbyists to have access.

Mr. Chairman, by limiting lobbyists' access to Members when we are considering important legislation on the floor, this resolution would help to make Congress more responsive to the concerns of the American people and less responsive to special interests. In addition, it would help to restore the America's trust in one of our nation's most respected institutions, the House of Representatives. We should stand up for honest government, complete the work we started last year, and get lobbyists off the House floor for good.

Mr. GOSS. I thank you.

Your point is clear, and as I mentioned before, Ms. Rivers and some others have hit on this point. As you know, it has been mentioned a number of times.

One of the problems we have, and it is I think a legitimate problem, is that Members of this institution obviously who are very privileged to participate in this institution, and I think most every Member who serves here feels that it is an extraordinary honor and privilege, do feel that they have the right to come back in the institution as a former Member.

What you are suggesting is that they have to make a choice that they would forego that right if they become a lobbyist, and that is a more serious debate than saying, former Members may not lobby, which is what the rule is now, they may not lobby on the floor or in the Cloakroom. And the problem is how do you enforce that, and when is it lobbying, when is it schmoozing and when is it patting you on the back, and we all know the problems of trying to define that.

This isn't as easy as it sounds. I at one point called for just, let's get them—not let the former Members do this. It was pointed out to me that some former Members who had become lobbyists and were no longer lobbyists would therefore be excluded because they were lobbyists.

Some former Members who were lobbying in the sense of the word, they had a good job, they were lawyers and their firm did some lobbying, they would be excluded because their firm did some lobbying and suddenly it got to be a very gray, shadowy area, and so we sort of settled on let's ban lobbying from the House floor, and Members know when they see it and they will stop it. That is where the rule is now, and obviously it is not entirely satisfactory. But your point is well made, it is just that I don't think the answer is as easy as just banning former Members.

Ms. WOOLSEY. Well, I wasn't talking about former Members particularly. I think that former Members should be granted access during ceremonial occasions.

Mr. GOSS. My concern is that there are a lot of former Members who are lobbyists.

Ms. WOOLSEY. By lobbyists, I am referring not only to former Members who are lobbyists, but to guest Chaplains and others, for example, who are registered lobbyists. I am particularly concerned that these individuals can be granted floor access for an entire day when they have an interest in legislation pending before the House. I believe we can exempt former Members for ceremonial situations and it would make sense, and we don't have to exempt them for—

Mr. GOSS. I am sorry. I haven't read all that you have there, and my precis says prohibit former Members who are registered lobbyists from having access to the Members or adjoining rooms. That is my fault for not doing my homework. But from your input today and without an explanation, I understand. That is why I made the comments I did. It is not a pejorative comment, it is a comment that I have tried to go down this road a little bit and I had some trouble and that was the trouble.

Mr. Moakley.

Mr. MOAKLEY. Are you saying that under the current law that lobbyists, not former Members, nonformer Member lobbyists can go on the floor and lobby?

Ms. WOOLSEY. They do. Oh, it is not addressed in our rules, Mr. Moakley. It does not say that they cannot do that.

Mr. MOAKLEY. I have never seen that.

Ms. WOOLSEY. Oh, yes. A Chaplain was granted access to the floor for an entire day during a week when the House was voting on legislation he had an interest in. That Chaplain was a registered lobbyist.

Mr. MOAKLEY. I missed that one. What was that about?

Ms. WOOLSEY. Well, it was when Reverend Lou Sheldon came—he was guest Chaplain during the same week that we were debating the late-term abortion bill, and he had access to the floor and the Cloakroom for an entire day.

Mr. MOAKLEY. And he was lobbying Members?

Ms. WOOLSEY. I don't know if he was or not. He could have. He had access. I don't know if he was, I wasn't over there. I don't mean just on that issue, I mean on any issue. There is nothing in our rules that prevented that from happening.

Mr. MOAKLEY. You say there is nothing in our rules that prohibits a nonformer Member, just a plain, ordinary lobbyist from getting on the floor and lobbying?

Ms. WOOLSEY. Not if they are invited, as was Reverend Sheldon. He was granted 24-hour access to the House floor that day.

Mr. MOAKLEY. That is the only exception, then?

Ms. WOOLSEY. My understanding is there is nothing in our rules that tell us anything different.

Mr. GOSS. I don't think that is accurate. I think access—the general provisions on access to the House floor would not permit that. You have to have a reason.

But going to the area where the most often instance of comment has to do with former Members who are lobbyists, registered or not, and the current House Rules prohibit former Members who have an interest in influencing legislation that has been scheduled,

even at the subcommittee level, from being on the floor or adjoining rooms for any purpose.

Now, the problem is it is self-enforcing. We have the rule, but we don't have the police down there to deal with this. It is self-enforcing. Most of the problem has come from the area of former Members who are lobbyists, to my knowledge.

There is all kinds of lobbying going on outside the doors as we march in to vote. That is another form of lobbying on public premises in rooms adjacent to the building.

Mr. MOAKLEY. That is how they get their names, a lobbyist. They hang out in the lobby.

Mr. GOSS. It is a remarkable thing.

Mr. MOAKLEY. It is good that they didn't hang out in the pantry.

Ms. WOOLSEY. Well, Mr. Chairman, when we investigated the instance of Reverend Sheldon being granted floor access, we found that there was no way to prevent it under current House rules.

Mr. GOSS. I believe the chaplaincy is a particularly separate subject and area that is handled, obviously, with great sensitivity.

Ms. WOOLSEY. Well, this wasn't.

Mr. GOSS. Apparently it was not. I was just saying the management of the rule needs—

Mr. MOAKLEY. Mr. Chairman, I could see from now on with the Speaker granting the power to be a Special Chaplain that day, specifically states for the opening prayer only, period. And that, in effect, would stop them from doing anything else.

Ms. WOOLSEY. That would help prevent the situation.

Mr. MOAKLEY. I don't want to write a big law that is not going to affect anybody but that one Chaplain, when he can do it a much easier way.

Ms. WOOLSEY. Well, I just don't think lobbyists, even former Members who are lobbyists, should be allowed on our floor. However, I believe an exception should be made for former Members during ceremonial situations.

Mr. MOAKLEY. But it has been stated that we do have rules and regulations, maybe even laws, that say that a former Member cannot be on the floor lobbying a bill, which takes care of former Members.

Ms. WOOLSEY. That is right.

Mr. GOSS. The other thing you might want to know about, the special privileges for the Visiting Chaplains is that they are the only people who are permitted to go on as long as they wish. There is no time limit. I think they are the only people who address the Members of the House who are not subject to a time restraint.

I think if it were abused more than once, there would be a rule.

Ms. WOOLSEY. Our House rules, gentlemen, state who is allowed on the House floor, but they do not specifically bar lobbyists, and that is why I think that a registered lobbyist was granted access to the floor.

Mr. MOAKLEY. They state in the affirmative who is allowed on the floor; right? It doesn't say lobbyists are allowed on the floor.

Mr. GOSS. Lobbyists are not permitted on the House floor. The rule says that everybody is prohibited from the House floor except those who have specifically been set out to have access.

Ms. WOOLSEY. Well, it specifies that former Members are not allowed on the floor if they have an interest in pending legislation, but it doesn't say lobbyists.

Mr. GOSS. Right. It doesn't say it that way, it says it another way.

Judge Pryce.

Ms. PRYCE. I think we have sufficiently exhausted this topic. It is very enlightening, and I—

Ms. GREENE. I would agree with the judge. Thank you.

Mr. GOSS. Thank you very much.

Ms. WOOLSEY. And I have submitted my testimony.

Mr. GOSS. We have the full statement.

Thank you very much.

STATEMENT OF THE HON. ROBERT A. UNDERWOOD, A REPRESENTATIVE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. GOSS. We have the Honorable Robert A. Underwood.

Mr. UNDERWOOD. Thank you, Mr. Chairman. I will try to be brief.

Basically, I am here to address the issue of delegate voting, but in a broader sense, the issue of delegate status. Just in the course of listening to the testimony presented this morning, we have had discussions about bipartisanship and trying to reach out to all Members on both sides of the aisle.

I guess I am trying to find the appropriate word since there are representatives and their delegates, maybe bicameralism or something, something that would find a way to include the delegates more in the operations of the House. It is a source of—it is not a source of great difficulty, but always a constant reminder of how you can be marginalized each in the course of ordinary discourse here when people say that there are 435 Members of the House and we have to address the 435 Members of the House, and you don't fit into that equation. And you know, come next January, there will be 440 people sworn in. And I guess in the 103d Congress we had a delegate voting in the Committee of the Whole, and the way that that was dealt with was dealt with in a highly partisan manner, in which it was seen as a Democrat proposal. It had attracted national attention for a little bit, and it prompted a court case and people derided it as symbolic.

But I would say that that symbolism was important for what it said about this country and small territories. So that that symbolic vote really cut both ways. For some people, saying that it was a symbolic vote somehow delimited it for people who come from small territories, it meant that in a symbolic way you were being included in the course of the business of the House.

Now, I have had the opportunity to be both in the 103rd and in this Congress in which I don't have the vote in the Committee of the Whole. And I can tell you now that on the occasion that I do go to the floor, people ask me, gee, I didn't know you were re-elected; what happened to you; where have you been; and you really do come out of the stream of participation in House business.

Of course, in my written testimony I am calling for the inclusion for the reconsideration of the Delegate vote in the Committee of the

Whole. But I think more importantly, inasmuch as we really don't know what the dynamics of the 105th Congress are, I would really ask—and I think I am hopeful that the committee would be ready to consider a meeting with the Delegates at the beginning of the 105th Congress, or right before it is organized, so that we can discuss the status of the Delegates in that, in a way that is devoid of the normal way of advancing rules, which is to make it a partisan issue.

It was coincidental, some people think not quite coincidental, that the five Delegates were all Democrats in the 103rd. We have no way of knowing what the configuration will be in the 105th. And so I would certainly request that this committee consider meeting with the Delegates in advance of the organization of the 105th, to simply have an explanation of the status of the Delegates.

For the purposes of inclusion, I think it is very important. And I know all of you fully understand that beyond voting on final legislation, you understand that the dynamics of the House helps bring prestige for individual Members, helps extend their influence and helps advance their own legislation to the degree that they are participants and they are legitimate participants. And that was really the value of that vote. And I think that it is very rare that Members have the opportunity to really understand that and to understand and try to imagine what it would be like to be in that situation.

Mr. GOSS. Thank you.

I think that is a good suggestion and clear comments, well-understood.

Mr. MOAKLEY.

Mr. MOAKLEY. I think the gentleman makes a point, and needless to say, I was with you.

Mr. GOSS. Judge Pryce.

Ms. PRYCE. I just have a quick question.

You have floor privileges like everyone else?

Mr. UNDERWOOD. Yes.

Mr. MOAKLEY. But up until they changed it, you had voting privileges in the Committee of the Whole.

Mr. UNDERWOOD. In the Committee of the Whole. And obviously, the dynamics of it is such that if you have no real business to go to the floor, and you know that a lot of the business that is conducted is sometimes serendipity, it takes you out of the stream of the process.

Ms. PRYCE. But you could be, that is the only point I wanted to make.

Mr. UNDERWOOD. Sure. Unlike lobbyists.

Ms. PRYCE. Right.

[The prepared statement of Mr. Underwood follows:]

PREPARED STATEMENT OF HON. ROBERT A. UNDERWOOD, A REPRESENTATIVE IN CONGRESS FROM THE TERRITORY OF GUAM

Mr. Chairman, thank you for allowing me this opportunity to address the Rules Committee regarding proposed rules reform for the 105th Congress.

As the delegate to Congress from the non self-governing territory of Guam, I respectfully request the Rules Committee to reinstate the vote in the Committee of the Whole for the delegates and the resident commissioner who represent the 4 million Americans who reside in the territories. This vote in the committee of the whole

for delegates, which was first adopted in the 103rd Congress, was rescinded in the House Rules adopted by the 104th Congress.

The procedure adopted by the 103rd Congress was challenged in Federal court and upheld both in the District Court and in the U.S. Court of Appeals for the District of Columbia as being constitutional because the delegate votes were advisory in nature and were not decisive in passing legislation. The compromise worked out by the 103rd Congress, whereby votes were automatically re-taken when a vote was decided by a margin of five or less, met the constitutional test of the appeals court.

The issue here is the representation of American citizens. While voting in the committee of the whole is purely symbolic, it is important symbolism to those who are disenfranchised. This Congress, which represents the highest ideals of democracy for many people around the globe, should take a good look in the mirror and ask the hard questions regarding the territories.

It is not good enough for American citizens on Guam and the other territories for Congress to say that you can have all the representation and participation in our system when you become a state. In effect, Congress is saying that it is not interested in political participation for the small territories that may not become states anytime soon, and that Congress would just as soon continue in a relationship of political exclusion.

We ought to work within the framework of the Constitution to give the territories as much participation as is permissible. We ought to set aside partisan differences to give meaning to our American citizenship. We ought to do this because it is the right thing to do.

I urge the Rules Committee to reinstate the delegate vote in the Committee of the Whole in the 105th Congress. I hope that the leadership of the majority and minority can work with the delegates to find a compromise on this issue. I believe that a compromise can be fashioned that meets all concerns. Let's start the 105th Congress by expanding the big tent to include the territories.

STATEMENT OF THE HON. LYNN RIVERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. GOSS. We would call the Honorable Lynn Rivers of Michigan, and we would accept your full statement for the record.

This will be our last witness.

Mr. MOAKLEY. We have a vote going on.

Mr. GOSS. We have a vote.

We don't want to shortchange you.

We would accept your full statement.

Ms. RIVERS. Taking all of those hints, I will indeed be brief.

I am going to speak to you on two bills today, House Resolution 263 and House Resolution 432. Briefly, I will tell you that a recent research poll shows that even though the 104th Congress has made terrific reform in the last 18 months, that America is not completely satisfied, so I am always on the lookout for things that I think we could do better.

The issue that I am going to speak to you about first, which is payment for Special Order speeches, came about because of constituents who raised the issue with me initially. Because of the request on their part to know how much these costs, we did some research in my office and found a number of around \$50,000 to \$7,000 per hour, when you factor in the cost of the people who must stay on extra working hours, creating the record, all the kinds of costs that go into maintaining this particular privilege. I have now seen reports since then that range up to \$15,000 per hour.

What my bill would do would put a personal responsibility on the individual Members to pay that cost out of their House Operations Allowance, rather than have it be simply a free goodie that any-

body can access as often as they would like, we would create a sense of accountability on individual Members.

I want to stress as clearly as I can, this is not about free speech. I don't care what people say, it is about creating accountability on the Members who choose to use these services. While it is important for Members to communicate with their constituencies and with the public at large, we have been very willing in this particular Congress to limit other methods of communicating and creating a greater sense of accountability.

We have changed the mailing privileges, we have reduced those, even though that is a manner of communication that Members use. We must stay within the limits of our phone and faxing budget. We must stay within—if we choose to use a video and create one, we have to pay the cost of doing that.

So the arguments that get made that somehow this is different than any other form of communication and shouldn't be subject to the same rules of accountability really don't play out logically when you look at other things that we have done.

Last year the House spent \$2 million in presenting Special Orders speeches after hours. So the savings associated with this could be great. And since individual Members received over, for the most part, over \$800,000 a year to run their individual offices, there should not be a problem with asking them to bear the expense out of that particular fund.

If you do the math, you will find that a 5-minute speech would run about \$600. So unless we are talking about people who choose to give hour and 2-hour-long speeches night, after night, after night, most Members could easily pick up the cost of doing this and create once again a sense of accountability for individual Members.

Should I go on to the next one?

Mr. GOSS. Please do.

Ms. RIVERS. The second one is very straightforward; House Resolution 432, which states very simply that checks are not to be exchanged on the floor of the House. We are aware of an incident that happened a year ago. I think it is fair to say that this is not the first incident, I think that this is a bipartisan issue. Both parties have at times taken checks to the floor and distributed them to individual Members.

I think we can make a very clear statement that on the floor of the House we are here to do the people's business, not the business of being reelected, and the rules should be changed to reflect that that kind of activity is prohibited.

I am happy to take questions.

[The prepared statement of Ms. Rivers follows:]

PREPARED STATEMENT OF HON. LYNN N. RIVERS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Mr. Chairman, I would like to bring to the Committee's attention a recent Luntz research poll which shows that despite Congress's efforts for reform in Washington, 63% of Americans think that Congress has not gone far enough. It seems that citizens feel disenfranchised within a system that benefits Members of Congress at the expense of the people they serve. Mr. Chairman, the people are right—we have not gone far enough. However, I stand before the committee today to say that I am proud of the reforms this Congress has made, but we can do much more.

At the request of our constituents, this Congress has for the first time abided by the same laws as the private sector, passed tough rules governing lobbyists discl-

sure of their activities, and enacted strict gift rules. Moreover, this Congress has done a great deal to cut taxpayer funded Congressional perks. Members of Congress now must pay for previously free photography, and at-cost flags. We closed the folding room, cut franking privileges by 10% and made significant cuts in Congressional staff. These savings have been passed on to taxpayers. Mr. Chairman, this is why I am here today—to continue these cost-cutting efforts.

As the Committee members know, special order speeches give Members of Congress an opportunity to voice their opinion on any issue of concern, after we have concluded legislative business. The problem with these speeches is that they are extremely expensive. One hour of special order speeches requires 75 to 100 congressional employees to work overtime and \$2,205 be spent entering the text of the speech into the Congressional Record. The total cost to the taxpayers for a one-hour speech is estimated between \$5,000 and \$7,000. Mr. Chairman, special order speeches cost taxpayers an estimated \$2,000,000 dollars in 1995 alone.

I bring to the Committee's attention an article from the July 11, 1996 edition of Roll Call entitled "Accountability Act Costs Capitol Police Million-Plus in Overtime for Officers." The article speaks to the fact that in the first three months of the year, we have spent an estimated \$2 million dollars in overtime for our officers. Mr. Chairman, the disconcerting part of these statistics is that most of this money has come from special orders time (substitute info. from Capitol police). The fundamental question that Members have to ask themselves is who should pay for this time—Members of Congress, which pay for every other form of congressionally sanctioned communication with their constituents, or taxpayers.

Given this Congress' dedication to reform efforts which I mentioned earlier, it would be irresponsible for us not to call into question this major perk afforded to Members of the House of Representatives during reform week. My bill, H.Res. 263 states that "expenses of any special order speech be paid from the Members Representational Allowance of the Member making the speech." With individual office budgets in excess of \$800,000 dollars, it only makes sense to ask Members to pay for special order speeches.

Mr. Chairman let me make clear that I have no intention of limiting the content of these special order speeches. The legislation simply asks that we pay for them. Mr. Chairman, I would be happy to answer any questions you or the committee might have at this time.

[The body of the Bill is as follows:]

104TH CONGRESS
1ST SESSION

H. RES. 263

Amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members Representational Allowance of the Members making such speeches.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 1995

Ms. RIVERS submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Amending the Rules of the House of Representatives to require that the expenses of special-order speeches be paid from the Members Representational Allowance of the Members making such speeches.

1 *Resolved*, That (a) rule XIV of the Rules of the House
2 of Representatives is amended by adding at the end the
3 following new clause:

4 “10. Expenses of any special-order speech shall be
5 paid from the Members Representational Allowance of the
6 Member making such speech.”.

1 (b) The amendment made by subsection (a) shall take
2 effect on the first day beginning after the date of adoption
3 of this resolution.

○

Mr. Chairman, I am aware of the time constraints in front of the committee and the amount of time that you have spent on testimony. Therefore, I intend to make this testimony short ant to the point.

Last summer, one of our colleagues passed around campaign related checks on the floor of the House of Representatives. The person that passed out these checks admitted that they had used bad judgment. However, the damage was done. Editorials citing words such as dishonesty, and deception were used to describe this action. Upon reading of this incident, I immediately drafted legislation to make certain that an act of such blatant hypocrisy never tarnish the image of our House Chamber again. H.Res. 432 states quite simply that PAC checks cannot be distributed on the floor.

Mr. Chairman, if we accomplish nothing else during reform week let us be sure that we send a message to our constituents that while we conduct business, we do the business of the people and not the business of getting re-elected. Thank you and I would be happy to answer any questions that the committee might have at this time.

[The body of the Bill is as follows:]

104TH CONGRESS
2D SESSION

H. RES. 432

Amending the Code of Official Conduct in the Rules of the House of Representatives to prohibit a Member from soliciting or accepting campaign contributions in the Hall of the House, rooms leading thereto, or the cloakrooms.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 1996

Ms. RIVERS (for herself and Mr. LUTHER) submitted the following resolution: which was referred to the Committee on Standards of Official Conduct

RESOLUTION

Amending the Code of Official Conduct in the Rules of the House of Representatives to prohibit a Member from soliciting or accepting campaign contributions in the Hall of the House, rooms leading thereto, or the cloakrooms.

1 *Resolved*, That rule XLIII of the Rules of the House
2 of Representatives is amended by adding after clause 13
3 the following new clause:

4 “14. A Member of the House of Representatives shall
5 not solicit or accept campaign contributions in the Hall
6 of the House of Representatives, rooms leading thereto,
7 or the cloakrooms.”.

Mr. GOSS. Thank you.

As you know, you have hit on an area that many have spoken to already.

Ms. RIVERS. Mine was the first bill, though, I would point out.

Mr. GOSS. And in the same spirit, I would suggest that if you go back a few years and look, you will find a piece of legislation submitted by me on the question of having to pay for your Special Orders.

Ms. RIVERS. Oh, wonderful.

Mr. GOSS. My approach is to talk more about if it is not having to do with legislative business, then you should be prepared to pay for it.

Ms. RIVERS. I tried to avoid content all together.

Mr. GOSS. I understand your idea of trying to get some controls.

Mr. Moakley.

Mr. MOAKLEY. No questions.

Mr. GOSS. Ms. Pryce.

Ms. PRYCE. No questions.

Mr. GOSS. Ms. Greene.

Ms. GREENE. No questions.

Mr. GOSS. I would like to announce before we adjourn this meeting, that the Rules Committee will meet this afternoon at 3 p.m. to consider rules for H.R. 3760, the Campaign Finance Reform Act of 1996, and H.R. 3734, the Welfare and Medicaid Reconciliation Act of 1996.

We also expect to meet tomorrow at 2 p.m. to consider a rule for H.R. 3816, the Energy and Water Appropriations. And in addition, following up on this morning's hearing, the two subcommittees will hold a joint hearing on reform proposals next Wednesday, July 24th, at 9:30 a.m., that will be in this room, as a follow-on to this beginning, which was most auspicious.

I thank you all for participating.

We are adjourned.

[Whereupon, at 12:40 p.m., the committee was adjourned.]

BUILDING ON CHANGE: PREPARING FOR THE 105th CONGRESS

Wednesday, July 24, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES AND ORGANIZATION OF THE
HOUSE, AND SUBCOMMITTEE ON LEGISLATIVE AND
BUDGET PROCESS,
COMMITTEE ON RULES,
Washington, DC.

The subcommittees met, pursuant to call, at 9:30 a.m. in room H-313, The Capitol, Hon. David Dreier [chairman of the Subcommittee on Rules and Organization of the House] presiding.

Present: Representatives Dreier, Goss, Diaz-Balart, Linder, Pryce, Solomon and Beilenson.

Mr. DREIER. The joint subcommittee will come to order. I am pleased to convene, along with Chairman Goss, the first in a series of joint subcommittee hearings to examine specific congressional reform proposals as part of the Rules Committee's continuing study of the rules and procedures of the House.

We are holding these hearings at the joint subcommittee level because the full committee will be extremely busy moving legislation to the Floor during the remainder of the session. At least, that is what Mr. Solomon intends to tell us.

In February of last year the Rules Committee adopted an oversight plan which committed us to a continuing study of our legislative process and procedures. Last year, our two subcommittees held a series of hearings to examine the budget process and proposals for change. This past May, we held a hearing to examine the impact of technology on the legislative process and procedures of the House and we are planning right now a second event before Congress in terms of a year.

The Rules Committee kicked off this process last Wednesday with an open day for Members to testify on individual proposals to amend the rules of the House. The hearings that we will be holding today and next Wednesday and again in September will examine some of the more organized congressional reform efforts, most of which are being conducted by Majority and Minority task forces and working groups.

I want to emphasize the bipartisan tone of this joint subcommittee effort. One of our witnesses this morning is Lee Hamilton, and although he is testifying as a former House chairman of the bipartisan, bicameral Joint Committee on the Organization of Congress, Lee is also the sponsor of House Resolution 162 to require the Rules Committee to consider submitting to the House during each

Congress a bill or resolution which would improve the functions of the legislative branch.

We will also have Representative Ben Cardin, who is Chairman of the Democratic Caucus' Organization Study and Review Committee, which held a hearing this month entitled, "Working Towards Bipartisan Cooperation in Congress." We also have sitting on the front row here Rick White and Charlie Bass. They both are here to testify on the recommendations of the Republican Task Force on Committee Review.

Rick is the Chairman of the bipartisan, bicameral Congressional Internet Caucus, and Charlie is the sponsor of a bipartisan reform bill, H.R. 3792, to restore integrity, goodwill, honesty and trust to the Congress. No one could do it better than he. It is important to recognize that some of our best reform ideas came while we as Republicans served in the Minority. Three of us are sitting over on the other side there.

There is no denying the fact that the institutional reforms that we Republicans developed while we were in the Minority and enacted when we came to Majority status have been successful in making this institution more open, accountable, and deliberate, but the world around us is changing at a very rapid pace and we must be prepared to change with it.

There is never a shortage of new ideas whether they come from Republicans or Democrats on how to make the House of Representatives more effective. If we are going to make our commitment to evolutionary reform, to an evolutionary reform process, I am convinced that it must be done in a bipartisan way, and I know that my colleagues, Mr. Goss, Mr. Solomon and Mr. Linder certainly would agree with me on that. Before I call on our first witnesses, I would like to call on my fellow Angeleno, Mr. Beilenson, for his opening remarks.

Mr. BEILENSEN. We don't think of you as an Angeleno, but I guess you are.

Mr. DREIER. I am totally in L.A. County.

Mr. BEILENSEN. Thanks, Mr. Chairman. I do have a short statement which I would like to make. At this time, I want to join in welcoming colleagues and public witnesses who have graciously agreed to be with us today for this hearing. We are eager to hear their views on the changes they would like to make for the next Congress.

As was noted in last week's hearing on this subject, many of the changes that were implemented in the beginning of this Congress stem from the work of the bipartisan Joint Committee on the Organization of Congress that operated during the 103rd Congress. Since the public witnesses we will hear from today helped develop those proposals, we are particularly interested to find out how they think they are working.

In my own view, the most constructive changes made by the Republican Majority were the elimination of three committees, stricter limits on numbers of subcommittees and committee assignments, a ban on proxy voting, and limitations on bill referrals. Those changes, which helped streamline our committee system and keep Members from being spread too thinly, were ones most of us agreed were needed, but few of us wanted to actually make. Having

failed ourselves to implement the changes while the Democrats controlled the House, we admire and applaud the Republican Majority's success in that regard.

Unfortunately, some of the Majority's efforts, I think, took a wrong turn. The new rule requiring a 3/5 vote to pass a tax increase was an idea that was destined to create problems, making it next to impossible to pass almost any bill reported by the Ways and Means Committee. It is not surprising that the Majority has waived that rule almost every time it might have been applied. Many of us believe this rule is a prime candidate for elimination, Mr. Chairman, in the 105th Congress.

Mr. DREIER. I am sorry, would you repeat that?

Mr. BEILENSEN. Many of us believe that the rule requiring a 3/5 vote—

Mr. DREIER. You don't need to repeat that.

Mr. BEILENSEN. Some of us also think that the Majority got carried away in establishing a so-called Corrections Day Calendar. We still fail to see what purpose that procedure serves when we already have an expedited procedure, suspension of the rules, that has served the House well for many years.

One reform I personally had high hopes for when the Republicans gained control was with respect to the House's schedule. At the beginning of the 104th Congress, we were working 4, sometimes 5, full days a week, as we should have been. Lately, however, we have returned frequently to trying to squeeze a whole week's worth of work into a very intense 48-hour period, as we did last week, and as we too often did in the past.

That kind of scheduling cuts short the time we should be spending on our legislative work. It puts us in a position where we frantically run from meeting to meeting; where we debate and vote when we are not alert, and our nerves are frayed, and, in general, we are not so effective as we should be. Often in the evenings many of the Members are not even here if we know there are not going to be further votes that evening. The people who elect us deserve to have us here at work for a full 5-day work week, each week that we are in session.

In addition, as I have often said in the past, the one congressional reform that is needed more than any other is campaign finance reform. Everything else we do to improve Congress would pale in comparison to the changes that would occur if we were able to reduce the influence of the special interests by changing our campaign finance system.

Unfortunately, it appears that we are not going to be any more successful getting a campaign finance reform bill enacted with the Republicans in charge of the House and Senate than we did when Democrats were in control; and in any case, that subject is beyond the jurisdiction of this committee.

Finally, Mr. Chairman, I want to say I was very encouraged at last week's hearing to find that a number of Members were doing some serious thinking about ways to reduce the acrimony that has made being in Congress so unpleasant and difficult of late, and to improve relationships across party lines. I do hope that we will hear more about those kinds of proposals today, and I thank you

again for having these hearings. I do hope very much that they lead to some important changes next year.

Mr. DREIER. Thank you very much and, again, let me underscore our commitment to proceeding with this in a bipartisan way, and you do raise some concerns, which it is no secret that I share and I hope we will address those. Now, I would like to call on the distinguished Chairman of the Subcommittee on Budget and Legislative Process.

Mr. GOSS. Thank you very much. I am very happy to be part of this effort, even though I am the latecomer to it from the perspective of work you have done. And Mr. Solomon and Mr. Beilenson have been here much longer than I, but I think it is very appropriate for those who have the responsibility to keep the process of reform constantly on the front burner or near it. This is an institution—institutions have to evolve to keep up with the times, as the Chairman has pointed out, and I think sometimes evolutionary is better than revolutionary. If we don't get it done on an evolutionary basis, we end up with a revolutionary basis, and we end up occasionally making a minor wrong turn, as a colleague from California has suggested may have happened once or twice.

The areas of process really do matter. A lot of people come to town—I think as a Member of Congress, you can come here and go on the Floor, put your hand up and say, "Mr. Speaker, I have a brilliant idea," which is what the United States of America has to do. Let's do it right now and everybody agrees. It doesn't work quite that way. If you can get through the process to get to the Floor, you have made a good accomplishment in your freshman years.

We have talked about a budget process which, of course, we are now addressing in a serious debate. But the ethics process has been much in the news lately. The intelligence process has been subject to some comment also. We will be hearing more about that. The thing that is most important to me today in the hearings and witnesses that we have got, and we have an unusually good witness list today, and I congratulate the Chairman for arranging that and the staff that made that happen, is this question of bipartisan-

I sit on a committee that is equally balanced between Republicans and Democrats, the only one, and that would be the Ethics Committee. I sit on a committee that must avoid partisanship. That would be the Intelligence Committee. And I sit on this committee, which is obviously a committee that was designed to accomplish the Majority's legislative will.

But I think I see the spectrum in this institution of when and when not partisanship seems to affect things, and I will say this. My view of the world as it is today and why we need to be doing what we are doing, I think, is going to parallel very much Mr. Cardin's view when he comes forward, the leader of the party on the other side of the aisle. And the reason is this: We have seen what happens when you confound our processes with partisanship where it does not belong and you get no progress; we get agitation. You bring discredit to the institution and I think the American people have a lower opinion of us and the approval rating of the United States Congress has not climbed, as we all wish it would and

should. That is a serious problem and when you look at the mix now in our country of the great debates that are out there, no matter how the next elections come out this fall, no matter what the breakdown will be, it is not going to be a huge number of people on one side of an issue.

It is going to be a bit of a division and the only way there is going to be an opportunity to provide for things to happen to meet the challenges of this country from this institution, in my view, is through cooperation between the two sides of the aisle. If people just go on their opposite sides and huddle, I think we will have stalemate and that is not good for this country. I congratulate you.

Mr. DREIER. Let me call the Chairman of the full committee, the gentleman from Glens Falls, New York, Mr. Gerald Solomon.

Mr. SOLOMON. Mr. Chairman, let me be extremely brief for a number of reasons. I have been summoned to the tail end of the Republican Conference to discuss some of the issues that are pending before this committee. Some issues like campaign finance reform, so I will be brief.

In my statement last week I think I spoke to the importance of what we are doing here. I just want to speak briefly about what you and Mr. Goss have talked about and I guess one of the things I am most proud of about the Rules Committee, in the last 18, 19 months is the fact that even though we are the most partisan political committee of the Congress, there is probably more comity on this committee than any of the other committees.

I look at my friend Tony Beilenson over there and Joe Moakley and others, and even though we have to fight the political battles in this committee, we do it in a way that there is not the appearance that we are bitter enemies. We do work together even though we don't agree on a lot of things. I just wish the entire Congress—

Mr. DREIER. Is that the appearance that you are bitter enemies?

Mr. SOLOMON. Pardon me?

Mr. DREIER. Is that the appearance that you are bitter enemies?

Mr. SOLOMON. So much on this committee, but the very fact that we are continuing to look at reform in this Congress, I think, is a real attribute. I don't know about the rest of you, but when I put out surveys to my congressional district, one of the things the American people in my district look at is the reforms that we have made in the Congress and they hold that above everything else we have done—accountability and openness. So I think we have made great strides. I think we have a lot more to do.

I just want to commend the panels that are going to be testifying today, the distinguished Lee Hamilton, who has done yeoman work in this field and who is a very respected Member, along with Charles Bass and certainly Tom Mann, Norman Ornstein and others who have really helped us in trying to reform this Congress and make it respected by the American people. So I am going to leave in a minute, but I will be back shortly and I hope you have a good hearing.

Mr. DREIER. Thank you very much, John.

Mr. LINDER. Mr. Chairman, I am covered by the axiom that nothing is often a good thing to do and always a good thing to say.

Mr. DREIER. Thank you very much for that. There are a number of things that the issue of bipartisanship and fairness bring to

mind. The name of Lee Hamilton comes to mind first as a Member and then as Chairman of the Foreign Affairs Committee and Intelligence Committee. He worked with Presidents Reagan and Bush to forge bipartisan intelligence and foreign policy for this country. That made him the ideal candidate to serve as the House Chairman of the Joint Committee on the Organization of Congress, and I was pleased to have been able to work with him on that. We are happy to have you as our opening witness for this series of hearings.

STATEMENT OF THE HON. LEE HAMILTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. HAMILTON. Good morning. I thank you very much, Mr. Chairman. Pleasure to be here. I will submit my statement, if I may.

Mr. DREIER. Without objection, it will be included in the record.

Mr. HAMILTON. I would like to say that I have enjoyed the opportunity to work with you on this reform effort over a period of time. I think we have made some progress. My overall view, as I say in my statement, is that we have made significant reforms in the House Rules and in the Congress. Some I think have been very useful, some perhaps not, and while there are other rule changes that I believe should be considered, I think there are some overriding problems that affect the effectiveness of the House and its accountability and its public respect.

At the beginning of the 104th Congress, we passed a significant package of internal reforms. Some of those reforms were based on recommendations of the Joint Committee of the Organization of Congress, others were not. I think some of them were certainly steps in the right direction and improve the body and are working reasonably well.

The Congressional Compliance Proposal is certainly one of those, as well as the unfunded mandates. There have been some delays and difficulties in bringing about compliance, but I think we really anticipated most of those and I think that was a very positive step. Other steps taken at the beginning of the Congress I think were helpful, too.

Those include streamlining the committee system, cutting some of the staff, and opening up the Congress to more public scrutiny. I hope we do not undermine any of those reforms or try to get around congressional staff cuts, for example, by allowing unreimbursed details from the Executive Branch. I think you have supported that strongly in the Joint Committee.

I also believe some of the reforms passed were unwise and ill-advised. I oppose the requirement for a 3/5 majority in the House to increase income tax rates. I thought that would lead to problems and be unworkable. I have noted this rule has been waived at various times during the session such as during consideration of the Medicare reform package. I understand that provision is being reviewed. Personally, I would support efforts to drop it.

There are other reforms that I think should be passed. I was really disappointed that the House leadership decided not to accept the Joint Committee recommendation to include private citizens in

the House ethics process in a meaningful way by having them play a role in the investigative aspect of ethics complaints.

The difficulties the Standards Committee has had this session only reinforce in my mind the need for some reforms along this line to make the disciplinary process more credible. There is a proposal to use randomly selected juries drawn from general House membership. I think, Mr. Goss, that may be your proposal. I think it has merit to it. It certainly addresses the problem of the time demands that fall upon Standards Committee members. It does not address the more important need, at least in my mind, to improve the public credibility of the process. And the addition of ordinary citizens in the process would force action on cases that could be held up indefinitely under the current system.

Secondly, I also believe, and this was another Joint Committee recommendation, that we should better publicize special interest tax breaks included in revenue bills in the budget resolution. They need just as much sunshine as special interest spending projects.

Third, I favor the change in House rules to regularize the congressional reform process. You are engaged in that now and I commend you for it. This business of taking up a reform package every 20 years or so, which has been the historic pattern, doesn't make a lot of sense to me. I would like to see reform as an ongoing continuing process of this body, really dealing with it every single year.

Let me also mention that I support the proposal put forward by your task force, Mr. Chairman, to establish a Blue Ribbon Bipartisan Commission to look at Executive Branch reform and congressional committee reform simultaneously. All of us, I think, see a lot of merit in that who have had an opportunity to look at it.

There are other problems that strike me that I don't have solutions for necessarily, but I do think need to be addressed by the reform process. The use of omnibus bills has really been getting out of hand. I think we started that when the Democrats controlled the Congress. I think you picked it up. It is a bad habit you got from us and I think you continued it.

These omnibus bills are getting ridiculous. There are thousands of provisions in them. At one point, at least here, you just have to make an up or down vote. I know they can't be avoided entirely, but I do think we have to make efforts to reduce them.

I think we have fallen into an enormous problem over use of legislative riders on appropriations bills, a point where authorization now is becoming less and less relevant. And the schedule, of course, continues to cause us great problems. In many ways, we have gotten worse at it. It now appears to be on ordinary weeks we want to go from Tuesday night to Thursday night. What that means is everything gets compressed into Wednesday and Thursday and makes our work even more difficult, but I know these problems of scheduling are just horrendous here.

Putting all of these matters aside, I really want to talk not so much about specific rules changes as a couple of broader points, one pertaining to the effectiveness of the Congress and how well congressional reform has worked overall in the 104th Congress.

One important test of reform is whether it makes Congress a more effective institution. Does it improve our ability to deliberate

and pass legislation addressing the Nation's challenges? I would have to say on that test the reforms early in this Congress have not worked particularly well.

The test is not whether we get something through one House or the other, but whether we pass something that can get through both Houses, be signed into law and meet the needs of the country. I think most Congress watchers would say the legislative accomplishments of the 104th Congress have been fairly meager. Many Members of Congress would probably share that sentiment.

Priority legislation has fallen by the wayside. Conference committees are not meeting and the budget process is a mess. People are already talking about a continuing resolution for the year. This dissatisfaction of the accomplishments of the 104th is shared by the public at large, as various opinion polls indicate.

On the Joint Committee we have often talked about undertaking reform to restore public confidence in the institution of Congress, but public confidence in Congress remains low. So what has happened?

My basic view is that all those reforms we passed at the beginning of the Congress were simply overwhelmed by a couple of other factors, the centralization of power by the Speaker and the increased partisanship in the 104th Congress.

The question of centralization of power by the Speaker, as we all know, is a tough one. All of us who have been active in reform over the years have talked about the need to put more power in the office of the Speaker. But I believe this has been carried too far with too many key policy decisions in Congress taken away from the committees and instead made behind closed doors by the leadership or task forces set up by the leadership. I think this approach to the legislative process reduces accountability. It is largely a closed process.

Most Members, certainly most Americans, have no way of learning which Members are involved, which special interests are consulted or locked out, and what position Members have taken on a proposal as it is shaped before it comes to the Floor. Many Members with significant expertise are simply shut out in the early formative and critical stages of the bill.

I heard a commentator on the Congress say the other day that we no longer have a committee system. That is obviously an exaggeration, but it is impressive to what extent we have bypassed the committees, and I think that process has developed over a period of time. It is not peculiar to the 104th Congress, but it is a part of the 104th Congress.

We are taking bills to the Floor that have not been written or considered by the committees of jurisdiction and expertise. For example, when the House considered last December a bill to send troops to Bosnia, the committee I serve on, the International Relations Committee, had no role in considering the legislation before it went to the Floor.

First day reforms to ban proxy voting in committee or to open up committee deliberations make little difference if an important bill simply bypasses the committee altogether or is largely handled in secret by a leadership task force.

Much of Congress' recent reform efforts have been to improve and streamline operations of congressional committees since this has been traditionally where the real work of Congress has taken place. Reducing that important role too much undermines the deliberative function of the House.

Secondly, this whole business of excessive partisanship. I believe many of the rules changes at the beginning of this session has been overwhelmed by excessive partisanship. I hope this body is going through a process of self-correction and it may. This body does have unusual powers of self-correction and it seems to me that the excessive partisanship in recent weeks have been reduced.

Just by way of anecdote, I spoke to a Member I am not identifying, the other day. Earlier in this session, he gave some of the most fiery partisan speeches I have ever heard in the Congress of the United States. The other day he gave a very good, very moderate, very conciliatory speech. I went up and complimented him on it and his response to me was, "You know, I feel much better to proceed this way." And I think many of us learn that as we move along.

But I might say that this bipartisanship has extended to the question of institutional reform. The Joint Committee was a bipartisan committee last Congress. This Congress we had a 14-member reform task force set up by the Speaker headed by you, Mr. Dreier, that was partisan with no Democratic membership and no involvement. I understand that party caucuses have to work on this reform from time to time by themselves, but I also believe you do not get meaningful lasting, sustaining reform in this institution by one party operating on it by itself. You really need bipartisan support.

When the House becomes too negative and too bitter, when it comes too contentions—and there is plenty of blame to go around on both sides of the aisle—that has a very clear impact on our ability to come together to pass legislation for the good of this country. There isn't a Member of this body that has not dealt with complaints in public meetings from their constituents along the lines of "why can't you folks ever get together up there? You are constantly bickering and quarreling with one another."

Those of us who engage in the process know this is a political body, it is a partisan body. That is not necessarily bad. The Founding Fathers understood that you have to have this tension in order to produce good policy. But we carry it quite to extremes, it seems to me, and we have to begin to deal with this question.

The legislative process today, through good steps we have taken, is a much more open process. We now have television coverage of all kinds of the meetings that go on in here and the impression that we leave with our constituents over and over again is that we are a bunch of boys and girls arguing and bickering about matters, and we do not look very statesmanlike, I think, in the way the process works.

I think we really have got to look at this question of how we reduce excessive partisanship in this House. My own view is that whichever party controls the House in the next Congress—you are going to do it, we are going to do it—it will be done by a very small margin and that means that we are going to have to learn to work

together even more than we have this time in order to get something done and something passed.

Well, what do you do about all of these things? I don't want to take much more of your time. These things can't be addressed, I think, primarily through rules changes, but all of us as Members of this body have to take some responsibility for it, and the very fact that you are having these hearings today I think is very positive, and I commend you for it.

You have got some marvelous people coming in here to testify. There are steps that you can take in the rank and file if you are not in the leadership, and I want to especially commend Congressman Skaggs and Congressman LaHood for the initiative they are taking to try to reduce the contentiousness of this body.

I do believe, as I suggested, that the Congress has a self-correcting mechanism for excessive partisanship. We have seen it in recent weeks as Members have gone home to their districts. Even though you are getting closer to an election, we have heard from our constituents that they do not like the partisan tone of the Congress and that is now reflected, I believe, on the Floor and that is good. The partisan tensions have been reduced.

It is too early to say whether that kind of trend is going to continue. We are responding like politicians. We hear this complaint, we get up here and behave ourselves a little better than we used to. That is good and it is a self-correction that is taking place. Is it going to be sustainable and permanent? I don't know. But it does seem to me rather curious that the partisanship has been reduced at the very time when they are moving towards an election when might think it might heighten.

Well, Mr. Chairman, those are some of my thoughts on this business of congressional reform and the way the institution is working today. I want to continue to work with you and your leadership in this area. I think it has been very important and very constructive and I commend you for it.

[The prepared statement of Mr. Hamilton follows:]

PREPARED STATEMENT OF HON. LEE H. HAMILTON, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF INDIANA

Chairman Dreier and Mr. Beilenson, Chairman Goss and Mr. Frost, thank you for the opportunity to testify before you today on congressional reform. Congressman Dreier and I have spent countless hours working on House reform, and I am pleased that you are taking a hard look at how the recent reforms have worked and what additional changes in House rules are needed.

My overall view is that while there have been some significant reforms in House rules this Congress some of which have been useful and others of which have not and while there are other rules changes that I believe should be considered, there are overriding problems in the House that affect its effectiveness, accountability, and public respect.

CHANGES IN HOUSE RULES

At the beginning of the 104th Congress the House passed a significant package of internal reforms aimed at making the institution more open, efficient, and accountable. Several of these were based on the work of the bipartisan Joint Committee on the Organization of Congress, which Congressman Dreier and I headed up.

Good changes: I believe some of those reforms were steps in the right direction and are working reasonably well:

One of the most significant was congressional compliance, which requires Congress to live under the same laws we pass for everyone else. In the 103rd Congress we passed that for the House, and early in the 104th that was extended by statute

to cover the entire legislative branch. I am concerned about some of the delays this session in bringing Congress fully into compliance, but nonetheless I believe this has been a worthwhile reform.

Other generally useful reforms passed at the beginning of this Congress included streamlining the committee system, cutting staff, and opening up Congress to more public scrutiny. I believe we should proceed with caution before we undermine these reforms, such as the recent proposal to try to get around congressional staff cuts by allowing unreimbursed details from the Executive Branch something House Republicans strongly opposed when the Joint Committee considered this.

Unwise changes: While I believe many of the reforms passed at the beginning of this Congress were worthwhile, I believe others were ill advised.

For example, I opposed the requirement for a three-fifths supermajority vote in the House to increase income tax rates. I thought this would be unworkable and lead to legislative gridlock, and have noted that this rule has been waived at various times this session (such as during consideration of the Medicare reform package). I understand this provision is being reviewed, and I support efforts to drop it.

Additional changes: There are other reforms that I think should be passed:

I was disappointed that the House leadership decided not to accept our Joint Committee recommendation to include private citizens in the House ethics process in a meaningful way by having outsiders help investigate ethics complaints against Members. The difficulties the Standards Committee has had this session only reinforce in my mind the need for some reforms along this line to make our disciplinary process more credible. The recent proposal to use randomly selected juries drawn from the general House membership to investigate ethics complaints against other Members may help address the problem of the time demands on Standards Committee members but does nothing to address the more important need to improve the public credibility of the process. The addition of ordinary citizens to the process would force action on cases that could be held up indefinitely under the current system.

I also believe another Joint Committee recommendation that we should better publicize special interest tax breaks included in revenue bills and the budget resolution. Special interest tax breaks need just as much "sunshine" as special interest spending projects.

I would also favor a change in House rules to regularize the congressional reform process taking up reform every Congress rather than having one shot, omnibus packages every 20 years. As we stated in our Joint Committee report, reform must be an ongoing process, and I have introduced a resolution designed to encourage such regular reform every Congress. (I'd like to include a copy of it as well as my other reform bill as part of the Committee record).

Along these lines, let me also mention that I favor the long standing proposal, recently endorsed by your Task Force, Mr. Chairman, to establish a blue ribbon, bipartisan commission to look at executive branch reform and congressional committee reform simultaneously along the lines of past "Hoover Commissions". A 21st Century commission on national governance is something worth doing.

And I would also note that there are other problems which should be addressed by the House including the reliance on omnibus bills, the overuse of legislative riders on appropriations bills, and a congressional schedule which compresses the time available for serious deliberation.

DEEPER PROBLEMS:

But these and other matters aside, I am not here today to talk primarily about specific rules changes. I would like to address a few broader points.

Effectiveness of Congress: I would like to comment first on the question of how well congressional reform has worked overall in the 104th Congress.

As we mentioned in our Joint Committee report, one important test of reform is whether it makes Congress a more effective institution improving our ability to deliberate and pass legislation addressing our nation's challenges. I would have to say on that test, the reforms early this Congress have not worked particularly well.

The test is not whether we get something through one house or the other, but whether we pass something that can get through both houses and be signed into law. Most Congress's-watchers would say that the legislative accomplishments of the 104th Congress have been fairly meager. Many Members of Congress would probably share that sentiment priority legislation has fallen by the wayside, conference committees are not meeting, and the budget process is a mess, with people already talking about a continuing resolution for the year. This dissatisfaction with the accomplishments of the 104th is also shared by the public at large, as various opinion polls indicate.

On the Joint Committee we often talked about undertaking reform to restore public confidence in the institution of Congress. But public confidence in Congress remains low.

Overriding factors: So what has happened? My basic view is that although some significant reforms were passed at the beginning of this Congress, those rules changes were simply overwhelmed by two other factors: the centralization of power in the office of the Speaker and the increased partisanship of the 104th.

Centralization of power by Speaker: All of us who have been active in reform over the years have talked about the need to centralize more power in the office of the Speaker. But I believe that this has been carried too far this Congress, with too many key policy decisions in Congress taken away from the committees and instead made behind closed doors by the leadership or by task forces set up by the leadership.

I think this approach to the legislative process reduces accountability. It is largely a closed process. Most Members, and certainly most Americans, have no way of learning which Members are involved, which special interests are consulted or locked out, and what position Members have taken on a proposal as it is shaped before it comes to the floor. Many Members with significant expertise are simply shut out of the early, formative, and critical stages of a bill.

We are taking bills to the floor that have not been written or considered by the committees of jurisdiction and expertise. For example, when the House last December considered sending troops to Bosnia, the Committee on International Relations had no role in considering the legislation before it went to the floor.

First day reforms to ban proxy voting in committee or to open up committee deliberations make little difference if an important bill simply bypasses the committee altogether or is largely handled in secret by a leadership task force.

Much of Congress's recent reform efforts has been to improve and streamline the operations of congressional committees, since this has traditionally been where the real work of Congress took place. Reducing this important role too much undermines the deliberative function of the House.

Excessive partisanship: Secondly, I believe many of the rules changes at the beginning of this session have been overwhelmed by the excessive partisanship of the 104th.

Certainly some partisanship can be expected in the House, but in this Congress it has seemed excessive. And outside studies confirm this. A recent Congressional Quarterly study found there will likely be more party line votes in this Congress than in any since the Taft presidency.

The partisanship has extended even to institutional reform. For example, in the 103rd Congress we set up the Joint Committee on the Organization of Congress in a bipartisan way, with equal Democratic and Republican membership. This Congress, the reform task force set up by the Speaker and headed by Chairman Dreier was partisan, with no Democratic membership or involvement at all. I do not believe we can get lasting, meaningful reform of this institution if it is done in a strictly partisan basis.

When the House becomes too negative, too bitter, too contentious and there is plenty of blame to go around on both sides of the aisle that has a clear impact on our ability to come together to pass legislation for the good of the country. Indeed it can be a much greater roadblock to effective governance than many of the procedures that were reformed on the first day of this Congress.

I believe that reducing the excessive partisanship of the House should be our number one priority. By every indication, whichever party controls the House next session will do so by a slim margin; we must learn to work together in a more bipartisan way if we want to get important legislation passed. That is something I will certainly work to bring about.

What to do?: Neither of these major factors, excessive centralization of power in the office of the Speaker or excessive partisanship is addressed primarily through changes in House rules. Much is the result of leadership decisions. Chairman Dreier, I would hope that you would use your considerable influence to try to address these problems for example next time insisting that any congressional reform task force you head up be bipartisan. I think the decision by both of you to hold this hearing and to seek out the opinion of members of both parties is a significant step forward.

But overall, I would hope that the leadership in the 105th Congress would look not just at House rules changes but at the more fundamental problems of the centralization of power and excessive partisanship.

Although much of this rests with leadership decisions, there are some steps that rank and file Members of the House can take, especially to address the problem of excessive partisanship. Early on in the 104th Congress, Congressman John Myers

and I became very concerned about the breakdown in comity in the House, and we requested that CRS prepare a study of what could be done to address it. We circulated the CRS report to every House office, and a bipartisan group of Members has started to push a variety of ideas to reduce the partisanship from toning down one-minute speeches to having a bipartisan retreat for Members early next year. I believe you will be hearing from this group later on, and I commend Dave Skaggs and Ray LaHood for their efforts. I would like to have a copy of the CRS report made part of the Committee record.

This body does have a self-correcting mechanism for excessive partisanship. In recent weeks as Members have gone home to their districts and heard from their constituents that they just do not like the partisan tone of this Congress, the partisan tensions have been reduced. It is too early to see if that will continue, but it has been a very positive and a very welcome development.

Conclusion: I appreciate your interest in making the House work better, and I look forward to working with you on this in the future. I appreciate the opportunity to testify here today, and would be pleased to answer any questions.

[The information follows:]

CRS Report for Congress

Decorum in House Debate

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November 24, 1995



Congressional Research Service • The Library of Congress



DECORUM IN HOUSE DEBATE

SUMMARY

This report describes the House rules and procedures for enforcing decorum in debate, and examines the historical place of decorum in debate in the House of Representatives. The report also reviews some of the explanations given for what is perceived to be a decline in decorum in House debate, and it identifies options that might ameliorate a decline.

The pertinent House rules are:

- 1) Rule XIV, cl. 1, which proscribes certain references to Members of the House, the Speaker, Senators and the Senate;
- 2) Rule XIV, cl. 4, which allows a Member to raise a point of order against improper references and enables the Speaker to take initiative in enforcing decorum in debate;
- 3) Rule I, cl. 2, which provides the Speaker with general authority to preserve decorum;
- 4) Rule XIV, cl. 5, which describes a mechanism for enforcing decorum that is referred to as "words taken down;" and
- 5) Rule XLIII, cl. 1, which requires Members to conduct themselves "in a manner which shall reflect creditably on the House of Representatives."

These rules are analyzed in this report in terms of their operation and other factors. Examples of inappropriate speech on the House floor are given, along with the Chair's rulings on them. Few contemporary breaches in decorum, however, can compare to the physical violence that broke out occasionally in Congress in the eighteenth and nineteenth centuries, as described in this report in a brief historical review of decorum in the House.

Some explanations for the state of decorum in House debate today are found in partisan tensions, in disputes involving institutional norms, in the difficult policy issues confronting Congress and in electoral disputes.

The report concludes with an examination of possible means to remedy the perceived decline in decorum. These different means are available to the House leadership, party leaders, those occupying the Chair, and the Members themselves. The possible remedies examined are:

- 1) the Chair consistently calling Members to order when they breach rules of decorum;
- 2) the Chair providing more guidance to the Members in the course of its rulings;
- 3) more effort on the part of Members to take enforcement action;
- 4) more self-restraint on the part of Members during debate; and
- 5) internal party discipline in the area of decorum, and education efforts sponsored by the parties.

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DECORUM IN HOUSE DEBATE

INTRODUCTION

In his manual on parliamentary procedure, Thomas Jefferson stated: "It is very material that order, decency and regularity be preserved in a dignified public body."¹ Some Members of Congress, journalists, commentators, academic observers, and others argue that recent debate in the House of Representatives has not always been decent and dignified. In addition, concern is regularly voiced in public commentary that overall congressional comity—a norm of behavior based on reciprocal courtesy—is in decline.² Most recently, these voices have been joined by that of the President of the United States, who has called for more mutual respect in political discourse.³ His words echoed those of his immediate predecessor, President George Bush, who had appealed for an end to the "climate of ugliness" on Capitol Hill.⁴

Comity is a necessary component of maintaining decorum. Sometimes defined as gentility, mutually courteous behavior, or civility, comity implies respect for one's opponent and acceptance of the legitimacy, if not the correctness, of opposing views. Maintaining decorum in debate by practicing standards of comity allows for civil discourse. Comity enhances the ability of a collective body to hear out individual differences as part of the process for reaching consensus. The well-worn phrase "the spirit of compromise" has at its core the understanding that achieving consensus and resolving conflict is best undertaken with an attitude of reciprocal civility.

Policy confrontation and political struggle are always present in the legislative arena, making policy reconciliation difficult at best. Reconciling differences is an essential component of the legislative process. Without the restraint of appropriate norms of civility and mutual respect, the collective decision-making process becomes more difficult, and at times, perhaps impossible. According respect to one's opponent in debate enhances the odds of getting it in return, whereas discourtesy tends to breed an atmosphere which

¹Jefferson's *Manual*, sec. 1, in *The Constitution, Jefferson's Manual, and Rules of the House of Representatives*. Washington, U.S. Govt. Print. Off., 1995. House Doc. 103-342. [Hereinafter cited as *Jefferson's Manual*.]

²See Ronald D. Elving, "GOP Tactic Makes Case for Civility," *Congressional Quarterly*, July 15, 1995, p. 2114. See also Cal Thomas, "Trumping Conviction with Civility," *The Washington Times*, June 18, 1995, p. B1. Stephen Miller, "The Compassion Preoccupation," *The Washington Post*, June 9, 1995, p. A27. Michael Weisskopf, "Shouting Match Erupts Between House-Senate Conferees," *Washington Post*, September 29, 1990, p. A3. Rep. Robert Michel, "Full Repairs for a Broken House," *New York Times*, June 18, 1989, p. E27, and "Politics in the Age of Television," *Washington Post*, May 20, 1984, p. B7.

³Alison Mitchell, "Clinton Urges 'Less Combat' by Politicians," *The New York Times*, July 7, 1995, p. A1.

⁴Chuck Alston, "Smear Tactics Overshadow Election of New Speaker," *Congressional Quarterly*, June 10, 1989, p. 1373.

diminishes the civil exchange of ideas. The opportunity mutually to improve ideas in the course of making policy is lost as a result.

This report describes the House rules and procedures for enforcing decorum in debate, examines the historical place of decorum in House debate, reviews the various explanations given for the perceived decline in decorum, and identifies options that may help reverse the trend.

HOUSE PROCEDURES GOVERNING DECORUM

Rule XIV, Clause 1

House Rule XIV, "Of Decorum and Debate," states in clause 1 that a Member "shall confine himself to the question under debate, avoiding personality." This rather inexplicit prohibition has been clarified by numerous precedents established throughout House history. The *Oxford English Dictionary* defines "personality" in this sense as, "A statement or remark aimed at or referring to an individual person, usually of a disparaging or offensive kind." In its most important respect, the admonition in Rule XIV to avoid personality is still used to mean avoiding language that is personally offensive. This has been interpreted and applied in a number of ways.

Rule XIV, clause 1

When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to 'Mr. Speaker', and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality. 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, factual descriptions relating to Senate action or inaction concerning a measure then under debate in the House, and quotations from Senate proceedings on a measure then under debate in the House and which are relevant to the making of legislative history establishing the meaning of that measure, but may not include characterizations of Senate action or inaction, other references to individual Members of the Senate, or other quotations from Senate proceedings.

First, the rule has been interpreted to mean Members must confine themselves to the question under debate, limiting their remarks to the substance of matters that are before the House, rather than engaging in personal references.⁵

Second, rulings based on Rule XIV have consistently drawn an important distinction between critical *personal* references, which are not permitted, and criticisms of *official* actions or policies, which are. For example, in response to a demand that a Member be called to order for using the word "hypocritical" to describe another Member's motivation, the Chair said:

The Chair, having read the references concerning deception and hypocrisy, will state that there have been previous opinions by the Chair that there is nothing wrong with using the word 'deceptive,' or the word, 'hypocritical,' in characterizing an amendment's effect but when a Member so characterizes the motivation of a Member in offering an amendment, that is not in order.⁶

Additional rulings have prohibited speech which maligns a Member's motives, or impugns his integrity.

Third, it has been ruled that the admonitions in House Rule XIV preclude disrespectful references to the Speaker. It is not in order in debate to speak disrespectfully of the Speaker, to use words insulting to or unduly critical of him, words calculated to be offensive to or to reflect on him personally, or officially charging dishonesty or charging disregard of rules.⁷

Fourth, in an effort to maintain comity between the two houses of Congress, House Rule XIV, clause 1 prohibits inflammatory or otherwise inappropriate references to the Senate or to individual Senators.⁸ While Members may refer to the Senate and its legislative actions by name in a neutral way, critical characterizations of the Senate or its actions are not in order.⁹ Prior to 1987, Members of the House were called to order if they even used the word "Senate" in debate. The expression "the other body" was most often used in its place. This prohibition was relaxed in the rules package adopted at the start of the 101st Congress, which provided that factual references to the Senate

⁵See *Congressional Record*, daily ed., vol. 134, June 15, 1988, H4238.

⁶*Congressional Record*, daily ed., vol. 125, June 12, 1979, H4364.

⁷Cannon, Clarence. *Cannon's Procedure in the House of Representatives*. Washington, U.S. Govt. Print. Off., 1963. House Doc. 87-610. Sec. 362. [Hereinafter cited as *Cannon's Procedure*.] See also Hinds, Asher and Cannon, Clarence. *Hinds' and Cannon's Precedents of the House of Representatives*. Washington, U.S. Govt. Print. Off., 1907 and 1936. Vol. II, 1366, 1248; vol. V, 5188, 5192 and vol. VIII, 2531. [Hereinafter cited as *Hinds' and Cannon's*.] See also *Congressional Record*, permanent ed., 73-2-10168 and 74-1-0680.

⁸See also prohibitions contained in *Constitution*, *Jefferson's Manual*, and *the Rules of the House of Representatives*, 104th Congress. 1995. H. Doc. No. 103-342. Sec. 371 and 372. [Hereinafter cited as *House Rules and Manual*.]

⁹*House Rules and Manual*, sec. 374 and *Procedure in the U.S. House of Representatives, Supplement*. Washington, U.S. Govt. Print. Off., 1987. Chapter 29, section 14 [Hereinafter cited as *Procedure Supplement*.]

and to the legislative actions of individual Senators would henceforth be in order. However, characterizing Senate actions, referring to individual Senators in a personal way, or quoting from Senate proceedings remained forbidden. For example, telling Senators to "get off their butts" was ruled inappropriate,¹⁰ as was referring to the Senate Minority Leader as "this prophet of doom,"¹¹ characterizing an action of the Senate Judiciary Committee as "continuing its downhill slide,"¹² and anticipating an action of the Senate by noting: "The Senate is about to embark on a misguided journey."¹³

Fifth, the admonitions in House Rule XIV have also been interpreted to carry over to discussion of ethics questions dealing with individual Members, *unless* a question of ethics was formally before the House as a privileged matter (as defined by House Rule IX, clause 1), or as a report from the Committee on Standards of Official Conduct. Except in this specified context, any floor discussion about the ethical conduct of a Member would be to engage in the prohibited area of personal reference. In a 1988 ruling, the Chair stated:

Members may recall that on December 18, 1987, the Chair enunciated the standard that debate would not be proper if it attempted to focus on the conduct of a Member about whom a report had not been filed by the Committee on Standards of Official Conduct or whose conduct was not the subject of a privileged matter then pending before the House. Similarly, the Chair would suggest that debate is not proper which speculates as to the motivations of a Member who may have filed a complaint before the Committee on Standards of Official Conduct against another Member.¹⁴

Breaches of decorum also may occur during House committee proceedings. The rules of the House concerning decorum are meant to be enforced in committee as well. Sometimes such breaches of decorum in committee are significant enough to receive press coverage. In a recent committee hearing, for example, one Member told a Member of the other party to "shut up." Offense was taken and continued in exchanges on the House floor the following day.¹⁵ In another committee, debate became so intemperate that the Chairman broke his gavel in an attempt to gain order, and a call for the sergeant-at-arms was made.¹⁶

Most recently, an acrimonious exchange among several committee members took place in the hallway outside of their meeting room. Captured by the media

¹⁰Deschler, Lewis and Brown, William Holmes. *Procedure in the U.S. House of Representatives, 97th Congress*, Washington, U.S. Govt. Print. Off., 1982. Chapter 29, section 14.1. [Hereinafter cited as *Procedure*]

¹¹*Congressional Record*, daily ed., vol. 139, August 5, 1993, H6103.

¹²*Congressional Record*, daily ed., vol. 138, July 9, 1992, H6154.

¹³*Congressional Record*, daily ed., vol. 137, Oct. 8, 1991, H7558.

¹⁴*Congressional Record*, daily ed., vol. 134, June 15, 1988, H4238. See also *Congressional Record*, daily ed., July 6, 1988, H4999; and *Congressional Record*, daily ed., May 2, 1989, H1485.

¹⁵*Congressional Record*, daily ed., vol. 140, July 29, 1994, H6458.

¹⁶Alissa Rubin, "Archer Aims to Please the Party but the Casualty is Compromise," *Congressional Quarterly*, August 12, 1995, p. 2428.

and broadcast on national television, the hallway dispute was a continuation of an argument begun in the committee meeting. The incident involved name-calling and resulted in one Member yanking the necktie of a colleague from the other party. These examples illustrate how a decline in civility and comity can have negative effects in committee as well as on the House floor.¹⁷

ENFORCEMENT OF STANDARDS IN DEBATE

House procedure provides a range of remedies for violations of decorum in debate. Enforcement of the standards of decorum is left to the judgment of the Members on the floor at the time and, of course, to the Chair. In the daily practice of the House, enforcement has been inconsistent. What those Members on the floor at the time consider offensive during one debate may avoid challenge in a later exchange. Therefore, enforcement is often erratic, depending upon the partisan climate on the floor, the particular personalities of the Members involved in debate, the desire to avoid encouraging or to score political points, and the pressure of the pace of legislative business. For example, Members have sometimes stated on the floor that, were they not reluctant to delay the business of the House, they would have lodged a point of order against the offending Member.¹⁸

On occasion, the Chair may not hear breaches of decorum by Members. The chamber can be quite loud at times, with multiple conversations going on. Also, some occupants of the Chair may have been personally reluctant to take timely enforcement actions, even when advised to do so. The Chair often refrains from taking procedural initiatives in calling Members to order for words spoken about other House Members, expecting those initiatives to emanate from the floor. While not necessary, waiting for enforcement from the floor has been the rather consistent tradition of the House in verbal disputes between Members.

¹⁷Richard Wolf, "On the Hill, Shouts of 'Lies,' and Pulled Ties," *USA Today*, September 21, 1995, p. A5.

¹⁸See *Congressional Record*, daily ed., vol. 139, July 27, 1993, H5111. See also *Congressional Record*, daily ed., vol. 136, Sept. 18, 1990, H7766.

Rule XIV, Clause 4

Under clause 4 of House Rule XIV, discretion is left to an individual Member to raise a point of order from the floor; however, this passage also places upon the Chair the clear responsibility to enforce decorum in debate on his own initiative. *Deschler's Procedure* states, "The Speaker may suggest that debate is becoming personal and approaching a violation of the rules, and may direct a Member to make his observations in order."¹⁹ The Chair may caution Members not to question the personality, integrity, or motivation of other Members in debate, even absent a specific point of order.²⁰ The Chair is also given the duty to intervene in the case of improper references to the Senate as mentioned earlier.

Rule XIV, clause 4

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper.

Finally, the Chair takes the initiative in protecting the President from improper references. Inappropriate remarks would be those which apply pejorative labels to the President, are personally offensive, attribute unworthy motives to him, cast personal accusation, are abusive, or engage in innuendo or ridicule.²¹

Because politicians who run for President are often not Members of the House, Senators, or incumbent Presidents, they have not fallen into the categories protected in House decorum rules. The tough criticism such candidates received during one-minute and special order speeches on the House floor during the 1992 election season led the Speaker to announce to the House his intention to expand the protections of decorum restraints to all candidates for the Presidency:

The Chair will not diminish current protections against references to the President or the Vice President of the United States in debate, or to U.S. Senators, who, by long tradition of the House, are recognized as deserving comity and respect.

The Chair understands that under the precedents and practices of the House that a greater degree of latitude does exist with respect to references to nominated

¹⁹*Procedure Supplement*. Chapter 29, section 18.1.

²⁰*Ibid.* Chapter 29, section 17.6, and *House Rules and Manual*, section 760.

²¹*House Rules and Manual*, sec. 370.

candidates for President and Vice President of the United States who are not incumbents or Members of Congress. However, the Chair believes that in order to maintain decorum in the House, certain minimal standards of propriety in debate should apply to all nominated candidates for President and Vice President of the United States, and that the record and character of such candidates may be properly debated without references which constitute a breach of decorum, and the Chair advises all Members that future references to nominated candidates for President and Vice President of the United States may be subject to admonishment and restriction by the Chair if the Chair believes that such decorum has been violated.

To do otherwise would create a distinct discrimination between candidates of two parties when candidates on one side are incumbents, such as President and Vice President, or are Members of Congress, and other candidates do not hold such traditional protection in debate. The Chair hopes it will have the cooperation and sensitive regard of all Members with respect to such debate.²²

House rules require Members to address their remarks to the Chair, and not to one another. Conforming precedents of the House prohibit Members from referring to one another by first name, or by direct address ("you").²³ The Chair routinely cautions Members to direct their remarks to the Chair, and not to the President, the television audience, the galleries, or any entity outside of the chamber. The insistence on addressing one another in the third person, through the Chair, (e.g., "Mr. Speaker, will the Gentleman yield for a question?") has the purpose of avoiding undue familiarity in debate which might contribute to a departure from decorum. The wordiness involved in speaking in the third person also provides a parliamentary mechanism for "counting to ten." The extra seconds involved may aid Members in restraining themselves from intemperate remarks.

Rule I, Clause 2

The directive to the Chair to take the initiative in preserving decorum in debate stated so clearly in House Rule XIV, clause 4 is also supported by Rule I, clause 2 which accords authority to the Speaker to preserve overall decorum. It is in the area of preserving decorum and order that the Chair most often takes the initiative in enforcing House rules.

Rule I, clause 2

He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

²²Congressional Record, daily ed., vol. 138, September 24, 1992, H9299.

²³Hinds' and Cannon's Precedents, vol. V, 5144; vol. VIII, 2528, 2529, 2536; Jefferson's Manual, sec. 361, and Procedure Supplement, sec. 16.1.

In other aspects of procedure, the Chair will usually not call to the attention of the House that a violation of its rules is taking place, absent a wish from its membership to adhere to them. For example, when it comes to the attendance of a quorum, germaneness of amendments, or citing unauthorized appropriations, to name but a few, the Chair waits for Members to enforce the rules from the floor, through a point of order or a call for the regular order.

Although the general practice in the area of decorum in debate is for the Chair more often to take the initiative, he does not always do so. There are instances in which unparliamentary words have been used on the House floor, but the Member who spoke them was not called to order, either by the Chair or by his colleagues on the floor.

For example though, *Jefferson's Manual*, in sec. 360, states in part that "No person is to use indecent language against the proceedings of the House" The Chair did not intervene when, on October 12, 1990, a Member said, "Congress sold out. This is a damn house of political prostitutes." In another example, on October 17, 1989, a Member used the word "goddamn;" but there was no call to order. On occasion, Members have called upon the Chair to take the initiative in ruling Members out of order for the use of profanity or alleged blasphemy, or other words which they considered to be beyond the margins of appropriate debate.²⁴ In 1994, one Member stated:

Reserving the right to object . . . I am concerned that this has become a pattern, and it seems to me it would be helpful if the Chair would police any kind of personal references so we do not have to go through this process in order to protect Members from having personal motivations questioned.²⁵

A recent example of inconsistency in the Chair's initiative to call a Member to order concerns the use of the phrase "shut up" during House floor debate. The same Member used the phrase, addressing it to his colleagues on the other side of the aisle, several times on two different legislative days. On the first occasion, on March 22, 1995, the Chair called the offending Member to order.²⁶ On the second occasion, on April 5, 1995, the same Member again used the phrase, but there was no call to order.²⁷

²⁴*Procedure Supplement*, Chapter 29, section 18.1.

²⁵*Congressional Record*, daily ed., vol. 140, Sept. 29, 1994, H10273.

²⁶*Congressional Record*, daily ed., vol. 141, March 22, 1995, p. H3500 .

²⁷*Congressional Record*, daily ed., vol. 141, April 5, 1995, p. H4302.

Inconsistency on the part of the Chair in enforcing rules of decorum may be explained at times by the rotation of different Members throughout the day to serve in the role of the presiding officer. However, the constant presence of the House Parliamentarian at the podium, a non-partisan employee who advises the Chair on matters of procedure, is meant to provide a basis for continuity of practice to offset the change of people in the Chair.

Words Taken Down (Rule XIV, Clause 5)

Another procedure by which Members of the House may enforce decorum is set forth in House Rule XIV, clause 5. Referred to as "words taken down," this procedure can be used to call to order Members who use unparliamentary language during the course of debate on the House floor. Unparliamentary language in the context of "words taken down" has been interpreted to include language that is unseemly (e.g., profanity), that maligns another Member or impugns his motives, that disparages a Senator or the Senate as a body, or that disparages the President or the Vice President of the United States.

Rule XIV, clause 5

If a Member is called to order for words spoken in debate, the Member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer nor be subject to the censure of the House therefore, if further debate or other business has intervened.

When a Member wishes to call another Member to order for the use of unparliamentary language, he or she demands that the words just uttered be taken down. Rule XIV, clause 5 requires that the identified words be taken down "in writing at the Clerk's desk and read aloud to the House." In actual practice, all words spoken on the floor are constantly being taken down in writing by the official reporters in order to prepare the daily editions of the *Congressional Record*. When a Member demands the words of a colleague be taken down pursuant to this procedure, the offending words are transcribed from the official reporters' notes in progress and read aloud to the House by its Clerk. The demand that words be taken down must be made immediately after the words are spoken. House precedents specifically note, "The demand should be made immediately after the words are uttered. Where debate has intervened, the demand comes too late."²⁸ In sum, a demand made after other debate or business has intervened would be untimely and not in order.²⁹

²⁸*Procedure*, chapter 29, section 18.1.

²⁹See *House Rules and Manual*, sections 760 and 761; and *Procedure*, Chapter 29, sections 17-19.

The business of the House is suspended until the words have been taken down and reported by the Clerk. No Member may approach or address the Chair during this pause. No debate should occur on the nature of the words under examination during this time. The purpose of the prohibition of any further discussion during this pause is to protect against the possibility that further expressions might escalate the tensions which brought about the demand for order in the first place. Nonetheless, the Chair has at times allowed debate during this window to occur.³⁰ On occasion, this has had the salutary effect of permitting Members to assess the Chair's likely ruling and to privately advise the challenged Member to respond accordingly, thereby saving the time of the House and often resulting in helpful apologies. At other times, the additional debate has heightened the conflict.

If the words objected to are spoken in the Committee of the Whole, the business of the Committee is suspended, and the Committee must rise, so that the words may be reported to the House.

After the offending words have been read, the Chair rules on whether or not they are unparliamentary. His ruling is subject to appeal. If a Member claims that the words taken down were not accurately reported, the question of accuracy is put to the House for a vote. Pending the determination of the Chair or the House on the appropriateness of the words, debate is not in order. However, the House has sometimes permitted the Member called to order to explain his words, to withdraw them, or to modify them. If the words are withdrawn, or modified in a manner transforming them into appropriate speech, the Chair makes no ruling. The Chair may also, on his own initiative, ask Members if they wish to request unanimous consent to modify their remarks, or to withdraw them, and thereby avoid a ruling on their propriety.³¹

If the Chair rules that the words objected to are out of order, the words are usually stricken from the permanent edition of the *Congressional Record* by unanimous consent. A motion to strike the words from the *Congressional Record* may be offered if unanimous consent is denied. Once the Chair has ruled words out of order, the Member who spoke them must take his seat and may not speak again during the remainder of the day without the permission of the House, not even on time yielded to him by another Member.³² He may, however, continue to vote and to demand the yeas and nays. By custom, permission to speak again is usually granted by unanimous consent immediately after the Chair's ruling. If there is an objection to the request, a privileged, non-debatable motion that the Member be allowed to proceed in order may be offered.³³ Of course, the permission to speak again is predicated on the assumption that any further speech will be appropriately within the rules.

³⁰For example, see *Congressional Record*, daily ed., vol. 141, June 8, 1995, p. H5696-5697.

³¹*Procedure Supplement*, Chapter 29, section 19.1-19.2.

³²*Procedure Supplement*, Chapter 29, section 17.2.

³³*Procedure*, Chapter 29, section 19.4.

After the Chair rules, the House resumes its suspended business. If the words taken down were spoken in Committee of the Whole, the House automatically resolves itself back into the Committee and resumes the suspended business of the Committee.

Ethical Discipline for Disorderly Words

The Code of Official Conduct for all Members of the House contained in House Rule XLIII³⁴ has in its first clause the following admonition:

Rule XLIII, Clause 1

A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.

It might be argued that egregious and personal verbal attacks during House floor debate, disorderly behavior on the floor, or other breaches of decorum in debate constitute a violation of the Code of Official Conduct. Such a charge could be formally lodged with the Committee on Standards of Official Conduct. While a resolution proposing reprimand or censure of a Member (e.g., for disorderly words in debate) presents a question of the privileges of the House under Rule IX, it is also subject to the motion to refer. In past instances where such resolutions have been offered from the floor, the House has voted to refer them to the appropriate committee for further action.³⁵ The Committee on Standards of Official Conduct has within its jurisdiction the ability to report privileged resolutions imposing discipline upon a Member of the House. The traditional methods of punishment imposed by the House pursuant to such resolutions, in order of severity, have been (1) reprimand, (2) censure, and (3) expulsion.

Censure or reprimand comes in the form of the presentation and adoption of a privileged resolution in the House. If a resolution of reprimand is adopted, the discipline is completed. With a resolution of censure, the Speaker formally pronounces censure upon the Member, usually while he is standing in the well. Enforcement of standards of decorum by resolution has taken place through formal censure of Members for disorderly words spoken in debate, although the House has not inflicted censure for this reason since 1921.³⁶

However, an important dichotomy between House Rule XLIII and House Rule XIV presents a problem for this method of enforcement. The words taken

³⁴House Rule XLIII, clause 1 in section 939, *House Rules and Manual*.

³⁵Section 66, *House Rules and Manual and Procedure*, Chapter 12, section 2.13.

³⁶*Hinds' and Cannon's Precedents*, vol. II, 1247, 1249, 1251, 1253, 1254, 1259, 1306; and vol. VI, 236.

down procedure spelled out in House Rule XIV, clause 5 states that no Member may be censured for inappropriate words if business has intervened. Yet House Rule XLIII requires the introduction and consideration of a privileged resolution in order to pronounce censure. The discrepancy between the two rules is largely due to the fact that House Rule XIV, which requires immediate action in response to disorderly words, was codified prior to the existence of the Ethics Code and the establishment of the Committee on Standards of Official Conduct. The enforcement methods provided in Rule XIV require immediate action and did not anticipate the ethics process and examination by committee implemented by the later rule.

If the Rule XLIII avenue were chosen, the Committee on Standards of Official Conduct would surely be involved, substantial time would be required, and intervening business would certainly have taken place, creating a conflict with House Rule XIV, clause 5. Nonetheless, in certain cases the House has imposed discipline for disorderly words well after other business has intervened. Precedents note these instances involved allegations of treason, verbal attacks upon the Speaker, reiteration on the House floor of charges against a Member published elsewhere, or that they constituted a breach of privilege or were part of a committee investigation.³⁷

Two possible interpretations appear to come close to resolving the dichotomy between one rule requiring immediate discipline for unparliamentary speech and another rule allowing for an ethical examination prior to imposing discipline.

In the first view, the two rules, if read together, provide enforcement for different degrees of violations in decorum. Rule XIV would be appropriately used for words spoken in debate that are challenged as disorderly or unparliamentary, with discipline or intervention implemented immediately as required by the rule. On the other hand, a charge of unethical conduct might be supported by House Rule XLIII in those instances where a pattern of conduct, including verbal outbursts on the floor or other disorderly actions during proceedings, was brought to the attention of the Committee on Standards of Official Conduct. In this view, the remedy under Rule XLIII would not be immediate, but could be used for cases which are larger than one episode of inappropriate words spoken on the House Floor.

The second perspective argues that the Committee on Standards of Official Conduct is given wide latitude to act to discipline Members under House Rule XLIII. The Committee could well decide that it has the authority to discipline a Member for even a single episode of improper speech as a manifestation of misconduct. If it decided that the speech did not "reflect creditably on the House of Representatives," the Committee's jurisdiction would not be limited by the fact that other business had intervened, or by whether the improper speech was uttered that day, or in the recent or even distant past. Moreover, the view holds that even if House floor discipline had already occurred under the auspices of

³⁷*House Rules and Manual*, section 761.

Rule XIV, the Committee could still act if the offense were considered sufficiently egregious.

Regardless of which interpretation is favored, it would appear that future responses to Member misconduct would be clarified if the dichotomy between these two rules was specifically resolved.

Rate of Enforcement

Examining the rate of enforcement on the House floor of decorum in debate presents significant problems of method and interpretation, and these data are not included in this report. For example, while it is possible to survey the exact number of times the words taken down procedure was implemented, in many instances the Chair intervened to suggest to a Member that he modify or withdraw offending words. If the Member complied, the procedure itself was not fully implemented. In other instances, debate was tempered after Members threatened the taking down on words but did not actually do so. The threatened use of the procedure and the demand for the procedure which is not fully implemented are also methods of enforcement of decorum in debate, despite the full disciplinary procedure not being completed. Moreover, because of the informal practice in previous Congresses concerning the ability of Members to revise and extend their own remarks in the *Congressional Record*, inappropriate words do not always remain in the Record, which makes thorough research in this area difficult. Further, in some instances, Members agreed to have their words stricken from the *Congressional Record*, rather than go through disciplinary proceedings. In these cases, the stricken words are replaced by stars (***) in the *Congressional Record*, making an assessment of the words impossible.³⁸

Likewise, the challenge of examining hundreds of disparate committee transcripts for evidence of decorum violations in committee lies beyond the scope of this study.

Ultimately the number of times decorum is enforced through the words taken down procedure is neither a definitive barometer of the problem nor a meaningful exercise, without the perspective of how many times decorum in debate was enforced using other methods, such as parliamentary inquiries to make the point that a breach in decorum is occurring or voluntary interventions by the Chair, as well as those methods cited above.

³⁸For example, see *Congressional Record*, daily ed., vol. 137, July 25, 1991, H5830.

EXAMPLES OF INAPPROPRIATE SPEECH AND RULINGS OF THE CHAIR

Because what exactly constitutes unparliamentary language is to a great extent subject to interpretation, some selected examples of offending words and explanatory rulings of the Chair follow. These examples were located through on-line searches of the *Congressional Record*, using the "RC" files of the House LEGIS database. The actual words which gave offense to Members, and the disposition and reasoning given by the Chair in response, best serve to define more clearly the threshold between offending words which violate the rules of the House and those which, while offensive to some, do not.

June 8, 1995 (*Congressional Record*, H5697)

Words Taken Down: "One after another after another of our liberal colleagues take to the well to carp, to moan, to deceive, and to distort. The lies roll off their tongues so easily. They can say the most outlandish things with such ease, you would swear that it is Mephistopheles himself that was up there speaking."

Chair's Ruling: "The Chair's ruling is that the use of the word 'lies' in that context as it relates to specific Members and generally as it relates under the Rules of the House regarding Members' participation in debate, is inappropriate and is a breach of decorum."

May 18, 1995 (*Congressional Record*, H5338)

Words Admonished: "What a lie, Mr. President. We are sick of the rhetoric that you are using on this. Do not do it."

Chair's Response: "Members are reminded that the President of the United States is to be treated in debate in the same manner as Members of the House."

March 29, 1995 (*Congressional Record*, H3896)

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

Chair's Ruling: "In the opinion of the Chair, ascribing hypocrisy to another Member has been ruled out of order in the past, and is unparliamentary."

January 25, 1995 (*Congressional Record*, H598)

Words Taken Down: "Clinton gave aid and comfort to the enemy."

Chair's Ruling: "In the opinion of the Chair, that is not a proper reference to the President."

January 24, 1995 (*Congressional Record*, H554)

Words Taken Down: "All I want to say is that it is the height of hypocrisy, the height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years."

Chair's Ruling: "It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order. The House will proceed in regular order."

July 29, 1994 (*Congressional Record*, H6461)

Words Taken Down: "He had to be gaveled out of order because he badgered a woman who was a witness from the White House . . . I am pleased I was able to come to her defense. Madam Chairwoman, the day is over when men can badger and intimidate women."

Chair's Ruling: "While in the opinion of the Chair the word 'badgering' is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered."

May 10, 1994 (*Congressional Record*, H3197)

Words Admonished: "Mr. Speaker, the President must answer many charges in the months to come. The most serious of all to the American people is the President's penchant for factual harassment."

Chair's Response: "The Chair wishes to remind Members that comments regarding the President of the United States are covered by House rules of comity, and Members should avoid any references to the President that involve suggestions of a personal character. The Chair wishes to allow reasonable latitude for debate on subjects of personal interest and importance, but Members will observe the rules of comity with regard to the President, Members of the other body, and their fellow Members."

June 23, 1993 (*Congressional Record*, H3927)

Words Admonished: "If President Clinton were Pinocchio, his nose would be longer than his list of broken campaign promises. . . The White House is lying to the American people. He is utterly undeterred by the facts."

Chair's Response: "The Chair would warn the gentleman that he should not make certain references to the President of the United States."

May 13, 1993 (*Congressional Record*, H2471)

Words Taken Down: "And I ask my colleagues to again support the committee in opposing Mr. Walker's demeaning amendment."

Chair's Ruling: "The Chair rules that the use of the language 'demeaning' has, as its descriptive objective, the amendment itself and the policy therein and does not go to the motive or the character of the individual who is offering the amendment. Members may take issue with the description of the amendment, but it is certainly, in this instance, not used to describe the character of the Member or his motives. The words are not unparliamentary."

February 18, 1993 (*Congressional Record*, H691)

Words Admonished: "I am not a naysayer here today, but I am not a damned lemming either. . . Most of these Democrat leaders whom I disagree with voted for every damned bill Reagan and Bush brought to the floor."

Chair's Response: "The Chair would remind the Member to avoid the use of certain language on the House floor, in order to maintain the decorum of the House."

September 24, 1992 (*Congressional Record*, H9299)

Words Admonished: "I say it is time for Congress to tell the President to shove his veto pen up his deficit."

Chair's Response: "The Chair wishes to advise Members to be a little more guarded in making analogies to anatomical factors."

July 9, 1992 (*Congressional Record*, H6161)

Words Admonished: "But no, you crafted a rule that goes even further than that, that breaks your honor, that breaks your word, that breaks your law, and breaks your own rules, and that is wrong."

Chair's Response: "Members are reminded not to characterize the actions or motivations of other Members of the House."

June 9, 1992 (*Congressional Record*, H4340)

Words Taken Down: "Once again he has threatened to deny the reality of unemployment and veto the unemployment benefit extension for his own petty political gain."

Chair's Ruling: "The Chair has referred to Webster's Dictionary. The primary definition is 'small, minor, having secondary rank or importance: having little or no importance or significance: marked by or reflective of narrow interests and sympathies.' The Chair rules that in the opinion of the Chair that does not transgress the rules of the House."

February 5, 1992 (*Congressional Record*, H309)

Words Taken Down: "The criminal justice of this country is in danger when elected officials can tamper with the judicial system. And in this case, that is exactly what happened."

Chair's Ruling: "The Chair will rule that since the gentleman from Louisiana is generically speaking and not specifically alleging improper conduct by any individual Member, the words are in order, in the context of this resolution."

November 22, 1991 (*Congressional Record*, H10943)

Words Admonished: "We will have plenty of time to debate the bill in terms of its substance and those of us who represent the areas that are being affected by this legislation will have ample time to illustrate over and over again the fact that not only were we not consulted but that the degree of arrogance on the side of those individuals who are now offering what they indicate to be a compromise can once again simply be shown not to be true by an examination of this bill."

Chair's Response: "The Chair would remind Members not to characterize the motivation of other Members of the body."

June 7, 1991 (*Congressional Record*, H4144)

Words Admonished: "What the hell do we have an authorizing committee for? I am sure I will not last here long enough, but damn it, if I do, and ever become a chairman, the Committee on Appropriations will have to have some authorization from my committee. We just might as well have one big committee. When you get an appropriations chairman that wants to help, then another committee screws you."

Chair's Response: "The Chair would request Members be watchful with their language."

June 20, 1990 (*Congressional Record*, H3836)

Words Taken Down: "But I swear I just cannot understand why you cannot be receptive to the veterans of this Nation when you are kowtowing to the ilk like Communist Youth Brigade to allow them to trample and desecrate our American flag."

Chair's Ruling: "Under the precedents, I will read from Cannon's Procedure. 'It is not in order in debate to speak disrespectfully of the Speaker or to use words insulting to or unduly critical of him or calculated to be offensive, or to reflect on him personally or officially.' The gentleman's words are therefore out of order, and without objection will be stricken from the Record."

May 9, 1990 (*Congressional Record*, H2119)

Words Taken Down: "It isn't that the President is intellectually dishonest, though indeed in the last election he was."

Chair's Response: "The Chair is of the opinion that to imply dishonesty on the part of the President is not in order. While the Chair is not certain or clear that 'intellectual dishonesty' necessarily suggests a charge of bad motives, the Chair believes that the statement of the gentleman from New Jersey transgresses proper debate. The precedents relating to references in debate to the President permit criticisms of official policy actions and opinions, but do not permit personal abuse, innuendo, or ridicule and require that proper rules of decorum must be followed during any debate relating to the President. In referring to the President during debate a Member shall abstain from 'terms of opprobrium,' such as calling the President a 'liar.'"

... The Chair would like to clarify his earlier ruling on the words of the gentleman from New Jersey. The Chair does not believe that an allegation of intellectual inconsistency is necessarily unparliamentary. However, to whatever extent the phrase 'intellectual dishonesty' may

connote an intent to deceive, the Chair believes that it does tend to be personally offensive and therefore unparliamentary.

September 29, 1988 (*Congressional Record*, H8936-8937)

Words Taken Down: "This is the same Senator . . . that supports wars that he won't fight, the same Senator . . . who got into law school under an entry minority program that he later votes against. There is a word for it, my colleagues, it is called hypocrisy."

Chair's Ruling: "The Chair has considered closely the question of the use of words to distinguish policies as opposed to individuals. . . It could be argued that there is a distinction between calling an individual a hypocrite, for example, and referring to some policy as hypocrisy"

April 19, 1988 (*Congressional Record*, H1697)

Words Taken Down: "You now have the opportunity of voting against dial-a-porn so nobody in your district will be able to say that you failed to vote against the continued availability of dial-a-porn, a classic example of duplicity, at the best it can be creating in the minds of those who brought this procedure to the floor today."

Chair's Ruling: "The Chair is of the opinion that the use in the pejorative of the term 'duplicity' by the gentleman . . . was not directed specifically at any Member, but referred rather to a circumstance, and under those conditions the Chair would feel that the rules of the House have not been offended. If the term had been directed expressly to a Member of the House as descriptive of a Member, then it would have been another matter."

July 11, 1985 (*Congressional Record*, H5452)

Point of Order: "Mr. Speaker, I raise a point of order that motives of a Member of this body have been impugned by the suggestion that there was a deliberate miscount of votes by the Chair."

Chair's Ruling: "The Chair will make a general response to the point of order. Under the precedents of the House, it is not in order in debate to speak disrespectfully of the Chair, to charge dishonesty or disregard of the rules. . . The Chair believes that any Member assigned to perform the duties of the Chair does so in a nonpartisan and forthright way, and the Chair will not permit to go unchallenged any improper references to the performance or motives of the Chair."

March 19, 1985 (*Congressional Record*, H1227-1228)

Words Taken Down: "One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague . . . who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth."

Chair's Ruling: "The Chair would announce that it is not proper to impugn the motive of another Member. We have precedents here in the House . . . 'I cannot believe that the gentleman from Mississippi is sincere in what he has just said.' And that was held not in order on November 2, 1942. The Chair must state that the words of the gentleman . . . have, in his opinion, an unparliamentary connotation, and shall be stricken."

February 27, 1985 (*Congressional Record*, H767)

Words Taken Down: " . . . I find it difficult that the first situation that we run into in this House, the first class project, as we may call it, is trying to retain a seat that has been stolen from the Republican side of the aisle, and I think it is rather frustrating."

Chair's Ruling: "Simply put, Members should not accuse other Members of committing a crime. When the majority is accused of 'stealing', that may suggest illegality. Other words could be used but not those accusing Members of committing a crime."

February 27, 1985 (*Congressional Record*, H768)

Words Taken Down: "I think the Members should be allowed to express themselves during special orders without this kind of unfair stealing of time."

Chair's Ruling: "The Chair thinks in the connotation that the words, were used, there is no allegation of illegality. The words are not unparliamentary, in the opinion of the Chair."

July 28, 1983 (*Congressional Record*, H5867)

Words Taken Down: "I am concerned, as I said, about the statements that I have heard on the floor today, because I believe that what they have a tendency to do, even though that may not be the intention, I think they have the tendency to try to assassinate the character of the person making the statement rather than to effectively assassinate the argument."

Chair's Ruling: "The gentleman . . . having very definitely included in his statement a disclaimer that he does not impugn the motives or

intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman . . . are not unparliamentary and he may proceed."

May 26, 1983 (*Congressional Record*, H3412)

Words Taken Down: "I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to browbeat you into thinking they know more than you do."

Chair's Ruling: "The Chair is ready to rule. The statement as made by the gentleman . . . is apparently not directed at any particular Member. The House has had rulings in situations, perhaps analogous to this in the past: A statement by the gentleman from Mississippi . . . that 'it has been amazing to me to hear these Members rise on the floor and give aid and comfort to those enemies, those traitors within our gates, for every Communist in America is a traitor to our Government and is dedicated to its overthrow.' That was held in order by Speaker Martin on November 24, 1947, since it did not reflect on any individual Members. This is a ruling that has been made by this House before and it seems that there is an established precedent. While the remarks of the gentleman are in order, the Chair would caution him that in the tone of his voice or things of that manner it is against the rules of the House to make any statement that would be personally offensive. The Chair has ruled that both the gentleman's statements were not personal to any particular Member of the House."

SOME EXPLANATIONS FOR DECLINING DECORUM IN DEBATE

Partisan Tensions

Conflict between the two parties in the House centers not only on policy disputes, but also on questions of procedural fairness, most especially the opportunity to amend bills and to have sufficient time for debate. The perception of procedural unfairness on the part of the minority repeatedly has led to heated discussions on the House floor which often affect decorum and comity in other areas.

In the 1980s, minority Members frequently protested the procedural policies of the majority leadership, some referring to the House as a "den of inequity." Majority Members responded by charging the minority with "mindless obstructionism." The difficult balance between the right of the minority to be

heard and the responsibility of the majority to govern seemed to be struck in a way that pleased few.³⁹

The dissatisfaction over process continued into the 1990s. Then Minority Leader Robert Michel (R-IL) made the connection between procedural disputes and comity in a floor statement:

Whether it concerns offering amendments, equal access to staff and resources, or an equal ability to gather necessary documents, a little fairness goes a long way in improving comity, cooperation and courtesy, and would help the House improve its legislative product and its reputation in the eyes of the public.⁴⁰

In hindsight, a significant and well-publicized peak of partisan tension occurred in the 100th Congress, when a series of verbal altercations between the two parties culminated in a dramatic exchange on the House floor in May 1984 between the Speaker and a Member from the other party. The incident marked an overt collapse in comity, which had been threatening to break down all year.⁴¹

The altercations over Republican criticisms of foreign policy positions taken by Democratic Members led to the Speaker's words being taken down at the request of the Minority Whip. The Speaker was formally rebuked by the Chair for use of the phrase "the lowest thing that I have ever seen in my 32 years in Congress" to describe a series of special order speeches conducted by some Members of the minority party. The offending words, although mild in the annals of the "words taken down" procedure, reflected the heightened partisan tensions of that moment. The incident became the first time since 1797 that a Speaker of the House had been formally chastised for violating decorum in debate.⁴²

Other partisan conflicts which may have contributed to a break-down of decorum and had lingering effects on House floor proceedings, include:

- A 1985 electoral dispute involving two Indiana candidates for the same House seat. The seating of the Democrat led to the total walk-out of all House Republicans;⁴³

³⁹Alan Ehrenhalt, "Congress and the Country: House Democrats Breed GOP Rebels," *Congressional Quarterly*, March 9, 1985, p. 471. See also Glenn Simpson, "The Rules that Disenfranchise," *Washington Times*, February 20, 1989, p. 27. See also Janet Hook, "GOP Snipes at How Democrats Run House," *Congressional Quarterly*, May 28, 1988, p. 1437.

⁴⁰*Congressional Record*, daily ed., vol. 140, June 15, 1994, H4546.

⁴¹"Partisanship Erupts in House in Early 1984", *Congressional Quarterly 1984 Almanac*, p. 206.

⁴²Diane Granat, "The House's TV War: The Gloves Come Off," *Congressional Quarterly*, March 3, 1984, p. 498-503.

⁴³Andy Plattner, "Partisan Ill-Will Remains High: Republicans Walk Out in Protest After House Seats McCloskey," *Congressional Quarterly*, May 4, 1985, p. 821.

- A physical altercation between a Democratic and a Republican Member during a 1985 debate on defense, in which one Member shoved the other, who responded by yanking the necktie of his adversary;⁴⁴
- An episode involving the then Majority Leader, who while presiding over the House, left the rostrum momentarily, grabbed a Member by the arm and threatened to punch him in the mouth; the incident led to an extended and heated debate during the special order speech period on the same evening;⁴⁵
- Anger over the creation of two legislative days within one calendar day (to allow for passage of a controversial special rule by a simple majority) which fueled an entire day of disruption in October 1987 ⁴⁶;
- Minority use of procedural delaying tactics as retaliation for policy exclusion;⁴⁷
- Sharp floor exchanges over the ethical practices of the Speaker of the House in 1988, leading to the Speaker's resignation;⁴⁸
- The turning off of a Member's microphone when he exceeded his one-minute speech limit;⁴⁹ and
- An extended dispute in the 103d Congress, including a lawsuit, over the question of giving the delegates and resident commissioner the right to vote in the Committee of the Whole.

Other Possible Causes for Breaches of Decorum in Debate

In addition to the inevitable partisan tensions over process which have always been part of the congressional climate, other reasons have been cited for a perceived decline in comity. Most often, breaches in decorum have been

⁴⁴James T. Currie, "Customs and Mores of Congress," *Encyclopedia of the United States Congress*, Simon and Schuster, 1994. P. 476.

⁴⁵*Congressional Record*, daily ed., vol. 131, June 27, 1985, H17894-17901.

⁴⁶Anne Swardson, "House Chaos Provided a Day to Remember," *Washington Post*, October 31, 1987, A9.

⁴⁷"GOP Cries Foul Again," *Congressional Quarterly*, March 24, 1990, p. 921. Eric Pianin, "House Republicans Pursue Protest Tactics: Still Angry About Tax Vote, GOP Members Delay Adjournment," *Washington Post*, November 3, 1987, A21, and Janet Hook, "End-of-Session Vote Spree Inflames Tempers," *Congressional Quarterly*, October 8, 1988, p. 2787. See also Helen Dewar, "Republicans Wage Verbal Civil War," *Washington Post*, November 19, 1985, p. A1.

⁴⁸Janet Hook, "House in Partisan Pushing Match Over Wright," *Congressional Quarterly*, October 1, 1988, p. 2710. See also Jonathan Fuerbringer, "A House Divided by Political Rancor," *New York Times*, March 16, 1988, p. A22.

⁴⁹*Congressional Record*, daily ed., vol. 134, March 16, 1988, H878-880.

generated by disputes involving (1) institutional norms, (2) policy questions, or (3) electoral practices. This section reviews these other possible causes which may have contributed to the problem, or, at a minimum, negatively influenced the environment in which legislation is processed.

Institutional Disputes

- A series of congressional scandals involving perquisites and ethics which took their toll on relationships between the parties.⁶⁰
- Trends in American society toward individualism, and away from collective action, that are seen by some analysts.⁶¹ While self-restraint for the common good is essential for collective action, it seems no longer to be a universal norm in American society or within the House of Representatives.
- With so many more junior Members than senior ones present in the House, there is a paucity of mentors available to pass on institutional traditions. Also, there has been a discernible weakening of the norm of deference to more senior Members. In addition, there are reportedly fewer personal friendships across the aisle, which had helped to ease tension in earlier years.⁶²
- In recent Congresses, committee jurisdictional disputes have increased, which in the view of one author has led to less collegial decision-making and more bickering among members.⁶³

Policy Disputes

- The increasing intractability of policy issues has made solutions harder to identify, which in turn leads to greater frustration.
- Diminishing federal resources has heightened the competition for them.
- Government divided between two political parties is more likely to produce policy stalemate.⁶⁴ For example, in the 1980's, when

⁶⁰Janet Hook, "Paralysis Grips Congress as Scandals Spread," *Congressional Quarterly*, March 28, 1992, p. 775.

⁶¹This is the main thesis presented in Eric M. Uslaner, *The Decline of Comity in Congress*, University of Michigan Press, Ann Arbor, 1993, 204p.

⁶²Janet Hook, "Obituary: O'Neill Changed Speaker's Role and Helped Remake House," *Congressional Quarterly*, January 8, 1994, p. 17.

⁶³Uslaner, op. cit., p. 47.

⁶⁴Walter J. Oleszek, "The House: Stability and Discontent," *CRS Review*, January 1989, p. 6-7.

Democrats controlled the House and Republicans the executive branch and the Senate, some observers viewed the refusal to cooperate with each other as a political strategy for electoral gain.

- There is more contentiousness among policy activists in the world outside of Congress, seen especially in the passionate nature of moral issues which have entered the legislative arena. Prayer in schools, abortion, teen-age pregnancy, welfare reform, gun control, and drug use involve conflicts between personal freedom and society's standard of acceptable moral behavior and other deeply personal beliefs and perceptions. The process of finding a consensus on what the societal standard should be produces conflict which is rarely dispassionate.

Electoral Disputes

- The attack tone of much political campaign advertising practiced by candidates may transfer to their stance as Members during House floor debate.
- The televising of congressional proceedings, which began in 1979 in the House, has had an impact on floor behavior. For example, the competition to attract media coverage for political purposes has contributed to a battle of verbal one-upmanship, seen especially during the one-minute speech period.

HISTORICAL REVIEW OF HOUSE DECORUM

Changes in the practice of decorum and comity in the House are not confined to the last decade. Putting the question of the state of decorum in the House chamber in historical context, an argument can be made that there has not been so much a steady decline in decorum as there have been episodic breakdowns in it throughout the history of the House. Indeed, there is a persuasive argument to be made that recent decades have seen advances in matters of decorum and comity on the House floor. Instances of violence among Members of Congress were not unusual in the 18th century. For example, in 1789, two Members brawled on the House floor, using a cane and fire tong. In 1793, a Member of the House responded to a lingering dispute with a former Member by challenging him to a pistol duel outside of the Capitol and killing him.

Serious violent episodes took place in the House during the years before the Civil War, when American society suffered dissension so significant that it led to war. In 1832, Rep. Sam Houston was formally reprimanded by the House for attacking Rep. William Stanbery with his cane on a Washington street. Stanbery's response was to shoot at Houston, but his pistol misfired.⁵⁶ A duel

⁵⁶Donald Bacon, "Violence in Congress," *Encyclopedia of the United States Congress*, Simon and Schuster, 1994, p. 2065.

between two freshmen Congressmen in 1838 ended in the death of one,⁵⁶ Several serious episodes of violence occurred during the turbulent years leading up to the Civil War. In 1838, Rep. Abram P. Maury and Rep. William B. Campbell came to blows:

Holding his colleague by the hair with his left hand and striking him blow after blow in the face with his right fist, Campbell beat Maury without mercy behind the Speaker's chair. In separate incidents in 1840, Rep. Jesse A. Bynum attacked colleague Rice Garland with a cane, and Representatives Kenneth Rayner and William Montgomery broke canes over each other's heads.

In the 1850's, a pistol concealed in a House member's desk accidentally discharged. Instantly, "there were fully thirty or forty pistols in the air," recalled Rep. William S. Holman, who was present.⁵⁷

In another celebrated episode, a House Member (Rep. Preston Brooks) took umbrage at a speech given by a Senator (Senator Charles Sumner) on the Senate floor, strode into that chamber, and beat the Senator senseless with a cane. The Senator lived, but was not able to return to his office for three years:

Brooks repeatedly struck at Sumner's head and neck, and when the cane snapped Brooks continued to swing the part that remained in his hand. Covered with blood and barely conscious, Sumner made a mighty effort to stand and in so doing ripped his desk from the floor. He reeled and staggered down the aisle as Brooks rained on him blow after blow. Although there were several witnesses, no one intervened until the very end of the bludgeoning.⁵⁸

The altercations did not cease with the end of the Civil War. A contested election in 1890 led to three days of endless quorum calls, roll call votes, and debate so tumultuous that a daily newspaper of the time called the proceedings 'more like a riot than a parliamentary body.'⁵⁹ However, verbal and procedural assaults had not yet completely come to replace weapons:

On February 28, 1890, former representative William P. Taulbee of Kentucky was shot and mortally wounded on the southeastern stairway of the House, near the House restaurant, during an altercation with Charles E. Kincaid of the *Louisville Times*. Taulbee, objecting to one of Kincaid's articles, had apparently pulled the reporter's ear. Kincaid, who claimed self-defense, was tried for murder and acquitted.⁶⁰

Resort to fists, pistols, knives, and fire tongs, in addition to verbal weapons, was reflective of the times. In the 19th century, dueling was a widespread solution for personal disputes in American society. Leading citizens carried loaded pistols and Members of Congress were no exception:

⁵⁶Richard B. and Lynne V. Cheney, *Kings of the Hill*, New York, Continuum, 1983, p. 37.

⁵⁷*Ibid*, p. 2063.

⁵⁸*Ibid*, p. 2064-2065.

⁵⁹Uslaner, *op cit.*, p. 40-42.

⁶⁰Bacon, *op cit.*, p. 2066.

Congress in the 1800s was no place for the timid. It was for most of the century an unruly arena into which poured men of vastly differing cultures, education, experiences, and temperaments. From frontier states came rugged individualists, some more accustomed to settling disputes with fists or weapons than with gentlemanly compromise. From the South came a number of hot-tempered aristocrats schooled in the manly arts, brave to a fault, and alert to any slur on their honor.⁶¹

These episodes were usually influenced by specific events and societal practices which led to confrontational politics both inside and outside the chamber. Notable events in American history, such as the Civil War, Prohibition, the civil rights marches, the Vietnam War, urban riots, and scandals such as Watergate, to name but a few, all have had their impact on internal congressional proceedings.

POSSIBLE REMEDIES UNDER HOUSE RULES

This report was undertaken to fulfill a congressional request. It has reviewed the rules of the House and actions taken to enforce those rules. This section of the report identifies some methods that might be available to the House leadership, party leaders, those occupying the Chair, and Members themselves for remedying perceived breaches in decorum. [*CRS takes no position on the desirability or suitability of any of the approaches discussed.*]

Consistency of Enforcement from the Chair

The Chair could consistently call Members to order when they breach rules of decorum. This could help educate the Member speaking and provide guidance for all Members listening. To hear the Chair routinely raise the same procedural concerns might increase awareness of the specific standard being enforced and encourage voluntary compliance. The Chair could provide institutional continuity through consistent enforcement, whereas enforcement by Members from the floor shifts, depending upon the politics and personalities of the moment.

Implementation of this suggestion would require a review of the Parliamentarian's policies in providing guidance to the Chair. It would also require the many Members assuming the Chair to pay careful attention to that guidance so as to maintain consistency.

A ten-year review of the many instances in the *Congressional Record* of the Chair taking the initiative in cautioning Members for stepping close to the border of what is appropriate or in citing them for an actual breach of decorum found a strong pattern of consistent enforcement in two categories: (1) admonishments concerning addressing one's remarks to the public outside of the chamber; and (2) rebukes concerning criticisms of the Senate. There is also an

⁶¹Ibid., p. 2062.

emerging tendency for the Chair to take the initiative in calling Members to order for improper references to the President.

The Chair might consider more concerted efforts to intervene when references are made to personal characteristics or when Members refer to one another in too informal a fashion. For example, the long-standing parliamentary practice of the House mandates the use of the third person by Members addressing one another on the floor.⁶² Yet, some Members refer to their debate opponents with familiarity, often using their first name, and receive no call to order:

Let me make it very clear. You do not have any more concern than anybody else. The so-called liberal left you said, Porter. That is the language he used, Charlie, liberal left. Then I am a proud member of that liberal left, and I gather then that you must be something other than liberal left.⁶³

Sonny, as a matter of fact, here is a list I will be glad to give to you That is up to the Committee on Rules, Joe, and you are the ranking Member.⁶⁴

As familiarity on the floor becomes accepted practice, the depersonalization of debate, brought about by the distancing effect of formal appellations, could be threatened. A potential consequence is that, over time, a more personal tone in debate may contribute to more personal offense given and taken.

Deschler's Procedure states, "The Speaker may suggest that debate is becoming personal and approaching a violation of the rules, and may direct a Member to make his observations in order."⁶⁵ When the Chair fails to do so, Members sometimes call upon the Chair to intervene and call a Member speaking to order.⁶⁶ For example, one Member appealed to the Chair during a rancorous debate in June, 1995: "If the Speaker would guide the House, we might avoid some of this."⁶⁷

Those who perceive a need for more consistent enforcement from the chair acknowledge that each Member has the right under Rule XIV, clause 1, to make a point of order against inappropriate speech. They argue, however, that the remedy would come more quickly and more reliably, with a partisan response less likely, if the enforcement of decorum standards came from the Chair, rather than from a Member on the floor.

The Chair might also be vigilant about admonishing Members for inappropriate non-verbal behavior that violates decorum and can lead to

⁶²*House Rules and Manual*, sec. 749.

⁶³*Congressional Record*, daily ed., vol. 141, June 28, 1995, p. H6473.

⁶⁴*Congressional Record*, daily ed., vol. 141, March 9, 1995, p. H2914.

⁶⁵*Procedure*, Chapter 29, section 13.5.

⁶⁶*Congressional Record*, daily ed., vol. 141, May 18, 1995, p. H5338.

⁶⁷*Congressional Record*, daily ed., vol. 141, June 8, 1995, p. H5698.

diminished comity. Hissing, for example, is not permitted under House precedents.⁶⁸ Nevertheless, hissing and booing have occurred on the floor while a Member is speaking—sometimes with no call to order.⁶⁹ On the other hand, non-verbal behavior is sometimes chastised by use of the gavel, which at least calls to the attention of the House the unparliamentary nature of booing and hissing. At times, it has also effectively curtailed such behavior.

More Education and Guidance from the Chair

Some rulings of the Chair have been so terse as to leave some points and reasons for the ruling unclear. As can be seen in the examples of inappropriate speech and rulings of the Chair presented earlier in this report, the Chair's responses in the 1980s and early 1990s were in some ways more thorough and explanatory than recent ones. The large number of new Members now in Congress, however, may need to gain understanding of the parliamentary terms and shorthand phrases used to refer to the applicable standards of decorum.

In order to better inform the Members, the Chair might be asked to explain more fully the reasoning behind some of the restrictions on language used in debate. The May 18, 1995, exchange with the Chair cited above is an example.⁷⁰ The response from the Chair was, "Members are reminded that the President of the United States is to be treated in debate in the same manner as Members of the House." In the context of contemporary House debate, that was inexact guidance. An additional sentence or two concerning the nature and substance of the respect and deference due the office of the Presidency might have proved useful. A more consistent effort on the part of the Chair to giving fuller guidance in rulings on decorum could enhance newer Members' understanding of the core principles practiced by the House.

On the other hand, the Chair sometimes decides deliberately to render brief rather than expansive explanations. Such decisions are made when the Chair believes that expansive rulings would attract follow-up parliamentary inquiries and *ad hominem* remarks for the benefit of audiences outside the chamber, and thus encourage further disorderly exchanges.

More Enforcement by Members from the Floor

Another approach would be for Members themselves to take enforcement action. Those who believe in the importance of maintaining decorum could make a concerted and consistent effort to raise points of order, invoke the

⁶⁸*House Rules and Manual*, sec. 364.

⁶⁹For example, see *Congressional Record*, daily ed., vol. 141, March 22, 1995, H3500; April 9, 1992, H2640; March 12, 1992, H1255 and H1240; Oct. 6, 1990, H9106; July 8, 1987, H6041; June 27, 1987, H5497; June 15, 1987, H4697; Oct. 11, 1985, H8722; and May 1, 1985, H2760.

⁷⁰*Supra*, p. 11.

disciplines provided for in the words taken down procedure, or file charges with the Committee on Standards of Official Conduct when appropriate.

Members could also more regularly but courteously advise colleagues of their own and the opposite party, rather than resort to formal disciplinary proceedings. For example, one Member encouraged his colleagues to maintain decorum, stating:

Mr. Speaker, this House runs best when we are operating in a bipartisan spirit of comity—recognizing our political differences—but hopefully being able to disagree without being disagreeable. Mr. Speaker, both the majority and the minority are finding their way under this suddenly reversed role. It is not easy. We will both make some mistakes along the way and we will both antagonize each other, often without perhaps knowingly doing so. I would simply urge that we make an extra effort to try to minimize our procedural differences so that we can properly direct our energies to engaging each other in a deliberative fashion on our policy differences. After all, that is really what we are here to do.⁷¹

Two 1994 incidents provide additional examples of courteous enforcement short of taking down words. In the first, a Member referred to the actions of another Member of his own party as "the ironfisted tactics of the chairman...." The Member so characterized responded by making the demand that words be taken down, but then immediately withdrew the demand, stating:

... as an act of comity to my dear friend, the gentleman from Texas, who I know gets much overwrought in matters of concern and sometimes speaks in tones that he might not choose to do, and out of the good will I feel for my friend from Texas, with whom I have served so long, the great personal affection I have for him, I will ask unanimous consent to withdraw my request, in the hope that my dear friend from Texas will proceed in a more parliamentary and gentlemanly fashion.⁷²

In the second example, a Member stopped short of taking down words and stated:

Madam Speaker, I would urge my colleagues on the other side to be a little more restrained in terms of the language that they use during this debate. No one is interested in asking that words be taken down, but I would urge my colleagues to debate this on the merits and to enjoin the issue on the merits. This is a serious matter that deserves a serious discussion. There are strong feelings on both sides of the issue. Let us deal with the merits and let us not deal with individuals as this debate proceeds.⁷³

Self-Restraint by Members on the Floor

All Members of the House are, to some degree, aware of the need to preserve comity and exercise civility in debate. Some observers argue that

⁷¹*Congressional Record*, daily ed., vol. 141, January 31, 1995, H903.

⁷²*Congressional Record*, daily ed., vol. 140, July 20, 1994, H5908.

⁷³*Congressional Record*, daily ed., vol. 140, September 29, 1994, H10271.

refraining from personal attacks is a matter of self-restraint, and should be encouraged.

For example, both parties now use one-minute speeches to deliver scripted remarks prepared by "theme teams." These prepared statements are designed to attract media coverage by providing pithy "sound bites." Instead of encouraging a free exchange of ideas, however, these theme speeches have sometimes led to what some call a staged exchange of insults. These sharply worded speeches can set the tone for the remainder of the day. They can also have the effect of reducing substantive, spontaneous debate. Given the importance of television to contemporary political communication, the temptation to overdramatize during the one-minute speech period may be hard to resist. However, Members who refrain from adding to the volatility of the one-minute speech period by voluntarily tempering their remarks may well contribute to the cause of civil debate in the House.

Some observers note that Members have sometimes insulted one another in the guise of making parliamentary inquiries. For example, one Member asked the Chair if it was appropriate under House rules to refer to his debate opponent as a "crybaby." Another Member inquired whether House rules would permit him to call a colleague "a low-down scheming scoundrel."⁷⁴ The obvious answer to both was "no," but the insult had been lodged indirectly. Members might consider the impact on debate and civility of such inquiries.

Concerned Members could also take a more aggressive stance toward upholding appropriate standards in debate. They could take upon themselves the responsibility to shift the tone on the floor away from the personal and toward the substantive. Gaining recognition and changing the direction of the discussion underway could help to diffuse a situation which might otherwise deteriorate. Observers have noted instances in which individual initiative by Members has helped restore a suitable environment for civil debate.

A final option that is sometimes voiced is that, when Members anticipate delivering an especially critical floor statement, they might consider having it first reviewed by the House Parliamentarian's Office for appropriateness of language.

Internal Party Disciplines and Control

The leadership of the House has a responsibility to protect the integrity and good image of the institution. Some have suggested that House Republican and Democratic party leaders could institute internal party discipline in the area of decorum. They could caution their Members in private party circles to be slower to impeach the motives of debate opponents and, instead, place more emphasis on pointing to the flaws of the arguments being presented. Members could be encouraged to avoid name-calling so as to focus on the larger policy goals at stake.

⁷⁴Deborah Baldwin, "Pulling Punches," *Common Cause Magazine*, May/June, 1985, p. 22.

Those who offer this suggestion say that leaders of both parties could relay the message that a lack of civility in debate and unmannerly behavior does not advance policy-making. They could promote the idea that debate is better based on principles, and not on personalities.

Other options that party leaders might wish to consider include the following actions which go beyond verbal encouragement within the caucus and conference:

- Party leaders could issue joint "Dear Colleague" letters which encourage all Members to practice civility in their discourse in order to protect the integrity of the institution, and attach a compilation of the House rules and major precedents governing decorum in debate.
- The Committee on Standards of Official Conduct has established a separate Office of Advice and Education, pursuant to statutory changes made in 1989.⁷⁶ In part, the Office was tasked to develop and carry out "... periodical educational briefings for Members, officers and employees of the House on those laws, rules, regulations, or other standards of conduct applicable to them." Using that mandate, the joint leadership might ask the Office to hold a briefing for Members on appropriate standards of decorum in debate, to issue a written advisory to all Members on such standards, or both.
- Joint hearings by the House Rules Committee and the Committee on Standards of Official Conduct, or by the existing informal majority leadership task force on House rules, might also be held to explore the extent of the problem of deterioration in decorum in debate and review the possible range of remedies.
- The joint leadership could appoint Members from both sides of the aisle to an informal task force on decorum. The task force could monitor breaches of decorum and identify and speak with repeat offenders. Its members could be asked to intercede on the floor when necessary to uphold the rules and precedents which protect civil discourse. An alternative approach would be for each side to appoint an official "watchdog" to perform the same task. An additional approach might be to appoint a bipartisan group of *former* Members to such a task force, or to utilize the existing majority leadership task force on House rules to perform this additional duty.
- The majority leadership has the responsibility of appointing Members to serve in the Chair during House proceedings. It could select a few Representatives for special training aimed at enhancing the consistency and rate of enforcement of standards for decorum in debate. The leadership could then call upon one of these trained Members to preside over the House when an especially contentious debate is anticipated, or when it unfolds.

⁷⁶House Rule X, clause 4(e) in section 698, *House Rules and Manual*.

- Leaders of both congressional parties could hold a bipartisan summit to discuss the deterioration of decorum in debate and comity in the House overall. A mutual call on the part of the joint leadership for more courtesy and civility on the House floor might be heard. The summit might produce a joint leadership-sponsored "Sense of the House" resolution which would reiterate the wisdom behind existing standards for decorum in debate. The debate on such a resolution might serve to educate Members about those standards, while the vote on the resolution might be portrayed as an expression of accountability to practice a higher standard of civility on the floor in the future.
- If stronger sanctions against individual Members who violate rules of decorum were desired, House rules could be changed to provide for a 2/3 vote requirement to allow Members to proceed in order following a decision of the Chair to rule their words out of order. An even more stringent sanction would prohibit the use of unanimous consent to allow Members to speak on the same day.

CONCLUDING OBSERVATION

The perception that decorum in debate may be diminishing is not new. Some ten years ago, in 1984, former Rep. Larry Winn (R-KS) wrote upon his retirement:

The growing rancor between Republicans and Democrats in the House of Representatives is deeply worrisome. . . Many House Members, including me, fear that this may be an ongoing trend rather than a temporary phenomenon. It is important now for both Republicans and Democrats to recognize that a continuation of this rancor will undercut the legislative process. . . It is my firm belief that the majority of members on both sides of the aisle would like to reduce the level of tension and partisan clashes and get on with the business of the country. It is up to all of us to cool off, to sit down and talk and come up with some suggestions for restoring greater civility, tolerance, and pragmatism in our procedures. If not, not only members of the House, but the country will suffer. ⁷⁶

Rep. Winn's words are probably as true today as they were a decade ago. Both the image of the institution in the eyes of the public and the process of policy making are likely to be enhanced if the regular order is upheld.

However, internal efforts alone may not be sufficient. Congress has never operated in a vacuum. As noted earlier in this report, comportment of Members in the Congress exists within a societal context. What some see in the Congress as a decline of civil behavior, of values based on mutual respect, of deference to authority, have been observed to be circumstances evident in the larger society.

⁷⁶Larry Winn, Jr. "Ending Rancor in the House," *The Christian Science Monitor*, May 30, 1984, p. 12.

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Nonetheless, the Rules of the House provide a means for leaders of the House and its individual Members to rise above personalities, to set an elevated tone in political discourse, and to set an example to the public as the House conducts the people's business.

Mr. DREIER. Thank you very much, Lee. I appreciate those thoughtful remarks and you have made some recommendations with which I concur, and I will say that as I listen to some of them, I remember very well when I made a number of those arguments when I was in the Minority, so I think that is part of that process, which is very important to maintain that perspective.

I would like to raise briefly just a couple of points that you brought up, to get to the early part of your testimony. You mentioned Porter's area of jurisdiction, the Ethics Committee, and I agree with you about the recommendations for the foreman of this committee and the organization of Congress. And what I would ask of you is that as we seek to depoliticize it, I wonder if your sense is that now is the right time as we are at a high level of politization to make that change or if it is something we should wait on until we move into the 105th Congress.

Mr. HAMILTON. I would wait until the 105th. There are so few days and weeks left. That is something you have to deal with in the future. The 6 to 6 lineup, the Standards Committee is an appropriate lineup. I think it should be a bipartisan committee, but it also raises the real prospect of a deadlock, and I think you have got to break it. And I think one way to break it is to have outside voices in here saying, "OK, Hamilton did this, that doesn't measure up to the standards of the institution. We think you guys ought to look into it." That would force the process along and he would not have a gridlock or deadlock.

So I believe that outside groups might include, former Members, and judges; I don't know what the best makeup would be to improve the process. There have been times when the Standards Committee in this institution was strong in its examination and enforcement of the principal rule.

The principal rule in the Standards Committee is that a Member of this institution should conduct himself or herself in such a manner as to reflect credit on the institution. That is the core of the Standards Committee process. Now we have put that into a lot of detail, financial rules and all the rest of it which you tend to get lost in, but the Standards Committee has to focus on that and when you have a 6 to 6 margin, you often get gridlock on it, and I think you need some outside push. Almost any other professional group today uses outside people to help enforce the voluntary ethics of that profession. I think we need the same thing.

Mr. DREIER. Let me raise one other question. I know you have a markup that you are trying to get to. One of the recommendations that we had was the issue of buying and budgeting. I am wondering if you have any.

Mr. HAMILTON. You can argue around that, I think, both ways. The appropriators don't like that very strongly, and as long as they don't, I guess you are not going to get it done. But the budget so dominates this calendar today in this institution that I think a 2-year budget makes sense to me personally. You know, we are now at a place where the budget takes up about half the year normally anyway.

Mr. DREIER. At least. Thank you.
Porter?

Mr. GOSS. Thank you, Mr. Chairman.

I very much associate myself with virtually all of your remarks with the possible exception being the one that has to do with the performance of the 104th on the total outcome on the Hill as opposed to just this side of it. I think that the revolution has proceeded a little faster on this side of the Hill than the other side, and perhaps the other side will address the problems, we hope.

I want to go back to two things you said on the question of standards. I agree entirely, and I don't think you can ever fix the politicization problem mechanically. It is a spiritual thing, no doubt about it. We have to fix it.

There are some legitimate concerns about going outside. One is that we get out of control. We have a situation where we get an over-ambitious person that wants to make a name or a label as gunslinger, and unfortunately I think we have had a victim of that in recent times, a very high-profile victim, where in hindsight I think some things happened that probably should not have been allowed to happen. And I am talking about previous Congresses.

The question of a peer review is why we have the Standards Committee there, and for the purposes you state. I think we are having a debate about inside/outside, asking is it appropriate for peer review to go outside, or should we admit that when you get to a certain time in peer review, we have to go outside. It is that kind of debate that is going on.

This is a very legitimate debate going on, and I agree we need to prepare for a change in process in the Ethics Committee for the next Congress, but I think we need to start now, which is why I am glad we are having this conversation. The idea of a 5-5 vote, or 6-6 vote, or 7-7 vote, or 50 percent plus one vote to get anything done is part of the insurance policy, it seems to me and others as well. So the idea if you have a tie, it is like baseball; the tie goes to the runner. Having a tie is not a bad thing. You don't have to break a tie, you have to acknowledge that a tie means you don't have a majority to take action.

There are others who argue the other way, who say a tie is unacceptable, that is not part of process. That debate is unresolved, and we have to get to the bottom of it.

Mr. HAMILTON. Porter, I think you are right about it. I think it is very important to draw a distinction between the investigative aspect and the judgment aspect. You can't delegate that responsibility. We have to make that judgment as Members.

The investigative aspect, it does seem to me, would benefit by some outside voices. That is the point I was making, and I know there are problems. Who do you have do it? You do have the possibility, as you put it, of a gunslinger out there. The people have to be carefully chosen, and the question of when you trigger that investigation is a tough one.

Let me say that I think this ethics process now over a period of time has largely broken down. It is not working well. And I know it is a tough assignment, it is not an easy one. I think there were times in the past, and I may say in the distant past, when it worked better than it works today. So I appreciate your willingness to examine it, and I think your suggestion is a positive one. I may go a step beyond.

Mr. GOSS. Please understand I am not opposed to that. I am trying to get the same solution you are.

I do want to say for the record I think that the membership of the Ethics Committee 100 percent to an individual is honorable. There is no suggestion of any—when we are talking about the process, we are talking essentially about what is going on elsewhere, and that is our problem.

Mr. HAMILTON. I concur with that comment. I did not mean in any way to suggest otherwise.

Mr. GOSS. Somebody else might get the wrong impression.

Mr. HAMILTON. Well said.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thank you, Mr. Chairman.

Mr. Hamilton, you brought up a lot of things which I and, I suppose, everybody else has thoughts about. I shan't make comments now. I know you have to get out of here. We do have other witnesses. I do want to salute you for your efforts in reform over the years and thank you for your testimony today.

I want to echo one thing Mr. Hamilton said, Mr. Chairman. This is concerning partisanship and bipartisanship. You were quite open in suggesting this. The process only works properly, or works at all, if it is done in a bipartisan way, and it is a bit troubling to us, I must say. I think Mr. Hamilton expressed that. Also, I think there was a Republican task force on some of these procedures. But it would be more useful, I would suggest, in the next Congress, perhaps, if the proposals to be brought before the committee could be developed by a bipartisan group.

And secondly, just a little thing, a personal thing. Mr. Archer and I—some of you may have noticed—have a modest proposal to reduce partisanship by suggesting to the Speaker that he move the 1-minute speeches to the end of the day, for all kinds of reasons. Many fewer Members would give them, and fewer people would pay attention, and because of that I think a lot of people wouldn't be so interested in them. I really want to call Members' attention to this. If you are ever on the floor for the first half hour of the day, it is unbelievable what people say—on both sides. I am just embarrassed by every Democrat who stands up and says what he or she says, and same with Republicans—not everybody, but almost everybody.

One-minutes are quite different than what they used to be. They used to be useful years ago to introduce a bill or say something about your favorite football team or basketball team. They were sweet little 1-minute commentaries on what is going on in the world. Now they are not even written by the Members; they are written by the party people who are getting out the message that day.

We have not had much of a response yet, although a lot of people shake their heads and say that sounds like a good idea. And, interestingly, you should all know the leadership on both sides is apparently infuriated. They think it is wonderful to use the one-minutes to get the message across, to speak to the people—for the Democrats to talk about how the Republicans are ravaging Medicare, and for the Republicans to talk about whatever they are talking about these days.

Mr. DREIER. How we are not ravaging Medicare.

Mr. BEILENSEN. Making it grow more slowly, I understand. They love it. It is the same Members day after day who do these things. If those 25 or 30 Members were to be gagged, I promise you people would think better of the Congress.

For the first half hour of the day, we are down there saying the worst things about each other. Then we go into the Committee of the Whole, we are debating legislation, and on the whole everybody treats everybody else with respect, and the debate on the bills is usually pretty good. It is not terribly partisan. But it is the first half hour that sets the tone for the rest of the day. That is what so many people pick up on the networks and so on, and so we really ought to get rid of them or move them to the end of the day.

Mr. HAMILTON. I certainly would support moving them to the end of the day. I have long favored that not only for the reason you said, but it lets you get right in the business of the day. I think the leadership often wants the time to kind of gather their forces for the day's work, but I would very much favor the 1-minutes going to the end of the day.

Mr. DREIER. One thing is if we put them at the end of the day, they would be less likely to make the evening news.

Mr. BEILENSEN. Exactly.

Mr. HAMILTON. That has probably crossed the minds of a few Members.

Mr. LINDER. That was the first time I heard that suggestion. I want you to sign me up on the list. That is an excellent suggestion to deal with the partisanship issue.

It strikes me that the ethics process is gathering a lot of attention. I think there have been frivolous filings, very partisan filings.

Did you give any thought to when a person files an ethics complaint against another Member that is dismissed, maybe the person filing it should pay the legal fees to the Member?

Mr. HAMILTON. John, I have not. I have not really thought through that. I know there has been concern about frivolous suits, and if you are on the receiving end of it and have to pay those fees, it is a formidable problem for you. I guess I am attracted to the idea. The way I would respond is that it would be a deterrent, clearly, but I haven't thought it through.

Mr. LINDER. It strikes me that the ethics process has two goals; one to clear a Member's name, the other to find if someone has been breaking the rules, to find them in violation. It doesn't seem like much cheating is going on.

You mentioned publicizing special interest tax breaks, and I am curious; how do we define "special interest"?

Mr. HAMILTON. How do you define "pork"? I guess we would have to develop some rules as to how you define it carefully.

We all know the Tax Code has all kinds of provisions in it that were put there because of particular groups that are pushing very hard. Many of those are legitimate; many are not. But I think if I pick up the committee report and see there what provisions are put in by whom and how much they are worth, if we spend \$100 million on a building a pyramid because we want to put people to work, that ought to be highlighted in the committee report. If a business in southern Indiana gets \$100 million tax break, that

ought to be highlighted in the report, too. I am not sure; I can't give you a technical definition, but we ought to be able to identify them.

Mr. DREIER. I suppose you could say any tax break you could take the definition of special interest out and say any tax break at all is provided—

Mr. LINDER. If we go to a retail sales tax, this conversation would be moot.

Mr. HAMILTON. That is correct.

Mr. LINDER. You made a comment about the riders to the appropriation bills are essentially legislative. There have been discussions here and elsewhere whether we need both Appropriations and Budget Committees. What do you think?

Mr. HAMILTON. More and more that you don't need authorization and appropriation bills.

Mr. LINDER. Which one would you get rid of?

Mr. HAMILTON. Our experts here may take that up. I don't want to go into the history of that. This process has become so complicated, and I have come to view that—

Mr. LINDER. Has the Budget Committee been helpful or hurtful?

Mr. HAMILTON. Many aspects of it have been helpful, but the great merit of the Budget Committee is that it makes us look at the budget as a whole, it gives us the big picture. We didn't have that before we had the Budget Committee, so it is a very important thing.

So, yes, I think it has been helpful, but it is a three-tier process: Authorizing, Appropriation, Budget Committee. There are others in this institution that know far more about that than I do.

The Authorizing Committee is drying up. It has happened already. We are now basically doing fundamental work in Congress through the appropriation bills. We have some authorizing bills passed, but they are much less than we used to do. They are smaller and less important all the time. I think it is happening.

Mr. LINDER. One last comment that you complained about—you made the comment about the increasing power of the speakership. I think that is a fair comment, and I think it is a reaction to a bifurcated leadership structure. On one hand you have the Chairmen, who have been here for generations; on the other hand, often not talking to each other, the elected leadership, and bills that should have long ago been brought to the Floor never got past committee.

Mr. DREIER. If you would yield for just a moment on that. I think the best example, Lee, would have to be our work product that we failed to move forward.

Mr. LINDER. I think we probably overreacted to that and put a centralizing structure in the Speaker's Office, and I am also, like you, concerned about the growing number of task forces. I think the Majority party probably doesn't need task forces because they have committees, and they have people on these committees that have been there for some time, and learning Tax Code or Social Security Code, and we probably ought to do our work through the committee process.

Mr. BEILENSON. Would you yield for a moment?

Mr. HAMILTON. I don't want to single out any one Chairman here, but I picked up a quote from Chairman Bliley on the Commerce Committee on the Medicare reform bill being written in the Speaker's office. That is not the first time that has happened, but the key is accountability. It seems to me you want as much accountability in the system, as much as you can get.

The leadership loves omnibus bills. I have seen bills reported out of a House International Relations Committee, and those bills have just been completely rewritten by the time they come to the Rules Committee with no backing from the committee. They are just rewritten. Where is it rewritten? I don't know where it is rewritten. This kind of process happens all the time, and you lose accountability in that process.

Mr. LINDER. There has to be a room somewhere in this Capitol called the Office of Rewriting.

Mr. BEILENSEN. If I may just say, basically I agree with you, John, with what you are saying. It is not just a question of accountability; it is what you were talking about earlier, about the deliberative process. You don't have that if you don't have committees and committee hearings and the work of people who have experience with a particular issue.

It is very helpful for those of us who have been in the legislature for years to have a hearing where people come in and give their points of view. You learn a lot in the process. You don't learn a lot if you are writing and rewriting a bill in the back room, without having had people sharing their experience and knowledge about the issues.

Mr. HAMILTON. The other thing that happens, John, is when you do that, you pass power to the staff. Let's face it, staff writes these bills in a very, very large measure, and they have done it outside of the process.

Mr. BEILENSEN. It is important—just to step in for a moment—to allow the Speaker to have more power, but he should not usurp the legislative power. I think Democratic Speakers, in the past—with one exception—didn't involve themselves enough in getting things done; you are quite right. There were committee chairmen around who didn't want to do anything, or had points of view that were contrary to the general membership of their party, or would sit on bills.

The Speaker should be able to say to the Chairman, look, Mr. Chairman, our guys all want this bill out; you have got to get something out in the next month or two that has to do with campaign reform or whatever the issue might be. That is an adequate power, and this Speaker is a very bright and capable person; he is quite capable of exercising it, I think, in a way that does not require a bypassing of the legislative process itself. Using that power forces the process to work, but it doesn't substitute something else for it.

Mr. LINDER. I think there is a growing recognition of the problem by our side. Thank you.

Mr. DREIER. Mr. Diaz-Balart.

Mr. DIAZ-BALART. Thank you, Mr. Chairman. I commend both Chairmen for holding this hearing. It is always fruitful and enlightening to hear Mr. Hamilton and learn from him.

Obviously there is a very important discussion going on with regard to the pendulum that seems to be inevitable, I guess, efficiency versus accountability, and I guess our role is to try to find the optimum position to try to focus it.

I just want to bring out a point. The issue of partisanship was discussed previously. I think that it might not be a bad idea to recall or to note that if we compare even today, even today, with undoubtedly more partisanship here in this Congress than at other times, if we compare the U.S. Congress to most if not all parliaments throughout the world, there is still less partisanship here. Look at the British Parliament or the German or French or Canadian Parliament.

Mr. DREIER. How about Taiwan?

Mr. DIAZ-BALART. There is a lot of passion there. There is still a lot less partisanship here. So while I think that it is useful to point out that we have to always be striving for further dialogue, the ability to reason together, and to have discourse and obviously civility, I don't think it is bad to keep in mind that we still, I think, are less partisan.

One thing that I notice here in comparison to other parliaments, even the amount of socializing that goes on among the membership. You don't see that in other countries, which, by the way, is one of their serious problems, and I think we have to avoid reaching that stage where we have an animosity, we see an animosity in the process, which I think is dangerous. But I think—I guess we have to try to keep some good things in our system from being lost, and one of those good things is the dialogue and the civility that I think characterizes still, in comparative terms, our process.

Mr. HAMILTON. I concur with your comments about the partisanship part of the body. Partisanship as such is not bad. We need to draw the line between that and contentious, adversarial, mean-spirited debate, and I think your comment is on the mark.

Mr. DREIER. Lee, thank you very much. We appreciate your time, and I assure you as we proceed, we will continue to consult with you.

We are very happy to welcome the panel, Mr. Bass and Mr. White. We want to say as a second generation Member of Congress, Mr. Bass, your father served as a Member of Congress from 1955 to 1963, I understand, and you are a Member of the Government Reform and Oversight Committee. You obviously, in terms of your background, become a great study of congressional reform, and you have had a tremendous impact on the institution as a freshman Member. Your contributions to our much maligned Task Force on Committee Review are evident through the report that has come forward, and we are glad that you were able to muster bipartisan support and gain House passage of a bill to strengthen the Silvio O. Conte National Fish and Wildlife Refuge Act.

I want to say we are happy to have Rick White, as I mentioned earlier. Your bipartisan bicameral effort is very important. I would say that your efforts have been preceded by Vern Ehlers, who have worked long and hard on this whole issue on bringing the Congress into the computer age. If you are Chairman of that Internet Caucus, I will say that our Task Force on Committee Review has benefited from your expertise in that area, and we look forward to your

testimony. Vince has just reminded me to say that you are to summarize your statements, and we will submit the entire prepared remarks, whatever you have for the record, to Charlie, if you would like to.

STATEMENT OF THE HON. CHARLES BASS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW HAMPSHIRE

Mr. BASS. Thank you very much, Mr. Chairman. I would like to—I will summarize my testimony, which I don't even have. I do, however, have a list of the recommendations without all the extra language, which I would also like to submit for the record. I am not going to cover all 27 of them. Rick White has one of the 27, and I have got all the other ones, but I would like to make a couple of very brief observations.

First of all, the problem with 1-minute may be in a perverse sense a function of publicity. The fact that the cameras are trained on the House in the morning in prime time creates the problem to some extent. I don't suggest a solution.

I also suggest that if both sides don't agree on matters of major policy concern, I think the American people are then truly frightened and concerned about what the implications may be.

The other—a couple of other comments. One, the reasons why the budget is dominating the process here in Congress is because we have a deficit. If we didn't have a deficit, the budget would not dominate the calendar. I have seen this occur in our studies of other situations, have occurred in other States. My own State, for example, had a budget surplus for 3 or 4 years.

The budget is not a big issue. There are all other kinds of issues that dominate the agenda. When we have a deficit, the budget is everything because every single piece of legislation is passed and tied in some form or fashion to spending.

Tony, I worked here in the 1970's with David Imre. Scheduling hadn't changed a bit in 20 years. It is exactly the same. Everybody complained about scheduling. There were conflicts and so forth.

I think our task force recommendations are good recommendations if they relate to process, but when you cross the line from process and policy, that is where Congressman Hamilton and so forth and others take issue with what we recommend.

We have also discovered as a new Majority in Congress, it is extremely difficult to create new programs, to create new systems of government. It is just as difficult to repeal them, and that is probably the frustration we face.

I would suggest that in addition to the recommendations that this task force has made, perhaps a recommendation that opening statements be curtailed would also be in order because it is now 10:32, and you are only on your second set of witnesses.

Mr. BASS. I would like to briefly summarize—by the way, one other observation.

Mr. DREIER. They were all very thoughtful opening statements, though.

Mr. GOSS. Some of the best I have ever heard, actually.

Mr. BASS. If you study the legislative systems of other institutions in this country, as well as abroad, I think you would find that our system of leadership is perhaps one of the weakest in the

world. The Speaker doesn't even control—select his own lieutenant. The Speaker to the leadership doesn't—the conference doesn't control the subcommittee chairs and the subcommittee membership and so forth.

In my home State of New Hampshire, which has a legislature of 400, which is comparable to this body, the speaker appoints everybody, sets the agenda, does everything. He is like a dictator, he or she. And yet the system seems to work and there is as much deliberation as there is anywhere else.

As far as the task force recommendations are concerned, I would skip the issue of the Ethics Committee because I think that Representative Goss, who has been one of the prime movers in the issue of ethics reform, has covered those issues.

Let me just mention a couple. First of all, the task force recommends the use of bipartisan ad hoc task forces. Contrary to what you have heard in some of the earlier testimony, task forces do perform important functions in that they focus different ideas into one plan which then can be presented to a committee with some form or content so that the committees don't have six or eight different pieces of legislation from different Members of Congress that they have to consider.

The committee recommends—the task force recommends an improvement in parliamentary procedures and training for committees and subcommittees. It recommends that the House rules be recodified. The House rules haven't been recodified since the 1880's. There was an effort undertaken, as we although, recently which met—we have already talked about today, which died out. But clearly, as a freshman Member of Congress, and my colleague from Washington will agree, I have no idea how to really become an expert on House rules except to go to the Floor and listen and watch and try to figure out what is going on.

Another recommendation is to amend the 5-minute rule. This recommendation has already been implemented by this committee, I can tell, to an investigative hearing to allow for single individual Members to question for more than 5 minutes.

The commission recommends the elimination of at least one subcommittee on the Government Reform and Oversight Committee and one subcommittee on Transportation and Infrastructure. I am sure that this will be received with some interest and catch the attention of the two committees involved. I won't go into the reasoning behind it, but I think you can understand that those two committees have been absorbed, the responsibilities of the three committees that we abolished in the opening days of this Congress.

The task force also recommends that the Appropriations Committee budget be subject to oversight, House oversight. It recommends maintaining the ban on proxy voting, to enforce the limitation on the number of assignments, committee assignments.

One of the reasons why the Government Reform and Oversight Committee is so enormous is because Members have too many committees and the result is that us little guys—I don't know about you, because you are on a very prestigious committee—wind up having an opportunity to participate in the process somewhere between dinner and bedtime when a committee's hearing begins at 10

a.m. in the morning. The reason for that is the committees are too big.

We also recommend that Rule 19 be modified to require conference approval of subcommittee chairmanships. That obviously focuses some more—focuses the selection process in the leadership.

I think in general, the task force has concluded that the committee reforms that we implemented in the opening days of the 104th Congress have been successful, and I think most importantly they have benefited the overall legislative process and they are sustainable, regardless of who takes over in the 105th Congress.

So with that, I will turn the floor, if you will, over to my colleague from Washington.

[The prepared statement of Mr. Bass follows:]

PREPARED STATEMENT OF HON. CHARLES F. BASS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, members of the committee, thank you for inviting Rep. Rick White and I to appear here this morning on behalf of the Task Force on Committee Review. Last week, the Task Force presented to the House Republican Conference a comprehensive report containing recommendations for improving the House committee system. I believe institutional reform should be a continuous process, and I want to commend the Rules Committee for looking at additional changes for the 105th Congress. I am here this morning to urge you to give our recommendations serious consideration as part of that process.

Although the Task Force was originally charged with developing recommendations for committee downsizing and jurisdictional reform, we decided to expand this mandate because we felt there are other ways to make the committees more effective. Thus, we reported a package of recommendations for reforming committee operations, staffing and procedures. We are continuing to examine proposals for reforming the structure and jurisdictions of House committees, but a final report on that matter will not be presented to the Republican Conference until later this year.

The Task Force report focuses on two main areas: technological advances and committee reform. I will leave discussion of the Internet-related recommendations to my colleague Rep. White, who has introduced legislation to implement many of these changes and bring Congress up to the level of accessibility that many state legislatures have already reached.

While the Task Force report is not in bill form, I have taken a number of the ideas in the report and introduced them in H. Res. 480. Because some of the recommendations in the report do not need legislative action, or are being addressed in another forum, my resolution is not inclusive. Nevertheless, I believe that it is a good vehicle to bring attention to the work of the Task Force. Among other things, the resolution is designed to provide committees with tools that will help them in their oversight duties, improve internal management of the committees, and ensure that the programs they create serve the public in the way the committee originally intended.

In discussing committee oversight, let me make clear that I am referring to the need to monitor and review on a continuous basis the laws, programs, and agencies under each committee's jurisdiction to determine whether they are performing as required and intended. The Task Force's recommendations in this area focus on the kind of programmatic oversight that is consistent with our efforts to reduce the size and scope of government and balance the Federal budget.

For example, while the use of GAO and agency details in previous Congresses led to abuses, the Task Force believes that the unique knowledge these individuals have is invaluable to Congress' oversight duties. Therefore, we believe there should be more leeway for committees to use details on a non-reimbursable basis, subject to appropriate safeguards. We may even want to require that the use of non-reimbursable details be approved by the full House.

On another front, all of our district offices do casework that helps constituents resolve problems with Federal agencies. The Task Force recommends that we allow the committees to take advantage of that casework by creating a database to identify, in general terms, which agencies and programs are causing the most trouble for constituents. The committees could then focus their oversight efforts on these agencies.

Our report also contains two recommendations based on successful management tools utilized extensively in the private sector and by state governments. One proposal calls on the House Oversight Committee to make resources available to the Chief Administrative Officer so that committees can request and obtain management audits. Such audits can help our committees identify management techniques and resource utilization practices that can help them to perform their functions in a more efficient, cost-effective manner.

Another tool that is used effectively by a number of state legislatures, particularly in large rural states, is video conferencing. We can maximize scheduling flexibility for committees and members if they are allowed to be considered in attendance for hearings when they are participating via video conferencing. For example, if the House is not in session on a Monday and a chairman wants to call a hearing that day, we will soon have the technology to allow those Members who cannot be present to participate from their districts. What better way is there to enhance public understanding of Congress than to invite our constituents to our office or a local community college to participate in a congressional hearing?

Now that Congress and the President have agreed on the need to balance the budget, it is clear that this effort will have to rely heavily on reductions in the growth of government spending. The success of a balanced budget plan is contingent on our ability to reform or terminate programs and agencies that no longer serve a useful purpose.

That is why the Task Force calls on the Rules Committee to require committees to include, in their reports on authorization and reauthorization bills, a statement of performance goals and criteria that define clearly and precisely what each program is intended to accomplish. In other words, we should start measuring the success of government programs on results achieved, not money spent. In order to do this, our committees need to provide the agencies with a clear road map for measuring those results.

Finally, I would like to take a moment to mention two controversial changes that the Task Force has recommended: including the Appropriations Committee budget in the Committee Funding Resolution and reforming the ethics process. The Task Force included these recommendations to draw attention to two areas that we felt have been left unexamined for too long. The Appropriations Committee's budget has been drawn up by that committee, without review for the last 50 years, on the belief that including it in the Committee Funding Resolution would give undue influence over special projects to the House Oversight Committee. In today's budgetary atmosphere, the Task Force does not believe that this assumption still applies.

Finally, the task force report contains a number of proposals to strengthen the ethics process. While our proposals may not be the best solution to address the breakdown of the ethics process in the House, they are designed to draw attention to the rise in frivolous complaints filed with the Ethics Committee and to force some serious discussion of reform. I particularly want to applaud Chairman Porter Goss for his efforts on this matter.

Mr. Chairman, I look forward to working with you, Chairman Solomon and the other members of the Rules Committee to implement many of our Task Force recommendations at the beginning of the 105th Congress.

STATEMENT OF THE HON. RICK WHITE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. WHITE. Well, thank you, Charlie. I appreciate it very much. Like Charlie, I am a freshman member of this Congress. I have never served in a legislative body before in my life, never served in public office before, so I don't have the sort of experience and wisdom that you have heard from some of your other witnesses today, although I nevertheless have very strong views on many of the subjects that they have raised. I won't trouble you with those.

I just want to talk about the very modest proposal we have to try to use technology to accomplish some of the goals that our task force had. As you know, one of the things we were trying to accomplish in our task force and really in this Congress as a whole was to decentralize power a little bit, perhaps move power out of the Washington, D.C. area out to the rest of the country.

And we spent some time in our committee, in our task force, thinking about ways to use technology to do that. And the idea we came up with, which I think is one that, as I say, is very modest, is simply to make committee information available on the Internet to people around the country essentially at the same time it is available to members of the committee and lobbyists and others in the Washington community, on the theory that if you have information at the same time, information is power and that will allow people in Silverdale, Washington, to participate at least in a timely basis the same way that people can here in Washington, D.C..

We have a list of things that I will submit with my prepared testimony that we suggest doing in the bill, but essentially it is the sort of things we would require, making committee prints on-line available at the same time they are available to the committee; making committee reports and conference reports available the same way. Also making a schedule of committee activities available to people on the Internet so they can plan a little bit ahead.

And you know, as I say, the whole idea here is to allow people outside the beltway to at least have the ability from a time perspective to participate in legislation, just as though they were here in Washington, D.C..

I can tell you from, and I am sure, Mr. Chairman, you will understand this, but as somebody who represents a district that is 3,000 miles away, that is three time zones away, it is not an easy thing if you are on Bainbridge Island, Washington, where I live or Silverdale, Washington or even Seattle, Washington, to be plugged into the process back here in Washington, DC.

You pretty much have to hire a lawyer or somebody to be here standing outside the committee room to participate in the process. This bill is a small process—or a small step in the direction of reversing that process and making it easier for people to participate.

I will say one thing just on a practical level. I can remember many times when I was a lawyer, practicing in my law firm, deciding at 2:00 in the afternoon that I needed to get some information only to find that it was, you know, 5:00 in Washington, D.C. and there was nothing I could do until the next day. Wholly apart from the idea of just having this information available as soon as everybody else gets it, to have it available 24 hours a day on the Internet is a big step in the right direction. I think it would allow people to participate.

So I think this is a very nice, small step in the right direction. For once, The Washington Post agreed with something I did and suggested that we should move ahead and enact this change in the rules. And I think it is very consistent with the other things that this committee is trying to do.

[The prepared statement of Mr. White follows:]

PREPARED STATEMENT OF HON. RICK WHITE, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF WASHINGTON

Chairman Dreier and Chairman Goss, I would like to thank you both for your leadership and your commitment to reforming our committee process. Today's hearing demonstrates that congressional reform continues to be a top priority and I appreciate the opportunity to share with you my thoughts on why we must put committee information on-line.

This is my first term in public office and over these past 18 months I've been proud to support the reforms that this new Congress has tried to make. We have worked to change the way our government, especially this institution works. I supported applying all of the laws of the land to Congress because we need to live under and experience the same laws as the American public. I supported efforts to cut committees and committee staff because I felt that Congress had grown too large. And, I supported the efforts to reduce the amount of money Congress spends on itself because we need to lead by example as we work to balance the budget.

But, as you both have realized, there is still more that this Congress needs to do in order to improve the way this institution works.

Mr. Chairman, thanks to your leadership, the House Task Force on Committee Review has developed a plan to make meaningful improvements to our committee system. As a member of that Task Force, I focused on developing a proposal that will improve citizen participation in our government by bringing Congress—in many cases kicking and screaming—into the digital age. First and foremost we must put our committee documents on-line. Last week I introduced a resolution that calls on us to change our House rules so committee documents are available over the Internet.

Today, I'm also joining Congressman Bass to report on the changes that we feel need to be made to the committee process so that we can improve citizen participation, make Congress more open, and improve the way this institution works.

Congress has been doing things the same way for over 40 years and last year this new Republican Congress finally realized that dramatic, meaningful changes were needed. The committee reforms that have been proposed will help in our continued efforts to change the way Congress is run.

Over the course of the past few days I have been asked why it's important to get committee information on-line. The answer is simple—we must be more accessible to our constituents.

Putting committee documents on-line will bring benefits to both the individual constituent and to the House in general. This reform will enable us to use this new technology to decentralize our government and let our constituents know what Congress is doing.

For the past 18 months, the whole goal of this new Congress has been to take power away from Washington, DC and give more power and information to our constituents outside the "Beltway". By making sure that people in Silverdale, Washington can access information at the same time that a high paid lobbyist on Capitol Hill can get it—then we are moving in the right direction.

But we can also increase our efficiency and reduce our costs by going on-line.

Today, the House computing system can best be defined as a chaotic mess. With 10 different messaging platforms, antiquated legacy systems and hundreds of different incompatible file formats, it is often difficult for House Members to share files and communicate with one another.

Establishing standards for file formats and databases will allow us to move into the new century without undue problems. This situation is rapidly changing with the introduction of the new House messaging system.

However, it will be many months before this process is complete, and even today, the new standards being developed by the House are not yet being implemented by the Senate. As we work to get information on-line, we in the House must be willing to work with our counterparts in the Senate to ensure that we are moving forward, together.

I have a list right here of the committee information that we should require all House committees to post.

- committee/subcommittee prints of bills when introduced or distributed for mark up.
- committee/subcommittee reports and conference reports when filed with the Clerk.
- amendments as well as hearing and committee mark up transcripts.
- prepared statements when submitted.
- schedules and notices when distributed.
- committee rules when approved and amended.
- oversight plans and activity reports.

But we need to be aware that this is only a modest first step, there is still more that needs to be done if we are going to bring Congress to the 20th Century—and we only have three years to go! Getting Congress on-line has been, and will continue to be, a constant struggle. Through this resolution and the educational efforts of the Internet Caucus, we are going to keep the pressure on to make sure that Congress finds its way through cyberspace.

Mr. DREIER. Great. Thank you very much. Thanks to both of you. Let me just say that having had a hand in some of the recommendations myself, I want to congratulate you on the brilliance that you have come forward with. I think that increasing public access is very important, but actually I am going to look forward to getting into an exchange on that with Tom Mann and Norm Ornstein, exactly how far and how much we make available there.

Also, the idea of utilizing ad hoc committees on an experimental basis is something I think that already exists. I mean, the power for that exists. I think it is something that we ought to try on an experimental basis to deal with a number of issues that are out there, and I talked to Ben Cardin about that the other night.

Expanding the oversight tools the committees have I think is something that is important, too, is in some of the recommendations. And also reducing the number of subcommittees you mentioned, Charlie, that as an issue, and I think that is something that I hope we will be able to do. And then something that is already gaining some controversy from our friends who are on the Appropriations Committee, the idea of having a biannual committee funding process as other committee do. The Appropriations Committee is something that I think needs to be considered. And also, again, the proposals for alteration of the ethics process, I think, are very important.

So your recommendations are, as I have said, very thoughtful and they have come from, I believe, a perspective of minority, too, because I spent 14 years here. Like you, I have never served in elected office other than this one, but I spent 14 years as a member of the Minority and I have now spent 19 months as a member of the Majority and I have—

Mr. LINDER. Which is more fun?

Mr. DREIER. Well, they are different, I would say that, much different. And Majority status, John, is not quite what I expected it to be.

But I will say that I do believe that something that I have tried to pursue is the recognition of the Minority's rights, which was something that was sought after desperately by James Madison. I have tried my darnedest to do that and I think we did do that in the proposals that have come forward here. I thank you all very much.

Mr. BASS. Mr. Chairman, can I just say that my name has appeared on the ballot every two years since 1978 and I have never been in the Minority. And I don't intend to, either.

Mr. DREIER. Charlie, I will say that I don't want you to ever serve in the Minority.

Mr. Goss.

Mr. GOSS. I thank you. I think you have covered all of my points except one and that is something that you said, Charlie, that intrigues me a lot. It is great to have a fresh point of view. You may think you speak as freshmen, but you are speaking also with fresh perspective, that I think any institution has to have at some time.

My question would be, is there some way that you are recommending that we ought to do it, to try to bring the people who come to the Congress into a quick immersion course of how do you get to the Floor, how do you speak, what is expected of you, what

are the minimum requirements before they get turned loose? And I am not just talking about the propaganda speech, the welcome to Washington and the ceremony and protocols. I am talking about some real useful three-day sessions with a notebook or something like that. Is that something that ought to be reinforced or is there a better way to do it?

Mr. BASS. It should be done on a bipartisan basis. I think we had an unusual situation between the 103rd and 104th Congress in that there was a change of leadership. The Republicans were trying to learn, themselves, how to run this place and the Democrats were trying to learn how to be a Minority. Neither had done it in their lives. So as a result, I think the freshman really were at the very end of the snake in terms of being aware of what was going on.

I would suggest that in the next Congress that Democrats and Republicans get together and hold a learning session in which we can understand what the committee of the whole means, why the schedule is set up the way it is and so forth. And the fact that the House rules haven't been recodified means they are disparate. We don't know where to find how the process runs. Believe me, I had no idea how this place ran. I didn't even now how to speak until I had a chance to watch for awhile and see—there was no formal training. I don't know whether the Democrats did it or not, and this would be very helpful.

Mr. WHITE. I will say one thing. Actually, you know, we had two orientation sessions with two notebooks and I think it lasted for 5 days, and I think there—I mean a lot of that stuff was helpful. I think we could probably do a better job and I think there should be—you know, we had one that was bipartisan and one that was, you know, partisan. And we got a little bit of a head start, but I think there were some things that were left out that we could probably add next time.

Mr. GOSS. My reason for saying this is it is very easy to hand freshmen or any new Congressman the rule book. We can do that. And if that doesn't deter you, nothing will. And anybody who actually sits down and reads that probably isn't going to get elected to come here in the first place.

Mr. WHITE. Gee, I read it. I am in trouble.

Mr. GOSS. If you have read it, maybe you can explain it to me. But, you know, it goes on and on.

Mr. DREIER. Guaranteed to get reelected, though. It was just getting elected the first time.

Mr. GOSS. It is a huge undertaking and a lot of it is very arcane and it is stuff you are never going to use. But what you really need is sort of a back pocket, primer on how do you do this, how do you do that. This is what is expected of me.

Mr. WHITE. That's really true.

Mr. GOSS. You know, this is what is expected. This is the fire wall between electioneering and public service, so you don't get in trouble, on the one hand, with the rules and then, on the other hand, you know, how to get access to the Floor. You know what is expected of you in the committee and you know how to use your time because you can figure out where you are going to be able to make your points. It seems to me that is something we don't do well.

Mr. WHITE. I think that is probably right. And that reminds me, I think Bill Paxon asked me to help out in the orientation process after the election that year so I better start thinking about some of those things.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thank you. These gentlemen have made a lot of very thoughtful comments. I want to comment on two of their thoughts—actually in response to your comments on them, with respect to making greater use of ad hoc committees.

You suggested, David, that perhaps we should try to experiment on a limited basis. I would suggest, in all seriousness, we try to experiment on a not-so-limited basis having the Speaker use existing committees to do whatever it is that one might want an ad hoc committee to do, along the lines of what Mr. Linder and I were speaking about before. All he needs to do is encourage or direct one of the standing committees, with a certain amount of expertise and staff already there, to do something that needs to be done; make them responsible for being the lead committee on it. I don't think you have to create new committees to do that. It would be better, it seems to me, if the leadership would see to it that the existing system is used better than it often is now.

Mr. DREIER. I think the idea behind the ad hoc committees was to draw from expertise out there. I remembered that Speaker O'Neill did that with the energy issue.

Mr. BEILENSEN. That is the only one I really remember. We may have done other things, but I do remember the Energy Committee and that was sort of an—

Mr. ORNSTEIN. Welfare also.

Mr. BEILENSEN. Whatever. But, they could as easily perhaps have been done by—in one case, Energy and Commerce. You might even detail or loan members of other committees, people with some expertise to the committee with the responsibility.

Secondly, with respect to investigation and oversight, I agree with you. But part of that, if I may suggest, comes from the fact that we don't do the oversight, especially, and investigation to a lesser extent, that we should do because we are not here enough. We are here for 2 days, 2-1/2 days, a week. If you are here 4 or 5 days a week, committees will have time to spend a day every couple or 3 weeks or so looking at a program to see if it is working properly or not.

In the good old days here and in the good old days back in the California State legislature, we spent a lot of time digging deeply into the programs—seeing which ones worked, which ones didn't, and decided which should be continued and which shouldn't be. We don't do very much of that here these days. Part of the reason, I think, is that we are simply not here. We don't have time to just relax and go about legislating, which doesn't mean only writing bills, but also, doing the oversight that is necessary for a group of 435 Members here and 100 over there to see how the government is functioning.

And I dare say, and I don't mean to be nasty about it, but I don't think we have got more than 80 or 100 serious legislators left in this place and I think that is what the problem is. I don't think

we have given a lot of new people the opportunity, even, to be real legislators.

Mr. DREIER. We will be down to 99 in the 105th Congress without you here.

Mr. BEILENSEN. Well, you know what I mean. You have to settle in and work hard for 6, 7, 8 months, 5 days a week and then go home. You could spend all of your time being legislators rather than wasting your time going back and forth every weekend, or giving one-minute speeches.

Mr. BASS. The issue of time in Washington, of course, is also not only a political issue, but it is also a personal issue, and with transportation changes, and advancements, Members don't want to stay in Washington. When my father was in Congress, all five children, we all packed up and we lived down here. I went to school down here. It doesn't happen anymore.

Mr. BEILENSEN. But it can, and it does. Until 10 years ago, many of us moved our families here, and still do have our families here, and we are full-time legislators. And we don't feel it necessary—forgive me for jumping in, Charlie, but we have got to get away from people feeling that they have to be in their districts every weekend. You see the same people over and over again to a certain extent. It's ridiculous. It's politicking all the time. You have just got to settle in here and do your work.

If you are not here—I am of no value to people in California if I am in California, except that I hear them. If I go out there, as I do once a month, when I spend 3 or 4 days having three or four town hall meetings and a lot of office hours and whatever, I guarantee you I hear plenty from my constituents. I am as much up on what is on their minds—and I try to be reflective of their point of view—as if I spend six hours flying each way every single weekend, which two-thirds of the members from California do. It seems to me, they are out of their minds to do; it is ridiculous. There is no way you can be a decent human being, be a decent father or mother and be a decent legislator if you are packing up and flying back and forth to your district, wherever it is, every weekend.

Mr. BASS. Let me just suggest that if you were to reduce the number of committee assignments for Members of Congress, within the context of the time they spend in Washington, they might have a little more time to concentrate on the business of their committee assignments.

Mr. DREIER. Mr. Linder.

Mr. LINDER. Just a couple of comments. Charlie, you talked about the difficulty in repealing things. When I was in the legislature in the seventies, I always thought that in even number years we ought to pass bills and odd number years repeal them all. It didn't work. My idea never caught on.

I know that there is a growing interest in the conference approving the subcommittee chairs. And I am concerned that if we start doing that, we are going to become more polarized than we even are, and in our party—if they weren't conservative enough they would be dismissed by a very conservative conference, and if the other party weren't liberal enough they would be dismissed by their conference.

I think the appointment of subcommittee chairs gives the full committee chairman some degree of discipline or control of discipline on the committees. I am very weary about our conference having to approve all the subcommittee chairs because I think it—I think it would slant it even further to the right, and I don't think it should be given to the conference.

Mr. BASS. Very briefly, I would suggest that the issue here is concentration of power rather than political philosophy. Obviously, if you decide that you want the process to be more focused and centralized then you take the risk of having a particular philosophy dominate.

On the other hand, as the task force noted, the decentralization of power in the hands of committee chairmen tend to perpetuate institutions that are perhaps not in the best overall interest of moving issues through Congress; i.e., committee staffs become more powerful, more insulated from the conference itself. And it is a balance. Is Congress a Congress of committees or a Congress consisting of committees and leadership?

Mr. LINDER. Well, I have a question. I never made it to an orientation class because I was on the committee or committees during that time. From what I saw in the past and from what I read, it strikes me that one of the reasons the Republicans chose to do their own was because the earlier ones were focused on policy from a liberal slant, and maybe we have to get out of the business of policy in orientation and deal with process.

Mr. BASS. That is the idea.

Mr. LINDER. It would be totally nonpartisan, totally disengaged from any policy arguments, from either point of view. You have plenty of time to learn that in your committees. But maybe the orientation ought to be designed precisely for process, rules, things like that.

What do you think?

Mr. WHITE. I can tell you my view. I frankly—you know, we had, I guess, three orientations processes because we had the bipartisan one that was kind of the official exercise. We had the one that the Republican Conference put on and then we had something The Heritage Foundation did which was more sort of policy sort of focus.

Frankly, of all of those three, I found the Republican one a lot more helpful. I think there was an ability to be open, honest and direct. And I think you are probably kidding yourself if you think you are going to replicate that on something that is entirely bipartisan. There is probably room for a bipartisan approach, but my own view is that there is some advantage to getting there with the people who you know or who at least are going to be on your particular team and hear from them what their guidance is perhaps before you go into the bipartisan.

Mr. BASS. I would suggest that—I would observe that it took me—I will use names here. John Baldacci, who represents Maine's Second District, his office is right next to mine. It took me 6 months to get past the slow elevators and the weather in terms of our ability to talk to one another, and even though he is just a good guy and a good friend of mine now, if we had an orientation process, at least a procedure that at least emphasized the fact that we

are all in one class or whatever, for certain aspects of our training, I think it would benefit the process.

Mr. WHITE. We could have a freshman mixer. I think that's really true. I didn't meet any of the Democrats unless you really made an effort to do that. I think it would be a good idea as part of the orientation process just to have a social meeting where everybody kind of meets everybody else.

Mr. DREIER. 73 to 13, I think, was the ratio in the 104th Congress. It wouldn't have taken a lot of effort.

Mr. BASS. We didn't need some chaperons—

Mr. DREIER. All right.

Mr. BASS. —to pull us together.

Mr. DREIER. We were going to proceed, until I found that Porter, who was going to take over, headed downstairs and is working on an amendment right now. So why don't we try to recess for 5 minutes and then—

Mr. LINDER. Two votes, David.

Mr. DREIER. Two more votes after this one?

Mr. LINDER. One more after this one.

Mr. DREIER. Right. One more after this one. So as soon as the next vote begins, we can cast our votes.

Tony, if you can come back up then.

Mr. BASS. Are you through with us or not?

Mr. DREIER. We are through with you. And thank you all very much. And then we will proceed with Mann, Ornstein and Mason.
[Recess].

Mr. DREIER. The committee will come to order. We are going to proceed now. Let me say that during these eight terms that I have been privileged to serve in the Congress, Ben Cardin is the first Chairman of the Democratic Caucuses Organization Study and Review Committee to hold public hearings on his organization's proposed rules changes for the next Congress.

His is leading the effort among House Democrats to foster better cooperation between the two parties and even suggested to me that OSR and the task force work together to improve the committee system and it is something with which I am in complete agreement and that is one of the reasons that we are sitting here today, to try and proceed with this. And I appreciate your being here and look forward to your testimony and recommendations, Ben.

Mr. CARDIN. Thank you, Mr. Chairman. I would ask that my full statement be made part of your record.

Mr. DREIER. Without objection.

STATEMENT OF THE HON. BEN CARDIN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. CARDIN. Mr. Dreier, I want to first extend my congratulations and compliments to you for your leadership on this subcommittee as it looks at House rules and organizations and for your own personal record of trying to bring Democrats and Republicans together for the good of this institution. You have been one of reform's true champions. I come here to thank you for your interest, and also Mr. Beilenson's, and concern for this institution and for your desire to develop rules and procedures that are more fair for each Member of this House. Thanks to these efforts, Members will be able to

more fully participate and then we can get the best possible product for our constituents.

As you mentioned, I chair the Committee on Organization, Study and Review, better known as the OSR Committee, of the Democratic Caucus. That committee reviews not only changes in House rules, but also Caucus rules and makes recommendations to the Democratic Caucus. To this date, we have not made any specific recommendations.

As you have noted, we have had some public hearings. Next week we are conducting a public hearing on the issues of scheduling and the perception of the Congress in the eyes of our constituents. We have already held a hearing on partisanship and one on use of our committees. The views that I express today, although they reflect some of the concerns that have been raised by OSR, are my personal views and conclusions.

I know some of the previous Members have already mentioned the issue of bipartisanship. I strongly urge that we work together as Democrats and Republicans in reforming this institution. The task force that submitted its report should have been a bipartisan task force. It should have had Members from both parties working on it. Had the task force been bipartisan, it would have had a lot more credibility with this institution.

The good news is that we don't have to change rules to improve the working relationship between Democrats and Republicans. It is an attitude issue. In the 104th Congress, the Republican Majority has rarely consulted with the Democratic Party at any stage of the procedures, whether it has been in committee, whether it has been in conference, or whether it has been on Floor actions. We have seen the partisanship, reach a new height and that is nothing to be proud of. It has caused a lot of gridlock in this institution.

The effective way to create the best policy for our constituents is to have all Members participate.

I have a couple of specific suggestions in that regard. I think that there should be regular scheduled meetings between the Democratic and Republican Leadership. It should be on the calendar. It should be predictable. There should be at least an opportunity for talk among our leaders on schedules and on agenda so that Members know that our leaders will be meeting and expressing the views of our caucuses.

I must tell you that the committee leadership should have regularly scheduled bipartisan meetings in order to review the agenda of the committee and to cooperate to the greatest extent possible.

I take exception with Mr. Linder's comments about the previous orientations that have been scheduled. I am sorry he is not here.

Mr. BEILENSEN. I cleared it up with him on the way down.

Mr. CARDIN. Good. Just because we hold an orientation session at the Kennedy School does not mean it is liberal. I had to sit through the Chairman of the Federal Reserve's lecture during that orientation and I can assure you that it was anything but liberal. And that was not long ago. It was 10 years ago when we had our orientation.

It was well attended by both Democrats and Republicans, and if you asked the Republican colleagues that were there, I think they would acknowledge it to you privately. It was an extremely helpful

orientation session for us, not only to learn issues and processes on the Hill from people who are not quite as directly involved as the Members of Congress, but also to get to know each other.

I would suggest that we scrap the current orientation procedure and start from scratch, with a new bipartisan orientation process. We should work to formulate a meaningful bipartisan orientation. What do the Members want to hear? From who do new Members want to hear? New Members from the beginning, should understand that Democrats and Republicans are going to work together.

I also strongly support Mr. Ornstein's recommendation, and I hope he will mention it when he testifies later, that we have a bipartisan summit and that we schedule that before the elections. Therefore, regardless of the outcome of the elections, we will have an opportunity to pledge to work together to reduce the partisanship in this institution.

It is not to say that our parties don't have a role to play. They do have a role to play, but it's role has been exaggerated in past Congresses and it is time for us to change that. Most importantly, we must change the attitudes in this institution. We must start with the leaders and the people who are concerned about change.

The second point I would like to mention deals with policy development. It is true that prior to the 104th Congress, there was intense individualism especially on the part of committee chairman. In this Congress, we have seen the centralizing of power within the Majority leadership, which I believe is an improvement. The failure of the 104th Congress is that it didn't use the committees.

The committees have the most expertise on most issues. Committees have the staff and continuous presence to monitor legislation. I oppose setting up task forces. I think that it is a mistake. I disagree with the recommendation of the committee that we increase the presence of task forces in this institution. I might tell you, as I mentioned to you privately, Mr. Chairman, that I take exception to the idea of creating a "bipartisan ad hoc committee for the consideration of certain specific legislation proposals after discussion with the Republican Conference."

It is not bipartisan if it is after one caucus decides to do it. Task forces should be created after consultation with both caucuses. I think that was probably an oversight in the drafting, but the current language lends to the suspicions that we have around here that the task forces are used to avoid public accountability and to avoid the opportunity of the Minority to have full participation in the legislative process.

We have much more protection within our standing committee. Committee members get upset when another committee gets involved in its jurisdiction. One example is when the Rules Committee got upset when the Ethics Committee tried to review an issue under the Rules Committee's jurisdiction. There is a reason for that. Each committee takes pride in its own area of expertise. This provides consistency. Furthermore, there is much less chance of making a mistake when you use the committees.

There is also public accountability through the hearing process that you don't have when you have a task force. Members also are subjecting themselves to severe criticism that special interests are

drafting the legislation in this institution when they use a task force rather than the regular committee process.

I think it should be an exception, a rare exception, rather than the rule to use task forces. A task force only should be created when there is strong bipartisan support for its use.

Let me just mention one other point about the use of the standing committees. Standing committees also give Members a much better chance to work with the administration. The Administration has to implement our policy. Therefore, through the regular committee process the Administration has a much better chance to be involved in the drafting of the legislation to make sure it can be implemented the way that we intend. If we are concerned about committee inaction, I think that we should use one of the positive reforms of this Congress, the use of sequential referral rather than joint referrals, which guarantees that action will be taken. Use time limits. The Speaker has the ability to set time limits on committee deliberation. So you can guarantee floor action in a timely way under the existing rules. Don't use task forces. Use them only in very exceptional cases and only when you have strong agreement among both parties to do so.

I want to get to the point that Mr. Beilenson was mentioning on scheduling. I agree completely with the point that we need a more professional, a more family-friendly and a more predictable schedule in this institution. I have a suggestion. It is actually the suggestion of our former late colleague, Mike Synar, when he was chairing the Democratic Study Group. His suggestion was that we have a 2-week schedule.

We come in on Tuesday in the late afternoon, so the people have a chance to get their flights into town and we stay in session that week. The second week, we stay in session Monday, Tuesday, Wednesday and Thursday and we don't leave until 6:00 Thursday night. That way we know that we have a block of two weeks when there is a professional schedule where Members can really debate legislation and, as Tony said, also have time to fulfill our oversight function.

We have both a legislative and an oversight function. We can't do both if we are always anxious to catch a plane. The pressures that build up in this institution either at late sessions or close to adjournment are incredible. You can't get debate. People are only interested in getting that last vote out. If you try to do something substantive on the Floor, you got booed.

We should combine the Synar schedule with one of the reforms that the Republicans are instituting that is, rolling votes in the morning. Further, we should combine it with, an understanding that we only expect standing committees to use the morning hours, not the Ethics Committee, not the Intelligence Committee, and not any of the special committees that are here. Then you have uninterrupted time in the morning for committees to meet and for witnesses to testify, without having to run over to the Floor for votes. This would permit the committees to actually have some debate on markup because Members would know the committee will be uninterrupted for 3 hours. We should also have a commitment to adjourn by 6:00 every evening unless there is dilatory action or an issue that needs to be completed. That is professionalism. Such a

schedule makes sense. Members know it and they are expected to be here.

Mr. Beilenson is right. Our primary responsibility is to be here, working, debating, understanding each other, and understanding each other's districts. One of the problems we have around here is that many Members do not take sufficient time to understand the districts and constituencies of their colleagues. When I first came to Congress, I made a special effort to get to other Members' districts. I made one mistake.

I went to South Dakota and visited a hog farm and I was the only one who walked into the barn. I realized I had made a mistake when I was the only one to walk inside. At least I got to know a little bit, as a city person from Baltimore, more about the problems of rural electricity and farming. We got to know each other. That is not happening in this institution. Scheduling reform is a very important ingredient for us in order to get our work done.

I want to mention a couple of other issues very quickly. I support the efforts that were made in the past in this Congress to streamline our committees, reducing the number of committees and subcommittees. I think we should work together to reduce more of our standing committees and subcommittees. In addition we should have consistent rules in our caucuses on the number of committees that Members can serve on and an enforcement mechanism to make sure that those rules are carried out. We should agree in both caucuses, by our rules, to do that.

In the last Congress I was partially responsible, along with Mr. Walker, for establishing the Oxford style debates. We should return to them. I would suggest that we take one day a week and, rather than have special orders, have an Oxford-style debate. I think we should modify it slightly because it was a little bit too cumbersome with the number of people and the short period of time that each had. Mr. Ornstein, has made a recommendation that we have a lead person on each side control the time. Some of these debates may well be partisan, some of these debates may be bipartisan, just as in the last Congress. These debates elevate, not only the public perception of this institution of being capable of having real debate, which is important, but it might even help the Members understand that debate is healthy and it is part of this institution. One may come out of the debate having a better understanding of an issue. That happened in the last Congress on a couple of occasions and I would encourage us to have more debates.

The last point I want to mention is in reference to the ethics recommendation that was made by your committee. As Mr. Goss knows, I have had the displeasure of serving on the Ethics Committee for the past 6 years. It is a thankless, time-consuming and very difficult assignment. Yet it is very important to this institution.

I don't think a jury system makes sense. We need consistency in the results of the Ethics Committee and if you start parceling out the work, I am afraid you are not going to get that type of consistency. I happen to think the Ethics Committee has worked well. Except in highly visible cases, the Ethics Committee has been able to do its work in a timely manner and a very professional manner.

I would suggest one change in the rule. As you know, the Ethics Committee is of equal membership of Democrats and Republicans and it should be that way. If 50 percent or more of the membership believes that it is important that a matter be investigated by an outside counsel, then that should be sufficient to have the matter referred to outside counsel for investigation and review. That would prevent a deadlock situation from occurring and would give the Ethics Committee the independence it needs. This would occur only when at least 50 percent of the membership of the committee that felt that it was necessary. I would encourage that we put that into our rules.

In conclusion, Mr. Chairman, I extend again the offer that you noted in the beginning of my testimony. I stand ready to work with you and the Republicans jointly, in any forum you want, so that we can work together to make this institution a better place for our constituents and for this country. Thank you.

[The prepared statement of Mr. Cardin follows:]

PREPARED STATEMENT OF HON. BEN CARDIN, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF MARYLAND

Mr. Chairman, members of the Committee on Rules, I want to thank you for allowing me to testify here today. As many of you know, the Committee on Organization, Study and Review (known as OSR) of the Democratic Caucus was created to review House and Caucus Rules and recommend changes to both. Over the last two months, concluding next week, OSR has been holding a number of hearings on Congressional reform. We are reviewing the problems that have plagued this and past congresses and we are looking for ways to improve the Congressional process in the 105th Congress.

While these hearings are taking place within the Democratic party structure of OSR, they have bipartisan goals for improving the institution. Thus far, we have reviewed policy development in the committee system and bipartisan cooperation in Congress. Next week's hearing will address public perceptions of Congress and scheduling in the institution. At this time, the members of OSR have not proposed new House rules. Therefore, I will highlight some of the points raised at the OSR hearings that I personally support.

In addition, I have read the "Report on Reforming Committee Operations, Procedures and Staffing," by the Republican Task Force on Committee Review, headed by David Dreier and Sam Brownback (Dreier Report). I will briefly comment on the Dreier Report's proposals as they relate to my testimony.

BIPARTISANSHIP:

I believe that the House would have been better served if the Democrats had been invited to participate on the Task Force on Committee Review. A joint effort is needed for success. One of the largest problems with this institution is partisanship. If we do not find ways to discourage partisan activities in the House, we will face the same problems of legislative gridlock and public contempt in the 105th Congress that confront us today.

We can promote bipartisanship by changing attitudes of the leadership and committee members on both sides. In the 104th Congress, the Republican majority has rarely consulted with the Democratic minority at any stage of the legislative process—not during committee consideration, not during floor consideration, and not during conference. Partisanship has been taken to a new height. The result has been months of stalemate. Clearly, the current system is not working.

I believe that the most effective way to develop policy is to have all Members participate. Excessive partisanship clearly has had a negative impact on the policy-making process. All Members of Congress must be allowed to participate fully in the legislative process in order to produce the best possible legislation.

We should foster bipartisanship wherever possible. At the institutional level, there should be regularly scheduled meetings between the leadership of the majority and the minority parties. In the meeting, the leadership should discuss the floor schedule and other issues as they arise so that the minority has a role in developing the schedule and agenda.

At the committee level, Members on both sides of the aisle must have a full opportunity to participate at every stage of the process of crafting legislation. Each committee chairman should have regularly scheduled meetings with the bipartisan leadership of his or her committee. I am certain that if all Members of the House are given the opportunity to participate fully in committee, the legislative results will be better.

We should begin to encourage bipartisan cooperation at the earliest stages of each Congress. New Member orientation sessions should be returned to their bipartisan roots. If necessary, all current programs could be dismantled and the leadership on both sides could work together to create a balanced program for all new Members.

Norm Ornstein of the American Enterprise Institute has advanced the useful suggestion of holding a bipartisan policy summit where Members from both parties can set the tone and attitudes that will lead to true bipartisanship. Ideally, this summit would take place prior to the November elections. Thus, those in attendance would be expressing their determination to work together, regardless of the election results.

Perhaps most important, no new rules change is needed in order to change the attitude of Members. We should work with our leaders to promote the understanding that working together is the only way to get positive results.

POLICY DEVELOPMENT:

It has often been said that before the 104th Congress, there was intense individualism, especially on the part of committee chairman. In the 104th Congress, the committees are no longer unwieldy, yet the centralized power of the majority leadership has, all too often, consigned committees to irrelevance.

In the 104th Congress, major legislation, time and time again, reached the House floor without proper consideration by the committee of jurisdiction. Using statistics compiled by Professor Barbara Sinclair of UCLA, Tom Mann of the Brookings Institution showed that 40% of the bills that reached the House floor have bypassed House committees.

In an attempt to impose an agenda on Congress, important legislative issues have been reviewed in secrecy, as the committee system has been repeatedly circumvented. Special interest groups and task forces are being used to write bills. While input from outside groups is useful and task forces help us develop consensus within a party, neither should be a substitute for the committee system.

The Dreier Report urges the Speaker to "create bipartisan ad hoc committees for the consideration of certain specific legislative proposals after discussions with the Republican Conference." The task force cannot be bipartisan unless both parties are involved in the process that leads its creation. Even if created in a bipartisan fashion, the use of task forces should be the very rare exception.

In developing legislative solutions to complicated issues, we should use our standing committees rather than creating a task force. Our standing committees have the expertise and they guarantee, through the public hearing process, that the public will have access to the legislative process. As a general rule, the more important the issue, the more important it is that we follow the normal legislative process.

Public examination of legislation is crucial to our democratic system. The process of congressional policy-making must allow for public input. In addition, committees have members and staffs with different areas of expertise. These experts are needed to produce the most effective, strong legislation. In crafting balanced, national legislation, the expertise of all knowledgeable members is necessary, regardless of party affiliation.

In addition, when bills come directly to the floor without sufficient hearings or mark-ups, we run a greater risk that mistakes will be made in drafting or in carrying out the intent of the policy-makers. Also, the use of committees helps this institution refute the charge that special interest groups have too much influence in directing legislation through the Congress. Task forces simply do not have those advantages that are associated with a permanent, standing committee.

Legislating by committee also ensures that the Administration is apprised of the potential policy changes. Congressman Stenholm offered the example that when drafting legislation on the Agriculture Committee, it is imperative that committee members consult with the Administration. These consultations permit the committee to benefit from Administration policy experts, as well as gaining the insights of Administration officials who will ultimately be required to implement the policy. For these reasons, the administration's involvement from the beginning is crucial, and the committee system is the best method for receiving that input.

Regardless of which party is in control of the House for the 105th Congress, coordination between both leaderships and the committee chairs and ranking members is essential. The majority party leadership certainly has the prerogative to set

the legislative agenda, but the committees of the House must have the opportunity to act.

In order to ensure timely action by the committees, the Speaker can make time-limited referrals. Currently, bills are primarily referred to one committee of jurisdiction and then, if appropriate, secondarily referred. Clearly, this referral system is an improvement over past congresses. This process should be expanded with the use of time-limits. Where necessary, the Speaker should refer a bill for a certain amount of time in which the committee of primary jurisdiction must act.

SCHEDULING:

It is time that the House of Representatives have a more predictable, more professional and yes, more family-friendly schedule. A schedule for the year should be created early in January and stuck to as much as possible.

My proposal for the House, which is taken partially from a proposal submitted by the Democratic Study Group when it was headed by the late Representative Mike Synar, is that the House should be in session 4 days a week, on a 2 week cycle. The first vote of week one should be scheduled no earlier than 5 p.m. on Tuesday. The last vote in the House during week one should be no later than 5 p.m. on Friday. The House should commence week two on Monday at 10 a.m. The last vote in the House during week two should be no later than 6 p.m. on Thursday.

In addition, during the hours of 10 a.m.-1 p.m. each day, we should discourage task forces, the Oversight Committee and the Committee on Standards of Official Conduct from meeting. During that time we should roll votes as much as possible. This will reduce the number of scheduling conflicts Members experience, making it easier for them to attend important legislative committee meetings. Furthermore, votes should be finished each day by 6 p.m. unless there is dilatory action or if we must finish a subject matter.

This schedule would set a more professional attitude for our work in Washington. It is difficult for Members to get involved in real debate on legislation in their committees and on the floor when we are always trying to get out of town. Let us block off a period of time when Members know they need to be in Washington tending to their legislative and oversight responsibilities.

OTHER ISSUES:

There are also a number of other issues that need to be addressed before the commencement of the 105th Congress.

Committee Streamlining

I supported the Republican initiatives that decreased the number of standing committees in the House of Representatives. However, I do not think they went far enough. I propose that we work together to eliminate some additional standing committees and subcommittees. In addition, both parties should work together to have consistent rules on the number of committees and subcommittees on which a Member may serve and enforcing these limits. Furthermore, both parties should enforce the same rule regarding which committees are exclusive, i.e. the sole committee on which a Member may serve.

Oxford-style Debates

Although Oxford-style debates were put on hold for the 104th Congress, we should not give up on this idea. From the minority perspective, special orders may serve a purpose, yet they still are a cost to taxpayers with little benefit to the Members of the House or their constituencies.

Therefore, I propose that we hold modified Oxford-style debates in lieu of special orders at least one day a week. During that time, Members will have the opportunity to develop the arguments on a given topic and the public will have a chance to hear about an issue in detail. The debate teams could have partisan or bipartisan membership, depending on the debate topic of the week.

The structure of the debates in the 103rd Congress was too rigid. The party leadership should work together to develop a less onerous debate. For example, Norm Ornstein has suggested having one lead person on each side with supporting people to help with questioning the opponent's lead debater. Also, we may wish to have fewer participants than the eight we used in the last Congress.

Ethics Committee Reform

With regard to reforming the Ethics Committee, I disagree with the Dreier Report's suggestion of a jury review. I have served on the Ethics Committee for the past 6 years. It is a difficult, thankless, time-consuming process. Yet, it is important

that there be some consistency in the way in which the committee carries out its responsibilities. Using different Members for each investigation is not the solution.

The Ethics Committee, as you know, is the only committee of the House with equal membership of Democrats and Republicans. It has worked very well except in those rare circumstances when there is a highly visible ethics complaint. My suggestion would be that the House rules be changed to permit the Ethics Committee to use an independent counsel whenever 50% or more of the committee believes that it is necessary.

CONCLUSION:

Mr. Chairman, let me once again thank you for this opportunity to testify. The most effective way to move forward with a reform agenda, not only to make the institution more productive but also to improve our public perception, is for us to work together—Republicans and Democrats—in a truly bipartisan manner. I urge you to make such a commitment as you move forward with this subcommittee's most important assignment.

Mr. DREIER. Thank you very much, Ben, and let me say, again, your presence here, the fact that you are proceeding with this bipartisan hearing, demonstrates our commitment to doing it in this way.

You have said an awful lot and obviously I agree with many of the things that you have raised as you and I have discussed privately before. I had the privilege of captaining the first bipartisan Oxford style debate and it was the last Oxford style debate, as I recall, and I enjoyed that greatly. In fact, it was a real learning experience for me on the process and on the issue that I worked on, and I think that it would be worthwhile for us to proceed with that.

Let me make one comment. You act as if or you sound as if the process of ad hoc committees would be just a horrible thing to consider. They have been utilized in the past and all we have proposed, from our task force, is that we look at utilizing them on an experimental basis.

The main reason for this, Ben, is that we want to garner expertise from a wide range of sources. I mean, as we look at technological changes, one of the reasons that we are moving towards getting this information from the Congress on-line is that we recognize that there is expertise far beyond the committees, far beyond the institution, and we should glean as much as we can outside of this place, and that is why I think that the idea of trying to move ahead with ad hoc committees on an experimental basis is something worth considering.

I would like to just ask one specific question of you, based on the statement that you made, and that is, what committees would you propose that we—and I don't like to use the term "eliminate" because I think it creates concern. I like to say "consolidate" as we move into the 105th Congress.

Mr. CARDIN. I am going to give you my personal view and please let me underscore this is a personal view and this obviously does not reflect any discussions that we have had among Democrats because we have had no discussions among Democrats.

Mr. DREIER. I understand.

Mr. CARDIN. I think the most likely—

Mr. DREIER. I have had a number of discussions with Democrats on it.

Mr. CARDIN. I think the most likely candidates would be the Small Business Committee, the Science Committee and the Veter-

ans' Affairs Committee. I think they are the most likely standing committees that could be consolidated into other committees.

I would like to underscore the point that by consolidation, we do not mean the elimination of these committees. We mean there would be three fewer committees. Their important work would be done by another committee and would have a very visible presence within that other committee as we have done when we made other consolidations.

I strongly support the limit on the number of subcommittees that you attempted to create in your last series of reforms. You made a couple of exceptions and, quite frankly, I don't think those exceptions were needed. If you consolidated those three committees, you would be eliminating a significant number of committees.

Mr. DREIER. I have other comments, and I think we have gone through this before.

Mr. CARDIN. Could I just comment on the task force?

Mr. DREIER. Sure.

Mr. CARDIN. I think task forces could work, but I think our record of abuse of task forces—

Mr. DREIER. Are you talking about task forces or ad hoc committees?

Mr. CARDIN. There have been a lot of task forces and a lot of committees established outside of the normal committee process that have been used by the Democrats when we were in control and are being used now by the Republicans. Some have had participation by both parties. Some have not had participation by both parties. Some have had more formal status than others. We have put a lot of different types of special committees together since I have been in Congress, and in almost all the cases it was a mistake to do so.

I am prepared to work with a procedure where we establish a special committee. You may call it a task force, et cetera. I am just worried that if it is used as a way to get around the committee process, then it is a disservice to this institution. Such misuse of task forces has occurred in the past.

Mr. DREIER. Well, I mean, as I know you are aware, the rule does require that the committees with jurisdiction do have Members serve on those ad hoc committees.

Mr. CARDIN. Sure.

Mr. DREIER. It is not as if we would be cutting them out.

Mr. BEILENSEN. Mr. Chairman, what is the problem that is going to be solved by having these? I don't understand why people are suggesting it.

Mr. DREIER. Well, I think that one of the things has been overlapping jurisdiction.

Mr. BEILENSEN. Then you change the jurisdiction.

Mr. DREIER. That's something that we try to address in the early part of this.

Mr. CARDIN. A bill can be referred sequentially and with time limits.

Mr. DREIER. We have have gone to sequential.

Mr. CARDIN. I think that makes sense, as do time limits. And if you use time limits—you haven't quite enforced them because of the politics of some issues——

Mr. DREIER. Right.

Mr. CARDIN. —but if you use a time limit, a committee knows that it is going to lose jurisdiction. In addition, there is the Rules Committee that will come to grips with an issue if needed. I think that is a better process than setting up a special committee. I have a lot of confidence in the Rules Committee.

Mr. DREIER. Thank you very much.

Mr. BEILENSEN. It also goes in the opposite direction.

Mr. GOSS. You were doing great until then.

Mr. BEILENSEN. You are reducing committees on one side and you are creating other little creatures over here on the other side. That doesn't make a lot of sense to me.

Mr. DREIER. Mr. Goss.

Mr. GOSS. Thank you. I want to say that there is not much you can enjoy about the Ethics Committee, but I very much enjoy the companionship and working with Mr. Cardin. I honestly believe that there is a very sincere effort going on to try and deal with this over partisanship problem, and I think Mr. Cardin has taken an extraordinarily responsible and probably somewhat risky position in trying to do exactly the same thing, and I hope others are doing as well and I know it has been reciprocated on our side.

And I want to say that because it is very important that it be said because everybody has sort of hit on that point. I have read your very fine statement. It is very thoughtful. I don't agree with all of your points, but I think they are all worth serious consideration.

In the area of scheduling, I have come to the conclusion that Congress is not family-friendly. I don't think we will ever be family-friendly. There are too many things happening in the world and we are here and we are it. And I think if you are going to run for Congress you have got to figure out, this is not going to be something that is going to put family-friendly at the top of the list. I have in my own life said Sunday night is sacred and even that isn't sacred anymore. So, however, I think we should make the effort to try and control it to the best we can, so I agree with that.

I don't think the Synar-Cardin proposal is a bad proposal, but I suspect it will, like any other proposal that is implemented, soon get eroded, and then somebody will say, oh, that weekend is not the weekend we should have as the short weekend in Washington. That is the weekend of the Olympics or the this or the that that matters to Members. I think that process is always going to be with us, but I agree we ought to try to work it out.

The other area that hasn't been talked about, I don't think, Ben, and this cuts both ways—I couldn't agree more that we need to deal with the problem of getting administration input into the legislative process in an orderly and meaningful way. I don't care whether it was under the Bush administration, which I served, or the Clinton administration, that process is far from good.

It doesn't get much attention and every time it starts to work, somebody screams separation of powers or something else. I don't know how we deal with that. Governance is governance and every-

body has a legitimate piece of a piece of legislation. I know that we feel horrendously shut out of the Clinton administration. For all I know Members of your party may feel shut out from the Clinton administration on that, too. I have heard some comment on that. I felt the same way under the Bush administration from time to time. I don't know how you correct this and I would like to talk to you more about it.

Mr. CARDIN. If there were joint leadership meetings, they would serve to improve that situation. I remember that in my State legislature, I had the honor of being Speaker of my State Assembly, we, on many occasions, disagreed about the way the Governor or the executive branch was handling legislative issues. There is a lot of strength when there is a collegial atmosphere within the State legislature where Democrats and Republicans will work together. We worked together to ensure that the executive branch have more respect for the legislative branch of government. When we are divided along party lines, it makes it less likely that we can develop that type of support for the Congress in battles with the executive branch.

So I come back to the point, things will work better if we can improve the relationship between the parties. We should have a regular mechanism for Democrats and Republicans to understand the frustration level or a problem of the other party such as in dealing with an overly partisan executive branch. One will be surprised at the type of support that you can garner in an institution. That happened in our State legislature over and over again.

Let me give you one more insight on schedule, if I might. We adopted a reform in our State legislature that was a mistake and was not family-friendly. It looked like a good reform. As you know, the State of Maryland is not a large State. It is pretty easy for most people to get to and from Annapolis without having to spend the night in Annapolis. It is not like California.

We developed a reform that reimbursed legislators rather than on a per diem for their voucher and expenses, which means automatically every member of the State legislature had a hotel room for the entire session and spent his or her full week in Annapolis.

Now, for the State legislature that was a mistake. We already knew each other. It is a small State and what happened was we were away from our families for a week and it caused a lot of problems in our legislature. I would suggest that the schedule that I have brought forward today is an effort to try to improve the ability for families to have time.

I don't mean to speak for any specific family. Each person has to make their own decision. With a schedule like this, a predictable schedule, it is easier for a Congressman to bring his or her family to Washington and know that there is going to be a time for the family to be together as a family, there would be that opportunity with this type of a predictable schedule. I agree with you. It is going to be very difficult for any family in which one of its members is a Congressman. You don't have the type of privacy that you enjoy in your district that other families can enjoy. My daughter will not go out to eat with me in a restaurant in Baltimore. You give that up by being a Member of Congress.

But at least we can make it a little bit better by giving predictability and assuring that our evenings by and large will be free so Members can be with their families at night if they choose to bring their families here to Washington.

Mr. BEILENSEN. I think that Mr. Cardin's testimony is excellent and unlike my friend from Florida, I find myself in agreement with all of the points that you made. I can't think of any that I disagree with at all.

I keep coming back to the thought that it is within the hands of the leadership, whoever they might be at any particular time, to solve all of these problems. As you pointed out, Ben, at the outset rules changes are necessary at times to rationalize the process, but they are not the secret and they may not necessarily make things better, although they can help.

No matter what you are talking about, the leadership can help solve the problems. That is true about family friendliness. However, people might interpret that by, again, scheduling the House in the way that Mr. Synar, Mr. Cardin and others have suggested.

The truth of the matter is—I was a lawyer in Beverly Hills, and ever since I have been a legislator, I have had far more time for my family than I had when I was a lawyer. If you are a lawyer, your work is never ending. You are back in the office on the evenings and weekends.

We moved our family to Sacramento, where we were for 14 years. We bought a house. I went down home to Los Angeles once or twice a month, and kept everybody happy with me. I won by a lot more in those days than in these days mainly because I was in a much better Democratic district.

We ended at 6 o'clock every evening. I took both my boys to Little League games for all the years they played Little League. We moved everybody here when the children were in high school. We bought a house here 20 years ago. We have had a private, normal, perfectly good personal life because—mainly because I made the decision that it was more important to be with my family all the time than to be with my constituents all the time. But I don't think that I have devalued my constituents or that they don't have adequate access to me. When I am at home, I spend all my time with them. I don't go home to see my family; I have got my family all the time with me here.

We have to turn that around in peoples' minds. I don't mean to put too much emphasis on that, but I think it is important.

The other thing you said, Ben, that is correct on that point is regularly scheduled leadership meetings. If I imagine myself as a Speaker or Minority Leader, I can't imagine that I wouldn't meet daily, let alone weekly, with the leader on the other side just to talk things over. How are we doing this week? What bills are you guys going to get out? How are we going to handle those things? I cannot understand the a lack of communication between the highest levels of both parties here in the House of Representatives. It is just beyond me.

The leadership does set the tone, and if the leadership—and I am going to be frank about both leaderships—wants this place to be more bipartisan, it will be because they can just see to it that it is in any number of ways.

Just one more quick point—orientation. I totally agree with you. My wife and I have been lucky enough to be invited the last 10 or 12 years to participate in the orientation process to talk about families, the role of the family and how to keep your family together, and also I talked about how to be a good legislator. I don't know if it is of any value to people.

The wonderful thing is, we have met all the new Members the first week of the session for the last 10 years. I have 150 new little friends around here that I never would have met if we hadn't been together at these sessions, and it is crazy for us—

Mr. LINDER. How little are they?

Mr. BEILENSEN. Bigger than I am, most of them, but they are younger than I am.

But it is wonderful; otherwise, you don't get to know people. You get to know people from your class, but not even that if you don't have a bipartisan orientation period together. You always feel close to the members of your class, but I have also gotten to know enormous numbers of folks in the other classes.

Finally, just one thought: I don't know how you resolve this whole partisanship problem. It is interesting what happens when you are about to leave this place. You start sort of leaving in your mind before you are gone, and you start seeing it in a bifurcated way, both as a Member of the Congress and as an outsider, which you almost are now.

The truth of the matter is that we, including myself, look silly to those of us, including myself, on the outside or almost on the outside. It is a very strange little thing we are doing here on C-SPAN and with each other all the time here. It is outrageous and not understandable why we don't do better.

We are a bunch, as we all know, of very bright, hard-working, concerned, well-educated, caring men and women; and we are utterly incapable most of the time of doing things which a group of rational, thoughtful, capable people ought to do.

The one thing that sticks in my mind the most, and it may be a bad example: I am sure we have 120 Democrats and 120 Republicans, if not more, who, if allowed to, could agree on a 6- or 7-year balanced budget plan. I am sure. We are prevented from its happening, I guess, because there are some guys on your side who have ideological hang-ups and some on our side who have ideological hang-ups. It somehow seems impossible for the moderates, the people in the middle, the 120 or 130 or 140 on each side who—giving up a few things—could arrive at that. I don't know how we do that.

If I were the Speaker—I guess Newt can't do it—but I would say to about 60 of these guys, you are out of your minds; you are not being helpful. But the rest of us, there are enough of us and enough of the guys on the other side, who could come up with a 6-year or even a 5- or 4-year balanced budget plan, and we are going to do it.

You can yell at me if you want; you don't have to vote for me for Speaker if you don't want to. I bet you a \$100, \$1,000, Newt would be reelected Speaker if he had done that kind of thing, if it were the kind of thing one could do. There has to be a way of working with one another around here, and I sure hope we find it.

I do suspect—as a couple of you noted correctly, I think— whoever is in charge around here will have probably a somewhat narrower margin, and it will force, I hope, the parties to work together. You guys have to find a way to do it.

Now I am off to my sunset years.

Mr. LINDER. Out of body experience?

Mr. DREIER. [Presiding.] I am sure we will be hearing from you, Tony.

Mr. BEILENSEN. You are on your own. I am far more optimistic, I must say, after hearing Ben. This made me feel good. I hope you guys agree with much of what he said.

Mr. DREIER. Mr. Linder.

Mr. BEILENSEN. Don't keep qualifying it, Porter, by saying, I agree with some of it. If you can't agree—

Mr. DREIER. I disagree with everything.

Mr. GOSS. There is one thing I disagree with. It is a simple matter. It is a major change in the legislative process.

Mr. CARDIN. Obviously, when the Chairman asked which committees to eliminate, I thought immediately of the Ethics Committee.

Mr. GOSS. They are small things. They are small things. They are surmountable.

Mr. DREIER. Ms. Pryce.

Ms. PRYCE. Thank you.

I appreciate your testimony and I agree with much of it. But I would like to get back to the scheduling stuff you were talking about. I am sorry I missed Mr. Beilenson's remarks about that. Maybe we can get together on that another time.

But I have attempted over the last couple of years with Frank Wolf, Tim Roemer and Mike Nulte, and a friendly ad hoc committee to make some changes. I think we have made great strides in this Congress. I have been here only two terms, but this Congress is wonderfully improved upon over the last Congress when I never knew when I could get out of here. At least they gave us a schedule—for the most part, we have stuck to it—and an update every week, and it is published in advance.

You said something about Representative Synar's proposal, but you didn't go into much detail. I would like to know whether I agree with you on that or not.

Mr. CARDIN. First, I hope you didn't interpret from my statement that I thought the schedule of the 103rd Congress was a good schedule, because I didn't. I thought it was a terrible schedule; I was not recommending we go back.

I do think in the 104th Congress, that the Republicans have instituted some improvements. I don't think the schedule is any better. I think there are some improvements in the rolling of votes and the predictability of final votes for catching planes. That is certainly a major improvement.

But the schedule still puts a premium on getting out of town rather than having a solid period of workweek in which we can do a professional job, not only in our committee, but in overseeing the Federal agencies as we are supposed to do. The recommendation would be that we come in for a 2-week schedule and then we repeat it every 2 weeks, obviously with district workweeks not in

the cycle. And you would have a 2-year schedule at the beginning of each term of Congress. You would know the full schedule, including the weeks that there would be no expected work in Washington for district workweeks.

We would come in on Tuesday, late afternoon, of the first week. We would then be expected to stay in town Wednesday, Thursday, Friday. On those days, the Morning Hours would be reserved primarily for the standing committees to do their work. There would be no votes expected on any of those mornings before 1 o'clock, and votes would be rolled. Members would be expected to be here. The committees would be operating.

In the afternoons we would have our normal Floor action, votes, et cetera, with adjournment by 6 o'clock on those days. We would then reconvene Monday at 10 a.m. It would be a regular workday, Monday; so would Tuesday, so would Wednesday, so would Thursday, regular workweek days. And the mornings again would be reserved for the committees to do their work uninterrupted by Floor votes. In the afternoon there would be Floor votes, then out by 6 p.m. every one of those days.

Then we would be adjourned on Thursday afternoon, not coming back until the following Tuesday afternoon. This would give a long weekend with 2 days for the Member to travel to his or her district, if that is what the Member wants to do, or have a weekend here in Washington with his or her family, depending what his or her commitments are in the district.

That is primarily the schedule that I am suggesting.

Ms. PRYCE. I have to say that I think that I take strong exception to that. I can see why people who have their families here prefer that, but I think that most new Members prefer to keep their homes and their families where they were elected, back in their districts. Then—and I think that is preferable for the governance of our country, so folks can live and have their families and patronize the businesses and live in the communities out of which they were sent here.

So we are always going to have that "east and west of the Mississippi" kind of problem, or people who have their families close by anyway. Because my preference is, when I am here, I don't want to quit at 6 o'clock because there is really nothing for me to do. My family is not here; I don't want to get too ensconced in the Washington "inside the Beltway" social scene.

I want to do my work while I am in Washington and get back to my district and my family; and I don't think that schedule really addresses the problem for those of us who don't have our families here and, therefore, I don't believe it is one that we should adopt. I think maybe it would make things more professional for those who, you know, have a normal family life here in the Washington area, but otherwise it does not.

Mr. CARDIN. If I could respond, it is more professional in getting our work done, I think most people would agree that after 6 o'clock the quality of the work that this institution does as far as deliberative action and true debate diminishes as the hour gets late. By 8 or 9 o'clock, we can't get into a serious debate on the Floor because the Members are all booing when you get up to speak because they want to get out of here.

Ms. PRYCE. Some do.

Mr. CARDIN. It is very difficult to get into a meaningful debate the later you get into the evening. I would suggest that we lose much from debate time because people have the pressure to get back to their families, which is certainly an understandable concern. In addition we want to meet our schedules for those who have their families in the district. When the schedule accommodates the family that is not here, Members are always anxious to get out of town. The choice becomes we have oversight hearing we will have to cancel because there are no votes and Members won't stay here for an oversight hearing.

Right now we have had so many weeks where we come in very late on Tuesday with no opportunity to work and we leave Thursday night late. Therefore, the committees have to use all its time for its legislative work. There is no time reserved for the members to be able to debate issues in the committee or for committees to do their oversight function. We don't have any predictability as to whether we can really plan on a Tuesday around here let alone a Monday or Friday to get any work done.

Ms. PRYCE. I just think we could do it, but we don't have to quit every night at 6 o'clock to do it, and maybe you are right about the level of the debate. I see it happening after the 10 o'clock hour; between 10 and 2 we used to do a lot more of that around here. If we work up to 8 o'clock, I don't think 8 or 9, that is any real big problem for anybody.

Mr. CARDIN. My recommendation said we could go later than 6 if we needed to in order to complete our work. If we were to adopt this schedule, my guess is that we will be in many nights. This is the way the legislative calendar works, you meet deadlines and get things done. We are like school kids in many respects. Near deadlines or near recesses, we will be working into the night. The schedule does not mean that we wouldn't work into the evening, but the normal schedule would have us adjourning by 6 o'clock. If there were dilatory action, or if there were issues that need to be completed, we would use the evening hours to complete our work.

Ms. PRYCE. I don't mean to take up too much of committee's time. I have worked through this Congress on this issue, and perhaps I would like to talk to you more about it later.

Mr. CARDIN. There is no schedule that will ever reach a unanimous agreement in this institution. The only unanimous vote you could get is that everybody is dissatisfied with the current calendar, whatever it has been. We have never had a lot of people happy. I think we all need to back up a little bit and look at the job we have to do here and try to look at that more objectively. Unfortunately the schedule is one thing that people look at from a personal point of view and not from the institution's point of view. We have a responsibility to the institution. I would ask us all to take an objective look at what is best for the institution.

Mr. DREIER. Let me say, having listened to the discussion between you and Deborah now, it is a very compelling case as we move towards these technological changes towards videoconferencing. I know Tony doesn't like what I'm saying. Obviously, the equipment is going to change and all, we are never going to make everyone happy. To have you make the recommendation

when you on that Friday won't be going to Baltimore is obviously one perspective.

One other thing I would like to note, I was just talking to my California colleague, Sam Farr. We rode down—flew out to San Francisco this past weekend and we were talking about the fact that the speaker and Minority leader in the State legislature used to have breakfast every morning and were having this discussion in the wake of that cover story on The Hill that Newt and Dick barely discuss anything at all, even communicate. So I think this request for bipartisanship is great. Sam, we have a series of witnesses. If you would like to make any comment briefly on that, I certainly welcome you.

Mr. CARDIN. Let me thank you. It is wonderful we are having these discussions. We have far too few. It is extremely healthy. I want to comment that when I was speaker, the Minority leader of the Maryland legislature was included at every single one of my leadership meetings and I met with him almost on a daily basis on issues. He happened to be the brightest person on fiscal issues and I needed his help. We had that type of relationship and I think the results were good.

Mr. FARR. Thank you very much. I will be very quick because I don't want to take others' time, but my observation in the short time I've been in Congress is that I think we need to turn to State legislatures for examples in procedures and schedules. When you think about it, people who serve as full-time legislators in State legislatures in big States like California, serve the same period of time that we serve here in Washington. For some of those members living in the distant counties, it takes as long for them to get home from the state capital as it does to get home from Washington. It takes me 9 hours to get from point to point, from here to my home in California. It takes some members of the California State legislature twice as many hours to get from Sacramento to some of the state's remote areas. I think this sort of travel distance is true in any big State. Members from New York, Texas, Florida, all have distances to go.

What I observed at the State level is when we were committed to getting a job done as scheduled, we like anybody working on a project you just—you go continuously, you go into the weekend, you go into even Sundays.

I think Congress would be better off and I think the taxpayers would support us as long as we are near Washington and committed to getting something done, complete it rather than trying to interrupt it so as to get back to the district every single weekend. I think most Members would realize you don't have to go back every weekend to your district if constituents expect you to be here doing business.

I really think we could have a more efficient schedule though, I would suggest it would be more intense, loaded up, five days, six days a week in those times when we need to be here. Then, when business is done, take a break. Frankly, Congress already has more breaks than most State legislatures do in the same annual calendar period of time.

The second observation I make of State legislatures is I think the systems of information dissemination they use—the internal proc-

ess—including the way bills are drafted, (Mr. Beilenson is familiar with the system in California) provides a much quicker understanding of what the lawmaking processes do. The legislative language strikes out what the existing law does and proposes what the new law will do. I am appalled that in a Federal system bills are handed out the day of the hearings and in most State legislatures they wouldn't allow that. You would have to have them in print several days before you have them voted on. At least with every bill you know by looking at it exactly what is being proposed versus what current law has been for the last several years. That is my suggestion for bill drafting here as an internal, procedural matter.

Lastly, I think the system of information and analysis of bills could be done in a more uniform basis. I think the information feed here is more rhetoric and less substance, more editorial and less substance. I think we ought to adopt a standard format for bill analysis. Most State legislatures have this and they work in a non-partisan fashion. I do think there is a place for partisan political comment in analysis, but those could be done separately from a nonpartisan analysis.

Mr. DREIER. That is very helpful, Sam. Let me just say the last point you made is one of the recommendations of our task force.

Mr. FARR. I would like to work with you any way I can and I know Ben Cardin was president of the NCSL. There are a lot of lawmakers in this country that are facing the same types of dilemmas that we are. I think, working together, we can borrow from some of the systems they developed.

Mr. DREIER. We appreciate your coming by. Monsieurs Mann and Ornstein have sat patiently for 2-1/2 hours. We are going to proceed with them, and thanks. We will continue our discussions of this

Mr. DREIER. If all three of you would come forward, we have, as I said, 2-1/2 hours now, and I have a lot I can say about all of you.

STATEMENTS OF DR. THOMAS MANN, DIRECTOR OF GOVERNMENT STUDIES, THE BROOKINGS INSTITUTION; DR. NORMAN ORNSTEIN, RESIDENT SCHOLAR, THE AMERICAN ENTERPRISE INSTITUTE; AND DAVID MASON, VICE PRESIDENT OF GOVERNMENT RELATIONS, THE HERITAGE FOUNDATION

Mr. DREIER. Why don't we just proceed to hear from you. And you want to get—I know you are trying to get out.

STATEMENT OF DR. THOMAS MANN

Mr. MANN. Yes, if you will forgive me, I will briefly summarize my testimony, then take leave. I committed many weeks ago to testify in the Senate on biennial budgeting, another topic of interest to you.

Let me just say, sitting here for the last 2-1/2 hours, I have become really encouraged about the possibilities. If only we could take the Members who have attended this committee hearing on both sides of the table and put them together in a group, I think you really could fashion some solutions to the problems that have emerged, not just in the 104th Congress, but over a long period of time; and I want to congratulate you and Mr. Goss for having bi-

partisan hearings now which are unprecedented. All of the action typically is simply within the party caucuses at this time, so this is really important.

It is important that you do that because I think, as I say in my testimony, the era of one-party control of the House is over. This may disappoint you, David, but I really think we will not see another 40-year reign by a single party, and I—

Mr. DREIER. I would be happy with 39.

Mr. MANN. I would say it would be good for the institution of the House to have genuinely competitive national elections and some more regular change in party control. Democrats desperately needed to know what it is like to be in the Minority, and vice versa, and I think all of that has been healthy.

The second reason, quite frankly, is that almost all the issues you are going to have to deal with in the next decade entail imposing losses rather than distributing benefits, and one party cannot do that alone. The political risk, the political exposure is too great. You are going to need bipartisan coalitions to get anything done; you had best begin to restructure the House to nurture that kind of bipartisanship.

All of the previous witnesses have commented on the ugly, bombastic, occasionally mean-spirited, confrontations we have had in this Congress. Listen, some bipartisanship was inevitable; you all were out of power for 40 years.

We saw a nationalization of congressional elections. There was a Contract with America, a commitment to deliver on it. So I think it was inevitable that some sharper partisan edge emerged in this Congress, but we have to back off of that now; for a whole host of reasons, we have to begin to take steps which start with the suggestions that my colleagues have made, with bipartisan meetings among the leadership and the rank and file, and I think Norman really has a number of suggestions in that regard.

Let me say, the Republican Party accomplished a great deal in the 104th Congress when it comes to the rules and procedures of this body and they deserve credit for moving as boldly and decisively as they did. I can't summarize everything done, but in moving to centralized power in the party leadership, to consolidate and streamline the committee system, and to restructure and downsize the administrative and staff support systems in this body, they accomplished a great deal, much of which was long overdue; and most Members on both sides of the aisle would say, if not publicly, then privately, you did the right thing.

We needed it, and whatever happens, they believe, if we the Democrats return to the majority, we best not go back to old ways of doing business. So you can take a lot of pride in that.

In my prepared testimony I lay out some of the changes that specifically you accomplished that have done a lot of good around this place, and you ought to stick with, and if Democrats at some point in the future have an opportunity to organize this House, they surely ought to do the same thing—that is, stick with a good deal of the change, the vast majority of changes that were effectuated by the new Republican majority.

Now, having said that, it seems to me clear that in the determination of the new Republican majority to move quickly to deliver

on this agenda that they had promised, they frankly went too far. We had top-down partisan management of this institution that ended up producing all kinds of procedures out of the normal order, and I think they had cost associated with them. This is a case not of the Speaker dominating the House, but a party trumping committee—of committees being marginalized, of the quality of deliberation suffering a good deal.

It seems clear to me that the Republican majority overreacted to the old Democratic regime's defects. The Democratic leadership in the 103rd Congress and before was much too deferential to individual Members and committee Chairs. I think the Republican leadership in this Congress has gone too far in the other direction.

You need to find an appropriate balance between these competing values of deliberation and timely action. You need to give the committees some more breathing room. You have already started to do that, in a self-correcting fashion, but there are some other ways of accomplishing that. It does mean fewer party task forces and more regular order.

I noted with interest your recommendation for use of the ad hoc mechanisms Norman and I had included in the Renewing Congress Report. There really is a role for ad hoc committees, but they probably come up only once or twice in a Congress. It is for those extraordinary policy problems, which spill across three or four committees, where it is so hard, even with the sequential referral, to get the job done. The 103rd Congress should have put together an ad hoc committee on health care reform, with Republicans involved from the beginning. I think it would have made a difference if they had.

I support a whole host of recommendations that are included in the Task Force on Committee Review, including further reductions in the number of subcommittees, more aggressive enforcement of the limitations on assignment. I like your idea of another Hoover-style commission to tackle both executive branch and congressional committee reorganization. I frankly think the ban on proxy voting was probably needed, but it has caused problems for committee chairs, and the reason it is causing problems is, there are still too many committee assignments, too many times when members are due in two or three places at the same time.

You may want to give a little on the ban. I prefer you further consolidate the committee system, so the ban on proxy voting can work, but you at least ought to acknowledge there is a problem here.

A couple of suggestions for dealing with the problem of intense partisanship. Think about having this new administrative structure in the House, which is a vast improvement over the old way business was done, report to a bipartisan leadership group, and not just the Speaker; be a little bit more generous with the Minority party in their ability to use the Web page, to post their dissenting and Minority views as they now do in committee reports.

You won't be real happy hearing this one, but you have heard it a lot from others: The supermajority requirement for adopting tax increases ought to be repealed. It is a lousy idea in a majoritarian body to try to rig the rules to favor of a particular policy position, and frankly it has caused the Republicans more embarrassment

than it has caused the Democrats difficulty, and you have to waive it or ignore it.

I know it is difficult walking away from this rules change, but every once in a while it is nice for a group of politicians to say, we still believe substantively in the objective, but this is not a good way of achieving it.

Finally, I hope you will try to initiate some bipartisan discussion over the best way to handle amending activity on the Floor. Your approach is not a bad one, time limitations and letting the Minority decide which amendments to bring forward, but I am not clear that is the absolute best way of going about it. See what the Minority thinks about it and see if there are some alternatives.

Two final points: The ethics process is under siege. Make no mistake about it, partisan and ideological war are waged through charges of unethical and illegal behavior. It is done throughout the Congress, the House and the Senate; it has spread to other political bodies as well. And given the nature of the mass media these days, those charges are immediately amplified, which puts enormous pressure on a bipartisan Ethics Committee genuinely trying to do its job.

Mr. Goss, we have talked about this before, and I appreciate and respect your approach to this through a jury system, and I think that system may be a bit better than what we have now; but I don't think you are going to relieve the pressure and gain the credibility you need until you appoint some outside body of private citizens to serve on a standing basis as your Ethics Commission, that basically looks into these initial charges, does some preliminary investigations and makes a determination of whether there is anything serious here to deal with.

I have a feeling a whole lot of changes would get set aside and your committee would be spared some of these intensely partisan battles if such an entity were there; and I would be happy to work with you in the months ahead to try to find a way of accomplishing that end.

A final comment I would make is, it is not within your purview, but no congressional reform agenda is complete without dealing with campaign finance. We are back to ground zero with that. It is time for a bipartisan entity to try to begin to deal with this. You could recommend that as part of your broader agenda, even though you are not in a position because of your jurisdiction to deal with it substantively.

In any case, I wish you success in advancing the values with which I agree entirely.

Mr. DREIER. Thank you very much, Your Royal Highness. Now the man you dethrone is Mr. Ornstein.

[The prepared statement of Mr. Mann follows:]

PREPARED STATEMENT OF THOMAS E. MANN, DIRECTOR OF GOVERNMENTAL STUDIES,
THE BROOKINGS INSTITUTION

Thank you for inviting me to testify before your subcommittees this morning to discuss institutional reform proposals for the 105th Congress. I applaud your effort to initiate a bipartisan discussion of rules and procedures months before the November elections. Typically all of the discussion about House rules takes place within party committees. Indeed, I had opportunities earlier this Congress to meet with both the Republican Task Force on Committee Review and the Democratic Caucus

Committee on Organization, Study, and Review. Both are engaged in important work which can serve the broader interests of the House. But your hearings are a refreshing departure from the practice of exclusively partisan consideration of rules changes; I encourage you to make the most of the opportunity by recommending changes in rules and procedures appropriate and desirable whichever party organizes the next House.

There are two reasons in particular why I hope you view your change in this way. First, I believe the era of extended one-party control of the House is over. The 40 year Democratic reign is unlikely to be repeated by either party, which is certainly good news for the House as an institution. Permanent majorities and minorities breed institutional pathologies that damage both the operation and reputation of Congress. Competitive national elections for the House, and more frequent changes in party control, provide the conditions under which a responsible and effective legislative body can be nurtured. Second, the policy problems that will confront Congress and the president over the next decade or more make it virtually impossible for one party to govern alone. The agenda is replete with issues whose solution requires imposing losses rather than distributing benefits. Restructuring our social insurance programs, for example, will be politically impossible without substantial numbers of Members from both sides of the aisle agreeing to a policy response. Some degree of bipartisanship will be essential if any progress is to be made by the Federal Government.

The 104th Congress has been notable for its intense and bitter partisanship. Some degree of polarization between the parties was inevitable, given the dramatic end to Democratic rule in the November 1994 elections, the increasing nationalization of congressional elections, the huge membership turnover in the 1992 and 1994 elections, the centrality of the Contract with America and the ambitious agenda of the new Republican majority, and the high-stakes negotiations between the Democratic President and Republican Congress. But healthy competition between cohesive parties has degenerated into bombastic, mean-spirited, often ugly confrontation. A high priority of your deliberation on congressional reform should be reintroducing civility into the House, perhaps beginning by reestablishing routine contact between parties, both at the leadership and rank-and-file level, and then by dealing directly with those sources of partisan conflict whose roots lie within the House itself.

Before proceeding to a discussion of specific reforms, let me say that the Republican majority deserves credit for moving boldly and decisively on an extraordinary range of congressional reforms long overdue in the House. This is not the place to review in detail what was accomplished at the beginning of the 104th Congress. I will simply summarize by saying important and much-needed steps were taken to centralize power within the party leadership, to consolidate and streamline the committee system, and to restructure and downsize the administrative and staff support systems. I believe there is widespread recognition on both sides of the aisle that most of these reforms were necessary and that they should remain a part of the rules of the House if the Democrats return to the majority. These include the reduction in the number of committees and subcommittees and of the assignments allowed each Member; the strengthening the Speaker vis-a-vis committee chairs; the strengthening of committee chairs vis-a-vis subcommittees; the shift from joint to sequential multiple referrals; the reorganization of House administrative offices; the reduction in committee staff and the consolidation of committee funding procedures; and, of course, the application of Federal laws to Congress through the Congressional Accountability Act. More controversial but also likely to be retained by a new House majority include a ban on proxy voting and term limits for committee and subcommittee chairs and the Speaker.

In their determination to move quickly on the promises embedded in their Contract with America, the Republican majority put a premium on aggressive agenda setting, timely action, and party discipline. In pursuit of their broader objectives, they developed a top-down partisan management of the House that often short circuited the deliberative process, especially in committees. Committees were sometimes circumvented entirely as legislation was taken directly to the floor; hearings were often abbreviated or eliminated entirely; markups were elaborately choreographed in advance and then rushed to completion in pro forma sessions; major changes were made in legislation by the leadership after committees had reported; task forces were used to develop party positions apart from the committees of jurisdiction. All in all, it was a remarkable demonstration of party trumping committee. But timely action on the Republican agenda was achieved at substantial costs. There was often insufficient time, opportunity, and discretion for committees to craft the details of legislation and weigh the impact on diverse constituencies. That produced more than one example of sloppy drafting, embarrassment, and unfavorable public reaction. Committee members felt left out as the House acted more

like a parliamentary body than one chamber of a bicameral legislature in a separated system of government.

It seems clear now that the Republican majority overreacted to the old regime's defects. While the Democratic leadership before the 1994 elections was too deferential to individual Members and committees, the Republican leadership has gone too far in the other direction. The challenge always is finding the appropriate balance between such competing values as representation and policy making, deliberation and timely action. I think you need to give the committees more breathing room to exercise their comparative advantage, including opportunities for Members of both parties to engage in serious and informed discussion. That argues for fewer party task forces and more regular order. It also suggests caution in using the ad hoc committee authority that now exists in House Rules. This should be a mechanism to use once or twice during a session on major issues that spill over several standing committees, not a routine device to circumvent standing committees.

I support the recommendations of the Task Force on Committee Review to make further reductions in the number of subcommittees and to enforce more aggressively the limitations on Member assignments. A more ambitious consolidation and jurisdictional realignment of the committee system is still much-needed, and the Task Force may be right that the best way to approach this problem is to launch another Hoover-style commission that tackles simultaneously executive branch and congressional committee reorganization. Until a major reform of the committee system is achieved, one that strictly limits Members' committee assignments, the ban on proxy voting will continue to make life difficult for committee chairs while aggravating the minority. I am not sure the ban is worth the cost in frayed tempers and more intense partisanship.

A number of other steps could be taken to encourage more constructive relations between the parties. The administrative offices of the House, which now report only to the Speaker, might be made accountable to a bipartisan leadership group. The minority party should be given control of minority committee contingent Web pages; House rules should be altered to give the minority the right to post its own pages, thereby adapting for the Internet age the current rule that allows minority views in committee reports. The supermajority requirement for adopting tax increases should be repealed. In general it is bad practice to rig the rules in a majoritarian body to protect a particular policy position. This provision not only provokes party acrimony; it has also been somewhat of an embarrassment to the Republicans when they felt obliged to waive or ignore the rule. Finally, it would be useful to initiate some bipartisan discussion of how to bridge the parties' differences over how best to conduct floor amending activity. It is not clear that the Republicans' route for avoiding highly restrictive rules (ad hoc negotiation of time agreements for a select number of floor amendments) is necessarily an improvement over using the Rules Committee in advance to decide which amendments will be in order. Of course, both restrictive rules and these amendment time limits raise the hair of the minority. All I am suggesting here is a good-faith effort to discuss and possibly resolve differences.

I was pleased to see the Task Force on Committee Review address the need for further reform of the ethics process but I doubt whether its recommendations are sufficient to deal with the problems that have emerged in recent years. Increasingly partisan and ideological war is being waged by means other than elections. It is now standard practice to accuse one's opponents of unethical or illegal conduct, with or without a factual basis for the charge. And those charges are increasingly likely to be amplified by the mass media, making it all the more difficult for an official body inside the House to have the independence and credibility to weigh those charges. Neither a jury system nor fines for "frivolous" charges are likely to do the trick. I believe the time has come for the House (and the Senate) to establish an independent ethics commission to (in the words of Dennis Thompson, author of the Brookings' study, *Ethics in Congress*) "investigate charges against Members to determine whether there is substantial, credible evidence that a violation of the chamber's ethics rules has occurred." The current political atmosphere is too poisonous to allow the Ethics Committee to do the job by itself. Finally, it goes without saying that no program of congressional reform will be complete without attending to the campaign finance system. This is not the time for a full discussion of that exceedingly difficult issue. I would simply urge you to recommend the establishment of a bipartisan commission to begin to deal with the seemingly intractable issues.

STATEMENT OF DR. NORMAN ORNSTEIN

Mr. ORNSTEIN. Thank you, Mr. Chairman. Let me say, to start, that it has been a——

Mr. DREIER. Tom—do you have to leave now, Tom?

Mr. MANN. I am going to have to leave in 5 minutes.

Mr. DREIER. Are there any questions? We have discussed this many times before.

Tony, do you?

Mr. BEILENSEN. No.

Mr. GOSS. I accept your invitation, but I hope it includes Mr. Cardin as well in the interests of truly a bipartisan——

Mr. MANN. One of the things I would say is that both Norman and I had an opportunity to meet with the Task Force on Committee Review and to testify before the OSR. We have had chances to—I have to meet with Republican and Democratic members of the Ethics Committee.

It seems clear to me that you all are really trying to cope with this problem. In any way I can be helpful, I would be happy to be.

Mr. GOSS. I think we will probably accept your invitation at the appropriate time, and we will all get together.

Mr. DREIER. Thank you very much, Tom.

Mr. ORNSTEIN. It has been a genuine pleasure over the years to work with you and work with Ben on reform. At the beginning the 103rd Congress, Tom and I spent a lot of hours with Ben Cardin and Mike Synar in particular, who did a lot of heavy lifting with a lot of pressure from hours in the Democratic Party to try to improve the institution, and there was some success. You did a lot of heavy lifting with some considerable opposition, and it was a pleasure to work with you in the beginning of that Congress and to continue these efforts, which will be never ending no doubt.

Let me make a couple of quick comments to start with on some of the things that have been raised here; then I have a checklist of things. First on Freshman orientations. I have participated in orientations for at least 15 years, of all different sorts, fairly regularly with the Harvard one and very regularly with the one that Tony Beilenson referred to, the Williamsburg orientations, put on by the Brookings Institution, American Enterprise Institute. For many years, the Congressional Research Service also joined in. It was designed at the start to be a bipartisan orientation, and has continued to be so, even in the last Congress, when there was some sharp division. In the previous Congress, as well, there was still representation in a bipartisan fashion at the Williamsburg event. It underscored for me the importance of orientations. They really are bonding mechanisms; people develop relationships.

Especially what happens in Williamsburg is, people go off for 2 or 3 days with their families and you meet people as people. You see them as people, and instead of being the devil figures that you define them as in your campaign, or that your party officials will jump in most cases to define them as, you see them and begin to have an understanding for them. It becomes much harder to get up on the Floor and attack them viciously and personally if you know who they are and who their families are.

As we get away from that, as we have in the last couple of Congresses, it has really had a deleterious impact. So it is important for that.

I think it is also important substantively and procedurally. Substantively, you have an awful lot of people who come forward who don't know a lot of background on major issues. It is understandable that they don't. They shouldn't necessarily, but before you get in and start to work on a budget, before you get in and start to work on foreign aid or any other things, you should have a range of people who span the political spectrum come in and give you facts and figures, where in many cases you will have somebody from over on the left and somebody from over on the right—the CBO, directors from different regimes—to tell you, here are the facts on the budget. It adds to the process when people come in.

And we have got to get back to having a substantive orientation that needs to include something on the history of the Congress and the rules of the Congress, that is done in a bipartisan way; and it has got to have the leaders involved in saying, this is the way to go. I know that AEI and Brookings are moving forward to do the same thing that they have done the last time; I believe CRS is doing something on its own. And I know I can speak for all of them, I think, in saying that we would want to work in whatever way we can with whatever kind of orientation is done. It is very important because there is going to be a big class coming in, and it needs to be done.

The one-minute suggestion, I would suggest instead of moving them into the evening, we move them into next week or maybe do them at 3 o'clock on Sunday morning. Instead of being a process where you can get more people involved, where they actually have a little time on the Floor, it actually has become a corrosive thing.

I would suggest to you more broadly we need to rethink the whole Floor. What has happened over the last 15 years is that, as C-SPAN has covered the Floor, I don't think a minute's worth of attention has been spent by the leaders of either party in thinking about how that is presented to the American people—I don't mean manipulating the process; to give them a legitimate view of what goes on.

But the fact is, as Tony suggested and as I watch and I step back and try to look at what is going on on the House Floor from the perspective of an average person out there, it makes you look like a bunch of idiots over and over and over again. It is impossible to watch this and not come away thinking that it is in fact more partisan than it is, that the amount of attention paid in a serious way to the important issues facing the country is much less than it really is.

I would think through the whole Floor. That is one of the reasons why the Oxford-style debates have been such a passion for me, because it becomes a way of forcing a real debate on the larger issues. People can see, whenever the House has done it—the last big time being the Gulf War debate, of course—the public thinks better of the institution.

You have plenty of partisan views and strong views presented; that is the way it should be. I would like to see that done, but I

think we ought to go even further. We need to think through what general debate is on the Floor and how it is carried out.

Then when you move into either the debate, or when you have the debate on the rule, or you move into debate on the amendments, it often gets into arcane areas. You have great difficulty suggesting to people tuning in that this is of real significance.

I would really think through how we do debate on the Floor and work in a bipartisan way so you actually join real issues and have times when it is really discussed.

I would like to see the Oxford-style debates done in a different way. There ought to be lead debaters on either side, as Ben Cardin alluded to. You have some that are partisan, some that are not. Do one every 2 weeks, or at least one every month for an hour or two. You can tape it, and classes around the country can use it for their own debates. Create the sense that this institution actually grapples with larger issues, and people are capable of doing it.

Mr. DREIER. I remember you said that you thought your bipartisan one, which was the last one we had, was one of the best.

Mr. ORNSTEIN. It was by far the best of the three. It was partly because the procedure worked a little bit better and partly because the quality of the people involved.

As you do these, and there are some that are drawn sharply on partisan lines and others that aren't, it educates the American people not only about the substance of issues, not only about the fact that a lot of things involve shades of gray, but that you can have real and honest differences, and some issues don't divide on partisan lines.

The problem I had with the final debate, as with the others, is if you have five or six people, all of whom get time, and you divide it up so you have 2 and a half minutes here and 90 seconds here, it is always going to seem disjointed, and it is much better to have a sharper focus.

Mr. DREIER. That is the way it is done in Oxford-style debate though.

Mr. ORNSTEIN. You do your own variation of it, and it is workable. We have done it on the outside with different debates, and AEI, for example, has sponsored a series of debates, and the first one was between Dick Gephardt and Phil Gramm on NAFTA, an hour, that was structured, and it was a terrific exercise, and there are lots of people who can do it.

A couple of quick comments on the task force report, and it is a fine report with a lot of solid things, like limitations on committees and subcommittees. In other words, you will get enthusiastic support from me and all of us who have been involved in this.

Let me make one quick note on the ad hoc committees. We have seen them used from time to time, the first being at the beginning of Jimmy Carter's Presidency on energy. It is in part a way to resolve what is an insoluble problem; that is, to create a pristine committee system where you can have important issues that are confined to one committee—because you can't do that. If you do it in one area, then you can do violence to all other areas. If you had a committee on health, then you will do violence to the notion of a Ways and Means Committee because you won't have all taxes together. You will have problems with the Armed Services Commit-

tee because the health care that is handled in the Armed Services, which a very important part of it, will be taken out.

There are larger issues where you are not going to be able to create a full committee, but where it makes sense to have a larger representation of the institution, but that becomes more representative of the institution as a whole than sometimes individual committees can be, and where you can expedite the process. But it is something to be used in a very measured way, no more than a couple of times in a Congress probably, but it hasn't been done because in the past leaders have been unwilling to take on committee Chairs in fear of violations of their turf, and it ought to be done when those occasions occur.

The proxy voting issue. You did the right thing. It has worked despite some messes. It is going to get tougher, and it is going to get tougher for another reason. The greater the Majority, with proxy voting you are always going to get agreement, but the narrower the Majority is, it becomes a bigger headache. You are going to be spread thinner than the Minority because when you work out the ratios so you have an edge on each committee and subcommittee, you are going to be with more assignments. So it is going to be a bigger headache, and the temptation to eschew the committee system, to bypass the committee process, when you don't have the votes, which has happened from time to time, will be greater.

I wouldn't change it if I could. I would offer you a fallback, which is the following: That each Member be given three proxies in a Congress or three proxies in a year. That is it. You can exercise them. Once they are gone, they are gone. But there may be times——

Mr. DREIER. Until we get waivers.

Mr. ORNSTEIN. You can have pieces of paper and have the Mint provide them so they can't be counterfeit. As I say, I wouldn't do it unless some change ends up being forced upon you, but there may be at least a slight step back that wouldn't move us back towards the corrosive process that emerged from proxy voting.

On ethics I, too, commend your work and your thoughtfulness. I for years have believed, and I believe even more strongly now, that we simply have to bring in some kind of outside force. It doesn't have to have a substitute for the Ethics Committee. I have evolved over the years from a permanent group. I would have a pool of people that consists of former Members, former staffers, distinguished people who had some knowledge of the political process in Congress, and maybe even some average citizens. Each time a significant question arises, let the leaders pick from among that pool those who have no conflicts, because there will be some very distinguished people out there who will end up having conflicts, who do the initial investigation to decide whether it merits something further, to maybe even hold hearings on it.

Otherwise we are going to get this process used for political purposes more rather than less. What is happening is we are in this downward spiral of it is payback time. Every time one does it, then the other is going to do it. I am not sure it is a bad idea to consider some sanction for those people that do bring frivolous charges because it is happening more. But there are cases where there are

not frivolous charges before where it is just going to be tougher to do.

The ethics process works just fine generally when we don't have a high-profile person and a highly politicized structure. But we have got to get away from it, from what is going to be a damned if you do, damned if you don't dilemma. Either you are protecting somebody, or you are being too harsh for partisan reasons. There is a way to do it where you can preserve the constitutional authority for Congress to police itself, but also bring in outsiders, and frankly the alternative is always going to be going to these outside councils. You are going outside. It is a stupid way to do things because you have one person who inevitably is going to have his or her own career affected or shaped by that investigation, who is going to have a prosecutorial mentality, because that is where they come from. That is not the right way to go. You are much better off striking a balance.

Finally, let me make a large pitch for bipartisan questioning, and following up on some of the testimony from what was really a terrific hearing that the OSR Committee put on a week ago. There are a series of things. Debates, I think, help. They provide a sense that you can have a healthy disagreement, and this will help the public rethink the role of the House.

The House operates, I think, unquestionably better than it did before. We scraped away at a system that was antiquated and had grown corrupt in many, many respects, but the House ought to be administrated in a bipartisan fashion. That is what Republicans called for repeatedly during the 103rd Congress, and we have moved toward a partisan operation. It is not partisan in the sense of people being punished, but it is not healthy over the long run. The responsibility for running the place ought to be both parties', and there is clearly a way to do that, and we ought to rethink that.

The orientation is an important part of this. There are other rule changes. We ought to think through the broader structure of the rules as they go to the Floor. That is a topic for another time.

Let me just add to the point that Ben alluded to in his testimony. I would like to see, and I would like to help bring it about if we can, a bipartisan summit before the next election. I want to do it before the election even though it is very difficult to do logistically, because we don't know who will be in the Majority the next time, and once we know who will be in the Majority, then it creates a tension in the process. It is going to be, oh, you just want to do that because you got your pound of flesh, and now you don't want it in return.

Not necessarily with everybody. We have a proposal moving forward that I would endorse heartily that David Skaggs and Amo Houghton and others pushed that have everybody get together after the election. I would bring a smaller group of 50, 80 or 100 of those who really want to see an atmosphere of civility, mutual respect and bipartisanship restored around here, recognizing it as a bipartisan institution. This group would try to come up with an action agenda, but also a pledge, frankly, not terribly different from the promise-keeper's pledge, of people saying that they are not going to descend to that level even if the passions get high, and

they will try to tone them down, because I am afraid if we don't doing something like that, the House is going to get worse.

There are too many people, once you get into this, whose attitude is all right, you stuck it to me, I will stick it to you. Oh, you stuck it to me even worse, I will stick it to you even worse. Attitudes developing. Too many hardened, positions. Too much radicalization going on on both sides to make it healthy, and we have got to do something about it. And I would like to see us set up something where we get away for maybe a day and a half and just work it through and figure out whether some changes in the rules, but more broadly changes in attitudes, can come about here, and that is not in the purview of your subcommittees or task forces, but it is of you as individuals.

Mr. DREIER. I participated with David Skaggs in that effort. And thank you very much

Mr. DREIER. David Mason of Heritage.

STATEMENT OF DAVID MASON

Mr. MASON. Thank you. I admire you for sitting through all of this.

Mr. DREIER. It is not the first time I have done it.

Mr. MASON. I have in my testimony a list of accomplishments made by this Congress, and that is the first thing I would like to underline is that you have done—achieved a remarkable series of changes and rules in the administration of House congressional coverage. I think it is going to have a long-term positive effect. The committee cuts, the budget cuts, term limits on committee chairmen, unfunded mandates, line item veto; it is a hugely significant institutional issue we could be working through in the next couple of years, and you haven't gotten enough recognition for it. But what is interesting to me is that you are still willing to sit down and say, OK, what next, and what more?

I would offer a couple of general observations in that area. First, there is a temptation for all of us, and particularly as you go through these kind of hearings, to list this proposal, this one, this one, this one, a lot of them sound great. But you ought to try to identify a theme in them, where are you trying to get? And I suggested a couple of principles that you need; responsiveness, some degree of when voters are concerned about an issue, that when you have an election and so on, that Congress is going to listen. You need deliberation. And while the responsiveness and deliberation could be in tension, I don't think they are in conflict. In other words, you need a reasonable way to work through these. Then you need accountability.

If you don't like those, come up with some others, but think about where you are going because I think that is the only way you are going to be able to take a big rule changes package in this kind of environment and drive it through the committee chairman, the leadership, the rank and file that is still divided and has lots of bipartisan tensions; because otherwise everybody is going to look at one or another individual elements of whatever package you come up with and fixate on that.

Secondly, the work of the Task Force on Committee Reform, I think, was outstanding, and I may kill it with enthusiasm, but I

would like to suggest you take this Internet area and think of this as a Freedom of Information Act for Congress. A lot of people are concerned that if you just take the FOIA as it was written for the executive branch and apply it here, it doesn't work. But this is really the same principle defining what categories of information from Congress ought to be readily available to the public and making sure that that is available.

And, in fact, if you do it on the Internet it is a whole lot better than the executive branch FOIA process, and if you explain it to people that way, you can go out and get a degree of public support that goes beyond Internet techies and talk to people about what it is you are trying to do. Let's talk about what kind of information ought to be widely available and set up a structure for making that happen. I think it is a very important thing to do.

A couple other small proposals I would like to draw attention to that I think are important in shaping the way you debate and consider bills are Congressman Doolittle's proposal for a truth in testimony rule in committees. That is when witnesses come before committees, that they ought to disclose whether they have Federal grants or contracts because in many, many instances—and we are in the midst of this research myself—you have groups coming before committees to say, this is a wonderful program, you ought to continue it and so on, and that group benefits from that program. You ought to know that. It is legitimate for those groups to come before Congress to testify, but you ought to know if they benefit from the program.

The second is this proposal for bills to cite constitutional authority, I think this is an essential point for Members and for Congress to start debating and considering "where in the Constitution is this bill?" because as someone who has been an institutional critic of Congress, particularly in the old regime, one criticism was there are no limits. You do everything, you meet all the time, any subject is fair game for legislation. And so if you had a process which focused Members on the introduction of bills and perhaps allowed them to focus later on what is the constitutional basis for this, I think that would be a helpful way to settle it without coming in some arbitrary way and saying, you can't do this that or the other.

On the Appropriations Committee—getting a little bit into the budget process area—I have in the past said you ought to abolish that committee. I have changed my mind. For one thing, if you look at the discretionary spending, that is not where your problem is. You quibble about pork and institutional biases and so on, but you have now got control on discretionary spending, and that is done through the Appropriations Committee.

And John Cogan at the Hoover Institute has done a nice piece of very brief historical research about the ups and downs of the Appropriations Committee which basically shows when spending authority is centralized in the Appropriations Committee, spending tends to go down, and when it is decentralized and sent out other places, for instance the exercise of taking the transportation funds off Budget, the spending goes up. I think that is an important historical lesson, and Congress has been through the cycle several times now.

But you might try some other approaches on the Appropriations Committee like rotation. You have had rotation on the Budget Committee on the Intel. Committee. You have got term limits on committee chairmen, and that might start to remove some of those concerns about the institutional bias or long-term power in that committee. Whether you want to do that for the whole committee, or even on subcommittees within the Appropriations Committee, or just for Appropriations Subcommittee chairmen, I don't know. That might be one approach.

Norm and Tom both made a point about fairness in rules. This is something, again, having gone in any sympathies from Minority to Majority, I still have a concern about the degree to which setting these individual rules leaves you in the position of ultimately making a decision for the other side. And in guaranteeing the motion to recommit, to say, on every bill every Committee is going to have at least one shot was a clear step in the right direction.

But, I think you ought to think about whether or not there is some other way, whether it is by defining categories of bills or saying we will give you two or three shots on every bill or whatever, to remove the degree of arbitrariness and the degree to which you are forced to make an ad hoc decision on every single bill that comes up and define rules because I don't think we will ever be able to go back to a position where you have open rules on every significant bill. That just obviously isn't going to work anymore. So failing that, can you come up with some generic way to allow a little more open debate?

On the issue of training and orientation, of course, my foundation put on the seminar that generated some of the controversy here. I had, before I worked there, and since at Heritage, identified this question of parliamentary procedure that needs far more attention. It is one that we probably aren't qualified to do.

I would like to say we would be happy to work with the House, with the House Oversight Committee or others to work through an orientation process that works for the House and its Members. We think we have got something important to contribute and would like to do so.

Lastly, just to go back on ethics, I think there is a way you can come up with a hybrid process and I am very much in line with Norman's thinking on this. The Ethics Committee has to keep control of the process both at the front end in receiving screening complaints and in the end on making a judgment. But if you had at the investigative stage whether, it is former judges, former Members, some mix of that, I very much agree with Norman it needs to be a pool that is rotated so you don't have the same people all the time who, once the Ethics Committee had gotten the complaint and said, OK, this passes the minimum standard, there is some evidence there of a serious allegation. Ethics should then turn the case over to an outside group. Let them investigate it and come back and make a recommendation. I think that kind of a hybrid system would give you the sort of outside look and credibility that is essential to the process and still allow the committee, as it ultimately must, to control the process.

It also, as Norm points out, gets you out of this box of independent counsels and you may want to think about special counsels as

you work through a question of House ethics. I think in the Executive branch the independent counsel system has gotten out of control and they are facing a very similar problem and you might be able to approach it by expanding the box and thinking about it in that context, whether there is a better way to work it in both branches and sort of departisanize it a little bit.

Lastly, I know you are working through the budget process. I would just say that is a critical area for you to look at. A couple of quick suggestions there. One is I think if you do biannual budgeting without doing very much else you are not going to help very much.

I think there are some fundamental problems with the budget process now that need to be addressed. Frankly, I think the executive needs to be more involved on the front end if I think the budget resolution were a joint resolution signed by the President, then the kind of fight you went through last winter over some fundamental issues would have been fought early on, then you can work out the details. That was really the backbone in the Chris Cox proposal in the last Congress. I think that is very productive.

Secondly, I think you in committee need to look at a strategy for addressing the Byrd rule. As you know, it has become a real problem in working between the House and the Senate. You can't change the Senate rules, but, in essence, the Senate has set up a structure that defines what you do in certain ways and there may be things that regard conference instructions or appropriations procedures before you let those bills go over there where at least you can put some pressure on the Senate to take another look at that.

Budget caps clearly work and they are very helpful. The way the system is set up now you have CBO scoring and if you want to make tax cuts and appropriations change in the same bill, you have to go through and sort of dish out the pain with the gain. If you can find a way to open the process up so that you still guarantee that you are going to reach your overall deficit targets, but you don't have to hurt one group explicitly in order to help somebody else, I think you would be in a lot better shape.

[The prepared statement of Mr. Mason follows:]

PREPARED STATEMENT OF DAVID M. MASON, VICE PRESIDENT, GOVERNMENT
RELATIONS, THE HERITAGE FOUNDATION

COMPLETING THE REVOLUTION: NEXT STEPS FOR CONGRESSIONAL RE-
FORM

The 104th Congress has taken dramatic and rapid steps to reform itself. Although even more can be done, you have already made great strides in achieving the meaningful reform that the voters demanded through the 1994 congressional election. As you are, appropriately and commendably, asking "what more?" and "what next?", we should not fail to note a celebrate what you have achieved already.

The mandate to reform Congress was the clearest message of the 1994 elections, and beginning with the opening day of the 104th Congress, the House voted to end House procedures that had become increasingly arbitrary and secretive. While we cannot ignore the change in partisan control as necessary to creating the conditions for these changes, it is notable, and encouraging, that most received broad, bipartisan support. Despite the partisan tensions of this Congress, I am hopeful, as I know you are, that you can proceed in a collegial spirit.

Among its reform accomplishments, the 104th Congress:

- Applied laws imposed on the private sector to itself.
- Streamlined the House committee structure, eliminating 3 full committees and 25 subcommittees.

- Imposed term limits on committee chairmen and the Speaker and held the first-ever House vote on term limits.
- Established procedures to prevent unfunded mandates on state and local governments.
- Granted the President a line-item veto (effective next year).
- Reformed its rules to make them more fair and open, including requirements for open committee meetings, guaranteeing media access, and ensuring the minority right to recommit.
- Improved committee procedures by eliminating proxy voting and requiring more complete and honest reports.
- Cut its budget and staff by a cumulative total of 12 percent over 2 years, including a cut of one-third of House committee staffs.
- Protected taxpayers by adopting a three-fifths requirement for tax increases.
- Introduced a new Corrections Day procedure to rein-in regulatory excesses.
- Privatized internal services.
- Reduced franking (free mail) and perks.
- Repealed the Ramspeck Act, a special law that favored former Congressional staff in hiring for career government jobs.
- Conducted the first-ever comprehensive audit of the House.
- Improved disclosure and reporting of lobbying.
- Established a strict gift ban.

By any measure, this is a substantial, even breath-taking list of achievements, probably the most significant since at least 1947. Furthermore, these changes respond substantially to the institution's critics in several areas. While it is disappointing that the public has not responded more favorably to these genuine reforms, for that very reason, we must not forget to remind citizens of them, even as you consider further institutional changes. It is evident that the necessary process of regaining the public trust will be a long-term one, but you should not despair. Your continued openness, and the wealth of reforms that are still being presented to you, should be encouraging to everyone of good will.

THREE TESTS

There are three clear principles which characterize the changes you have already made, and which can serve as guideposts for further reforms.

- Increasing responsiveness, which you achieved last year by imposing term limits on the Speaker and committee chairmen and applying Federal laws to Congress. The next big step is increased public access to congressional information, especially through the internet, as outlined by the Task Force on Committee Review: essentially chartering a new "Congressional Freedom of Information Act." I also believe you should extend the principle of rotation to the Appropriations Committee, even as we look forward to the eventual imposition of term limits on the entire Congress.
- Improving deliberation by banning proxy (absentee) voting in committees, ensuring minority rights in the amendment process, and requiring fuller and more accurate committee reports. The most important pending step in this area is reform of the budget process, especially in view of the likely need for Balanced Budget Amendment enforcement procedures. Additionally, you should seek further regularization of the House rules, including special rules from this committee. You should also adopt a "Truth in Testimony" rule for committees, and require a statement of constitutional authority for all legislation.
- Promoting accountability by requiring open committee meetings, requiring roll call votes on major legislation, prohibiting alterations in debate transcripts, and conducting a comprehensive audit of House finances are steps you have taken in this Congress. You have already identified a critical need to reform the ethics process. Improving oversight, introducing performance goals and reviewing congressional travel and compensation are issues that now need to be addressed.

All three of these principles are critical, and while they are sometimes in tension, they are not fundamentally in conflict. We do not need a Congress that does whatever polls say, but we do need a Congress that responds to public concerns, a Congress that addresses issues carefully, but with a reasonable expectation of closure and resolution, and ultimately, Congressional procedures must allow voters to hold you accountable for the decisions you make.

The most promising reform proposals can address all three of these goals, as would, for instance, a thoroughgoing overhaul of the budget process. But even more limited reforms, such as the Task Force on Committee Review's recommendation that the Speaker selectively exercise his authority to appoint ad hoc select committees, would address all three objectives productively.

Measuring reform proposals as to whether and how they meet these goals is a fair and useful test of how seriously they should be treated by this committee and the House. It is important for you to consider reform at the level of principle so as to avoid responding merely to the most urgent problems, or even to the most popular proposals, without an overall roadmap of where you are going. The wide variety and sheer volume of proposals before you demand this sort of screening process.

One of the weaknesses of the Joint Committee on the Organization of the Congress is that it never arrived at a real consensus at this level, which made it difficult to agree on specific proposals, to order them in terms of priority, and to promote them within Congress and to the public. Identifying and enunciating principles will make it far easier to explain to your colleagues what you are trying to achieve, and to secure public recognition and support for your reform efforts.

The process you are now engaged in, of hearing out every reform proposal, is important, but I would encourage you next, and soon, to take some time among yourselves to consider overall objectives before attempting to assemble a further package of specific rules changes.

NEXT STEPS

At the risk of giving short shrift to my own advice, I will single out several pending reform proposals which I believe are the most important for you to review. Reforms in the ethics and budget processes are essential. These processes are clearly "broken" and need to be fixed. I have commented in detail on each before other committees, and would be pleased to share that previous testimony with this committee as you explore those areas.

The Task Force on Committee Review has issued an outstanding report which outlines a number of productive changes including, most notably:

- increased access to information, amounting to a "Congressional Freedom of Information Act;"
- promotion of ad hoc select committees;
- integration of casework with committee oversight activities;
- improving oversight; and,
- modernizing the Appropriations Committee.

I would extend the recommendation for larger hearing rooms for the Appropriations Committee to include the Rules Committee as well: this is among the most important committees of the House, and as is the case with Appropriations, your current hearing room simply does not allow for adequate public access.

Among the other proposals the committee has already had testimony on, I would single out two small, but significant reforms which would help better focus congressional hearings and the overall consideration of legislation. For committees, I support a "Truth in Testimony" rule to require witnesses to disclose whether and from what agencies their organizations receive Federal grants and contracts. For all legislation, I support a requirement that the sponsor include a finding citing the constitutional basis for the proposed legislation.

While not central to the legislative mission of Congress, there are several travel-related issues, including foreign travel and staff travel during the campaign season which deserve review. In the interest of public trust, you need to continue to pursue pension reform along the lines of the bill approved by the House last year, and to abolish automatic pay increases.

Given floor activity this week, some comment on campaign finance is in order. While I agree that the campaign finance structure is badly in need of repair, both parties' approaches are overly regulatory, and perhaps unavoidably focused from the view of candidates, particularly incumbents. We need to re-examine the entire regulatory scheme, which is quite complex, from the perspective of average citizens' fundamental political freedoms. Within Congress, you should reduce the franking budget even further, even recognizing cuts which have already been made in that area.

Finally, while I recognize that the issue will not be decided in this committee, we must not forget that, from the perspective of the public, the one congressional reform which surpasses all others in significance and popularity is term limits. Even if you disagree on the issue, and though it is admittedly beyond the charter of the Rules Committee, you must be conscious of the issue, and the spirit behind it, or otherwise not be surprised when the public yawns at other proposals, and continues to rate Congress poorly.

Chairman Dreier, Chairman Goss, and indeed all the members of these subcommittees are to be commended for your continuing commitment to congressional reform, and for your openness to the variety of proposals which have been presented. As you proceed in considering specific proposals, two general principles should be applied. First, you must not forget, or allow others to overlook, how far you have already come: as you present a program for further reform, you must

again draw attention to your previous achievements. Second, you should adopt an overall roadmap or vision enunciating the principles behind your proposals to avoid having whatever package you come up with fall prey to turf battles within Congress or cynicism without.

Mr. DREIER. Thank you very much all of you. I would like to first raise an issue which you just touched on and I saw in that one committee, and that is this whole Internet thing. Exactly how much we should get out there. There are some who are advocating that of bills which are circulated amongst few people here in town be put on the Internet, number one, and others that CRS reports, which are designed as providing in-house information for Members of Congress be placed there. I wonder if either of you all could respond to those.

Mr. MASON. I would say, no, to the first and, yes, to the second. There is obviously a series of bill drafting stages where it is really not helpful to this process or really to the public to put something out before the thing is ready to act on. And I don't even know how you define it. In other words, when you are calling committee markup and you are distributing a document, we pretty much know what that is. But at some point when the Chairman is trading a draft with another Member, that may not even be in the first committee process.

Mr. DREIER. Our gauge shouldn't be when something is printed that it is made available.

Mr. MASON. When you say printed, you mean Xeroxed a lot of times or? When something comes back printed from a GPO when a bill is introduced, sure those go up now in the GPO system, but a lot of times a committee mark is not even a printed document in that sense. It is a Xeroxed document that is handed out to many Members.

But when you are to the point when it is before the committee and it is ripe for official action then it ought to go up, but when you are swapping drafts among Members just because it happens to be the Chairman rather than some of the other Members' swapping of the draft, I see no need to disclose it.

The CRS reports, I have used them for a long time. I think they are a wonderful resource. It is hard for me to think what is in those reports that constitutes information that would hurt if it got out, so I really don't see why those aren't made available to the public. I don't know if CRS sells them or some other interest there.

Mr. ORNSTEIN. It seems to me, first of all, we would have to be very sensitive to the violations of and mischief-making in this process even as we try to expand what we do. Probably we can come up with a fairly good definition of what ought to go out there, which is the formal work product of the institution. Drafts of bills are not the formal work product of the institution.

When a bill is introduced, formally introduced, then it is part of formal work product. When it is in the process of markup maybe after changes have been made, it is part of the formal work product. Not everything is part of the formal work product which may include, obviously, letters that go out that include privacy concerns and so on.

The CRS work product, as one who has used it over the years as well, there is lots of valuable stuff there as well that is held in

the proprietary way that doesn't need to. Things that bring pros and cons of bills or issue areas can be extraordinarily useful for students. Oftentimes they are sent out when students write in to individual Members and ask for things.

Putting a lot of that material out on the Internet, I think, would be a very positive thing for the country and is not particularly proprietary or shouldn't be particularly proprietary, but I think we have to be sensitive if you put informal work product out there it could be distorted, misused, taken to be something that it isn't, and could create problems.

Mr. DREIER. What was your reaction to Dave's proposals on this truth in testimony idea? Do you think people would be discouraged from testifying if they haven't disclosed?

Mr. ORNSTEIN. I really don't have a problem with making more information available. I think it ought to be there for people who have clients or who represent any kind of interest, not just those who might have Federal grants or Federal monies.

Having more information out there, I am not sure I would want necessarily to make it a formal part of the process. You would probably handle it informally by simply having the question asked as a witness comes forward if you have any specific interest in this program, this legislation of one sort or another? But getting information out there about witnesses is probably just fine.

I worry a little bit and sometimes in the past things can be used to attack people's integrity, perhaps unfairly, but that is just part of the give and take of the process.

One comment more generally about moving to the electronic age, and we have to take advantage of it, and there are many things that need to be done to expand the reach to get witnesses who otherwise couldn't afford to come to Washington or wouldn't, in other ways to improve communications, but you always have to keep in mind the intrinsic nature of the deliberative process and the deliberative process involved in face-to-face communication and negotiation.

We don't want this to move to a point where you can say, geese, I never need to come to Washington. I can keep my family back home, stay at home, vote electronically. We can have debate while we are all sitting at our little stations. That would take away from, ultimately destroy, I think, the nature of a deliberative process. We need to use this for convenience, but not have it turn around.

Mr. DREIER. I think it is one of the reasons we have said we would still be required to cast votes in person on the House Floor whatever we are having—

Mr. ORNSTEIN. At one point, John Kasich, who is a font of ideas, many of them good ones, constantly in motion came up with this notion of we could all vote back home, then we wouldn't have this frenetic pace, and called me to say, "wasn't that a wonderful idea?" And I said, "I need to talk to you. This proposal is the opposite of what we should do—in the name of convenience, it would damage deliberation."

The move to a communication age is like the "Star Wars", the "force". It has wonderful benefits. There is a dark side to it and we have always got to think about making sure we don't let people unleash the dark side.

Mr. DREIER. We want to maintain the process of representative government.

Mr. ORNSTEIN. What characterizes the people who have testified today and been behind the podium today is a concern for something larger. The integrity of the institution and the importance of strengthening the institution, and there are lots of people for whom that is not important at all. They just as soon throw it aside and move to something else and we have to keep that in mind.

Mr. DREIER. That is right. Porter.

Mr. GOSS. I do see the problem of the advance technology from some other perspective and this is a tendency to try to abuse the classification system, and I suspect what is going to happen is as more and more is available to more and more people, there are going to be more and more executive sessions or more and more secret meetings in order to keep stuff off. I think that has to be part of that answer.

The other thing I do want to say, I don't know much about the history as you all do, but I do know that I have been told that the Majority has only shifted higher in a century twice and it only lasted for two years. Then we went back to the Democratic Party control of the place.

And I think there is a reason for that. It is pretty easy. In 40 years or 60 years or however long you are in charge of a place, you can build up a pretty good idea of how to run it. When you are new you are fumbling around. You are not only fumbling around with controls, you have a whole new team of people that haven't got a clue. I think that is a very hard burden for newcomers to come in or the other guys' Minority Party come in and make anything happen.

I don't take the view that the 104th has been any sense a waste of time. I think it has been a breath of fresh air and sometimes amusing, always an informative learning experience.

Mr. ORNSTEIN. I think we all agree with that and the fact is you guys did remarkably positive things the beginning of the Congress in how the place is run and the structure of institution for which you deserve a great deal of credit.

Mr. GOSS. I am not asking that. I just made a comment——

Mr. ORNSTEIN. Anybody who cares about the institution, I think, would say that.

Mr. GOSS. I agree with a bipartisan summit. I think it is a great idea, and I think especially now. I have a problem with the constitutional basis of the legislation. I think it is a neat idea, but the trouble is we have got to get into the act of this court question and what is in the Constitution and what the court ruled. I could see this endless progress of debate before we get to the debate on the subject, although I like the idea.

Mr. MASON. The point is that the Member would be required to cite a justification and, yes, there are debatable points and it would simply have to be in the findings or some appropriate place and then if people wanted to debate that, I think on most bills, they wouldn't, but occasionally those kinds of debates would be useful, and I wouldn't put your committee or the Parliamentarian in the position of saying, no, this doesn't cut it. But rather you know sim-

ply the author needs to cite a section of the constitution and if Members think that is weak, take it up that way.

Mr. GOSS. I like the idea, but I am puzzled about the implementation. Let me put it that way. I need to be educated more. I am coming fairly quickly to the position, very steadily to the position that I think you both articulated with regard to the ethics process reform and that is to keep the consistency by maintaining control, the gatekeeping and the conclusion-making, but to bring in some outsiders, and I do like the pool idea.

Hopefully, we can call out and screen as is necessary. I am beginning to think that may be what would solve the jury part of it or the investigation or jury part of it. That doesn't mean I don't think we should pursue any frivolous complaint, although I think that would tend to put a damper on it. How you get the member of this body on to the committee, how you pick them and how long they stay and what their obligations are, I think that is a legitimate piece of business and reform, and I say that with passion, as you think any former member or current member of the Ethics Committee would say because we would like to share that opportunity with more people. But I appreciate this, the other part is very useful.

Mr. DREIER. Thank you very much, Porter. Our first witness talked about his proposal to ensure that we wouldn't look at the issue of a view inform the Congress every couple of decades, and you opened, David, by saying after having made all of these reforms, which we offered at the beginning of the 104th Congress, that we are back and continuing to look at ways that we can do that. And so I suspect that will be an ongoing process.

We want to do it in a bipartisan way as we possibly can. No one is arguing for partisanship over the past 3-1/2 hours. I guess we have got part of it, although it was Lincoln who said that we are the least partisan of parliaments in the world, but we still do have a ways to go. Although it has been a while since we have had a change or even a tie-straightening, as I recall.

Mr. ORNSTEIN. We have avoided physical violence, this Congress. Sometimes by the narrowest of margins, yes, we have.

Mr. DREIER. I thank all and we will continue working together in the months to come and the meeting stands adjourned, but I am to announce, I know, to all those Members gathered that we are going to move the full Rules Committee hearing meeting from 2:30 to 3:30 this afternoon, and next Wednesday's 9:30 subcommittee hearing will have Mr. Goss in charge and Mr. Hoekstra, a bipartisan reform group, and intelligence oversight.

So with that, the subcommittees stand adjourned.

[Whereupon, at 12:46 p.m., the subcommittees were adjourned.]

BUILDING ON CHANGE: PREPARING FOR THE 105TH CONGRESS

Thursday, September 5, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES AND ORGANIZATION OF THE
HOUSE, AND SUBCOMMITTEE ON LEGISLATIVE AND
BUDGET PROCESS,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to call, at 9:30 a.m. in room H-313, The Capitol, Hon. Porter J. Goss [chairman of the Subcommittee on Legislative and Budget Process] presiding.

Present: Representatives Goss, Dreier, Solomon, Pryce, and Beilenson.

Mr. Goss. Good morning, ladies and gentlemen. The committee will come to order, please.

This is a joint subcommittee meeting of the Rules Committee. Today's hearing marks the second in our two subcommittees' ongoing review of House rules procedures. We are conducting these hearings with an eye on building on the change that has been accomplished this year and preparing for the 105th Congress as well.

As Members know, this hearing had originally been scheduled for July 31, but if Members will remember back to July 31st, we had an emergency meeting that day and other business, so we postponed this until this time.

We have already heard excellent testimony from several Members and outside witnesses on the subject of reform. Today we are going to continue that process. We have additional Members who I know are going to be equally informative. We have four panels set up.

After the full committee launched this project with the Members' open day hearing, the two subcommittees were charged by Chairman Solomon with furthering this review in the interest of bringing about a bipartisan—practically a nonpartisan, would be a better way to say it—dialogue about the way this House operates. Throughout this effort, I have been most encouraged that even in what I think we could call extraordinarily partisan times in Washington and on the Hill, we have been able on this Hill to have civil conversations about important proposals for improving this institution through institutional reforms. I think that makes us all feel optimistic about the future of this House and our ability to get the people's business done.

The scope of our hearings has been intentionally broad. We have asked our witnesses, all of whom have been working on specific re-

form proposals, to present their views about how we may best prepare for the 105th Congress. That will be the focus today.

It is my understanding this type of formal bipartisan effort to prepare for the next Congress has not been traditionally pursued, but we think it ought to be. By the time we are through, I hope my colleagues on both sides of the aisle will agree it is a worthwhile endeavor and should be part of the tradition.

We will hear from representatives from four reform efforts, starting with Chris Shays, David Minge, Tom Barrett, and I understand Scott Klug, who may not be here, but we have his testimony, representing the Bipartisan Reform Team; then we will turn to Peter Hoekstra and Zach Wamp, representing the Congressional Reform Task Force; then we will be hearing from Bill Archer and our own Tony Beilenson about the Floor schedule and 1-minute speeches; finally turning to the House Permanent Subcommittee on Intelligence, to Larry Combest, the chairman of that, for his recommendations coming out of what is known as the IC 21 work that he has led on that select committee.

We also hope to hear from Henry Hyde. I am told we will be getting his written testimony for sure; whether or not we have him in person remains to be seen. Also, he will be testifying on the subject of the intelligence oversight because of his long history in that area.

On the final subject, we hoped to hear from Norm Dicks as well, but I understand he is not going to be here. Of course, his comments will be welcome for the record.

I would like to yield such time as he may consume to the distinguished chairman of the Rules Committee, Mr. Solomon, the gentleman from Glens Falls, New York.

Mr. SOLOMON. I thank the gentleman from Sanibel, Florida.

Porter, first I want to commend you for getting this hearing going. As you know, your hearing was delayed because of an emergency meeting that we had to have earlier last month. Of course, we broke for the August recess to work in our districts back home. But I just want to commend both the subcommittee panels.

This is the second hearing that we are holding. The first was with Members of Congress and some from the private sector as well, and today we are going to hear from four very distinguished panels, Mr. Chairman, which you have outlined. I just want to say that, along with David Dreier, who played such an important role in the efforts last year, 2 years ago, we made some significant changes in this Congress. These changes I think have worked very, very well, even to the point that the Minority Leader, Dick Gephardt, in some publication last week praised the reforms that we made, although he was critical on one point and said if the Democrats were to take back control, they would have more closed rules. That bothered me a little bit. Of course, I don't think there is any worry about that.

So I think we will continue along that path. I will have to apologize for leaving a little bit early, but we have to work some schedules for the remainder of the 3 weeks, and I have to go to a meeting in a few minutes. One of the things I think that is going to be terribly important in the rules changes—Porter, I will take just a

minute—is to talk about the very, very serious drug problem that we have in America today.

It is so pathetic, when you look at the situation with our young people, 12- and 13-year-olds having increased marijuana use, 137 percent over the last several years; 14- and 15-year-olds, it is over 200 percent increase now; and the situation just continues to worsen.

I am just hopeful that on opening day we will incorporate one of my bills that I have been asking the Congress to enact and will do it in the form of a rules change, and that will bring Members of Congress and their staff under a rule which will require random drug testing. I think that we need to set the example, not only for the rest of government but also for the private sector. We have to do something to impress on the young people today that they just cannot use drugs. It is a terrible situation. So I will be making that offer.

Also, Mr. Dreier, you are going to be heading up a task force on that issue, and that will be one of your first considerations that I would pass on to you.

Having said that, I want to commend the panels that are going to be here. We look forward to a very informative discussion here today.

Thank you, Mr. Chairman.

Mr. GOSS. I would also like to at this time yield to the distinguished chairman of the Subcommittee on Rules and Organization of the House, the gentleman from Greater San Dimas, California, Mr. Dreier.

Mr. DREIER. Thank you, Mr. Chairman.

I would like to join in extending congratulations to you and to Chairman Solomon and to Ms. Pryce and Mr. Beilenson and to our colleagues here in the room, and to again extend our apologies, although I am very happy we were able to move ahead with welfare reform on the 31st of July, and I believe it was a very important signal that we sent from this Congress to the American people that we were very serious about doing what we could, and we wanted to help the President keep his promise to end welfare as we know it. And, frankly, by doing what we did on the 31st of July, I think we all ended up doing the right thing.

Thus far we have had, as was said, a very constructive series of hearings. I hope very much this trend continues this morning. As I look at our four colleagues in the front row, I have no reason to believe otherwise. The hearing we last held showed, for example, that there is bipartisan agreement on the need for ethics reform and mechanisms to reduce the contentious partisanship that has undermined civility and respect and the public's perception of this institution.

It also showed there is general agreement that the internal reforms adopted by the House, as Mr. Solomon just said, at the beginning of this Congress were significant, long overdue; in particular, the consolidation and streamlining of committees and the downsizing and restructuring of the administrative staff.

In fact, in conjunction with these joint subcommittee hearings, we sent out questionnaires to all House committee chairmen and ranking Minority members to solicit their views on various House

reforms adopted at the beginning of the 104th Congress and proposals for further changes, and, Mr. Chairman, I have that report here and would ask unanimous consent that it be included in the record.

Mr. GOSS. Without objection.

[The report follows:]

[COMMITTEE PRINT]

REPORT ON SURVEY OF HOUSE COMMITTEE
CHAIRMEN AND RANKING MINORITY MEM-
BERS ON COMMITTEE OPERATIONS, STAFF-
ING, AND PROCEDURES

HOUSE COMMITTEE ON RULES

SEPTEMBER 5, 1996



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EXECUTIVE SUMMARY OF RESULTS OF SURVEY OF HOUSE COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS ON COMMITTEE OPERATIONS, STAFFING, AND PROCEDURES

Thirteen committee chairmen and 5 ranking minority members responded to the questionnaire that was distributed on July 10 by the Rules Committee in conjunction with its joint subcommittee hearings, "Building on Change: Preparing for the 105th Congress." A majority of the respondents agreed that the operation of their committees had either been improved or had not been adversely affected by such things as the one-third reductions in committee staff (59 percent); the bans on proxy voting (69 percent) and rolling quorums (59 percent); reductions in the number of subcommittees (67 percent); the new limits on member committee and subcommittee assignments (76 percent); new committee "sunshine" rules (94 percent); new consolidated committee staffing and biennial funding (94 percent); and the abolition of joint bill referrals while retaining sequential referrals with time limits (78 percent).

However, a majority of respondents also thought the 3-term limit on committee and subcommittee chairmen should be reexamined (69 percent); and that further reductions in committees and jurisdictional streamlining are not needed (53 percent).

A majority of the members who responded also expressed support for such additional reform proposals as allowing more flexibility in alternative hearing formats (72 percent); the filing of joint reports by committees that conduct joint hearings and studies (75 percent); more flexibility in the 5-minute rule for questioning witnesses (62 percent); the publication of committee documents on the Internet (82 percent); and uniform guidelines for committee rules (75 percent). But a majority (61 percent) opposed a proposal to allow substantial compliance as opposed to complete accuracy in the publication of committee votes in reports on bills.

Most respondents agreed that the new three-fifths vote requirement for income tax rate increases should be retained but clarified (73 percent); that the new oversight planning requirements have been useful (59 percent); that task forces can be useful in coordinating issues that cross jurisdictional lines but should not be used to compete with or circumvent the committee system (94 percent); that the new Corrections Day Calendar has been underutilized (71 percent); and that the optional pre-printing of amendments in the Record with numerical designations has been a useful and informative device (65 percent).

A substantial majority (82 percent) agree that the requirement for including inflationary impact statements in reports on bills was not practical and should be abolished; and that the prohibition on committees meeting while the House is considering floor amendments is meaningless because it is waived whenever necessary (100 percent).

SUMMARY OF RESPONSES FROM HOUSE COMMITTEE CHAIRMEN AND RANKING MINORITY MEMBERS TO RULES COMMITTEE QUESTIONNAIRE ON COMMITTEE OPERATIONS, STAFFING, AND PROCEDURES

Introduction.—On July 10, 1996, in conjunction with its joint subcommittee hearings on proposed House Rules changes for the 105th Congress ("Building on Change: Preparing for the 105th Congress"), the Rules Committee sent questionnaires to all House committee chairmen and ranking minority members soliciting their views on various House reforms adopted at the beginning of the 104th Congress and proposals for further changes. Eighteen members responded as of August 30, including 13 committee chairmen and 5 ranking minority members. While not all respondents answered every question, most members did offer additional comments on many of the questions in the spaces provided for comments. A sampling of those comments is appended to this report. Below is a summary of the results of the questionnaire:

Committee Staff Reductions.—Ten committee chairmen (59 percent of the respondents) agreed that the one-third committee staff cuts at the beginning of this Congress had not posed significant operational problems for their committees. Three chairmen and 4 ranking minority members disagreed.

Subcommittee Reductions.—Ten committee chairmen (67 percent) agreed that the reduction in subcommittees had strengthened the control of chairmen over their committees. Two chairmen and three ranking minority members disagreed.

Consolidated Staff Budgets and Biennial Funding.—There was near unanimity (all 13 chairmen and 4 of the 5 ranking minority members, or 94 percent of the respondents) that the new consolidated staffing reforms and biennial budget cycle has enhanced administrative flexibility and planning.

Truth in Budgeting Baseline.—While 11 of the 12 chairmen answering this question (69 percent of respondents) agreed that the new baseline budget requirements have provided more information about year-to-year changes in spending and made such changes more understandable, all four minority respondents to the question disagreed.

Term Limits for Committee and Subcommittee Chairs.—Eight committee chairmen and three ranking minority members (69 percent) agreed that the new 6-year term limits on committee and subcommittee chairs should be reexamined. Five chairmen disagreed.

Proxy Voting Ban.—Ten chairmen and one ranking minority member (69 percent) agreed that the proxy voting ban has had a positive impact on committee attendance and deliberation. Two chairmen and three ranking minority members disagreed.

Committee Sunshine Rules.—There was near unanimous agreement (13 chairmen and 3 ranking minority members or 94 percent

of the respondents) that committees had not encountered procedural or logistical problems in complying with the new right of the broadcast and photographic media to cover public meetings and hearings. One ranking minority member disagreed.

Limitations on Tax Increases.—Ten committee chairmen and one ranking minority member (73 percent) agreed that the new three-fifths vote requirement for income tax rate increases should be retained but clarified. One chairman and three ranking minority members disagreed.

Jurisdictional Changes.—A narrow majority of respondents (4 chairmen and 4 ranking minority members or 53 percent) disagreed that the House did not go far enough in reducing committees and streamlining jurisdictions and that further jurisdictional reform should be attempted. Six chairmen and one ranking minority member agreed on the need for further jurisdictional reform.

Oversight Reform.—Ten respondents (9 chairmen and one ranking minority member or 59 percent) agreed that the new oversight planning requirements have created a more coordinated approach to effective oversight. Three chairmen and four ranking minority members disagreed. Twelve of the 18 respondents (67 percent) disagreed with the statement that committees do not have the resources, flexibility and expertise to conduct regular, systematic and coordinated oversight. Six agreed with the statement, including five chairmen and one ranking minority member.

Member Assignment Limits.—Thirteen respondents (11 chairmen and 2 ranking minority members or 76 percent) agreed that the new member assignment limits of two committees and four subcommittees have been effective in discouraging members from spreading themselves too thinly. Two chairmen and two ranking minority members disagreed.

Multiple Referral.—Fourteen respondents (12 chairmen and 2 ranking minority members or 78 percent) agreed that the elimination of joint bill referrals had been effective in reducing legislative gridlock and in achieving greater committee accountability for legislation. One chairman and three ranking minority members disagreed.

Elimination of Rolling Quorums.—Ten committee chairmen (59 percent) agreed that the elimination of rolling quorums has had a positive effect on committee attendance and deliberation. Three chairmen and four ranking minority members disagreed.

Limitation on Committees Sitting.—All 18 respondents (100 percent) agreed that the prohibition on committees meeting while the House is considering amendments under the 5-minute rule has had little impact on scheduling practices of committees because they have been able to obtain waivers when needed.

Accountability for Committee Votes.—A majority of respondents (seven chairmen and four ranking minority members or 61 percent) disagreed with the proposal that the requirement to publish committee votes in reports should be modified to require substantial compliance rather than complete accuracy. Five chairmen and one ranking minority member favored the proposal.

Limitation Amendments.—A narrow majority of respondents (five chairmen and one ranking minority member or 55 percent) disagreed with the proposition that limitation amendments offered

on appropriations bills had strengthened the hand of authorizing committees over the appropriations process. Five chairmen agreed.

Appropriations Reports.—Fourteen of 17 respondents (13 chairmen and 1 ranking minority member or 82 percent) agreed that the inclusion of a listing of unauthorized items in appropriations reports as well as of legislative provisions, provides helpful information to the House. One chairman and two ranking minority members disagreed.

Scheduling.—All 18 respondents (100 percent) agreed on the need for more predictability and long-term planning in committee scheduling arrangements.

Committee Rules.—Twelve of 16 respondents (11 chairmen and 1 ranking minority member or 75 percent) agreed that uniform guidelines for committee rules would be helpful. Two chairmen and two ranking minority members disagreed.

Committee Hearing Formats.—Thirteen respondents (11 chairmen and two ranking minority members or 72 percent) agreed that committees should be given greater flexibility under House rules to experiment with alternatives to the formal hearing process, such as workshops, seminars, debates and round table discussions. Two chairmen and three ranking minority members disagreed.

Five-Minute Rule for Interrogation of Witnesses.—Ten of 16 respondents (6 chairmen and 4 ranking minority members or 62 percent) agreed that committees should have flexibility to permit some members to have more than 5 minutes to question witnesses. Five chairmen and one ranking minority member disagreed.

Inflationary Impact Statements.—Eleven chairmen and 3 ranking minority members (82 percent) agreed that the current requirement for inflationary impact statements in reports on bills is impractical and should be abolished. Only one chairman and two ranking minority members disagreed.

Joint Filing of Committee Reports.—Ten chairmen and two ranking minority members (75 percent) agreed that it would be useful to give committees authority to file joint committee reports when they cooperate in handling an investigation or study. Two chairmen and two ranking minority members disagreed.

Committee Documents on the Internet.—14 respondents (11 chairmen and 3 ranking minority members or 82 percent) agreed that committees now have the capability to provide immediate on-line access to legislative documents, transcripts, schedules and other information over the Internet. Two chairmen and one ranking minority member disagreed.

Appropriations Process.—All 16 respondents (13 chairmen and 3 ranking minority members or 100 percent) agreed that there should be better enforcement of existing rules with respect to unauthorized and legislative provisions in appropriations bills.

Unfunded Mandate Reform.—Eight chairmen and three ranking minority members (73 percent) agreed that committees have not fully adjusted to the new requirements of the Unfunded Mandate Reform Act. Four chairmen disagreed.

Corrections Day.—Eleven chairmen and 1 ranking minority member (71 percent) agreed that the Corrections Day process is underutilized from both a legislative and public relations perspective. One chairman and four ranking minority members disagree.

Encouraging Pre-Printing of Amendments.—Eight chairmen and three ranking minority members (65 percent) agreed that the numerical designation of amendments printed in the Record and rules encouraging pre-printing of amendments have been effective in allowing more informed consideration of amendments, but that pre-printing should not be made a requirement. Five chairmen and one ranking minority member disagree.

Time-Caps.—Five chairmen and three ranking minority members (57 percent) agreed that overall time caps on the amendment process for a bill on the floor is effective for scheduling purposes but often shuts out Members not on the committee of jurisdiction. Six chairmen disagreed.

Task Forces.—Twelve chairmen and three ranking minority members (94 percent) agreed that task forces can be effective in addressing issues that cross jurisdictional lines, but should not be used to compete with or circumvent the committee system. One ranking minority member disagreed.

COMMITTEE ON RULES

RESULTS OF QUESTIONNAIRE ON COMMITTEE OPERATIONS, STAFFING, AND PROCEDURES

1. Committee Staff Reductions.—Committees have not encountered significant operational problems as a result of changes requiring that committee staff be reduced by at least one-third from comparable levels in the 103d Congress.

	Chairmen	Ranking minority members	Totals
Agree	10	0	10 (59%)
Disagree	3	4	7 (41%)

2. Subcommittee Reductions.—The impact of the new subcommittee limits on the operations of committees has been to strengthen the control of the committee chairman and ranking minority member.

	Chairmen	Ranking minority members	Totals
Agree	10	0	10 (67%)
Disagree	2	3	5 (33%)

3. Consolidated Staff Budgets and Biennial Funding.—The new biennial committee funding process has enhanced administrative flexibility and planning.

	Chairmen	Ranking minority members	Totals
Agree	13	4	17 (94%)
Disagree	0	1	1 (6%)

4. Truth in Budgeting Baseline.—The new baseline budget requirements have provided more information about year-to-year changes in spending have made such changes more understandable.

	Chairmen	Ranking minority members	Totals
Agree	11	0	11 (69%)
Disagree	1	4	5 (31%)

5. Term Limits for Committee and Subcommittee Chairs.—Based on 18 months of experience, should we rethink term limits?

	Chairmen	Ranking minority members	Totals
Agree	8	3	11 (69%)
Disagree	5	0	5 (31%)

6. Proxy Voting Ban.—The ban has had a positive impact on committee attendance and deliberation.

	Chairmen	Ranking minority members	Totals
Agree	10	1	11 (69%)
Disagree	2	3	5 (31%)

7. Committee Sunshine Rules.—Committees have not encountered any procedural or logistical problems in complying with the new right of the broadcast and photographic media to cover public meetings and hearings.

	Chairmen	Ranking minority members	Totals
Agree	13	3	16 (94%)
Disagree	0	1	1 (6%)

8. Limitations on Tax Increases.—The three-fifths vote requirement for income tax rate increases should be retained but clarified.

	Chairmen	Ranking minority members	Totals
Agree	10	1	11 (73%)
Disagree	1	3	4 (27%)

9. Jurisdictional Changes.—The House did not go far enough in reducing committees and streamlining jurisdictions. An attempt should be made at further jurisdictional reform.

	Chairmen	Ranking minority members	Totals
Agree	6	1	7 (47%)
Disagree	4	4	8 (53%)

10. Oversight Reform.—The new oversight planning requirements have created a more coordinated approach to effective oversight.

	Chairmen	Ranking minority members	Totals
Agree	9	1	10 (59%)
Disagree	3	4	7 (41%)

Committees do not have the resources, flexibility and expertise to conduct regular, systematic, and coordinated oversight of the programs and agencies under their jurisdiction.

Agree	5	1	6 (33%)
Disagree	8	4	12 (67%)

11. Member Assignment Limits.—The new assignment limits of two committees and four subcommittees have been effective in discouraging members from spreading themselves too thinly among committees and hindering their capacity to focus effectively on each panel assignment.

	Chairmen	Ranking minority members	Totals
Agree	11	2	13 (76%)
Disagree	2	2	4 (24%)

12. Multiple Referral.—The abolition of joint (but not sequential) referrals has been effective in reducing legislative gridlock and achieving greater committee accountability for legislation.

	Chairmen	Ranking minority members	Totals
Agree	12	2	14 (78%)
Disagree	1	3	4 (22%)

13. Elimination of Rolling Quorums.—Like the ban on proxy voting, this rule change has had a positive impact on committee attendance and deliberation.

	Chairmen	Ranking minority members	Totals
Agree	10	0	10 (59%)
Disagree	3	4	7 (41%)

14. Limitation on Committees Sitting.—Restoring the limitation on committees holding meetings during floor proceedings has had little impact on the scheduling practices of committees because they have been able to obtain waivers when needed.

	Chairmen	Ranking minority members	Totals
Agree	13	5	18 (100%)
Disagree	0	0	0 (0%)

15. Accountability for Committee Votes.—The requirement (that the names of those members voting for or against amendments in committee and the motion to report shall be included in the committee report on the measure or matter) should be modified to require "substantial compliance" rather than complete accuracy as the standard against which this rule is to be interpreted.

	Chairmen	Ranking minority members	Totals
Agree	6	1	7 (39%)
Disagree	7	4	11 (61%)

16. Limitation Amendments.—Limitation amendments have strengthened the hand of authorizing committees over the appropriations process.

	Chairmen	Ranking minority members	Totals
Agree	5	0	5 (45%)
Disagree	5	1	6 (55%)

17. Appropriations Reports.—The new requirement that reports on appropriations bills contain a list of unauthorized appropriations and legislative provisions provides helpful information to the House, particularly at the Rules Committee level of consideration.

	Chairmen	Ranking minority members	Totals
Agree	13	1	14 (82%)
Disagree	1	2	3 (18%)

18. Scheduling.—Although there is no uniform scheduling arrangement that committees support, there is strong support for more predictability and long-term planning.

	Chairmen	Ranking minority members	Totals
Agree	13	5	18 (100%)
Disagree	0	0	0 (0%)

19. Committee Rules.—Uniformity of committee rules for all the standing committees should not be a requirement, but uniform guidelines would be helpful.

	Chairmen	Ranking minority members	Totals
Agree	11	1	12 (75%)
Disagree	2	2	4 (25%)

20. Committee Hearing Formats.—Committees should be given greater flexibility under House rules to experiment with alternatives to the formal hearing process as an information gathering device, such as workshops, seminars, Oxford-style debates, and round table discussions.

	Chairmen	Ranking minority members	Totals
Agree	11	2	13 (72%)
Disagree	2	3	5 (28%)

21. Five-Minute Rule for Interrogation of Witnesses.—Committees would like the flexibility to grant select members more than 5 minutes to pursue a line of questioning during a hearing or investigation.

	Chairmen	Ranking minority members	Totals
Agree	6	4	10 (62%)
Disagree	5	1	6 (38%)

22. Inflationary Impact Statements.—Committees cannot practically comply with this rule and it should be abolished.

	Chairmen	Ranking minority members	Totals
Agree	11	3	14 (82%)
Disagree	1	2	3 (18%)

23. Joint Filing of Committee Reports.—It would be useful to grant discretionary authority to committees to file joint committee reports when committees cooperate in handling an investigation or study.

	Chairmen	Ranking minority members	Totals
Agree	10	2	12 (75%)
Disagree	2	2	4 (25%)

24. Committee Documents on the Internet.—Committees now have the capability to provide immediate on-line access to legisla-

tive documents, transcripts, schedules, and other information over the Internet.

	Chairmen	Ranking minority members	Totals
Agree	11	3	14 (82%)
Disagree	2	1	3 (18%)

25. Appropriations Process.—There is widespread support for better enforcement of existing rules with respect to unauthorized appropriations and legislation in appropriations bills.

	Chairmen	Ranking minority members	Totals
Agree	13	3	16 (100%)
Disagree	0	0	0 (0%)

26. Unfunded Mandate Reform.—Committees have not fully adjusted to the new requirements of the Unfunded Mandate Reform Act.

	Chairmen	Ranking minority members	Totals
Agree	8	3	11 (73%)
Disagree	4	0	4 (27%)

27. Corrections Day.—The Corrections Day process is underutilized from both a legislative and public relations perspective.

	Chairmen	Ranking minority members	Totals
Agree	11	1	12 (71%)
Disagree	1	4	5 (29%)

28. Encouraging Pre-Printing of Amendments.—This process innovation, combined with changes to House rules requiring the numerical designation of amendments, has been effective in allowing for more informed consideration of amendments, but pre-printing should not be required as a general policy.

	Chairmen	Ranking minority members	Totals
Agree	8	3	11 (65%)
Disagree	5	1	6 (35%)

29. Time-Caps.—Rules which restrict the offering of amendments to a fixed time period are helpful for scheduling purposes but they severely restrict the amount of time allotted for amendment and effectively shut out of the process members not on the committee of jurisdiction.

	Chairmen	Ranking minority members	Totals
Agree	5	3	8 (57%)
Disagree	6	0	6 (43%)

30. Task Forces.—Task forces can be effective in addressing issues that cross jurisdictional lines, but they should not be used to compete with or circumvent the committee system.

	Chairmen	Ranking minority members	Totals
Agree	12	3	15 (94%)
Disagree	0	1	1 (6%)

COMMENTS BY CHAIRMEN AND RANKING MINORITY MEMBERS ON
RULES COMMITTEE QUESTIONNAIRE ON COMMITTEE OPERATIONS,
STAFFING, AND PROCEDURES

(NOTE.—The comments below are from those members who chose to offer additional comments in the space provided and are not necessarily representative of all who responded. Some members did not answer all questions, let alone comment on them. Others provided comments in lieu of either agreeing or disagreeing)

1. Committee Staff Reductions.—One chairman observes that committee staff reductions have stretched his committee to the limits on oversight demands, required a lot of overtime, and made it difficult to meet all external demands.

Another chairman notes that structural and process changes can accommodate fewer staff and does not support hiring-up for instances where committees feel constrained.

A ranking minority member, who disagrees with the staff reductions, observes that it is difficult to do either the same quality or quantity of work with one-third fewer staff. There have been fewer hearings resulting in members knowing less about the issues on which they are asked to legislate. In addition, the oversight function has dried up.

Another ranking minority member agrees that "a shortage of experienced and competent committee staff members" is reflected in fewer hearings, less balanced hearings, and more committees waiving their jurisdiction over reporting bills.

2. Subcommittee Reductions.—A chairman notes that the reductions have not been a problem but have required that more bills be held at the full committee level.

But, a ranking minority member, who notes the same consequence of subcommittee bypasses, complains that this results in less careful and thoughtful legislating at the full committee level.

Another ranking minority member detects no connection between the reduction in the number of subcommittees and any strengthening of the hand of chairmen or ranking minority members. Instead, he sees a greater strengthening of the power of the majority leadership over the legislative process.

A chairman observes that his committee "has succeeded in producing more work with less staff than at any time in history."

3. Consolidated Staff Budgets and Biennial Funding.—A committee chairman commented on the need for flexibility in all accounts to move money between the years.

4. Truth in Budgeting Baseline.—A ranking minority member disagrees with the new estimating system because it has "simply traded one slightly misleading number for another more misleading number." By ignoring the impact of inflation, "we deceive ourselves about the expected impact of those programs."

Another ranking minority member thinks "we have less information than we used to."

A chairman thinks that "the many baseline changes have sometimes been confusing to members and the public and have been difficult to communicate."

5. **Term Limits for Committee and Subcommittee Chairs.**—A ranking minority member thinks "term limits in any form are a bad idea" because they dismiss the benefits of experience. Caucuses can always strip a chairman or ranking member of his or her position.

Another ranking minority member observes that better legislation will not be produced by those who have "no institutional memory, no historical perspective, and no reason to use the chairmanship as anything but a political stepping-stone."

A chairman who agrees that term limits should be reconsidered suggests that at least former chairmen of full committee should be given "automatic rights to open subcommittee chairmanships."

Another chairman thinks term limits can "jeopardize the ability to be most effective" and can create a "lame duck situation for each chairman every few years."

6. **Proxy Voting Ban.**—A chairman who agrees on the positive benefits of the proxy ban commented on the need to weigh its effects on the burden imposed in scheduling markups and members' time.

Another chairman thinks the proxy ban has increased attendance and awareness, but has created burdens on members with scheduling conflicts.

A ranking minority member who disagrees with the ban cites the need for members to be at two places at once and to participate in or observe floor debates.

A chairman notes that while members show up for votes, they still are absent for hearings and discussions.

A ranking minority member disagrees that the proxy ban has resulted in more informed discussions or voting, though he favors restoring them only on a more limited basis, e.g., giving members only two or three proxies to exercise in a Congress.

However, another ranking minority member, "to my own surprise," now supports the concept of limiting proxy voting in committees and subcommittees, but thinks it should be allowed on a limited basis when members have legitimate conflicts.

A chairman who marked both "agree" and "disagree" observes that the proxy ban has been a "good news-bad news" change: it has forced greater attendance but, when there are scheduling conflicts has resulted in meetings having to be canceled or rescheduled and thus time delays in reporting legislation.

7. **Committee Sunshine Rules.**—One ranking minority member says the new rule has made little difference.

Another ranking minority member complains that the press has been allowed too much freedom, often to the distraction and disruption of a committee hearing. However, he does not think the new rule has resulted in any greater media coverage of committee hearings, "nor does it appear to have produced better legislation from committees."

8. **Limitations on Tax Increases.**—A ranking minority member observes that the new rule has been nothing more than "a public relations effort by the Republican Leadership," and that various

rulings of the Chair have "undermined the effectiveness of the rule, leaving it a sham."

A chairman thinks the new rule "has proved unworkable and should be repealed or substantially revised," perhaps by allowing offsetting revenue increases in the same bill to nullify the supermajority vote requirement.

9. Jurisdictional Changes.—One chairman commented that there is still too much concentration of important issues in the Commerce Committee.

Another chairman notes that more systematic jurisdictional realignment is needed to avoid turf battles that bog down legislation.

A third chairman agrees that more jurisdictional spread is needed among committees, but not a further reduction in the number of committees.

A ranking minority member notes that if jurisdictions are spread too thinly among committees, there will be even less effective oversight work done. But, he thinks there can be some further consolidations leading to fewer jurisdictional disputes.

A chairman thinks some jurisdictional change would be useful in "pursuing greater congruence with the Senate over jurisdictions at the subcommittee and full committee levels."

Another chairman thinks no further jurisdictional realignments or consolidations are needed since the reforms already adopted, such as prohibiting joint referrals, have streamlined the legislative process to prevent gridlock.

A ranking minority member opposes further jurisdictional changes which he says will only cause "additional dislocation, confusion, loss of valuable expertise in members and staff, and hard feelings among members and among committees." Instead, leadership should play a mediating role among the committees with overlapping jurisdiction "to create more of a 'team approach.'"

10. Oversight Reform.—A chairman questions the wisdom of requiring reimbursements for GAO detailees.

Another chairman notes that committees cannot anticipate what needs overseeing or do not want to show their hand too early on their oversight plans. Better oversight coordination is needed with the Senate.

Another chairman notes that expertise exists, but resources and flexibility are always limiting factors.

Another chairman questions: "What oversight?" Members just don't want to do it.

A ranking minority member says that the oversight planning agendas have been useless because they have been ignored. With regard to resources, the member says committees have adequate staff numbers but often lack the quality of staff to do proper oversight.

Another ranking minority member says the intentions are good but is not sure the results have been.

Another ranking minority member agrees that there has been no evidence of greater oversight planning or coordination. There has not been a problem with resources, flexibility or expertise in oversight—"it is a problem of attitude and approach."

11. Member Assignment Limits.—A chairman thinks further limits would be worthwhile.

A ranking minority member says the limits have not been enforced.

A ranking minority member, who agrees with the assignment limits as a "minor reform," thinks it has not resulted in better work by committees since there have been insufficient hearings and preparation to legislate effectively—especially when the work of a committee is overridden by a leadership re-write of a committee's bill. Consequently, many freshmen have come to question the usefulness of committees.

A chairman complains that "too many waivers" of the limits are granted.

12. Multiple Referrals.—A ranking minority member thinks the elimination of joint referrals has not produced the intended results of fewer jurisdictional disputes between committees.

A chairman thinks the new referral system is working well though there is a potential for disadvantaging committees that are given sequential referrals with unrealistically short time limits for reporting. The Speaker should have discretion not to impose time limits on sequential referrals. The system has encouraged more informal negotiations between committees so that a secondary committee will be comfortable with waiving its jurisdiction over reporting.

Another chairman thinks that while the system has generally worked well, it has prevented some committees with some jurisdiction over a bill from being "meaningful players in important issues."

13. Elimination of Rolling Quorums.—One ranking minority member observes that the "votes continue to roll in our committee."

Another ranking minority member observes that the new rule has not resulted in more attendance and deliberation; "it merely requires showing up for a few moments between periods of deliberation."

A chairman who disagrees with the ban on rolling quorums says it has only forced a recess until the chairman can round up sufficient members to proceed with a vote.

14. Limitation on Committees Sitting.—There is widespread agreement among chairmen and ranking minority members alike that the rule is meaningless because it is always waived.

15. Accountability for Committee Votes.—A chairman notes that accuracy of votes is important. The main problem has been with GPO errors.

Several ranking minority members disagree on allowing reporting errors; if votes are to be reported, they should be completely accurate.

A chairman agrees that true accountability should merit true accuracy.

16. Limitation Amendments.—A ranking minority member observes that the increased use of so-called "made-known" limitation amendments "is a troublesome development" and that such amendments "tread very close to the line of legislation" and "cannot possibly lead to sensible policy or management." He suggests they require a closer look and possibly a ban on them.

17. Appropriation Reports.—An authorizing chairman urges better documentation of yearly account funding changes so nonappropriations committees can track where the money has gone.

Another chairman notes that, while information is helpful, it has not seemed to curb unauthorized appropriations.

A ranking minority member questions how useful this is since it is often difficult to get the reports prior to House consideration.

Another ranking minority member thinks the reports are not as important as prompt communication between the appropriators and their authorizing counterparts when legislative provisions are included in appropriations bills.

18. Scheduling.—A chairman observes that “long-term planning is difficult.”

Another chairman agrees with the ideal of long-term planning but says the reality is that “Congress is still a reactive body influenced by outside voices and inside squeaks.”

A ranking minority member endorses steps towards more predictability and long-term planning, “especially if that planning will not turn out to be a hollow exercise.”

19. Committee Rules.—Several chairmen and ranking minority members expressed the view that there are already sufficient guidelines for committee rules contained in House Rule XI.

A ranking minority member was reluctant to either agree or disagree on the need for guidelines on committee rules without knowing what those guidelines might contain—especially with respect to minority protections.

20. Committee Hearing Formats.—One chairman calls for flexibility to allow greater experimentation (versus a uniform new rule).

A ranking minority member says committees are now allowed to experiment so long as the forum is not characterized as a hearing.

21. Five-Minute Rule for Interrogation of Witnesses.—Several ranking minority members say that if committees are run in a bipartisan spirit, flexibility can be achieved by unanimous consent.

A chairman who disagrees with allowing more time for questioning witnesses, observes that there is barely enough time for each member to question witnesses as it is under the five-minute rule.

A ranking minority member, who agrees with the concept of allowing more extended questioning generally, cautions that it could discourage more junior members from attending hearings.

22. Inflationary Impact Statements.—There is widespread, bipartisan agreement that the requirement is useless.

23. Joint Filing of Committee Reports.—A ranking minority member thinks this change could be useful so long as the rules of the respective committees can be observed and minority rights are protected.

A chairman thinks this poses practical problems in terms of the timing for submitting minority views and in being able to get majorities to agree on precisely the same wording on findings and recommendations.

24. Committee Documents on the Internet.—A chairman who agrees also notes that this questionnaire should have been provided in an electronic format for easier response.

A chairman who agrees also notes the limits of technology/formatting in dealing with GPO.

A ranking minority member who agrees with putting more committee information on the Internet, thinks the concept should be expanded to allow for the posting of whip notices, calendars and colleague letters on particular bills. He, and other ranking minority members, expressed concerns about regulations limiting access to committee minority sites.

A chairman agrees but only with respect to documents that are in "final form" and ready to be published.

Another chairman thinks this will require more work before being made a rigid requirement by House Rules. One practical problem is immediately releasing transcripts of hearings even though they contain errors and have not been corrected by the members and witnesses. The process for putting hearings in final, publishable form usually takes 3 to 4 months. Additionally, the committee does not have the resources for putting the multitude of documents on the Internet, especially since so many are not originally available in electronic form. In short, committees should be given sufficient flexibility and discretion in putting "essential documents" on the Internet, but not be required to put everything on.

25. Appropriations Process.—An authorizing chairman suggests that a rule should be adopted to make "authorizations binding on House appropriations bills."

26. Unfunded Mandate Reform.—A ranking minority member says the bill was rushed through in the first 100 days without adequate preparation, and we are only beginning to sort out problems with its implementation.

27. Corrections Day.—One chairman thinks the process should be expanded to permit consideration of Senate amendments under the Corrections Calendar.

Another chairman thinks the process is "under utilized" because there aren't that many laws that need repeal or correcting.

A third chairman thinks the process forces committees to act on legislation that would better be included as part of larger bills on the same subject matter.

Several ranking minority members say the House floor should not be used as a "public relations gimmick." The suspension process can be used for noncontroversial corrections of law.

28. Encouraging Pre-Printing of Amendments.—One chairman thinks pre-printing of amendments should be a general policy.

A ranking minority member warns against making pre-printing a requirement given the extent to which bills are changed between committee and floor action.

A ranking minority member, who agrees with the concept of pre-printed amendments, says it can result in members thinking they will have "little or no opportunity on the floor to address important issues. This is regrettable."

29. Time-Caps.—A chairman thinks time caps are a good idea as long as they are fair, because they keep process moving.

Another chairman, who neither agreed or disagreed, said in many cases "the amendments being offered are being presented exclusively by members of the committee."

A ranking minority member thinks time caps on amendments should only be used in emergency circumstances or where there is unanimous consent on the floor to limit debate.

A chairman who agrees with time caps, nevertheless cautions against those which result in some amendments getting 1 hour of debate each up front, while others at the end of the process only receive 1 minute.

A ranking minority member has no problem with working out time caps on the floor on amendments, but objects to their use in modified closed rules that severely limit the amount of debate time on important amendments.

30. Task Forces.—A chairman urges more discussions and planning prior to forming task forces.

Another chairman says task forces should not be used to compete with committees and can only be effective if they are organized with the knowledge of chairmen and utilize committee staff resources.

A third chairman says task forces are less useful now that "we are in the majority."

A fourth chairman agrees that task forces should be limited to multicommittee projects and be subjected to the same planning process as committees and have a clear duration and termination date.

A ranking minority member says there has been too much reliance on task forces to circumvent and compete with the committee system. Task forces are "undemocratic" and "undermine regular order."

Another ranking minority member observes that task forces tend to discourage members from meaningful participation in committee hearings and markups if they think their work will be ignored or overturned by the leadership.

QUESTIONNAIRE RESPONSES BY HOUSE COMMITTEES

Committee	Majority	Minority
Agriculture	X	.....
Appropriations .....	.....	.....
Banking and Financial Services .....	.....	.....
Budget .....	.....	.....
Commerce .....	.....	X
Economic and Educational Opportunities	X	.....
Government Reform and Oversight	X	X
House Oversight	X	.....
International Relations .....	.....	.....
Judiciary	X	.....
National Security	X	X
Resources	X	.....
Science	X	X
Small Business	X	.....
Transportation and Infrastructure	X	.....
Veterans' Affairs	X	X
Ways and Means	X	.....
Intelligence	X	.....

Mr. DREIER. Our witnesses here this morning are proof that there is never a shortage of new ideas to make this institution more effective and accountable and deliberative.

Pete Hoekstra has done a terrific job of putting together a package of external and internal reforms which continue to have strong bipartisan support.

On the front row we have Chris Shays, who has worked for a long period of time on the issue of reform, and he, I believe, made what was probably the best observation on Rick Smith's program the night before last when he said maybe one of the problems is that this Government has become so large that we have too much influence over your life, and maybe if we had less influence over your life, the lobbyists here would not have so much influence over our lives.

I think also the proposals that Tony Beilenson and Bill Archer will be bringing forward to look at maintaining First Amendment rights but altering the scheduling for 1-minute speeches is something that is worth our very serious consideration.

I am also looking forward to the testimony relating to the structuring of the Intelligence Committee. As you know, Mr. Chairman, from serving on this committee, we made some significant changes to the structure of that panel when we did our reforms at the beginning of this Congress. I believe there needs to be a better clarification of its jurisdiction and oversight responsibilities vis-a-vis the National Security Committee and the International Relations Committee.

I believe we need to reexamine whether the Intelligence Committee status as a select committee with rotating membership is appropriate to its role as our conduit to the intelligence community, which is obviously facing a very complex 21st century environment.

Finally, I want to commend you, Porter, for the commitment you have made towards very constructive changes to both the Intelligence Committee and the Ethics Committee and the process there. Every time you have asked me to get involved in it, I have sidestepped it and made sure you have taken on full responsibility for it, and that is because there are sensitive issues and you are so extraordinarily capable. So I congratulate you for that.

Mr. Goss. I hate to have those remarks stop. Thank you very much, Mr. Dreier.

I think everybody knows the work you have done on reform in the last Congress and this, and it speaks for itself. The fact that it is still continuing on and attracting a good response means that there was a need, and I think it has been well served. I congratulate you as well.

We have some Members who I know have time constraints. We have some opening statements I presume others would like to make. I certainly intend to recognize Mr. Beilenson, the distinguished senior member of this panel, as well as Judge Pryce, also a distinguished, little bit less but still senior member of this panel. I am well aware also we have a couple of our first panelists that have some time constraints.

I would ask, if you wish to make an opening statement, you make them and make them reasonably brief.

Mr. BEILENSEN. Thank you, Mr. Chairman. That is a reasonable request.

I, in fact, do not have an opening statement. I did want to take just a minute to commend our friends on the other side—Mr. Solomon, Mr. Dreier, Mr. Goss—for their continuing efforts to pursue a broad range of issues of reform of the Congress and to express the hope that whoever is in charge next year pursues these issues as strongly as you folks have.

I do believe that the Rules Committee is the proper venue for the consideration of these kinds of issues, and I do hope that this committee, whoever is in charge next year, maintains an active interest in looking at these particular issues and following up on them.

Thank you, Mr. Chairman. I am glad to be here with you.

Mr. GOSS. Thank you, Mr. Beilenson. Whoever is in charge of the committee will miss you next year.

Judge Pryce.

Ms. PRYCE. Thank you, Mr. Chairman.

I just want to commend everybody here for their ongoing interest in the area of reform. Often we feel that reform efforts are fueled by newer Members and freshmen and sophomore Members, but it is very good to see and I am very happy to see there are also a lot of senior Members who are very moved by these issues and carry the flame as well.

It is so easy here in Washington to accept the status quo and go along and let things work as they do. But I think we on this committee have to resist that for the good of this institution and for the good of country. Once again, I commend those of you who carry the flame.

Often the work of this committee is somewhat routine and we could get caught up in just doing what we have to do, but this is something that doesn't have to be done, it goes above and beyond. I am very pleased that the chairman has taken this on, and we need to be ever vigilant and keep our eyes open to how we can become a better institution.

Thank you very much, Mr. Goss.

Mr. GOSS. I would like to call the first panel now, if I could: the Honorable Chris Shays of Connecticut, the Honorable Tom Barrett of Wisconsin, and Honorable David Minge of Minnesota.

I understand the Honorable Scott Klug is not here. I have his testimony, and it will be accepted into the record, without objection.

[The prepared statement of Mr. Klug follows:]

PREPARED STATEMENT OF HON. SCOTT KLUG, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF WISCONSIN

Thank you, Mr. Chairman, for this opportunity to testify. I'd also like to congratulate my colleagues on the Bipartisan Reform Team for what we were able to accomplish this Congress. Going one step further than the other body and passing a comprehensive gift ban, in addition to a lobbying disclosure bill, were, I believe, two bipartisan ideas that we can all be proud of.

With the passage and realization of the Congressional Accountability Act, I'd like to suggest two House rule changes that I believe would continue to add to the credibility of this body.

The first change has to do with post-employment restrictions for House staffers. The employee turn-over rate on the Hill is just as high, if not higher, than that of the private sector. This 'conflict-of-interest' provision would ensure that staff who

have accepted or are seriously interviewing for another job may not participate in Congressional meetings which involve the interests of the staff member's future employer. It's simple. It's straight forward. The lack of stricter House rules in this area could allow special interest unfair access to policy decisions.

Mr. Chairman, the Executive Branch already follows this policy and it should be adopted in the House.

The second change I recommend has to do with travel restrictions on retiring Members. Once a Member makes the decision to retire from this body, he or she shouldn't be permitted to take a trip on the taxpayer's tab.

In 1983, the Better Government Association released a study entitled "Cost of Congressional Foreign Travel For Fiscal 1983." This study is regarded as the most comprehensive of its kind done on how much Congress actually spends on foreign travel. In this study, it was determined that for fiscal year 1983, \$21.7 million was spent by Congress on foreign travel. Now, in 1996 dollars, that amounts to \$34.2 million. Assuming that we will spend the same amount [\$34.2 million] this year on foreign travel, if we can save even a portion of that cost, I believe it's worth it.

As I mentioned, this small change in the House rules would prohibit official foreign travel by retiring Members of Congress unless a waiver is received from the Ethics Committee. In order for the travel to be approved, the committee must determine that the travel is essential to the Member's official responsibilities.

Mr. Chairman, I believe that these two small changes are reasonable in nature and I again thank the Chairman for this opportunity to testify.

STATEMENT OF THE HON. CHRISTOPHER SHAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. SHAYS. Thank you, Mr. Goss.

I would like to thank this committee. On behalf of the Bipartisan Reform Team, comprised of at one time six Republicans and six Democrats, now seven Republicans and five Democrats, we thank you for this opportunity. I know that Mr. Minge has a speech that he has to give shortly, so I would like to let him lead.

STATEMENT OF THE HON. DAVID MINGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. MINGE. Thank you, Chris.

I would like to begin by first acknowledging what Mr. Dreier has done. I did not realize the full extent of it until I read this book over the break called "Remaking Congress," that details much of the reform effort.

I would like to also pay my respects to the chairman of this committee for the reforms that did go through Congress early on in the session, the 104th session.

There are two things that I would like to focus on. The first is the importance of bipartisanship, and our effort as a task force here is a tribute to that.

I would like to urge that we take this one step further with respect to rules, and that is to have a mechanism in our rules to allow amendments to come to the Floor when they have what I characterize as bipartisan support. Too often the process in this institution is driven by the parties which tend to emphasize either the "left" or the "right" wings in those two parties or two caucuses.

I suggest that our rules provide that if 15 percent of each of the two caucuses supports an amendment, that that amendment come to the Floor, so that we have a mechanism that encourages bipartisanship.

Secondly, I would like to urge that we here in the House of Representatives set a higher standard for ourselves when it comes to

how we prepare reports for legislation. Increasingly the report language to legislation is trying to accomplish matter that we are reluctant to include in the legislation itself. I have noticed this particularly with the appropriations bills. Those of us in the Porkbusters Coalition—Ed Royce from California is my cochair—no longer find earmarking in appropriations bills as much as we do in the report language. I think that by rule we should address this issue, and I urge that the committee do so.

I thank you very much for the opportunity to be here and will submit a written statement.

[The prepared statement of Mr. Minge follows:]

PREPARED STATEMENT OF HON. DAVID MINGE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MINNESOTA

Thank you Mr. Chairman and distinguished Members of the committee for inviting me and my colleagues on the Bipartisan Reform Team to testify before you today during this much needed hearing on reforming the Rules of the House. I share your concern for reviewing our rules and am encouraged by your sponsorship of these hearings which give Members an opportunity to bring their reform suggestions to the table. Hopefully, these hearings will aid our ongoing endeavor to bring more fairness, efficiency and common sense to the rules that we must work under.

To begin, I would like to commend the Members of the Committee, especially Mr. Dreier and Mr. Solomon, for your noteworthy accomplishments with regard to reforming the Rules of the House. Although we may not always agree on the specifics, I and other reform-minded Members appreciate your leadership and sincere interest in improving the House of Representatives.

As you may recall, I recently testified before you during the special "open day" hearing that was reserved for individual Members of the House. I appreciated that opportunity to share some of my ideas with you. However, I understand that individual Members, by themselves, cannot successfully move along Congressional reform proposals. The only way that common sense and fair improvements can be made to the Rules of the House is if we work together in a bipartisan fashion. That is why I am here today as part of the Bipartisan Reform Team.

At the beginning of the 104th Congress, I joined Representative Shays, Barrett, Klug and several others in forming the Bipartisan Reform Team. We all understood the pressing need for enacting meaningful congressional reforms as well as the necessity of bipartisan cooperation to get the job done. Since that time, the Team has worked together on numerous reform proposals, including campaign finance reform, lobby disclosure, the gift ban, frequent flyer reform, and the revolving door bill, among others. As you know, the passage of lobby disclosure and gift ban legislation last year stemmed from work by the Bipartisan Reform Team. Those successes were two excellent examples of how bipartisan cooperation can bring about good reforms in the House. I fully expect that during the next Congress, those Members of the Bipartisan Reform Team that might be returning will continue to address the important task of reforming our congressional system. I know that some of the proposals by the Bipartisan Reform Team were not considered during this Congress, and there are certainly additional issues that await consideration by our informal group. As we prepare for the beginning of the next Congress and the formidable challenges ahead in the area of Congressional reform, I and the other Members of the Bipartisan Reform Team offer our assistance and cooperation to your committee. We look forward to working with your committee in a bipartisan fashion.

Thank you, Mr. Chairman.

Mr. GOSS. Thank you very much, and we appreciate the time bind you are in. I very much am pleased you came forward and for the work you are doing.

Could you state the name of the coalition with Mr. Royce?

Mr. MINGE. It is the Porkbusters Coalition.

Mr. GOSS. Thank you very much. Those are both very useful suggestions and the kind of thing obviously the Rules Committee, particularly with amendments, wrestles with a lot. Those are things that I think Chairman Solomon and previously Chairman Moakley,

having been working very diligently on, trying to bring bipartisanship and be fair. I agree; I think there is room for improvement. Mr. MINGE. Thank you.

STATEMENT OF THE HON. CHRISTOPHER SHAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. Chairman, I want to personally thank this committee for the efforts that it has been involved in in terms of reform of Congress.

When Mr. Barrett and I worked on the Bipartisan Reform Team, we had eight proposals; two of them were quite significant, I think, the gift ban and lobby disclosure. Both of us know that the legislation would not have been passed had it not been particularly, Mr. Solomon, for your work in guaranteeing that we would have a vote before we had adjourned last year, and the support of Mr. Dreier, Mr. Goss, and Mr. Beilenson, and also Ms. Pryce and others on this committee. We would not have passed gift ban and lobbying disclosure, which were true objectives of our Bipartisan Reform Team, had it not been for the Rules Committee.

We also are grateful that we dealt with the issue of unspent congressional funds. We are happy that the House moved forward with pension reform but are unhappy that it basically did not succeed in the end because of a veto by the President. With deference to the President, it was part of a massive bill. But we think that congressional pensions need to conform to those of all other Federal employees.

We also know that there has been significant improvement on franking reform, but there is legislation that we had advocated which would have restricted franking closer to the election and are unhappy that that hasn't been dealt with.

We have learned one major lesson on two controversial bills: Revolving door, where Members basically, when they leave, have the ability to come and lobby Congress and really be first among equals; and campaign finance reform.

This Congress passed congressional accountability, gift ban, and lobby disclosure, amazing accomplishments. But we learned when you leave campaign financial reform to the second year, so close to the election, it is just not going to happen. I would advocate that any major reform take place in the first day, first week, certainly the first month of a congressional session.

I have one particular issue I want to talk about in terms of the 5-minute rule, but I want to allow my cochairman, Mr. Barrett, to make his presentation to the committee.

[The prepared statement of Mr. Shays follows:]

PREPARED STATEMENT OF HON. CHRISTOPHER SHAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT

Chairmen Dreier and Goss, Congressmen Beilenson and Frost, and members of the subcommittees:

Thank you for inviting Tom Barrett, Scott Klug, David Minge and me to come before your committee as representatives of the Bipartisan Reform Team to suggest potential changes to the House rules. I am grateful you are holding this series of hearings to learn ideas about internal rules changes that could be adopted at the beginning of the 105th Congress.

The Bipartisan Reform Team was formed in early 1995—a group of members from both sides of the aisle working together to reform the way Congress does business. The group is comprised of seven Republicans and five Democrats: Representatives Tom Barrett, Enid Greene, Paul McHale, Michael Castle, Scott Klug, Dick Zimmer, Marty Meehan, David Minge, Nathan Deal, Jay Dickey, Bill Luther, and myself. We have worked together to introduce and advocate several pieces of legislation aimed at reforming many areas of Congress.

Our original package was comprised of eight bills or resolutions (some of which are under your committee's jurisdiction and others not), and has been expanded since. Some of these proposals have already been passed and enacted, such as gift ban, lobby reform and legislation ensuring unspent Congressional funds are returned to the Treasury. Another proposal, Congressional pension reform, has been included in legislation that has passed the House, but has not yet been enacted. Franking reform, another of our proposals, has not gone as far as we have advocated, but significant changes have been made. And Revolving Door legislation and campaign finance reform, while they haven't yet been achieved, will not be focused on today as they are not under the jurisdiction of your committee.

We are here today to touch on a few of our proposals, albeit more minor reforms, that could be enacted through changes to the House rules. Tom Barrett will speak about frequent flier reform, Scott Klug will focus on travel restrictions on retiring Members of Congress and post employment restrictions for Members of Congress and staff, and David Minge will conclude our presentation.

I would also like to make one recommendation that is not a Bipartisan Reform Team initiative, but rather something I feel would help alleviate a problem I have seen through my work on investigative committees.

Rule XI, clause 2(j)(2)—the "Five Minute Rule"—is inefficient and ineffective when a full committee or subcommittee is undertaking any type of serious oversight or adversarial investigation. The effect of numerous majority and minority Members alternatively pursuing variant or divergent lines of questioning prevents exploration of any issue in depth.

I recommend amending Rule XI by inserting a new section after (2)(k) titled "Special Investigative Procedures" to permit the chairman of a standing committee, when proceeding pursuant to oversight authority to designate a special investigative panel of five majority and four minority Members to conduct the inquiry for the larger panel. The special panel would contain the chairman, or a designee, the ranking member, or a designee, plus four majority and three minority Members of the standing committee.

The chairman would designate the special panel through a motion that would reference the topic of the investigation and set the duration of time each member of the panel would have for questioning, not to exceed 30 minutes. The new rule would also permit subcommittee chairmen to use the special investigative rules.

Under the special investigative rule, members of the special panel or subcommittee would be permitted to proceed under the 30 (or 15 or 20) minute rule at each hearing on the investigative topic, and time would alternate between the majority and minority. Members could yield their time to other Members or yield back unused time. Hearings would otherwise be noticed and called in compliance with existing rules, and the minority would still have the right to call witnesses or have a separate day or hearing on the topic.

As a result of this change, if a Member were engaged in a particularly valuable line of questioning, he or she would be allowed time to complete the process. The special investigative rule would result in better investigative hearings that are both more productive and less partisan.

Thank you for allowing us this opportunity to share our views.

At this time I would like to yield to Mr. Barrett.

STATEMENT OF THE HON. TOM BARRETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. BARRETT. Thank you, Mr. Goss and other members of the committee. I also want to thank you for the fine work you have done in the area of reform.

I agree with Mr. Shays that the reforms we have accomplished this Congress would not have been possible if it had not been for the work of this committee by permitting us to work together. I also want to thank Chris Shays in particular, because he really was the person, I think, who spearheaded this effort.

The experience that I have always found, at least in the area that I represent, is that the people feel that the Democrat system—the Republican system says “potato,” and the Democrats say “potato,” and their reaction is, “Let’s call the whole thing off.” That is why you see such disillusionment with politics in the United States today. But I think it is productive and useful when you have Members of Congress from both parties who can work together.

I am 100 percent convinced the reason we were able to accomplish some of the accomplishments that we did was because we did take the partisanship out of it. I am also convinced that in order to tackle the big kahuna, campaign finance reform, we are also going to have to take the same approach.

Both parties obviously have vested interests in at least part of the current financing system. One party may rely too much on PACs, the other party may rely too much on large donors, but I think again in the end the reaction of the American people is one of disillusionment.

So I think we have to take the approach that we have taken so far with this bipartisan committee to tackle again what I consider to be the most difficult issue. So I look forward to working with Mr. Shays and all of you in the next Congress, because I think that is the most important thing.

I can’t pass an opportunity to appear before this committee, though, without touching very briefly on my pet peeve of frequent flier miles. I know that is one that has been bottled up. Somehow the Speaker seems to have a problem with that one. But, again, I think that is one we can deal with in a common sense manner.

Nobody thinks frequent flier miles should be used to allow Members to take vacations to Hawaii or France or wherever. An argument could be made that Members should be able to use them if they have to bring a spouse out for the White House Christmas party or some other event where a spouse’s attendance is necessary.

I would ask that you let us get that measure to the Floor, because it is one where I think a lot of Members don’t want to vote for it but, as we all know, would vote for it if they had to.

So, again, I thank you and look forward to working with all of you again.

[Additional information submitted by the panel.]

BIPARTISAN REFORM TEAM MISSION STATEMENT

The Bipartisan Reform Team is a group of Republican and Democrat Members of Congress dedicated to working together to reform the way Congress conducts its business. We believe our proposals are a place for debate on these issues to begin. We are eager to work with those from both sides of the aisle to pass strong, straight-forward and logical reforms. We intend to serve as a force for change, which will result in increased public faith in Congress, and a more effective, efficient and ethical government.

Christopher Shays
 Jay Dickey
 Enid Greene
 Scott Klug
 Mike Castle

David Minge
 Nathan Deal
 Tom Barrett
 Paul McHale

Mr. SHAYS. Thank you. It has been a real pleasure to work with Mr. Barrett and have this be a bipartisan effort. That is truly when you get reforms through.

I wanted to address one last issue which I feel would be helpful to the process, whether Republicans or Democrats were in charge, and that is the concept of the 5-minute rule and investigative committees.

When a full committee decides to do an investigation and you have 30 to 50 members, the investigative process becomes truly a joke, because you end up with every member wanting to make a statement. The 5-minute rule for a recalcitrant witness is a god-send, because they know how to stall the process.

I would like to suggest to this committee, and this is not part of the Bipartisan Reform Team, I haven't talked to Tom about this, but the issue would be to allow a chairman to impanel a committee of five Majority members and four Minority members to do investigative work of a full committee, to allow the chairman to do that, and to allow the chairman to establish a 30-minute rule, which would allow each side to have 30 minutes.

What would happen is, you would allow the Majority side to have 30 minutes to pursue a question and make sure the witness responds to it. They could yield within their own side or they could yield back. Then the other side would have 30 minutes to then make their point and to pursue it.

Along with this 30-minute rule, we would like the chairman of the subcommittee to have the same authority to establish the 30-minute rule in an investigative work.

I speak with some experience on this, because I was involved in a year-long investigation of HUD with Tom Lantos. Tom Lantos and I made an agreement that we would allow each side to pursue the question until they got an answer.

What would often happen is, the first 3 or 4 minutes there would be this little play between the witness and the questioner, hoping they could avoid the question, and then finally Mr. Lantos would say, "We will wait as long as it takes until we get an answer." And he got an answer.

So, again, I would allow the chairman of a full committee to establish a special investigative committee, an ad hoc committee, comprised of the chairman and the ranking member or their designee, 5-4, and then allow for a 30-minute, more or less—it could be 25 minutes a side, 20 minutes a side, 15, 10 minutes a side—but then you could truly pursue the issue of those witnesses that you questioned.

If I could just end, this is probably the last time I will be before the Rules Committee. One of the members I respect almost more than anyone else is Mr. Beilenson. He has been someone I always felt I could deal straight with and express my inner thoughts and feel they would be confidential, get good advice on issues, and I just

want to say that I will truly miss you, and I thank you for helping me keep faith in this process, as the other members here. You have been a distinguished committee and comprised of distinguished members. I thank you all for the opportunity to appear before you and seek your advice.

Mr. GOSS. Thank you.

We would like to have some questions. We appreciate your testimony very much. I would like to ask how far down, from either of you, you think we ought to take the franking. That is not necessarily the Rules Committee's private domain, as you know. I am still concerned there is still considerable franking abuse as well. Do you have any conclusions as to how far to take it?

Mr. SHAYS. We advocated in the election year you just not have a newsletter or franking privilege. You could have the opportunity to let your constituents know of a community meeting, but basically in the second year of the 2-year term that the newsletter not be allowed.

Mr. BARRETT. I would agree with that. I think that is a fair way to resolve the issue.

Mr. GOSS. Have you done any work on amounts of the budget that individual Members consume, or are you doing it from the impression or from the volume of mail going out last year?

Mr. SHAYS. Mr. Castle is a member of our committee. He found in the election year there is more mailing going out than in the non-election year.

Mr. GOSS. Mr. Dreier?

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

Let me just congratulate both of you. As I was listening to your testimony, Tom, I recalled that you had testified before the committee that Dave Boren and Pete Domenici and Lee Hamilton and I cochaired back in the last Congress and offered some very thoughtful suggestions which I think—and correct me if I am wrong—some of them were actually implemented in our opening reforms.

Mr. BARRETT. Certainly we talked about accountability and the gift rule. Both of those were things I discussed many moons ago.

Mr. DREIER. You did a fine job on that.

I think that your proposal, Chris, is worth exploring. I will tell you straight out that whenever I hear of the prospect of establishing another subcommittee, it gives me great concern, so I would hope that as we look at a possible modification, that we would be able to forestall the expansion of the committee structure.

Mr. SHAYS. If I could just respond, it is really a group. Instead of having a full committee—

Mr. DREIER. I understand that. But you can see when I hear of putting together another committee—

Mr. SHAYS. It would not be a standing committee; it would be a special investigative committee. But the bottom line is, the chairmen sometimes, since we don't allow them to chair a full committee and subcommittee, if they choose to have a full committee, then they don't get the subcommittee and they don't get the opportunity to do hearings.

So sometimes active chairmen want that opportunity, and the end result is, they impanel the full committee. Then a member only gets to question a witness once, and then they feel like they might

as well leave because they are not going to be participating. So I understand your concern.

Mr. DREIER. Thank you.

Mr. SHAYS. Could I just make the one point that I feel more strongly about, the 5-minute rule, than the ability of the chairman to establish a special committee. Allowing the 30-minute cross-examination, to me, would be a great improvement.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. Thank you, Mr. Chairman.

Thank you, Chris, for your kind words. You are absolutely right about the 5-minute rule. There is no way in the world anybody can carry on with it, even with the best chairman and the proper kind of investigation. You are limited by that. At the very least, you have to go through the whole 25 or 30 members and get their opening statements out of the way and then hopefully for 2 or 3 hours come back and start asking some relevant questions and getting some answers. Of course by then a lot of folks are done. But that is not the right way to do it. However, whatever you do, some better way has to be found.

Secondly, I totally agree about campaign finance reform. Most of us would agree. I feel very strongly despite all the good things that have been done—most of them very worthwhile, some more so than others—nothing, in my opinion, comes close to comparing to campaign finance reform as a major issue when you get down to it. It is also obviously the most difficult, not only politically, but also, even if there were no politics involved, it would just be very difficult to figure out what one ought to do, because each of our sets of circumstances is different.

Coming from a large suburban area, as I do, we campaign far differently than our chairman, I am sure, Mr. Solomon, up in upstate New York with a lot of small towns and large rural areas. We do things differently. We don't use television. That may be all you use. I don't know. When you try to limit it or to set the rules for it in any way, it just becomes terribly unfocused.

I do pick up on the suggestion you made, Mr. Shays, that it has got to be addressed as quickly as possible in the next session and thereafter if necessary. It will take perhaps a couple of years. If you do leave it to the second year, it is gone, obviously, for all kinds of obvious reasons.

I urge you all, I almost would like you to get rid of all these other more minor ones and get them out of the way, so when you talk about reform eventually in the near future, you will be talking about campaign finance reform and you won't be able to get off and say we passed this and the other thing. That is nice, and we have done a lot of it, but it doesn't compare to the importance of campaign finance reform. It would be nice to clear the decks and concentrate on that, difficult as it is.

Thirdly, let me just ask a word or two about Mr. Minge's interesting suggestion. I don't know if you were involved in that or not, about coming up with some way to ensure, if there is an adequate showing, that there would be an ability to get bipartisan amendments made in order. Have you all discussed that among yourselves, or is that David's sole idea?

Mr. SHAYS. That was basically David's idea. It was one that, had he brought it up with us, it would have obvious consensus.

Mr. BEILENSEN. I am not sure if 15 percent of each side is the way to do it, but it could be worked out. I take it, it would apply to this kind of situation as well, as I and many other Members felt very frustrated last year because we were very close on a lot of things. There was a Republican position on welfare and a 7-year balanced budget plan and a Democrat position on these things.

I may be wrong, but it seemed obvious to me and other Members that there were 120 Democrats and 120 Republicans who would vote for a particular 7-year balanced budget, or something close to the coalition proposal, or something you folks came up with. It was just crazy that we couldn't get such a proposal as an alternative on the Floor which a majority of Members in both parties would have voted for. It was crazy. We could have done it. It would have been different from the Republican and the Democratic one; it would have been in the middle somewhere; it would have been considered, worked, and been wonderful. It was awful there was no way to make it in order because neither leadership wanted it, in a sense.

So I would express to my colleagues on this committee who will be here next year, to search with you along with Mr. Minge for a way to do that. I would guess that next year, whoever has a majority in this particular House—and the other one too, I suppose—it will be a very narrow one. The Democrats might possibly get the place back by a couple of votes; the Republicans might hang on to the place; it would be smaller majority than this year, I would guess. It is just a golden opportunity for us—if I may say "us" still—to show the public we can work together. It is the only way things are going to be able to get done.

You have the world's greatest excuse to the people of the country: You didn't give the Democrats or the Republicans a sizeable majority; we are forced to work together. And you are going to have to find ways to get things done other than the way we have done in the past, whether it means pushing aside to a certain extent some of the committee chairmen or a little of the leadership on either side, whoever is in charge next year, and just get the guys in the middle, most of the Members.

As you all know, we are mostly in the middle on these things. If we were left alone to our own devices, put in a room, 10 of us from each side, we would come out with answers. They wouldn't be perfect answers, they would be in the middle some place, but that is how the country works.

It is outrageous we can't do it. So keep searching for a way to do that. I found that a very intriguing and interesting situation.

Mr. SHAYS. So did we.

Mr. GOSS. Chairman Solomon.

Mr. SOLOMON. Mr. Chairman, I am going to have to leave in just a couple of minutes.

First of all, I want to commend both Chris Shays and Tom Barrett, because you were a tremendous help to us. As I look down through all of the rules changes that we had on January 4th, the day we opened up, whether it was abolishing three House standing committees, limiting committees to no more than five subcommit-

tees, and limiting the Speaker to four terms and Members to six terms serving as chairman.

Mr. DREIER. Is it six terms?

Mr. SOLOMON. Six years; I beg your pardon. There is still a chance for you, David.

Mr. SHAYS. You cannot wait that long.

Mr. SOLOMON. The main thing I wanted to commend you for, Chris, was the Congressional Accountability Act, because that was a major, major change. It had such an impact, I think, on the American people, the fact that we now have to live under the same laws that we ask the American people to live under. That was the greatest accomplishment.

I just wanted to reinforce what David Dreier said earlier. When we talked about cutting back on the number of committees and subcommittees and the number of staff slots, a lot of people said it couldn't be done, and I can tell you, in this committee, it was very, very difficult, because we had to function as the prior Congress did with a lot less help. It meant that the staff that you see here had to work almost twice as hard in order to accomplish the same results. But we did it. That is the point.

Mr. GOSS. We already made cuts in the 103rd Congress.

Mr. SOLOMON. That is right. I just think some constructive advice for you would be to pursue the 5-minute rule and changes that we can make. We do that in this committee. We try to let each member go beyond the 5-minute rule if necessary. I think Tony Beilenson will attest to that fact.

Of course we can do that because we are a smaller committee. When you start talking about the Banking Committee, David, that you served on, how many members do they have, 50 or so, or 100?

But I think we can accomplish what you want with changes in the 5-minute rule rather than creating an additional subcommittee, because that leads again to perhaps more staff down the road. We just don't want to do that.

Mr. SHAYS. If I could amend my proposal, let's just make the full committee smaller then. That may satisfy my problem.

Mr. SOLOMON. That is a good idea too. At any rate, I want to commend both of you for the work you have done. We appreciate it very much.

Mr. DREIER. Ms. Pryce.

Ms. PRYCE. In the interest of time, I will not go into too much of this, but I commend you. You have both been leaders in this across-the-board reform effort, since I have known both of you, and your work certainly, you have seen the benefit of some of your work, and keep on trucking, because you are going to see more of it.

I have been meaning to ask Mr. Barrett off the record, but now I will get it on the record, about the frequent flier stuff, a very technical question. Can Members have two accounts with the airline to separate the personal and official travel? I have found it to be impossible with the airlines I use. I don't know how to do it.

Mr. BARRETT. It has been very difficult for me too. Obviously, there are times when my wife and I may fly personally. Especially now with the way the billing is done, where we pay through our

personal checking accounts and are reimbursed, I have been unable to set that up. So that has been a problem for me as well.

Ms. PRYCE. So we probably need to change that.

Mr. BARRETT. That would be something we would have to look at.

Ms. PRYCE. That is not a burning issue, but it is one I was interested in.

Thank you very much, Mr. Chairman.

Mr. GOSS. I apologize for having to step out. I wanted to add two things.

First of all, on one of the committees I do participate on, other than this committee, we do use the 30-minute technique occasionally, and we have found it very, very successful on the full committee basis. It generally turns out there are a few members on the full committee, and that is a select committee, that have a particular expertise and generally can carry the discussion very well. I found it extremely useful. I don't know how you deal with it all the way down.

I share David's concern about the proliferation of committees. On the other hand, I do share every Member's frustration with the 5-minute rule, particularly the more junior Members who never get their 5 minutes under the 5-minute rule. Whether it will be solved by committee chairmen or not or whether it will be solved by a House rule is something that obviously is going to have to be negotiated.

The second part of that brings me to the point Mr. Beilenson made so well, and that you have both made, and on behalf of Mr. Minge, and that is this question of how you get to the middle of the partisanship, which avoids the partisanship, which is so critical. I agree with your observation, the country is divided, and we are divided, and our job is to bring it together, and not take it apart.

My concern with that is, we are running into 200 years of tradition here in what I will call the strong chairman approach. The prerogatives of the chairs are not something that are lightly debated. Mr. Dreier probably has got more scar tissue on that than I do.

Mr. BEILENSEN. If the gentleman would yield on that, we have also more recently had a fairly strong Speaker who has made it known to his chairmen that certain things need to be done. In fact, he made some people chairmen who weren't first in line to be chairmen.

So there are ways of doing this with just a slight amount of pressure from you, the leadership. I think we can take care of these problems if the leadership pushes in the right direction.

Mr. GOSS. I would agree. That is the reason I brought that up. I was going to encourage you to take this matter, since we are dealing in a bipartisan fashion here, to take it to the leadership on either side. If we all do that, if they hear a chorus on the subject, we will have a better chance of success.

Mr. SHAYS. May I put in a word of caution that we not return to proxy voting? It has been unpopular. If you are concerned about a chairman having too much power, the chairman that can pull out of his pocket a vote of everybody who gave him a proxy, you will

go back to the days when a rank and file member has even less say.

Thank you all very much.

Mr. GOSS. I believe we come to the second panel, which is going to be the Task Force on Congressional Reform. I see we have Pete Hoekstra, who chaired that effort, and Zach Wamp, who has been instrumental also in it.

Do we have any others here? Just you two. Thank you very much. I could be a member and join you, but I think I will stay here.

STATEMENT OF THE HON. PETER HOEKSTRA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. HOEKSTRA. I would like to thank you for holding the hearing today, Mr. Goss.

The whole issue of continuous improvement in the House of Representatives is something that we spend a lot of time talking about in the business world, and that is the world that I came from. Coming to Washington and finding out we don't spend nearly as much time talking about that here, I think is to the detriment of the institution and ultimately to the satisfaction the American people have with the work that goes on here in Washington.

For the last 9 months, I have worked on behalf of the Republican leadership as chairman of the Task Force on Congressional Reform. I will say a little bit about that before I move on to other issues.

Given the task force process, by its very nature, there were a number of people within the conference and even within the House who were suspicious about the work of a task force as being an informal organization. It was never the intention of the task force to write legislation or in any way displace the committee process.

I viewed the role of the task force as strategy and consensus building only, not writing legislation. There is no way that a task force is equipped, either with staff or with a hearing process, to actually go through a complete process and write legislation. As a matter of fact, as we went through the process, one of the bigger skeptics of this task force when we began was Chairman Bill Thomas of the House Oversight Committee.

I think at the end of the process he would have said that we actually developed a fairly good working relationship in understanding the different roles between what a task force is supposed to do and what the committee process is supposed to do. We had a good mutual understanding of our roles. The job of the task force was partisan in nature; the job of Chairman Thomas and the committee was to work through the normal bipartisan committee process to actually move legislation to the Floor.

The Task Force on Reform identified a handful of proposals that would help improve the way Congress works and restore its integrity in the eyes of the American people. It did this by conducting regular meetings with the 16 members of the task force, by conducting a comprehensive survey of the 120 members of the Republican Conference on a variety of reform issues, by meeting with representatives from the Democratic Conference and talking about some of the ideas that they had, and also by conducting focus groups with roughly one-third of the freshman Republican class.

We had a whole laundry list of ideas. We finally settled on seven to bring forward to the conference and to the House. Two of those have been implemented through clarifications issued by the Speaker on the distribution of checks on the House Floor and also on the permissibility of allowing lobbyists on the Floor of the House or lobbying by former Members on the Floor of the House. Those have been implemented. We also have brought the campaign finance reform bill to the Floor of the House.

We were disappointed as we went through that process that we were not able to successfully pass campaign finance reform legislation in this Congress.

Five other things that we thought, or four other issues that we think need to be dealt with. We think there needs to be reform in the ethics process. We believe that the ethics process has been abused for political purposes and it has lost credibility in the eyes of the membership and the American people.

We did not study the issue in great length, and we understand that perhaps the chairman of this subcommittee is working on that issue. We have the greatest degree of confidence that the Ethics Committee and you, Mr. Goss, will come up with some recommendations to reestablish credibility in that whole process.

Another item that we would like to have brought to the Floor, but we don't think will get done in this session of Congress, is constitutional justification for legislation. We believe that there is a growing concern in the American public for the vast expansion of the scope of the Federal Government. We believe that Congress is mostly responsible for perpetuating this growth.

A proposal introduced by Richard Pombo from California and John Shadegg of Arizona would require that all laws introduced in Congress cite the constitutional authority for enacting such legislation.

We hope that the next proposal may still make it to the Floor of the House this year, and that is denying pensions to former Members convicted of felonies. We believe that the actions of certain Members of Congress in breaking the law have damaged the reputation of this institution. As an added incentive to maintaining the integrity of Congress, we felt it was reasonable to cut off pensions for Members who commit felonies related to their official duties. This proposal was also supported by the Bipartisan Reform Team. We are still hoping that the bill introduced by Randy Tate can be enacted this year.

Another proposal: No pay for no work. Occasionally there are Members who lose primaries or campaign for other offices who willfully fail to perform their official duties. There is an existing House rule that allows the Speaker to dock Member pay for unexcused absences. We believe the Speaker should enforce this rule.

Finally, the Revolving Door Act. As a follow-up to the lobbying disclosure law enacted last year, Representative Charles Canady is moving a proposal through the Judiciary Committee which would place a 10-year restriction on former Members from lobbying members of foreign governments. We believe this proposal makes sense within the theme of maintaining the integrity of the institution.

We had a whole range of other ideas submitted to the task force. These were the seven that we thought should have been considered

in this session of Congress. They will not all make it to the Floor this year. There are also a number of ideas that have either been considered or that require more study that we think Congress should consider for the future. Let me briefly outline those.

When the 105th Congress convenes in January 1997, we believe it should be a top priority to move quickly on at least two of these leading-edge constitutional amendments. We think these are necessary because we believe it is necessary to add these in the constitutional amendment process because we don't think the Framers of the Constitution ever envisioned a day where local, State, and Federal Governments would consume 38 cents of every dollar that an American worker earns.

We think that the Balanced Budget Amendment is of critical importance. This failed by one vote in the Senate and should be brought back up early in 1997. Then we think that one out of the following four should be considered and hopefully passed:

A term limits constitutional amendment. This amendment would impose a fixed limit on service by Members in the House and the Senate.

A tax limitation amendment. This amendment would require a two-thirds vote in both Houses of the Congress to raise taxes.

A tax limitation referendum amount amendment. This amendment would require that all tax increases be approved by a majority vote of the American people.

Or one of these following two that have not received a lot of attention but are very visible at the local level:

A national indirect initiative amendment. This, amendment to the U.S. Constitution would allow citizens to propose amendments to the Constitution and propose enactment and repeal of Federal laws. Citizens in 24 States currently have this right and have used it to limit taxes, reform their State governments, and implement term limits.

Or—and this is not a very popular suggestion in Washington—we ought to empower the American people to recall Members of Congress or of the U.S. Senate.

We think that a combination of these would move some power back to the American people at a time when they are somewhat skeptical of the performance of their Members in Congress.

I will stop with that. There are a number of other suggestions that we have proposed that are included in the written testimony. I have a revised testimony from what I think was submitted earlier, if I could submit that entire recommendation for the record.

Mr. GOSS. Without objection.

Mr. HOEKSTRA. I will stop here. Thank you.

[The prepared statement of Mr. Hoekstra follows:]

PREPARED STATEMENT OF HON. PETER HOEKSTRA, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

I want to thank Mr. Goss for holding these hearings to discuss ideas for how we can enhance the process of continuous improvement in the House of Representatives. Discussions about continuous improvement are sorely lacking, to the detriment of the institution and ultimately the American people.

For the past 9 months I worked on behalf of the Republican Leadership as chairman of the Task Force on Congressional Reform. I want to say a few brief words about the work we did.

Let me begin by talking a bit about the task force process itself. From the beginning, it was never my intention, nor the intention of the task force, to write legislation or in any way displace the committee process. I viewed the role of the task force as strategy and consensus-building only; not writing legislation.

I enjoyed working closely with Chairman Bill Thomas of the House Oversight Committee on campaign finance reform. We had a good mutual understanding of our roles. While the job of the task force was partisan in nature, the job of Chairman Thomas and the committee was to work through the normal bi-partisan committee process to move legislation to the floor.

The Task Force on Reform identified a hand full of proposals that would help improve the way Congress works and restore its integrity in the eyes of the American people. It did this by conducting regular meetings with the 16 members of the task force, by conducting a comprehensive survey of 120 members of the Republican Conference on a variety of reform issues, and by conducting focus groups with roughly one-third of the freshman Republican class.

The net result of this work was a set of seven reform ideas which met the criteria of broad support within the Republican Conference and authentic reform of Congress.

Campaign finance reform: The task force identified campaign finance reform as both an issue which all Members had a profound interest in, and an issue which failed to produce a common agreement on what should be done. Views ranged from passionate support for spending limits and public financing to absolutely no limits at all. Basically, we knew already from the survey and focus groups that campaign finance reform would be a nearly impossible issue to resolve in such a heated political year.

We did not narrow the scope of our work simply to campaign finance reform. We explored other proposals for reforming the institution as well. For example:

Ethics process reform: We believe the ethics process has been abused for political purposes and has lost credibility in the eyes of the Membership and the American people. We did not study the issue in great length, nor did we develop any concrete specifics for how to reform it, but we identified it as a major problem in need of a comprehensive approach.

Constitutional justification for legislation: We believe there is a growing concern in the American public for the vast expansion of the scope of the Federal Government. We also believe Congress is mostly responsible for perpetuating this growth. A proposal introduced by Reps. Richard Pombo (R-CA) and John Shadegg (R-AZ) would require that all laws introduced in Congress cite the Constitutional authority for enacting such a measure. The purpose of this legislation is to provide a mechanism to hold Congress accountable for what is passed in light of the Constitution. We felt this was an important and innovative approach to restoring perspective to what Congress does.

Denying pensions to former Members convicted of felonies: We believe the actions of certain Members of Congress of breaking the law have damaged the reputation of the institution. As an added incentive to maintaining the integrity of Congress, we felt it was reasonable to cut off pensions for Members who commit felonies related to their official duties. This proposal was also supported by the Bipartisan Reform Team. We are still hoping that a bill introduced by Rep. Randy Tate (R-CA) can be enacted this year.

No pay for no work: Occasionally, there are Members who lose primaries or campaign for other offices who willfully fail to perform their official duties. There is an existing House rule that allows the Speaker to dock Member pay for unexcused absences. We believe the Speaker should enforce this rule.

Revolving Door Act: As a follow-up to the lobbying disclosure law which was enacted last fall, Rep. Charles Canady (R-FL) is moving a proposal through the Judiciary Committee which would place a 10 year restriction on former Members from lobbying Congress on behalf of foreign governments. We believe this proposal makes sense within the theme of maintaining the integrity of the institution. We cannot fault Members from trying to make a living after leaving Congress, but we can pass reasonable restrictions on former Members to protect the image of the institution.

These are just some of the ideas that were discussed by the task force and which possess strong support from within the Republican Conference.

As for the Future

When the American people are sending \$.38 of every dollar they earn to finance the government, it is time to take a look at the system we have created and ask ourselves whether we need major structural reforms.

When the 105th Congress convenes in January, 1997, we believe it should be a top priority to move quickly on at least two of these leading edge Constitutional amendments:

Term Limits Constitutional Amendment: This amendment would impose a 12-year limit on service by Members of the House and Senate.

Balanced Budget Amendment: This amendment would require a balanced budget by the year 2002.

Tax Limitation Amendment: This amendment would require a 2/3 vote in both Houses of Congress to raise taxes.

Tax Limitation Referendum Amendment: This amendment to the U.S. Constitution would require that all tax increases be approved by a majority vote of the American people.

National Indirect Initiative Amendments: These amendments to the U.S. Constitution would allow citizens to propose amendments to the constitution and to propose the enactment and repeal of Federal laws. Citizens in 24 states currently have this right and have used it to limit taxes, reform their state governments, and implement term limits.

Recall Amendment: This amendment to the U.S. Constitution would allow states to establish procedures to recall Members of the House and Senate.

These Constitutional amendments would institute the necessary reforms on the existing system to prevent the types of problems we see in Washington today. They place limits on the abuse of power and provide the American people with the tools they need to constructively advocate their good judgment on the issues.

In addition, these are some common-sense statutes which warrant careful consideration in the 105th Congress:

Congressional Responsibility Act: This bill, authored by Rep. J.D. Hayworth (R-AZ), would require that Congress vote to approve all rules and regulations being issued by executive branch agencies.

If we fall short on the Term Limits Amendment, we should move to pass the Pension Term Limit Act, a proposal by Rep. Gil Gutnecht (R-MN) to cut off Member pensions after 12 years.

In addition, Congress should give careful consideration to these additional reform ideas:

Congressional Member's Pension Limitation Act: This bill, introduced by Reps. Dan Miller (R-FL) and Bob Goodlatte (R-VA) would equalize Members pensions to those of other Federal employees.

National VOICE on Term Limits Act: This bill would allow a non-binding nationwide referendum vote during the next general election on the question of whether Congress should approve a Constitutional Amendment to limit the terms of Representatives and Senators.

None of the Above Act: This bill would require that on all ballots for Members of Congress, voters be given the right to vote for "none of the above." If none of the above receives the plurality of votes, the election is declared null and void and a new election will be held.

National Advisory Initiative Act: This bill would allow voters to obtain signatures and place on the ballot in a Federal general election, a non-binding referendum question.

These are just some of the ideas we have discussed as a task force. As you continue your hearings on "building on change" we think you should strongly consider these ideas and the potential contribution they could make to improving Congress and restoring the trust of the American people.

Mr. GOSS. I would like to congratulate you. You have done an extraordinary job of bringing together all of the ideas that are out there. I think that—I wasn't going to comment that they were all as meritorious as the next one, but that is a subject for future debate.

I do want to ask you in that whole array that you have brought out—some very intriguing ones—the recall of Congress, is it the American people at large or just the people in the Member's district? Those kind of questions immediately come to mind.

But in a more serious vein, what do you think is the highest priority? Do you agree with the previous testimony we had that we ought to start right off with campaign finance reform? Would that be your highest order?

Mr. HOEKSTRA. I don't think that would be the highest for me. I really believe that some of the structural limits here in Washing-

ton, I think going to something like a Balanced Budget Amendment, would significantly alter the behavior of Members of Congress.

Having worked through the campaign finance reform process for, shoot, the last 9 to 12 months and going through it in some detail, I believe that there are changes that need to be made.

I am also somewhat skeptical that we are bright enough to put in place a whole new set of rules and regulations that, when we are done, people will say, boy, you have now really created a fair system. Everybody's definition of what is fair is different—does it mean that everybody has an equal playing field, that we all get \$600,000 from the Government, even though in certain districts somebody from the other party might not even be able to get that kind of support?

I am somewhat skeptical that we need to make some campaign reforms. That we will structurally change behavior with campaign finance reform, I don't think will happen. I think some of these other things are more likely to change and improve behavior.

Mr. GOSS. Zach—Mr. Wamp.

STATEMENT OF THE HON. ZACH WAMP, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TENNESSEE

Mr. WAMP. Thank you, Mr. Chairman.

I just wanted to open by praising the Rules Committee for all the reforms that we have seen, and specifically praising Congressman Dreier for what I think is one of the great successes of the 104th Congress.

I want to praise the Speaker as well for abandoning the outright seniority system in committee chairmen selection. I think he looked for the best people and not the people who had been around the longest, and I think it has really improved the integrity and effectiveness of the institution.

I want to credit Chairman Hoekstra for a lot of hard work and a real balanced approach. I was one of the more active members of the Task Force on Reform, and I just want to share from the heart a freshman perspective here and share some of my frustrations.

I would suggest that we focus heavily on campaign reform. I think Mr. Beilenson really pointed to this earlier. Let us remember back to the time when President Clinton and Speaker Gingrich shook hands and said they were going to go with the commission approach.

They specifically talked about two areas, lobbying reform and campaign reform. Lobbying reform has taken place. Half of what they said they wanted to set the commission up for has been done and enacted into law, and I think it is a great success of this Congress and the President's cooperation.

But the campaign reform is, to me, the big kahuna, the thing that was not done, the thing most frustrating for me. Some changes need to be made. What those changes are is clearly up for grabs. There was a real division. It has become obvious to me—and this is important and I think instructive—that no matter which party is in power, the party in power is going to protect the current system.

Now, I thought, in an innocent way coming here as a freshman, that in this particular area that we would enact the reforms as a Republican majority that we had wanted when we were in the minority for those 40 years wandering in the wilderness.

In fact, when we took control, I think an honest assessment is, we weren't willing to make the changes. I think we went 99 percent of the way to changing this institution and deserve great credit for really going the distance and streamlining, downsizing, making this place work better. But the one thing we weren't successful at is this issue of campaign reform.

I did not join the Smith-Shays-Meehan approach because they were noticeably silent on issues like labor unions. If you are going to have a comprehensive proposal, you can't remain silent on some areas and not silent on others. But one thing I will agree with them on is, it has to be bipartisan. They tried to gain bipartisan support, but they had a flawed proposal, or they would have gained great bipartisan support.

My friendly suggestion as a humble freshman here is, whether it is Speaker Gingrich or Speaker Gephardt in the 105th Congress, that we encourage this particular area, area of campaign reform, which affects every member of this institution's ability to get themselves reelected. It is so personal, and it is almost like arguing religion with some people or discussing abortion with some people, it becomes so personal that it is so divisive, you can't build consensus.

So I would suggest we treat it more like ethics reform and make it bipartisan and we encourage those Speakers or Speakers-to-be to actually appoint a bipartisan task force. Now, that may be revolutionary, but the American people want more bipartisan cooperation. They have made that clear. They want more civility. They are tired of the shallow rhetoric and blame game. I think this would be a great step in the right direction.

Again, I am not speaking on behalf of the task force; I am just a member of that task force who is very frustrated that we were not able to achieve our success.

In closing, I would add one thing to this friendly suggestion: Do it early. You cannot wait until July of an election year and expect any reasonable debate on this issue of campaign reform. If you don't do it early in the first year, you can forget it. This 2-year cycle, frankly, has outlived its effectiveness. Two years goes by fast, and everybody here chases money 24 months out of a 2-year cycle. If the American people knew how much they chased money and how much time they spent chasing money, they would want something done about it.

The 2 years goes by so fast. Let's get on it early in the 105th Congress, do the people's work, do it in a bipartisan way, throw the results out the window for this one issue, appoint a bipartisan task force, and go forward. I think we will finish the job of restoring the trust in this institution.

Mr. GOSS. Thank you, Mr. Dreier.

Mr. DREIER. Thank you very much.

Mr. Chairman, let me congratulate both of you for your fine work and say that the enthusiasm that you bring to this, Zach, is very refreshing, and you have focused on the issue. I think we have seen bipartisan concern expressed over, as you said, with the President

and Speaker Gingrich and Members of this committee, Members of Congress. The problem has been how do we conclude what the best kind of campaign finance reform is, and frankly we have gone through that debate on the Floor. Unfortunately it didn't work out successfully.

Let me say that I have tremendous regard for your fine work, Peter, but maybe I have been around here too long, but I will tell you that some of the things that you have thrown out to me would be the greatest enemies of representative government imaginable. I mean, I want to encourage public participation in this process, and I think we all do that on a regular basis, but James Madison in the 51st in the Federalist talked about a number of the issues that you have referred to here, and I think that the idea of a national referendum is something that would be—I believe would impose very serious damage on this institution, and I happen to have trouble with it, and again maybe it is the fact that I have been here too long—

Mr. HOEKSTRA. Can I respond?

Mr. DREIER. Surely.

Let me just say that I do think that it clearly is an idea worth considering, and you and I have discussed this before, some of the other proposals that you have had.

I will say that I am concerned greatly we have got the Chairman of the Ways and Means Committee sitting here over the fact that 38 cents of every dollar is going to some level of government, and I think that is what this institution is all about, and fortunately we are debating that today. The Presidential campaign is centering on that, and I believe that we have a tremendous chance, as long as Bill Archer stays Chairman of the Ways and Means Committee, to bring about a major change in that. But to—and just the debate on terms of office.

James Madison, again, when they went through this discussion, they talked about the idea of a 6-month term for Members of Congress, so the American people would have had their opportunity to voice their position on the direction government was taking, and they talked about a 4-year term, which more than a few people have advocated, then we wouldn't constantly be campaigning. But when it came down to it, those inspired founders concluded that to give the American people the opportunity every 2 years to voice their opinion on the direction the country is taking, every single American who is a registered voter, qualified voter, has a chance to voice their opinion. That does send an important signal, and it hasn't worked out perfectly. Winston Churchill said this is the worst form of the government except for all the rest.

I think more than a few of the proposals you have made are certainly worth considering, and I look forward to debating all of them, but I would be less than forthright if I didn't say that some of them bother me.

Mr. HOEKSTRA. I think that is why I am saying we ought to take a look at one point in time maybe 3 and a half years ago when I came here and was here for 6 months. I would have said we need to do all of these.

What I do believe is Congress needs to engage in a vigorous debate on this menu and perhaps some other ideas, recognizing that

the institution has to evaluate where it has gotten to, the point that we are spending and having such an influence in people's lives, and that the American people don't trust what we are doing here. They have a high degree of skepticism. That may be a way of kindly describing how they feel about us. But we should have a vigorous debate about how we address these issues.

These may not be the right answers. We do know that many States have implemented these, and some States are working very, very well. Initiative and referendum and recall work very, very well in the State of Michigan. The experience in California might be a little bit different, but I think what we are proposing and talking about is highlighting these, opening the window for other ideas and hoping that we have a vigorous debate about how we improve the institution and the workings of our government. The conditions are much different than they were 200 years ago when the Founding Fathers wrote many of these documents and came to the decisions that they made then.

Mr. DREIER. I concur with that, and I think we are recognizing that with the technological changes that are being made, we are working to bring this Congress into the 21st century, and all with a wide range of things that you and I worked on together.

I think just in conclusion I would also argue that if we have gotten to a skepticism, that is exactly what Jefferson talked about. Every single American is to be skeptical of you and me, and that is the way—that is the way it was envisioned. The problem has been—and a number of us have said this—we have gone to a corrosive cynicism. I would like to think we have shifted back towards a skepticism, and I think that in many ways we have.

Quite frankly, Jerry Solomon mentioned the fact that Dick Gephardt said a number of changes we made in the beginning of this Congress have been very helpful. And having authored many of those, I have not gone through a week when a Democrat has not come to me and said, if we hadn't changed a majority of this Congress, we would never have been able to do the things you have advocated.

I think we may not have been as successful in the public relations aspect of this, but I am convinced this institution has become more deliberative and more accountable than it has been in years past. And I am, because of that desire for even more deliberation, very supportive of a full debate of every single one of your proposals, but it would be less than forthright for me to not say I am more than a little concerned about a number of them.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. I appreciate the comments of Mr. Dreier, and also to say I appreciate particularly Mr. Wamp's testimony, as well I agree with him that campaign finance reform is the biggest and most basic problem we face. It is obviously the most difficult. I do hope along with him and Mr. Shays that you all try your best so you are successful dealing with it if possible in a bipartisan manner. We have never tried it that way. Maybe it will work. Who knows.

As I suggested earlier, it is going to require a lot of bipartisan-ship, cooperation, particularly with the narrow majority of one party or the other to get anything done, since this seems to me to

be a particularly propitious opportunity to prove to people that we deserve their support. If not, maybe we can go to some of Peter's suggestions to turn it over to the people instead of to us. Frankly, it frightens me even more than it frightens Mr. Dreier.

Just on that one subject, when we do something worthwhile like welfare reform, it is too difficult and technical, you certainly wouldn't have wanted that to come from some initiative—the States and local governments that we all have to deal with, unfortunately not just our folks back home. We have problems working under this, things—you can imagine how it would have been if it had come from some folks who wrote an initiative.

I think it is fair to say—I am not sure David agrees with me—the initiative process, back in the progressive era, has to a great extent outlived its usefulness with some exceptions. Most of the stuff that comes now—huge campaigns are undertaken by special interests that fund these things.

There was something last year, that any sensible person would have thought it meant one thing when it meant something else entirely. It had to do with cigarette companies and smoking.

It is the worst way of doing business, and I continue to believe if we do our jobs here, as we are beginning more and more to do, we will solve some of the issues. Others elude us. There is no reason to think that the folks out there can do it any more thoughtfully or better than we here. We remain a representative government. That is the best, I think, in the long run, and I think Mr. Dreier was right. I think our forebears had an immense amount of foresight, more than they probably would even believe they could have had. It has worked out awfully well, and we ought to maintain the system as long as we possibly can. Thanks.

Mr. GOSS. I will put you down as undecided on the electronic national town hall meeting.

Ms. Pryce.

Ms. PRYCE. Thank you, Mr. Chairman.

I commend the gentleman, of course, for your hard work and your tenaciousness in this area. You keep the heat on all of us, and that is what we really need around here, not only on this committee, but on the leadership of both sides of the aisle, and I am proud to say I worked with Peter in our freshman class. We were freshmen along with Tillie Fowler, Peter Torkildsen and many others.

In a lot of reform areas I mention Tillie and Peter and some of the others. It brings to mind the issue of term limits, and I haven't heard much from you. Maybe I missed it. Do you still feel as strongly, Peter, especially as you did before, and do you think that it is something we should pursue in Congress? I feel very strongly it is an initiative that has a lot of merit, that if we don't come to this body with the expectation that we will be here for our entire career, we will be more courageous in our approach to legislation, and that it is a good thing. I do know there are two sides of that, and I just wondered if you might want to comment.

Mr. HOEKSTRA. Yeah, thanks.

It is not a national town hall meeting. It is not push the red button, bomb Baghdad today. You remind me of some of my colleagues who have fun with this issue.

Going to term limits, having become a chairman of an oversight subcommittee, and having prior to that worked for a billion dollar company, and now having oversight responsibility for the Education and Labor Departments—two Departments that spend somewhere in the neighborhood of 50 to \$60 billion per year, you start seeing some of the negatives of term limits, like how in a period of 4 to 6 years do you get into an agency or two agencies that are that big and really understand where 50 to \$60 billion go, and whether we are actually getting our value for that. So you start seeing a little bit of the negative potentially of term limits.

I still at the end of the day believe that term limits are better than the current status, but that is why I now put them in the menu of saying either we do term limits, or we do something like recall, or we do a tax limitation amendment or something like that. We put them in the menu and say, we need some kind of structural reform. If we can't do term limits, we ought to do one of these others, OK, but I still support and still am an advocate of term limits.

Ms. PRYCE. Thank you.

Mr. WAMP. Yeah, can I just add one thing to term limits, because the American people are watching through modern technology right now. I think it is important to note I am all for term limits and think 12 years is a good figure in the House or the Senate, but after this election I think it is pretty clear that we are going to have so much more turnover again that this place is experiencing term limits right now. I think half of this body has been here less than two terms right now, and we are going to have—in the next Congress it is going to be like two-thirds of the House is going to be here less than 5 years, I think are the numbers I hear, based on the number of resignations. So self-imposed term limits is a good way to accomplish this if we don't get a constitutional amendment which requires a supermajority, ratification by 75 percent of the States.

It is a difficult process, our Founding Fathers wanted it to be, but the American people need to know term limits is underway even without that constitutional amendment, and we are renewing this body with many new Members. And when two-thirds of this body have been here less than 5 years in the 105th Congress next year, you still have a lot of fresh ideas and fresh input from the American people.

Mr. HOEKSTRA. I just want to add one thing. I think the other thing Mr. Dreier has worked on and the reforms that we put in place when this Congress began, the Republican Congress, we broke down the seniority system where you could only chair, use your seniority, on one subcommittee. Now a number of Members in our class, and this is only their second term—and I think there are even some freshmen who are now chairing subcommittees. I think those have all helped break down the power structure and have made this Congress feel significantly different than the first one that I served in.

Ms. PRYCE. I think you are right. The reforms that we have instituted thus far, the congressional accountability, doing away with most of the perks and privileges that used to exist in this body, I think has made the job one that is much, much different than it used to be. I think that has something to do with a record number

of retirements and the amount of time people really want to stay here. I think whether they are self-imposed or something that Members feel their time has come and gone, we are experiencing it even though we don't have the log books, and I think it is a good thing.

Thank you.

Mr. DREIER. Would you yield just a moment on that?

Ms. PRYCE. I would be happy to yield.

Mr. DREIER. Thank you.

Let me just say that you said it very well, Zach, that the term limits worked out exactly the way those founders envisioned them to work out, and that is why I believe as a conservative I want to be very cautious when I look at the prospect of any kind of amendment to the U.S. Constitution, because I believe, and I have said it before, that these people were inspired, and you are right, Peter, things have changed over the last 200 years, but, hey, this has been an amazing document, and there was this debate going on back then, and I think we have got to be very careful before we proceed with the changes on it.

Mr. GOSS. Thank you.

I want to thank you very much. Please understand I understand the difference between a New England town meeting and national initiative. I was making light, perhaps inappropriately, but your ideas are extremely important to us, and obviously there are very many Americans who are interested in some of those propositions, and they are worthy of consideration for that reason if nothing else. Mr. GOSS. I thank you and at this time call our third panel of the distinguished gentleman from Houston, Texas; Bill Archer, distinguished Chairman of the House Ways and Means Committee, and the distinguished colleague of our own Rules Committee, Mr. Beilenson from California.

STATEMENT OF THE HON. BILL ARCHER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. ARCHER. Thank you, Mr. Chairman.

If the Chair would indulge me for just a couple of brief comments on the previous subject matter of campaign finance reform, and I will be very brief.

I agree with the comments that were made during the time that I was here to listen to it, both those of my friend Anthony Beilenson and Zach Wamp and others. We need to get at this issue on a bipartisan basis. Money is becoming entirely too controlling over the political process.

I have a rather simple campaign finance reform bill that I have been pushing for a number of years to abolish all PACs, to abolish all soft money, where various individuals and corporations can give without limit on the basis of, quote, "it is going to be education money." And education then becomes a foil for bipartisan political activity. It was the reason that the Keating Five got into trouble, and we should remove that from our system, in my opinion.

We should also limit campaigning officially, that is when money is spent, 60 days before an election. We should require that Members raise their money from individuals from their own area and not have elections influenced by people from Washington or Holly-

wood or from wherever else outside of the area where the people are elected.

Mr. DREIER. Could Tony and I get it from Hollywood though?

Mr. ARCHER. I don't know if they are in your immediate area, but one of the biggest problems—and I agree with you, Dave, that we have got to be very careful about willy-nilly amending of the Constitution—but when the Supreme Court has said that under freedom of speech that money can be spent unlimited—and no statute can change that—by individuals who are extremely wealthy or any outside groups who can accumulate large amounts of money and spend it, quote, "independent of the campaign," although having the same effect on the campaign, I think we need to seriously look at whether we need to amend the Constitution in this area, because no matter how much we do on statutory reform to limit the use of money as an influence and necessary implement in campaigns, it will leave open that door. It is all worthless.

So I hope in the next Congress we can take a very active bipartisan look in doing what is the right thing and in going back to a period of time in our country's history—and I know we are not supposed to talk about bridges to the past, but going back to that period of time when Congress was far more respected, and when people had more confidence in a system, and when individuals were the source of campaign financing, and where they were supporting people from their own local areas to run for Congress.

So I apologize for elongating your previous discussion, but I just felt compelled to add that into the record.

And on the subject that both Congressman Beilenson and I have taken a lead in, which is to attempt to do away with the 1-minute speeches as a prelude to each session of Congress every day, I appreciate your giving us an opportunity to come and present our views to you.

I am not sure whether the Rules Committee or the Speaker has any authority to do something about this, but it is clear to me that we should postpone the 1-minute speeches at least to the end of the day. And on August the 6th, Congressman Beilenson and I sent a letter—and I must say he initiated it and came to me, and I thought it was a good idea. So it really was his idea, and I want to give him major credit for it—sent a letter to the Speaker urging the Speaker to postpone 1-minutes in an effort to restore civility to the House deliberations. In a strong show of bipartisanship, 24 Democrats and 26 Republicans have signed that letter with us.

As we all know, the height of the political season has just begun, but the sound-bite assaults echoed from the House Floor have been occurring for a far longer period. The start of each legislative day now, over and over again there are verbal barrages, one against another, most often for partisan effect that I believe hurts the dignity of this body and reflects poorly on all of us who are Members of this institution. While the original use of 1-minutes was intended to pay special tributes or introduce bills, our recent use of 1-minutes sends the wrong message, I believe, to the American people.

This Congress has achieved historic bipartisan legislation. This is truly a did-something Congress. Our words should reflect our actions of bipartisan cooperation and not convey a sense of the two parties squabbling with each other.

We are forced to begin too many days with politically charged and unbecoming statements that are often not written by Members themselves, but are crafted by staff. We are going to see enough political assaults in the next coming months before this next election on the airwaves. The American people should at least be spared from seeing these ads practically repeated when they begin to watch the beginning of legislative action on the Floor.

Partisan and poisonous 1-minute speeches unfavorably set the tone for our legislative business. We should, and for the most part we do, debate bills with dignity and respect to our differences of opinion. The start of the day should be no different. Let us restore civility and dignity to the House. If we move 1-minutes to the conclusion of the day, Members will be less inclined to focus on the negative, politically charged messages, and 1-minutes would once again turn to their original positive intent.

This schedule change is a simple but I believe an important step to correct the beginning of each day and set it on a more positive tone. I hope all Members would join with me and Congressman Beilenson in making this reform a reality.

Thank you.

Mr. GOSS. Thank you, Mr. Archer.

[The prepared statement of Mr. Archer follows:]

PREPARED STATEMENT OF HON. BILL ARCHER, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF TEXAS

Thank you, Mr. Chairman for allowing me to appear before the Committee to discuss changing the floor schedule by postponing the one-minute speeches to the end of the day. On August 6, Congressman Beilenson and I sent a letter to the Speaker urging him to postpone 1-minutes in an effort to restore civility to the House. In a strong show of bipartisanship, 24 Democrats and 26 Republicans co-signed our letter.

As we all know, the height of the political season has just begun, but the sound-bite assaults echoed from the House floor have been occurring for far longer. Starting each legislative day with verbal barrages hurts the dignity of this body and reflects poorly upon all of us who are Members of this institution. While the original use of one-minutes was intended to pay special tributes or introduce bills, the recent use of one-minutes sends the wrong message to the American people. This Congress has achieved historic, bipartisan legislation. Our words should reflect our actions of bipartisan cooperation, and not convey a sense of the two parties just squabbling with each other.

We are forced to begin too many days with politically charged and unbecoming statements that are often not written by the Members themselves, but rather by the overzealous Republican and Democratic staff. We will see enough political assaults on the airwaves this fall. The American people should at least be spared from seeing these ads practically repeated when they choose to watch the beginning of legislative action on the floor.

Partisan and poisonous one-minute speeches unfavorably set the tone for our legislative business. We debate bills with dignity and in respect to our differences of opinion. The start of the day should be no different. Let us restore civility and dignity to the House. If we move one-minutes to the conclusion of the day, Members will be less inclined to focus on the negative, politically charged messages—and one-minutes will once again return to their originally positive intent.

This schedule change is a simple and important step to correct the first step beginning each legislative day. I hope all Members will join me and Congressman Beilenson in urging the Speaker to postpone one-minutes to the end of legislative business.

Thank you for having me appear before the Committee this morning, and I would be happy to answer any of your questions.

Mr. GOSS. Mr. Beilenson.

STATEMENT OF THE HON. ANTHONY C. BEILENSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. BEILENSON. Thank you, Mr. Chairman.

I thank my good friend from Texas for his strong support and help in this matter.

May I say, Mr. Chairman, Mr. Dreier and Ms. Pryce, that I agree completely with Mr. Archer's comments about campaign finance reform. Completely. We should put him in charge of doing something about that. I wish he and I had cosponsored a letter dealing with that as well as this, although I suppose we might not have had as much success with that as we will with this.

We do thank you. We have support from a lot more than the 50 or so Members who signed on. We discovered in the process of sending our Dear Colleague letter around, that a huge number of our colleagues never see these letters. When asked about them, they say, oh, that is a wonderful idea, we ought to do it. A lot of the staffs around here have more control over what goes on than one would have guessed or hoped.

In any case, we are very happy for your having invited us to discuss this proposal of ours to postpone the 1-minute speeches that are traditionally given at the start of the day until after legislative business has been concluded.

As you know, we have sponsored this letter, which was sent out early last month, requesting that the Speaker act on our ideas as one way of improving civility and reducing partisanship in the House of Representatives. In the process, as you have heard, we garnered a decent amount of support from a bipartisan group of our colleagues.

We initiated this effort because of the unpleasant and unbecoming manner in which the 1-minute speeches are increasingly being used. Those of us who have been here for a number of years remember when 1-minute speeches were used primarily for benign purposes such as announcing the introduction of a bill, requesting or suggesting to Members they give consideration to cosponsoring these bills, or praising the victory of a hometown football or baseball team. Some Members still use the 1-minutes that way.

But increasingly, these short speeches are used for coordinated blasts at the other party on the issue of the day. Many of these speeches, as Mr. Archer quite correctly pointed out, are prepared not by Members themselves anymore, but by the political staffs from both parties who have found that this format is highly conducive to the kinds of partisan attacks that used to be reserved for campaign commercials, which Mr. Archer and I agree do not belong on the Floor of a legislative body. These attacks are seen not only by us and the C-Span audience, but later in the day by millions of people who tune into the evening network news shows. Because the speeches are given early in the day, and because they often contain purposefully written, catchy phrases that make good sound bites, the networks unfortunately often pick them up and use them. So the part of our day, the small part of our day, that millions of American see is the time when Members are making the most outrageous, partisan, and offensive statements anyone can think up. It is no wonder the public has such a low opinion of us.

What is most striking to me about the 1-minutes, and I am sure it is to the rest of you, too, is that the behavior on display during this period is quite different from the really quite decent demeanor that is evidenced when we actually engage in legislative work, which is, after all, what we are here to do. Those of us on the Rules Committee see it up close all the time. While we are down on the Floor waiting for the 1-minutes to end in order to begin consideration of a rule that you or I, Mr. Chairman, or Mr. Dreier is about to take up for one side or the other, we have to sit there and listen to these nasty attacks, one after the other.

It is very upsetting, to be quite frank about it. It makes one ashamed, almost, to be a Member of the body. And the vast majority of the Members do not partake in these partisan 1-minute attacks. Then when these 1-minutes end, we see the House suddenly transformed into a place where people behave in a dignified manner, treat each other with respect, and remain that way for the remainder of the day. But that is the part of the day that, unfortunately, most Americans see.

We believe, as Mr. Archer has mentioned, that moving the 1-minutes to the end of the day would change the manner in which they are currently used for two reasons. One is that fewer Members would be willing to stay around to give them after a long day, and the other is that the timing change, we hope, would negate their usefulness to news operations.

As I noted earlier, our proposal was made in the form of a request to the Speaker, not a rules change. Rules of the House do not specifically provide for the recognition of 1-minute speeches. That recognition is at the Speaker's discretion, and as Members know, he often will eliminate them entirely if there is a heavy legislative schedule.

The custom of recognizing Members for 1-minute speeches began in 1937 when Sam Rayburn was the Majority Leader. It started as a reaction to the delay in getting started with legislative business that was caused when Members requested and were granted longer periods of time to speak on any subject each morning. Recognizing Members to speak for just 1 minute is a custom that has been followed ever since.

Finally, Mr. Chairman, it seems to me we should set the tone as best we can politically in the country. We should be role models. When people see us abusing the political process or speaking in bipartisan and intemperate tones, they think that is acceptable. If they see us, as they often do if they watch the proceedings throughout the rest of the day, speaking in thoughtful, decent and tolerant ways, giving respect to the other point of view, then I think people adopt that, and I think that is the way we ought to behave politically in this country, for all kinds of reasons, not even so much as a benefit to the Congress.

We seem to have served historically as people who are not very well thought of; it was true even 100 years ago or 150 years ago. We can't seem to escape that, as far as people caring about and believing in our democratic process and believing that it works well. I just think that in every conceivable way, it would be very useful for us to postpone, even forever, these 1-minute speeches unless or

until the time comes when they get back to the benign and fairly useful and inoffensive kinds of statements they used to be.

Thank you very much for listening to us on this matter.

[The prepared statement of Mr. Beilenson follows:]

PREPARED STATEMENT OF HON. ANTHONY BEILENSEN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, thank you for inviting us to discuss our proposal to postpone the one-minute speeches that are traditionally given at the start of the day until after legislative business is concluded.

As you know, the gentleman from Texas, Mr. Archer, and I sent a letter to the Speaker on August 6 requesting that he act on our idea as one way of improving civility and reducing partisanship in the House of Representatives. Our request was signed by fifty other Members, about half Republican and half Democratic.

The two of us initiated this effort because of the unpleasant and unbecoming manner in which the one-minute speeches are increasingly being used. Those of us who have been here for many years remember when one-minute speeches were used primarily for benign purposes such as announcing the introduction of a bill, or praising the victory of a hometown football team.

Some Members still use the one-minutes that way. But increasingly, these short speeches are used for co-ordinated blasts at the other party on the issue of the day. Many of these speeches are prepared not by Members themselves, but by the political staffs from both parties who have found this format to be highly conducive to the kinds of partisan attacks that used to be reserved for campaign commercials.

These attacks are seen not only by us, and by the C-SPAN audience, but also by millions of people who tune in to the evening network news shows. Because these speeches are given early in the day, and often contain catchy phrases that make great sound bites, the networks pick them up and use them. So the part of our day that millions of Americans see is the time when Members are making the most outrageous, partisan, and offensive statements anyone can think up. It is no wonder that the public has such a low opinion of Congress.

What is most striking to me about the one-minutes is that the behavior on display during that period is quite different from the decent demeanor that is in evidence when we actually engage in legislative work. Those of us on the Rules Committee see this up close: when we are waiting for the one-minutes to end in order to begin consideration of a rule, we sit and watch one nasty attack after another. Then, when the one-minutes end, we see the House suddenly transformed into a place where people behave in a dignified manner and treat each other with respect—and we remain that way, for the most part, for the rest of the day.

We believe that moving the one-minutes to the end of the day would change the manner in which they are currently used, for two reasons. One is that fewer Members would be willing to stay around to give them after a long day, and the other is that the timing change would negate their usefulness to news operations.

As I noted earlier, our proposal was made in the form of a request to the Speaker, not a rule change. The Rules of the House do not specifically provide for the recognition of Members for one-minute speeches; that recognition is at the Speaker's discretion. Therefore, it is within his power to reschedule the one-minutes, or even eliminate them entirely, as he does now when the legislative schedule is extremely heavy.

The custom of recognizing Members for one-minute speeches began in 1937, when Sam Rayburn was Majority Leader. It apparently began as a reaction to the delay in getting started with legislation business that was caused when Members requested, and were granted, longer periods of time to speak on any subject each morning. Recognizing Members to speak for just one minute is a custom that has been followed ever since.

We think the time has come to end this custom, and we hope that the House leadership will agree.

[Additional information follows:]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, August 6, 1996.

HON. NEWT GINGRICH,
Speaker
U.S. House of Representatives
Washington, DC

DEAR MR. SPEAKER: We are writing to urge you to end the custom of starting each day by granting Members the opportunity to speak for one minute. We respectfully suggest that such speeches be postponed until after the conclusion of legislative business, so that they would be less likely to be used in the manner they are now.

In the not-too-distant past, one-minute speeches were generally used for benign purposes such as announcing the introduction of a bill or a victory by a hometown football team—and some Members still use one-minutes in this manner. But increasingly, these brief speeches have become a series of sound-bite assaults often prepared not by Members themselves, but by Republican and Democratic political staff who have found this format to be highly conducive to the kinds of attacks that used to be reserved for campaign commercials.

The behavior on display during the one-minutes stands in stark contrast to the very decent demeanor that is in evidence when we actually engage in legislative work. Once we get down to business, we usually speak reasonably and treat each other with respect, portraying to the C-SPAN audience a legislative body composed of thoughtful, intelligent people who are able to debate issues and express disagreement in a dignified and polite manner. That is the way we would like Members to treat one another, as well as the way we would like the public to see us, at all times.

We believe that the way the one-minute speeches are too often used these days is contributing to the increasingly poisonous atmosphere in the House, and to the low opinion the American people have of Congress. Postponing these speeches until after legislative business is completed for the day would be an important step toward restoring dignity and civility in the House. We urge you to take that step.

Sincerely,

BILL ARCHER, M.C.

ANTHONY C. BEILENSON, M.C.

Members who have signed letter to the Speaker on one-minute speeches:

Democrats: Beilenson, Barcia, T. Barrett, Berman, Blumenauer, Boucher, J. Bryant, Costello, Danner, Furse, Geren, T. Hall, Hamilton, Jacobs, Johnston, Kleczka, Luther, Montgomery, Poshard, Roemer, Sawyer, Skaggs, Stenholm, Stupak, G. Taylor.

Republicans: Archer, B. Barrett, Bateman, Bereuter, Boehlert, Camp, Campbell, Castle, M. Collins, Davis, English, J. Fields, Foley, Goodling, Greenwood, Hansen, Horn, Houghton, N. Johnson, LaHood, LaTourette, Linder, McKeon, Morella, Myrick, Shaw, Welsh.

Mr. Goss. Thank you very much, gentlemen. Both of you—I think if I had seen the letter, I would have signed it. If I go ahead with campaign reform, would you please sign me up as well. Those issues I feel very strongly about and support you on. I am not sure how you limit campaigns to 60 days. Inevitably if you are an incumbent and do something on the 61st day, and you do something, it happens to be on the front page. But I think the idea of limiting time as in the British system seems to do the job very nicely.

Mr. BEILENSON. Limiting time—that we could do.

Mr. GOSS. I think the question of money is very clear you are still going to run into the objection from the incumbent. That is a reality of life. If your stock in trade is reporting back to your people on television what officially is going on in Washington, and it is legitimately done, it seems to me that is not campaigning, that is the public's business.

But moving to the issue that you presented us, it is a somewhat mechanical approach to a problem I think we are all concerned about, but I think it is a good mechanical approach and one I

would certainly support. I used to participate a lot in 1-minutes when I first came here because I thought it is what you did when you first came here. I suspect there are folks who——

Mr. DREIER. If the gentleman would yield for just a moment.

You are being very modest, Porter. Now that you said that, I remember sitting in a Republican conference when you were given an award for having delivered the most 1-minutes of any Member.

Mr. GOSS. The reason I was saying what I was saying was in order to inoculate myself from outrageous suggestions that those were highly partisan. I think there was a difference in tone, but I really thought that was the place you were supposed to—as a newcomer, that you could go and prove that you could complete a sentence and make a rational thought without offending too many people and perhaps offer a useful suggestion now and then.

I agree the tone has clearly changed. It has become the management tool, and I think the tone has disintegrated to the point where perhaps we have overcome apathy on C-SPAN, but we have substituted it with ridicule, and I do not think that is good for the institution.

I think the solution goes back to the dignity and the behavior of the Member in understanding that this is a very hallowed institution that deserves the full dignity at all times. We do occasionally lose our tempers or get put upon, but by and large I think we can do a lot better.

I think the suggestion, while it is mechanical, is useful. I don't know, to answer your question, if it is the Speaker's or Rules Committee or one of the other committee's responsibility, but we will look into it. Obviously a Member of your stature who has served the House for a great number of years can tell us—and your combined experience from both sides of the aisle—deserves some effort like this and means an awful lot, and I thank you for testimony today.

Mr. Dreier.

Mr. DREIER. Thank you, Mr. Chairman.

Thank you both for your very important work.

Let me say when the break began in August, I settled in one morning with my Los Angeles Times and flipped open on page A-34 this headline of Tony Beilenson's works dealing with 1-minutes, and it went on to quote our colleague Pat Schroeder as being a very harsh opponent, saying that first amendments rights would be somehow undermined, and she believed that it was—and I am going back a month—I don't remember the exact quotes, but she believed it very important that we maintain the opportunity for Members to do this and so—I concur with you. Put them off at the end of the day.

I don't think we are going to in any way undermine the opportunity for Members to speak, but one thing that I thought was part of this original discussion was that the 1-minute speeches set the tone for further debate in the House, and you were referring, Tony, to the fact that we sit there and wait to begin our often—and especially under this new Majority—reasonably thoughtful and bipartisan discussions as the open amendment process is about to proceed with legislation when it comes from this committee, and I guess I

am wondering if you believe that those 1-minute speeches actually have an impact on later debate that proceeds on the Floor.

Mr. BEILENSON. Some people do. I don't really think so, David. I think on the whole there is a real dichotomy with some exceptions every now and then. But generally speaking, the debate on legislative matters, on amendments and bills, is really quite decent, reasonable and civilized. We refer to one another as "the distinguish gentleman" or "lady" or "gentlelady from Ohio" or whatever it may be. Generally speaking, legislative debate is just about at as high a level as it used to be.

I think it sets a tone for two things—one thing in particular. That is the perception, certainly, that people have of us. As I tried to describe, most people don't sit there all day watching C-SPAN. A lot of these 1-minutes are used as sound bites on the evening news, and millions of people see these most outrageous statements. It is unfortunate that they don't run 3 or 4 minutes of discussion of some Democrat and Mr. Archer of the Ways and Means Committee on the Floor, but that is the way of the media, as you well know. They pick up this junk. That is how people see us, and that is how people perceive us.

Mr. DREIER. It is true on occasion something will be said during those 1-minutes that does have a ripple effect throughout the entire day.

Mr. BEILENSON. It does not help the rest of the day, but I don't think it has so bad an influence as some people believe. If it does, that is even more reason to get rid of them.

Mr. GOSS. I think sometimes when a debate is particularly partisan and words get taken down, there is a sort of ganging up and going off to your side of the field, either party going off to their side of the field. I do believe that spills over to the debate, if not the session, for the whole day.

Mr. BEILENSON. I agree with that.

Mr. GOSS. That type of partisanship is very hard to control. I think postponing that to the end of the day would be very useful.

Mr. DREIER. That is fine. I thank both of you, and I appreciate your work on this.

Mr. GOSS. Ms. Pryce.

Ms. PRYCE. Thank you, Mr. Chairman.

Like you, Mr. Chairman, I was a big freshman participant in the 1-minutes, and that has trailed off in my sophomore term here for many of the reasons that you gentlemen have suggested here this morning.

I would like to know if anybody has looked at how many times words are taken down through the process of 1-minutes as opposed to other times in legislative debate. I would venture to guess it is almost—I don't think they are taken down more often in 1-minutes. I don't know, it seems to me when it always happens—

Mr. BEILENSON. I don't know if it happens. I suppose it may. Have words been taken down during 1-minutes?

Mr. GOSS. Indeed that is usually the headline on the broadcast networks at night. That is the standoff. All the press gallery fills immediately, as the gentlelady knows.

Mr. BEILENSON. It is my impression that half of the 1-minutes could be taken down.

Ms. PRYCE. It seems to me to be my impression that is when things explode during the day if they are ever going to, as you suggested. That is no way to begin the legislative calendar for the day, and I happen to believe it does spill over in scheduling and in more partisanship on the Floor. But I have come to believe that there is a place for 1-minutes, but the place for them is not at the very beginning of what we do each day for many of the reasons that have been suggested, and I think we should put them off until the end of our legitimate business.

Mr. BEILENSEN. We thought, Mr. Chairman, this is a relatively simple, not very difficult, but potentially quite useful way of helping readjust the tone around here to a proper level, and I am very grateful to Mr. Archer for his strong support.

Mr. GOSS. I would like to help the vote. I think anything we can do to improve the tone and the credibility of the institution is extremely important, to say nothing of the efficiency of getting the work of the Nation done on behalf the American people we represent. I think all of this is embodied, although this is a fairly simple thing, even though it is going to have immeasurable impact on our ability to work cooperatively and efficiently together on our Nation's major priorities of legislation. If we want to work on other stuff at the end of the day, we can.

Mr. ARCHER. We thank you, Mr. Chairman, and we believe it is a small but very constructive way to improve the debate process and the perception of the Congress, and we think we will see dividends from it. And based on the comments of the Members of the Rules Committee here this morning, maybe we should take a vote right now.

Mr. GOSS. I don't think we need to. I think we can do an acclamation. You can certainly include my name on the letter, and my staff is here, and I know they would want me to say that. And I will find out why I didn't see the letter. And it was probably my fault, not my staff's fault.

I encourage you to pursue this, and I will try to get specifically back to you if there is an action we have to take, but I suspect we could make that without an official function of this committee.

Mr. ARCHER. Thank you, Mr. Chairman.

Mr. BEILENSEN. Thank you, Mr. Chairman.

Mr. GOSS. We will go to the fourth panel, and on the fourth panel I have been advised Mr. Hyde will not be here, so I will include his written statement for the record and call on the distinguished Chairman of the House Permanent Select Committee on Intelligence, the gentleman from Texas Mr. Combest, who we are very pleased to welcome.

STATEMENT OF THE HON. LARRY COMBEST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. COMBEST. Thank you, Mr. Chairman. I have no prepared text, but rather just some talking points, and I would like to just take a brief moment, if I might, to explain the reasons for recommendations that I am making relative to proposed changes for the House Permanent Select Committee on Intelligence.

As a bit of a refresher—and I only do this for the record and not for the Membership, because the Membership in here has a very

broad history of work, both yourself and Mr. Beilenson, as former chairmen of the Committee on Intelligence—up until the 104th Congress, from the beginning of the Intelligence Committee several years ago, there was a 6-year rotation requirement, which a Member can only serve 6 years, and they must rotate off the Committee.

As you know, in the 104th Congress there was a rules change which allowed an 8-year rotation, which I think has been very helpful.

My recommendations are four, Mr. Chairman. One would be to totally eliminate the rotation requirement for Members of that committee. That one would eliminate the crossover requirement. Then that there must be Members from Judiciary, Armed Services—or National Security and Appropriations and Foreign Affairs that serve on the House Permanent Select Committee on Intelligence. Number three would be to better define the jurisdiction between the Intelligence Committee and the House National Security Committee. And the fourth recommendation would be to review the appropriations process as it pertains to appropriations for intelligence authorization as distinguished between Defense and Defense appropriations.

If I might for—my recommendation for elimination of the rotation requirement, the Members of the Committee with, I guess, the rare exception, Mr. Chairman, of yourself—there are very few Members of the House who have ever had any type of intelligence background at all. Most Members of that committee come under that committee as novices. They, in fact, have had no background whatsoever, and one of the reasons we changed the 6- to 8-year requirement for rotation was as a Member was just becoming familiar with the intelligence community, it was time for them to rotate off. From time to time, I think that creates some problems not only in the fact that most of the time the committee is made up of Members with not a great deal of experience in intelligence, but as problems arise there is no historical knowledge on the committee.

You take an instance such as the Aldrich Ames spy case in which the agency began to recognize problems actually at the time Mr. Beilenson was Chairman. It never finally came to light until Dave McCurdy had served as Chairman, and Dan Glickman was in his last year as Chairman of the committee before it ever came to light. There was only one Member of the committee that was a Member at the time the Ames case started, so there was no continuity of starting—recognizing a problem, then being able to follow through on that with the agency. As Members changed, there was no historical knowledge there of the problem.

There are issues surrounding problems in Guatemala as another example. Additionally there are problems that arise in the funding of programs because many of the programs that it takes to bring the intelligence community into the 21st century, or whatever century we might be, with new technology from inception to completion would take many, many years, and very seldom would there be Members on the committee at the completion of a program that started several years earlier with the continued rotation requirement. Therefore, it is very difficult to see these programs through the process.

And that is unique in this committee, and while I recognize there are many programs that other committees start that take years to complete, this is the only committee that is put into that position that has a rotational requirement. Therefore it is very difficult to have someone who constantly monitors and looks over those problems, over those programs. I think there are a number of examples that could be cited publicly, one being the carry forward account in the National Reconnaissance Office that basically was unknown to Members.

Another question arose 2 years ago in regards to the building of a building in Virginia that more Members of the House seemed to be familiar with than Members of the Senate, that there was no one—that was there at the beginning that was also there at the end. We solved some of those problems with the rotational requirement elimination.

The second area is in the crossover requirement. If, in fact, one was not forced to rotate off of the Intelligence Committee, that would, in fact, become one of the—as would be referred to here, one of the principal committees. As it is now, a Member must maintain a role on other committees because the rotational requirement would be in effect, and they are going to keep a permanent committee of which they will be a Member and gain seniority, and the Intelligence Committee is not one of those. I think you would eliminate that need.

You also would need to eliminate that requirement because the time-consuming appropriations and national security process simply—providing enough time for that Member to be able to serve permanently on the House Permanent Select Committee, and I do believe you would eliminate the need for having that crossover jurisdictional requirement if Members on the Intelligence Committee were permanent.

Thirdly, the definition of jurisdiction between the Intelligence Committee and National Security Committee. As you know, the programs for the Intelligence Committee are hidden, if you will, in the National Security Committee's authorization as well. This is to absolutely point no fingers at anyone. I would say that our relationship with that committee has been very good. But the concern that I have is this, and it is just a brief concern, Mr. Chairman. The Intelligence Committee is given the responsibility to help create the intelligence architecture in this country that is going to provide all the various means of intelligence collection by which we will make decisions that are very critical to this country. In order to do that in an efficient and effective way, we don't need to have a great deal of redundancy, and we don't need to have a lot of overlap, and if the committee has done its job well and has established an intelligence architecture in this country, the removal of any part of that architecture can be extremely damaging in the overall impact of the ability of this country to collect intelligence because it is too dependent—each of these agencies too dependent upon the other to give the full picture without having any gaps.

It has happened, and it is certainly potential that it can happen, that when you take a small part of the National Security Committee authorization, and that being Intelligence, and lump that with the huge part, which is all of the rest of the programs of Defense,

sometimes the Intelligence parts that have basically no constituency because they are done completely in the black, they don't have a lot of people lining up and coming and testifying on behalf of those programs because of the good that does for that community, have to end up competing with very visible and viable weapons programs, Army posts, Air Force bases and other costs within the Department of Defense budget that, in fact, have tremendous constituencies. So if you have to trade off in a finite amount of the money, if you have to trade off an intelligence function so that committee can trade it for some weapons program, then the intelligence architecture, I think, is damaged.

Certainly the Members of the National Security Committee have the clearances and have the ability to look into these programs, but they do not spend anywhere near the extensive amounts of time that the intelligence committee does in looking at the overall program and looking at the impact they have.

Finally, I would recommend review of the appropriations process as it refers to the Defense subcommittee, and I would have to say with Mr. Young as Chairman it has been a very delightful process to work with that subcommittee, but some of the similarities also exist between the Defense subcommittee of appropriations and the House National Security Committee in that they are funding the overall Defense Department, and you can lose programs that, in fact, are critical to intelligence, to a competing defense program, that has nothing to do with intelligence, although it may be very important. They should not have to compete. And I would propose that the committee look at the option of maybe creating a subcommittee on appropriations strictly to deal with intelligence, and their work could be more focused on the specific area of intelligence than it would be on the overall Defense budget.

I know a lot of Members on other committees that are authorizers that could make the same arguments that I am making, but I do believe intelligence is unique because all of that work is done behind closed doors. It is done in the dark. It is done with a desire that Members have to serve on that committee, and they request to serve on that committee. It is unique in that no other committee has the complete and total oversight of intelligence that the Intelligence Committee has, and I do believe its uniqueness in that no other committee looks at that nearly as much in depth as the Committee on Intelligence. The status does warrant some considered changes that I believe would be better for national security in this country and better for the ability to collect intelligence.

I have completed my comments, Mr. Chairman. Mr. Goss. I thank you, Mr. Combest, for those remarks. They are very thoughtful, and they actually just covered the surface of some work for which I think we all have reason to pay you high compliments. You have been very thoughtful on this architecture and the inner workings at a time when several other organizations or groups or combinations of people were doing the very same thing. I think your committee participated extremely well and made an extremely important contribution to that discussion, which is not over. I think what we are hearing today are bits and pieces of that as well.

I happen to concur that the time has come to remove the rotational requirement. I presume that you would still like the appoint-

ment made by the Speaker and the Minority leader or collaboration like that, that we not go through the normal committee process in order that we clearly make sure that we have the appropriate Members for the extraordinary responsibilities that go with this particular assignment.

Mr. COMBEST. I do agree with that Mr. Goss that the appointment should still be made by the Speaker and the Minority leader.

Mr. GOSS. The question on the crossover, I believe you have got some good solutions on how to deal with the necessary coordinations. I think there is a very important benefit from removing some of the crossover requirements; that is, the time factor. It is very difficult to get all the Members we need—so much is happening—there for all the issues. It is not because people don't want to discharge their responsibilities, because they have equally important or in some cases higher priority jobs that they are required to do.

With regard to going into the area of the National Security Committee, one of the things I would suggest we need to look at also is going into the judiciary, for the very simple reason we are getting a tremendous thrust into law enforcement now as we talk about terrorism, antiterrorism, counterterrorism, who does what overseas. It seems to me the executive branch hasn't exactly worked out exactly where all of those functions will lie. And it seems to me we are going to have to accommodate somewhat differently some of those changes if, in fact, they continue to go in the direction they are going. I hope they don't go too far towards trying to put law enforcement into the intelligence business because it hurts law enforcement and prosecution in terms of intelligence to get information and use it wisely. I would hope we can remember those distinctions and be able to do both things.

With regard to two other areas that you may want to touch on—you may not—I would be interested in any views you might have on process changes with regard to the other body if you think there is something we should or should not do. My concern there is that we not be played against each other on one hand. On the other hand, it seems to me there are pluses and minuses the way we do it now, and there are other proposals that have been made that appear to have pluses and minuses.

The second area I would be interested to know if you have a comment, we have some type of different working relationship or more formalized working relationship with what I would call the White House, slash, National Security Council complex. I am not sure, given the way things seem to happen these days and the redefinition of what the mission of intelligence may be, that there is not a need for greater coordination and communication.

Mr. COMBEST. Mr. Goss, I would certainly be happy to comment briefly on those two areas, one in the relationship to the Senate. Obviously they are going to have to in the Senate take up their own rules if they want to make any changes in regard to the requirements of the membership on the committee. It had been suggested, and I am presuming that Mr. Hyde was going to be here this morning to propose what he has proposed for many years, and that is a joint committee of the House and the Senate in the area of intelligence.

When I first went on the committee, I cosponsored that bill with Mr. Hyde. I have subsequently become—done a 180, and I am very much opposed to the creation of a Senate/House Joint Committee on Intelligence, and it is simply because of the years of serving on that committee, and, as you had mentioned, the difficulty in getting the House Members to a hearing on intelligence is further complicated if you are trying get House Members and Senate Members together because of differences of scheduling and priorities, and if, in fact, the Senate did not make some other fairly broadly sweeping changes, I am afraid it would be very difficult—it is very difficult to get together once a year for conference with the Senate. I cannot imagine that due to the number of hearings and briefings that the intelligence committees must hold that it would be an almost insurmountable task to have regular intelligence oversight process if there was a joint committee.

Secondly, with the area for the White House and National Security, several of my early thoughts that went into, as you had mentioned in your comments, IC-21 and their total review of the intelligence community would have—some of my early thoughts on that I think would help eliminate some of the problems we have.

There is a point in reality that you recognize you cannot make dramatic changes in this town very rapidly. It takes year to accomplish. I use the Goldwater-Nichols Act is an example of that. It was strongly opposed during its creation. It took years to implement. Now people look back on it and say it was one of the greatest things that ever happened. But you step on toes and turf, and I find it very difficult to make dramatic changes in a short-term fashion.

I have proposed that certainly the President of the United States is the major recipient of intelligence information and should be, and some people—I had even thought at one time maybe we should make—have a national czar in charge of intelligence whose term does not rotate with the Presidency, because the information to the President should be the same. It should be great quality information based on the greatest technology in the world. Depending on the philosophy and the political viewpoint of the President, they may do differently with that information, but the information should be the same. Whether the President is very conservative or very liberal, you should present the same type of intelligence.

If you had developed a structure that can do that, the political parts of that are dealt with by politicians. They are not dealt with by career individuals whose job it is to provide information on intelligence. But I do think that there have been recommended changes both in the commission that you set, the Aspin Commission, as well as some other committees both within the Congress and out that have made recommendations on changing the intelligence community, and a lot of that would be to help streamline the process.

You and I both share very strongly the concerns that occasionally happen in some administrations where intelligence information is politicized. That should never be the case, and I think if you can lay that—a buffer between the point of collection and presenting that information and how that information is used by an executive,

that should be considered because the intelligence community is not an area that should be political, I think, whatsoever.

And I don't have—I do have a lot of other recommendations. I am also realistic in recognizing that some of the changes I would propose from the executive branch in dealing with intelligence would fall very short of the ability to be implemented, and so I wouldn't waste your time with those.

Mr. GOSS. I appreciate it. I wanted to take advantage of your views on that, and I appreciate it.

Mr. Dreier.

Mr. DREIER. Thank you very much, Mr. Chairman. I am the only Member in the room who has not had the privilege of serving on the Intelligence Committee, so I offer that as making clear that my perspective is much different than that of those of you who have served very well, and I should say as someone that hasn't been on that committee, that I appreciate the fine work that all of you have done in dealing with this issue that is of paramount importance to us.

I hesitate, Larry, to even talk about any kind of changes. I got a long letter from you when I was misquoted in an article on an issue of just saying I was open to altering the committee structure, and I remember that. But as I look at this, as I look at this issue, I wonder now, we talked about the fact that the Speaker and the Minority Leader should make the appointments to the committee, so I guess that would make it rather difficult to have a subcommittee of either National Security or Judiciary, as you have just raised, Porter, deal with this question.

Mr. COMBEST. Well, I really think, David, we ought to do one or the other. I really believe either the Intelligence Committee should be given the authority over intelligence, or I would even think we might want to consider doing away with the Intelligence Committee and putting the jurisdiction that is now dealt with in the Intelligence Committee in subcommittees of other existing committees.

Mr. DREIER. Well, I was just wondering, obviously it would be difficult to deal with the importance of those appointments you were talking about from the Speaker and Minority Leader, if you are dealing with the larger committees. So then the prospect would be an intelligence subcommittee of National Security, Judiciary, and Appropriations, and that would concern me, I have to admit.

But it would be nice, and we are looking at a way to deal with the rotation question, too. That obviously would address the rotation question. But at the same time, there could be some kind of consensus as to where that subcommittee would be placed. That is something that would remain.

So I think there are a lot of questions. You have raised some important ones, and I do appreciate the work.

Mr. COMBEST. If I can just comment, I recognize that one does have to look at the question of being able to be assured that one can find Members that would be willing to serve in a permanent capacity, because that is a very low profile committee, and whether it is Defense, Budget, Agriculture, Appropriations, any other committee, those are generally considered constituent committees and you go back and work with your constituents on those issues. This one is not.

A number of Members have indicated to me they would be very glad to serve on this as their permanent and major committee, but I think that needs to be looked at, because this is not one that one should be getting a great deal of publicity about.

Mr. DREIER. Are there any other concerns, other than the fact you can't get Members of the House and Senate together on the issue of the joint committee?

Mr. COMBEST. No. That is primarily my major concern, because on the Majority side, every member of the Majority is a chairman of either a full committee or a subcommittee. I recognize that those, again, are their bread and butter committees, and it is very necessary for them to be on. I think you further complicate that with the Senate, and again we are on different schedules.

It is an extremely time-consuming committee. While there may not be hearings and daily briefings, many times there are, many times there is information coming in, and the only place a Member can deal with that is to go up into the committee chambers, which are secured, and deal with it.

If the committee of oversight is doing its responsible job, then it is certainly as time-consuming as every other committee, and I just have a very difficult time in recognizing that that could be accomplished with a joint committee with both members of two different bodies on two different schedules and two different sets of rules that would be able to come together and truly do their oversight role.

Mr. DREIER. Thank you.

Mr. GOSS. Lest I get called on it, I didn't mean to ignore the International Relations Committee and the need to coordinate with that too.

Mr. DREIER. I meant to have the International Relations Committee on my list too.

Mr. GOSS. Mr. Beilenson.

Mr. BEILENSEN. I will be brief. I do want to say I appreciate my good friend Mr. Combest's testimony. I find myself, Mr. Chairman, in strong general agreement with the thrust of everything that he said. I am glad you lengthened terms of service, it is a good thing, which gives more continuity. It is something which I and a couple of my colleagues, other former chairmen, urged upon the Democratic leadership in years past. They didn't do it, and they should have done it. I am very glad your leadership took you up on this.

I am not quite sure, and I am not sure it is terribly important one way or another, as to whether or not you should end the rotation entirely and become a permanent committee. It is true, of course, as it is on other committees, but more so on this one, you need a certain amount of time to get up to speed.

For those of us, which I guess is all but my friend Porter Goss, who have no experience with these matters, I worked hard with the committee and went to all of the meetings. It took us 3 or 4 years of service on the committee before we could determine what is up, whom you could trust, what the acronyms were and so on. To be rotated off the committee a couple years later was ridiculous. People were just getting up to speed. Eight years would be better; 10 years would be better; maybe permanent would be best of all. That would not be very different from other committees.

I don't feel too strongly about that. You are moving in the right direction. I agree completely with respect to the definition of jurisdiction between the Intelligence Committee and the National Security Committee on the one hand and the Appropriations Committee on the other hand.

You folks have a big and difficult job of restructuring the intelligence community with their help, and it should be your problem to manage, and the programs that need support and oil or those that need some cutting should be within your jurisdiction and should not be subjected to the kinds of political pressures that were described earlier where you are dealing with a whole mass of more expensive things in the defense budget which enter into making decisions which should not be made.

You should be in charge and should be able to control the appropriations and the authorizations entirely of the intelligence community, its different aspects and different portions. I strongly support you on that.

Finally, I agree with you also, I am glad you had a change of opinion about having a joint committee—I think it is better not to. I think that is especially true as you move toward making this, as you already have, a more permanent committee, as it were. You are getting closer to becoming a standing committee, and you can make the same argument at this point of having joint committees with the Senate of all the committees that we have.

There are certain good things about that but far more certain bad things, and the bad things are exactly as you described, particularly from your point of view as chairman. The oversight process works better, I think, when you have two different committees. The membership is different, obviously, and a little bit larger if you have two separate committees. Your areas of interest are somewhat different, of things you care about; your points of view are somewhat different.

It is good to have competing committees looking at, in this case, the intelligence community, even as it is good to have two Ways and Means or Agriculture Committees. You never have enough members to look at all the things that need to be looked at. I think you rein yourselves in too much if you have a single joint committee with fewer members. It has worked well this way, and it will continue to work well this way. I continue to urge you not to change that.

Thank you.

Mr. GOSS. Thank you, Mr. Beilenson.

I would just, for your interest, Mr. Combest, tell you that Mr. Hyde indeed has submitted his testimony, and, on the subject we talked about, this committee is indeed discussed. You might wish to remind yourself of some of his points. They are very consistent with the way it has been described. I think he still is very much a champion of this idea, and he puts his points very well and will be part of this record.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF HON. HENRY HYDE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF ILLINOIS

I want to thank both Chairmen for the opportunity to submit written testimony regarding Intelligence Community issues and reforms for the next Congress. Intelligence plays a crucial role in the survival of our nation, and we must resist efforts to dismantle or cripple our intelligence apparatus. U.S. intelligence capabilities are critical instruments of our national power and an integral part of our national security. With this in mind, I would like to offer some observations and recommendations.

Congressional Oversight of Intelligence Activities

Congress obviously must play a very substantial role in any proposal to restructure and oversee the U.S. intelligence community. In this regard, I first introduced a Joint Intelligence Committee bill in 1984 and a Congressional Oath of Secrecy proposal in 1987 that was inspired by a similar oath taken by Ben Franklin and four other members on the Committee of Secret Correspondence of the Second Continental Congress. The latter has now been adopted in the House, thanks to the efforts of my Congressional colleague, the Chairman of the Subcommittee on Legislative and Budget Process, Porter Goss of Florida.

What prompted these confidence building measures was a desire to make Congressional oversight more secure and effective. That can only be accomplished if the membership of the Congressional panels trust the intelligence agencies and vice versa. If they trust each other, then both sides can be candid with each other. As former adviser to President Eisenhower, Bryce Harlow, reportedly once said, "trust is the coin of the realm." Leaks destroy that trust and do great damage to the whole oversight process. Moreover, they can jeopardize lives, as well as vital relationships with foreign agents and friendly intelligence services.

A Joint Intelligence Committee, composed of a small number of key Members from both chambers of Congress, would substantially reduce the risks of leaks. The fewer people in the "loop," the less likelihood of damaging disclosures. Our forefathers clearly recognized this fact of life as they limited knowledge of Revolutionary War secrets to only five Members. Thomas Paine, the author of *Common Sense*, was fired as a staffer of the Secret Correspondence Committee for leaking information concerning France's covert help to our Revolutionary War effort. We should not hesitate to emulate our forefathers and punish those who violate their secrecy pledges and betray the trust bestowed upon them.

By merging the two committees, we will be helping to depoliticize the oversight process. Because of their sensitive nature, intelligence activities cannot receive the extra level of scrutiny associated with floor debate in the House and Senate. Consequently, oversight at the committee level alone must bear an extra burden or responsibility in the crucial area of intelligence activities. With separate House and Senate committees, the temptation for any administration will be strong to seek to play one committee off its counterpart, to the detriment of effective oversight. A joint committee would remove that temptation. It would also, by its joint nature, improve cooperation and understanding between the House and Senate, as well as increase the likelihood of developing coherent long-term legislative policies.

I envision a joint committee composed of nine Members from the House of Representatives, and nine Members from the Senate. The idea of combining the two committees has been endorsed by a number of former Directors of Central Intelligence, including Richard Helms, William Colby, George Bush, and Stansfield Turner. Additionally, CBO has examined the idea of merging the two intelligence committees, and has determined that savings in outlays would total \$2 million to \$3 million annually.

It has been argued that two intelligence panels are needed to fulfill all legislative responsibilities and to maintain Congress' need for competitive analysis from its own staff and Members. I do not believe that the analytical capabilities of the Senators and Congressmen sitting together around a Joint Committee table would somehow be diminished or muted. The Joint Committee should be looked on as an open-ended conference committee—anyone who has observed a conference committee in action knows that the often intense competitive analysis that goes on between Senate and House conferees is one of the most salient features of such legislative gatherings.

I wish to again thank the Chairmen for this opportunity to submit written testimony. It has been a number of years since my service on the House Intelligence Committee, and as a result, I am not as current on intelligence matters as I once was. Nevertheless, I hope that my testimony will prove beneficial as you tackle the problems being examined today.

Mr. GOSS. I want to thank you very, very much for the work you have done. I think it is extraordinary at an extraordinary time. This will be looked at as a benchmark time in the intelligence community, this decade for sure, of all the things that have happened, not just the bad things, but the good things as well that we don't get a chance to talk or read about—the reorganization questions, the structure questions, the change of command, the lines of communication. All of those things we need to accommodate in a changing world I think you have done under your leadership, provided the House with a very credible track record on this matter. I personally would like to offer my congratulations on that.

I hope that we can bring some of the good suggestions to fruition to the appropriate processes, certainly some of the procedural questions that fall within the jurisdiction of the Rules Committee. We would like to work with you further on these, and any further suggestions you might have, we would be happy to insert in the record.

Mr. COMBEST. I look forward to it.

Mr. GOSS. Thank you very much.

At this time, that will conclude the panels that we have today. I am advised that next Wednesday at 9:30 will be the third and next meeting of the joint subcommittees on reform here, and we will be putting out the panel schedules on that shortly.

If there is no further business to come before this committee, we stand adjourned.

[Whereupon, at 11:40 a.m., the subcommittees were adjourned.]



HEARING ON BUILDING ON CHANGE: PREPARING FOR THE 105TH CONGRESS

Thursday, September 12, 1996

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RULES AND ORGANIZATION OF THE
HOUSE, JOINT WITH,
SUBCOMMITTEE ON LEGISLATIVE AND BUDGET PROCESS,
COMMITTEE ON RULES,
Washington, DC.

The subcommittee met, pursuant to call, at 9 a.m., in room H-313, The Capitol, Hon. David Dreier [chairman of the subcommittee] presiding.

Present: Representatives Dreier, Greene, Solomon, Beilenson, Hall, Linder and Goss.

Mr. DREIER. [Presiding.] The joint subcommittee will come to order.

This is the third and likely the last in a series of joint subcommittee hearings that Chairman Porter Goss and I have held to examine specific congressional reform proposals as part of the Rules Committee's continuing study of rules and procedures in the House.

The objectives of these hearings is to hear from any task force, working group, advisory group or individual Member of Congress, a Republican or Democrat, who may have a proposal or set of proposals to improve the legislative process. By the end of today's hearing, we will have covered just about everyone and we have heard from many, many people, if not here, we have heard from them on the Floor and in other fora.

Let me just say that I am pleased with both the content and the conduct that we have had so far in these hearings. We have heard some very good ideas, particularly, and I will say it even though he is not here, Tony Beilenson's proposal to make a shift in the schedule for one-minute speeches. We have heard a great proposal from Rick White dealing with using technology to open up the process here. And there are numerous ideas.

In fact, virtually every witness has talked about the need to improve civility and a sense of bipartisanship in the institution. We have also received tremendous input from the questionnaire that we circulated to committee Chairmen and Ranking Minority Members.

Today, we will hear about plans for a bipartisan retreat that I have heard about, and we will get an update on the Corrections Day process and find out how it is working, and we will discuss proposals for making the legislative schedule more family friendly,

which is something that was discussed at the beginning of this Congress.

From here, the committee will take some time to digest everything that we have learned from these hearings and the other oversight activities undertaken by the Rules Committee and the two subcommittees and will develop recommendations on rules changes that can be considered by the full House when we reconvene in January.

As we continue this process, I want to continue working with Minority Members of this committee to ensure that their input and recommendations are fully considered. This has been an extraordinary 2 years for all of us, on both sides of the aisle, and I think we have established a good track record for bipartisan change with the opening day reforms that had the support of both Democrats and Republicans, enactment of the Congressional Accountability Act, the Unfunded Mandates reform, the Line Item Veto Act and establishing a Corrections Day process.

Those are just a few of the proposals that we have implemented in the 104th Congress. And as is evident by what we are doing here—and we welcome Chairman Goss to the hearing. As is evidenced, we have made a commitment that we are going to continue this process of further reforms to make this institution more deliberative and accountable and so that we can do our jobs more effectively.

First, I would like to recognize Chairman Solomon before we go to our panel and any other Members of the joint subcommittee that would like to be heard.

Chairman Solomon.

Mr. SOLOMON. Thank you, Chairman Dreier.

Let me, first of all, apologize to you and to Porter Goss and to some of our witnesses this morning. I am going to have to leave in a few minutes to go to the Republican Conference to talk about a couple of measures that will possibly be coming up next week, coming up before the Rules Committee and also scheduled for the rest of the week.

Mr. DREIER. No need to apologize.

Mr. SOLOMON. Having said that, I just want to thank you and Chairman Goss for conducting these joint subcommittee hearings on rules changes proposed for the 105th Congress, and that is what they are for. At least since I came to this committee back in 1987, the Rules Committee has never held such hearings on House rules reform proposals for the next Congress. It has usually been left up to the respective party caucuses without public input or, for that matter, even input from the members in a public forum.

I hope such public hearings will become a tradition that this committee will observe in the future, regardless of which party controls the House. This series of hearings provided for a very healthy and a very constructive bipartisan hearing of our institutional problems, concerns and suggestions for improvements.

I know I am especially struck and encouraged by the number of bipartisan task forces of the House Members that have appeared before us publicly to testify on various reform proposals, like the panel that is about to testify in just a few minutes now.

I think that speaks well for the House, and I think it certainly speaks to the genuine dedication that many Members have to restoring civility, comity and bipartisanship within this House, and to rebuilding public confidence and trust in Congress from without. I think that is terribly, terribly important.

This spirit of bipartisan cooperation is something that the American people see too little of and probably would see even less of if it were not for these hearings that are held today that I believe are going to bring about a great improvement in this body. It is my intention to review all the reform proposals laid before us during these hearings and I certainly want to encourage all of the Rules Committee colleagues to do the same before we adjourn.

I think, as you all know, we may have an earlier reorganization for the new Congress this fall than is usually the case, so it is important that we communicate any of the proposals for further rules changes to our respective leaderships at the earliest possible time.

Keep in mind, we will be gone from here in about 10 days or so, and you won't have a chance then to be back here until your caucuses meet.

In conclusion, Mr. Chairman, we can continue in the next Congress to build on the monumental changes that we made in the last Congress on that very first day. There is a lot more that can be done, that can make this body a better body and make us all proud to be Members of this body. That is terribly important to me.

It is terribly important to my children and grandchildren that we are held in esteem, but we have to earn it. I think this is one way to go about it.

Thank you very much, Mr. Chairman, and congratulations to both of you as subcommittee Chairman.

Mr. DREIER. Thank you, Mr. Solomon.

Mr. Goss.

Mr. GOSS. Mr. Chairman, thank you.

I have no prepared statement, but I do want to also thank you very much for all the hard work which started this whole process and has gotten us through these four separate meetings. We have had a great deal of Member interest.

We have had a whole variety of issues that have come out of this, many of which have been commented on publicly, some of which have gotten rather intense interest, I understand, and that is good. That is the refreshing spirit that renews the energies and keeps us up to speed with the people of the country that we work for.

And I think that this effort has not only been useful from that perspective, but is going to be extremely helpful in coming forward with some specific packages of legislation for the 105th, and I hope we will get off the ground early some of the things we have talked about and are in the record of these hearings.

And I suspect, looking at today's witness list and the subjects, there will be some other additions to those early efforts in the 105th. Having said all of that, I look forward to what the witnesses have to say today, and I will be in and out because I have one other problem that I have to deal with.

Mr. DREIER. You are lucky you only have one.

Mr. GOSS. Well, some people are fortunate.

Mr. SOLOMON. If you need more, I will loan you a

couple.

Mr. GOSS. I am not looking for more.

I would like to note, Mr. Chairman, that the Honorable Deborah Pryce, a Member of our distinguished committee, has asked that her statement appear in the record.

Mr. DREIER. Without objection, her statement will appear in the record.

[The prepared statement of Ms. Pryce follows:]

PREPARED STATEMENT OF HON. DEBORAH PRYCE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF OHIO

Mr. Chairman, thank you for holding this joint subcommittee hearing today. As you've already noted, today's hearing is the third in a series of very productive discussions focusing on further congressional reform. Our two subcommittee chairmen, Porter Goss and David Dreier, are to be commended for their ongoing commitment to improving the way the House of Representatives does its business.

No one can honestly say that this Congress, over the past twenty months or so, has been a do-nothing Congress devoted to preserving the status quo. If anything, change has been our constant innovation and the hallmark of our new leadership, especially when it comes to enacting meaningful congressional reform. On the opening day of Congress last year, the House adopted one of the most far-reaching overhauls of this institution in almost 50 years. For example, we opened committee meetings to the public, we did away with the practice of proxy voting, and we immediately trimmed committee funding and staffs by one-third—all unheard of in previous Congresses.

These and other reforms on January 4, 1995, have already had a positive effect on the way the House and its committees conduct the people's business. Passage of the Congressional Accountability Act and major reforms of the committee and subcommittee system have all served to streamline the legislative process, save the taxpayers' money, and bring a welcome new degree of openness and accountability to this institution.

In addition, the creation of the Corrections Calendar, enactment of line-item veto and unfunded mandate reform legislation, and new gift and lobbying rules have reinforced the Rules Committee's position as a leader in the congressional reform and oversight movement. Given our broad jurisdiction over the rules of the House, our work clearly should not be limited solely to preparing major bills and resolutions for debate on the House floor. That's why I am especially pleased that our two subcommittees, working together, have devoted quality time to building on the progress that we have made thus far in making Congress more effective, efficient, and accountable.

Throughout these hearings, I have been very encouraged by the clear bipartisan tone of our discussions. That's a positive sign because regardless of which political party is in control next year, strong bipartisan support will surely be needed to enact some of the more ambitious and "revolutionary" reform ideas that we have heard in recent weeks, including budget process, ethics, and campaign finance reforms.

In addition, I have been equally impressed by the range and depth of proposals that have been brought to our committee's attention by Members and outside experts alike. The debate has been healthy, it has been substantive, and I fully expect today's hearing to be equally informative and enlightening.

I'm especially looking forward to hearing from our colleagues Frank Wolf and Tim Roemer on the progress toward making the House more family-friendly. As a member of the Family Quality of Life Advisory Committee, I agree wholeheartedly that there should be more predictability and stability in scheduling legislation and House floor sessions. Much of the dissatisfaction, I believe, stems from conflicts between floor and committee activities, often sporadic recorded votes, and the bottleneck of must-pass legislation that occurs just prior to a lengthy recess or the end of a session. Although the schedule has definitely improved from the 103rd Congress, when there was much uncertainty about late votes and long sessions, there is room for further improvement.

As you know, we briefly discussed the House's work schedule during our July 24th hearing, and I am concerned that our solutions may end up being biased toward Members whose lives, and families, revolve around being here in the nation's capital. As we consider specific proposals, I believe it's vitally important that any schedule changes take into consideration the fact that many Members, like myself, did

not bring their families with them to Washington and do not care to become further entrenched in the Washington social scene.

Having ample time to return to our districts, where our families still patronize area businesses and our children attend local schools, is a critical part of performing our jobs and staying in touch with the people who sent us here to serve. So, I would just encourage our Leaders to bring more regularity and predictability to the House schedule without causing us to spend longer stretches of time here in Washington, away from our families and constituents.

Mr. Chairman, you and our subcommittee chairmen deserve much credit and our thanks for keeping congressional reform a "front-burner" issue in this second half of the 104th Congress. I look forward to hearing from our witnesses today, and I ask unanimous consent that my full statement be made a part of today's record.

Thank you, Mr. Chairman.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thank you, Mr. Chairman.

Just a couple of words at the outset.

First, I want to commend our Republican colleagues on this committee for pursuing these matters of reform. As I said last week, this I think is the proper committee, the proper venue, for these issues, and I hope very much that whoever is in charge next year, in all seriousness, does pursue these matters. But you people deserve a lot of credit for finishing up some things that some Democrats were interested in the past but never were able to get our leadership to do. So for that, I thank you for doing this.

I also want to join you, Mr. Chairman, in welcoming our colleagues who are testifying this morning. We look forward to hearing their proposals about improving the way the House of Representatives operates.

I want to commend especially the first panel of witnesses who will be talking about the proposal for a bipartisan retreat for Members of the 105th Congress. It is very encouraging to see growing support for efforts to create a less partisan and more civil and collegial atmosphere in the House.

In a sense, it seems remarkable that this is happening at a time in the election cycle when partisanship is normally at a fever pitch, and in fact, is, back home, here there and throughout the country. Although when you think about how extreme the partisan rancor and mistrust was during the earlier part of this Congress, perhaps it is not surprising that this move toward more civility has emerged.

In any case, it is good to see this happen. And I commend those of our colleagues who have been leaders in this movement and look forward to their testimony, as well as the testimony of the Members who are testifying a little bit later on this morning.

Thanks, Mr. Chairman.

Mr. DREIER. Thank very much, Mr. Beilenson.

Mr. Linder.

Mr. LINDER. No comments, Mr. Chairman.

Mr. DREIER. Mr. Hall.

Mr. HALL. No comments.

Mr. DREIER. Mr. McInnis.

Mr. MCINNIS. No comments.

Mr. DREIER. Thank you very much.

We are very pleased to welcome our first panel.

I would like to call Messrs. Skaggs, Mr. LaHood, Mr. Sawyer and Mr. Houghton to come to the table here.

As I said earlier, you all have a fascinating idea and proposal, and I have been very privileged to be able to play a small part in this. I think that, interestingly enough, last night, I ran into one of our former colleagues who said to me that when he was running for the Congress in 1982, he said to then Majority Whip Tom Foley, would you come in and campaign for me? He said, no. I have a policy of not campaigning against sitting Members.

And so he said that; obviously, it didn't happen then, but when he was running for reelection last year there were about a dozen incumbent Members who came in and campaigned.

I am not advocating that we go back to the days of 1982 when no Member will campaign on behalf of someone in their own party who may be challenging another Member, but obviously the goal of trying to improve what Jerry Solomon likes to always talk about around here, the comity of this institution is something that is necessary, and the goals that have been set forth by your efforts are very important.

So I would like to call on you all in whatever order you would like to proceed.

STATEMENT OF HON. DAVID SKAGGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. SKAGGS. Let me make just a couple of comments, Mr. Chairman, and you are kind to have invited us to participate in what is a very worthwhile effort the committee has underway.

I think if we ask any of our colleagues, particularly in confidence, what their vision of a great House of Representatives might look like, it would be a little bit different than the one we now live in. It would certainly involve party and vigorous debate, but I think with a much greater ingredient of mutual respect, and even, if I might suggest, affection for each other across the aisles, because it would be based on a greater appreciation of why each of us is here, our motives, our good faith, and crediting each other with worthy purposes in pursuit sometimes of common goals, and sometimes conflicting ones, but still in the national interest.

I hear at home so often a complaint about this place which boils down to: Why are you all so prone to bickering about things?

Anyway, I think the four of us, who are now joined by four others, at the direction of the Speaker and the Democratic Leader, to fashion a plan for a bipartisan retreat early in the next Congress, take both our own sense of a vision of a better Congress and the feelings we get from our people at home about a Congress that they would feel better about very seriously.

We are in the early stages of putting together a plan, and I think my colleagues here at the table will address their own ideas about this and perhaps some of the details that we have tentatively worked out. I just want to say, as I look forward to the next Congress and I don't want to be presumptuous about assuming I will be here, we all have to get through the hurdle of Election Day in November, but as I look forward to that, it is clear to me that the most difficult issues facing this country are not susceptible of resolution by either the Democrats or the Republicans acting by themselves.

The entitlements issue in particular, which holds so much else hostage, is only going to be solved on a bipartisan basis. We are only going to have the prerequisites to that kind of a bipartisan solution if we invest some time and energy in making this place more internally respectful and creating a better working environment for the House. That is what this bipartisan retreat idea is all about.

I expect we will have good participation and it will make a difference—no one can tell right now how much of a difference—in the beginning of the next Congress.

Thank you.

**STATEMENT OF THE HON. RAY LAHOOD, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ILLINOIS**

Mr. DREIER. Mr. LaHood.

Mr. LAHOOD. Thank you, Mr. Dreier, and to the committee, thanks for allowing us to be here.

Let me just tell you two things that I have been struck by, almost from the first day that I was elected. The first thing is the idea that we have an orientation for freshmen, and we had it for Republicans, and there were 73 of us, and there was no opportunity for the 73 Republicans to meet the 13 Democrats that were elected with us. And I think that may be the first time in the history of the Congress that there was not an opportunity for all freshmen to come together and meet one another. And I had no idea who the 13 Democrats were that were elected with me. We spent no time together. And I think that really did not get us off on the best foot as a class, if you will.

The other thing that has struck me and something that I have used as an example, is one morning when I was boarding a plane in my hometown of Peoria and the woman who was taking my ticket from TransWorld Express said, Congressman, go out there and get something done for the people. Stop the bickering, the backbiting. You people need to work together.

Now, this is a woman who lives in a Midwestern town. She probably watches C-SPAN from time to time. But she knows that the Congress really has to work together in a bipartisan fashion in order to get things done for the people. And, of course, for me, the model of bipartisanship around here, the model for comity, the model for civility, is my mentor and the one who I worked for for 12 years, Bob Michel, who set a very, very high standard when he was Republican Leader.

He actually worked with three different Speakers, Speaker O'Neill, Speaker Wright and Speaker Foley, three different types of personalities, and was able to get along with them in a fashion that I think set an example for partisanship when it was needed particularly on issues, but bipartisanship when it was needed to get things done.

And I think in some sense, that is what we are trying to achieve. I think we all recognize that there are going to be philosophical differences. There are going to be political differences and there are going to be partisan differences. But they do not have to reach a level where they end up in personality differences to the extent that people have words taken down.

I have had the privilege of sitting in the chair on a number of occasions during this last year and a half, and I must tell you, you are struck by the kind of acrimony and partisanship that exists over issues that really do not have to exist, I think. There are differences, and those can be exhibited, but they can be exhibited in a way that I think can mete out what the differences are in a fashion that I think serves the American people in trying to solve problems.

I look at many of us who were elected, and the motivation is not dissimilar. We all come here with the idea that we want to get things done on behalf of the people that sent us here and, in a sense, I think if we can work together in a way that allows us to do that, then we achieve what the American people have sent us here to do.

There are structures within this institution that I think have allowed some of that to happen, and I think of this morning, some of us got together, as we do on Thursday morning, for the weekly Prayer Breakfast. It is very bipartisan. Democrats and Republicans comes together. We meet. We have breakfast.

We listen to one of our colleagues speak and we pray together, and we develop a rapport with one another that I think has enabled some of us to have a greater appreciation for the trials and tribulations that all of us have to go through.

I think that is a part of this institution that we can learn a lesson from. There is also a Bible study group that meets on Thursdays; again, a very bipartisan group. Those, I think, are opportunities that we can learn lessons from about how we can be civil. There can be comity, and we can still have our differences around issues.

When David Skaggs approached me with the idea of some sort of a meeting, a retreat, however you want to characterize it, I didn't doubt it for one minute that we could do it.

And I must tell you that I am struck by the kind of support that we have had from the Speaker and the Democratic Leader. They have embraced this idea wholeheartedly and said, we will do whatever we can to lend support to it. So I think we do have a good support for it.

I don't know if any of you attended the family picnic, but I think that was a good start. And I think many of us were struck by the fact that at the family picnic we observed the Speaker and the Democrat Leader conversing with one another, talking with one another in a very informal way. I think that is what we are trying to create, an evolution here where you create opportunities for people to get to know one another better, knowing we are going to have differences but that we ought to be able to exhibit those differences in a civil way and yet do the work of the people.

Mr. DREIER. Based on the way you have explained it so far, to maintain bipartisanship we should just keep praying together.

Mr. LAHOOD. Not a bad idea.

**STATEMENT OF THE HON. THOMAS SAWYER, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO**

Mr. DREIER. Mr. Sawyer.

Mr. SAWYER. Thank you, Mr. Chairman.

I, like my colleagues, want to thank you and your colleagues on this committee for your effort to undertake this. I think some of the ideas that have come forward in this setting have enormous promise.

None of them are going to resolve the kinds of differences and conflicts that have provided motivation for many of the suggestions, but together they have the opportunity to improve and elevate the quality of discourse in this place.

I think each of us brings a reflection of the diversity that makes up this country, this enormously complex mosaic that is the United States, to this place. It is understandable, when you recognize that, that there is going to be conflict here. There are going to be differences. But at the same time, we need to understand the terms and conditions under which we bring those points of view.

I am struck, when I look around, at the quality of the people who are here from each of their lines of endeavor, whether it be in business or government or military, the kind of staff work that has made this place great; that just looking around this room, you see the enormous differences. But the one thing that strikes me is that virtually in every case people bring a quality and commitment, a sense of excellence to the things that they did in their previous lives to the work that they do here.

Understanding that may be the single most important element in gaining appreciation for those differences and valuing those differences.

I, for a time in my life, was a teacher, and it has—the business of teaching has never really left me. And so when I get introduced as a former teacher, I think to myself, you know, if I ever really was a teacher, I probably always will be a teacher.

When I look at the physicians who are here, yes, they are doctors, they are mechanics, they are analysts of the human physical condition, but at their heart they are healers and if they were ever healers, they are probably always going to be healers.

We come here out of context of community, enterprise, family, education, faith. And understanding one another in those complex terms may be the greatest gift we can give to one another in trying to come together in common purpose, sometimes within the context of difference, to reach resolution.

We talk a lot about common ground. Sometimes we don't stand on common ground, but ultimately we have to reach resolution. Understanding where we are all coming from is maybe what we have lacked.

Ray talked briefly about how the recent Congress came and bonded with one another and the new Members in a partisan separation. I don't think that is new to this last Congress. I think that has been growing over a number of Congresses. And, as a result, it may well be that between 50 and 60 percent of us who are here today have never had the kind of coming-together experience that we would like to try to recreate through this project.

It won't solve all of our problems, but it may, in understanding who one another are, be able to restore a measure of decency in discourse, and civility in difference that can make for resolution, if not always reconciliation.

Mr. DREIER. Thank you, Tom.

STATEMENT OF THE HON. AMO HOUGHTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. DREIER. Amo Houghton from New York.

Mr. HOUGHTON. Thanks very much.

Well, first of all, thank you for letting us be here.

And I also want to give great credit to this guy here, because it was his idea, Dave Skaggs. And he and Ray are going to be heading up this group, there are about eight of us. We are trying to, as you know, go away as a Congress with spouses, with children, sometime after the turn of the year. It is not going to solve, as Tom said, all of our problems, but it is a step in the right direction.

As a matter of fact, it is sort of sad that we had to come to this and make a big deal out of it, because it ought to be happening all the time, but you know democracy switches back and forth and we have to put this thing right periodically.

The important thing, I think, is the—is that both leaders are very enthusiastic about that. That is important. It gives the signal to the rest of the people that we really do want to concentrate on the issues of the country.

Now, I come from the world of competition. Competition is great. We have competition here and we have this unique two-party system, and it doesn't take the edge off of a lot of things. But there is a way of handling competition, which is good. And the important thing, I think, here is in the words of the great business philosopher Peter Drucker: All great ideas ultimately degenerate into work.

And so this is the working group, and I am honored to be part of it.

Thank you.

Mr. DREIER. Well, I, too, am honored to be a Member of your group and look forward to working with all of you.

There are a number of questions that come to mind, and one of the things that this institution has a pattern of doing, or those of us who are elected office do, is bash the media, and I am not going to do that.

But I would raise one question about that. And that is, many of the media, as they look at this institution, rather than focusing on issues they often focus on personalities. And at the organizational meeting that we held yesterday, one of the things that came up is that, frankly, an overwhelming majority of Republicans and Democrats in this institution do want to work together, but there are probably a few on either side who may have a tendency to exacerbate some of the problems we have.

And I wondered if, as we look at that and the attention that is focused sometimes on those individuals, if you all have any thoughts as to how we could address that concern?

Mr. SKAGGS. Anybody that—

Mr. DREIER. Tony has addressed the one-minutes. We went through that in hearing last week.

Mr. SKAGGS. Anybody that has the answer to that deserves the Nobel Peace Prize, Mr. Chairman.

Mr. DREIER. We are hoping to—

Mr. SKAGGS. It seems to me that what we are really talking about here is changing a culture and creating a different sense

within membership of the House of Representatives as to what the norms are here and what is appropriate and what isn't. Right now, we have sort of lost the handle on that concept and so it can degenerate into a bit more of a free-for-all on the Floor than most of us think is appropriate or necessary.

I think we have got the raw materials of intelligence and goodwill and good sense to change that culture, create a different, over time, a different—restore, I should say, a different norm, and that will get at the problem that you have identified.

Mr. DREIER. One of the things that we have discussed in this series of hearings is the issue of reform of the ethics process, and we know that there have been some charges and countercharges filed, and God knows, Porter Goss has worked diligently to address a lot of the problems that have come up there, but I wonder if we are going to be able to bring about bipartisanship, a greater civility on issues, if we don't reform the ethics process? I wonder if you see a correlation there?

Mr. HOUGHTON. Can I take your question?

Mr. DREIER. Sure.

Mr. HOUGHTON. I can't get into the ethics issue because it has always bothered me that there was even such a thing called an Ethics Committee.

Mr. DREIER. It bothers Porter, too.

Mr. HOUGHTON. Anybody that is on it carries a big cross on his or her back. It is difficult. But it seems to me that when you get together with divergent groups, whether it is union and management or in an intellectual setting or political, that you try to separate out those things which you can't agree on and concentrate on those things which you can agree on. And when you concentrate on those, I think there will be a wellspring of feelings of trying to work closer together, which then will spread into other areas. And it may not work. But how else do you start it?

Mr. SAWYER. Well, Porter and I have been struggling with this for some time. I don't think that the difficulty in the ethics process necessarily results from the process itself. It is an awkward process because it deals with awkward substance.

I think it has been made more difficult, however, in the course of the last couple of years by the divisions that exist outside that committee rather than the work that goes on inside it. And I think the best solutions really go to the core of the divisions that exist here, and what, in some circumstances, inevitably is a combative motive that leads to ethics complaints as opposed to necessarily the substance.

That is not easily resolved. I am not sure that it is done by process alone. Some of it simply has to be done by goodwill.

Mr. DREIER. Thank you very much.

Mr. Solomon.

Mr. SOLOMON. Thank you, Mr. Chairman, for bypassing the other cochairman here, because I am going to have to leave in just a few minutes. But I just can't commend all of you enough. The four of you, I think, epitomize what Members of Congress should be in conducting themselves on the Floor.

I don't recall any of you ever losing your temper; maybe being carried away by the debate, but I know that has happened to me on a few occasions, so I admire you for your restraint.

However, here in this committee, you know, this is the most partisan political committee of the Congress, and every debate that you see take place on the Floor of Congress has already taken place here in this committee.

David, you have been here many times. And we are very proud of the fact, looking at Tony Beilenson over here and Tony Hall who just walked out, Joe Moakley and even the Chairman of the National Democratic Congressional Committee, we have never had a shouting match here in the last couple of years, even though we debate the issues here and we have to fight for the individual rights of our party Members. But we are very proud of that, and we would like to carry that on to the Floor and have it come out the same way.

I just won't take up anymore time, David, but we appreciate your coming here. We hope that you are going to be successful. And I signed onto your letter, David, in the very beginning, and we want to help you in every way we can.

Thank you for the good work you are doing.

Mr. DREIER. Do you want to say, Jerry, that you have not shouted in the last 2 years?

Mr. SOLOMON. On this committee.

Mr. DREIER. Oh.

Mr. SOLOMON. Always smile. Smiles are worth everything.

Thank you.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thanks, Mr. Chairman.

Just a couple of comments, if I may. One reason—this is something you all know anyway, but one reason that what you are all up to is so important, it seems to me, is that it is likely that next year whoever is in charge—whichever party wins, it will be by a very narrow margin.

It is going to be a smaller majority, I suspect, if Republicans hang on to the House, than you have now and if the Democrats win, it will probably be by a 5- or 6- or 7-vote majority, which means obviously that if anything useful is to be done, it is going to have to be done by Members of both parties working together. And for that to happen, as you all don't need to be told, a change in the climate of relationships within the House is necessary in order for that to occur.

It was a shame this year, it seems to me, as to many other Members, that there wasn't some way—one of the things we spoke about briefly last week in our hearing here in the Rules Committee about potential reforms—of finding some nonpartisan way, a different way to act legislatively to get things done.

I started to say, it was clear to many of us, I thought, that there were probably 100, 120 Democrats, 100, 120 Republicans who could have agreed on a balanced budget plan a few months ago, but it wasn't the Democratic plan and it wasn't the Republican plan, and there was no way of getting it on the Floor. But if we had gotten something in the middle on the Floor, it would have passed, it

would have solved that problem. And you all are going to have to find some way next year, it seems to me, to do that.

And secondly, finally, on a personal note, I must tell you that it makes me feel very, very much better, very good indeed, that folks such as yourselves are working so hard to improve the climate around here from the perspective of myself and some of the other colleagues who are leaving this year. I really think that what you are doing is going to make a difference.

Personal relationships, in fact, are the key to whether or not this place works. I will tell you, just giving you our own example, my wife and I have had the privilege the last 10 years or so, every couple of years, of being invited by the three groups that put on the orientation at Williamsburg to come and talk about how to be a congressional family—how to take care of your family matters and your private matters, as well as be a good Member of Congress. In the process, we have come to meet all the new Members in the last few years, especially a lot of new Republican Members. And simply because of that, she and I are personal friends with all kinds of new Members who most of the older Members have never met or have never spent a weekend with, or any time with. It has made all the difference in the world.

I know them and they know me, so we have called each other by our first names from the first day we were here and we think of one another as friends. We remember the time we spent back in Williamsburg one evening having supper together with our wives, our spouses, and just that little connection has made a huge amount of difference.

I am sure that what you are doing will make a large difference, too. So I am glad you are doing it and we encourage you to continue with your efforts.

Mr. DREIER. Thank you very much.

Mr. Goss.

Mr. GOSS. Thank you.

I agree, I think, with my colleague, Mr. Sawyer, that it is going to be more than a mechanical process fix that is going to solve the problem. I think it is a cultural question. And I agree with Mr. Skaggs, that if we can get to that, a Nobel Peace Prize should be liberally disbursed about to all those who helped make it happen.

But I think that the specifics of the proposal that you have come forward with and the efforts you have taken, I think are very useful and a positive step, but I think they are a manifestation of something that most Members feel. I think this is a good way to sort of symbolize that, and I think that it will have positive, direct results, as well.

And I suspect that part of the effort would be, and I haven't involved myself in your planning for the specific event we are talking about, but I presume that the follow-on is clearly part of it. We did it on January 5th, and it was fine, and now we are going to do something else.

I think you have to make a commitment to this all the time, and that is part of the culture and that is part of your plan.

I thank you for bringing what I think is a very useful and specific proposal forward, and I suspect most Members who hear of this will also.

Mr. DREIER. Mr. Linder.

Mr. LINDER. No comments.

Mr. HOUGHTON. Can I?

Mr. DREIER. Amo.

Mr. HOUGHTON. Yes. Comity, working together, is a personal attitude. And I just would like to say before we leave this chamber, that the person who has epitomized this on the Democratic side, more than anyone I know, and we are going to miss very much next year, is Mr. Beilenson.

Mr. BEILENSEN. Thank you, sir.

Mr. DREIER. Very nice to say that. It is the first time it has been said in this room since he announced his retirement.

Ms. Greene.

Ms. GREENE. Thank you.

I apologize for missing part of your presentation. I am very well acquainted with your proposal, and think it is a great idea.

I also want to say as a new Member, I was distressed this year at some of the things that I saw going on, both on and off the House Floor, and was struck very much when we completed our Energy and Water Appropriations bill and there was a salute to the two retiring gentlemen who had headed up both sides of the aisle on that committee, and the great friendship that they clearly had with each other, and the fact that as a result, that particular appropriations bill has been one that has generally sailed through with little controversy. And Mrs. Vucanovich, who is here with us, commented to me on the Floor of the House that is how it used to be everywhere.

So I am hopeful that rather than institutionalizing what seems to be a gradually more partisan attitude in the House, that we can reach back toward the time when there was true comity, and I think your proposal takes a large step in the right direction.

Thank you.

Mr. DREIER. Thank you very much.

Let me just say that we spent an hour together, and I am privileged to be a part of the group, and one of the things that we did say is that we would use this forum to outline some of the details that we had resolved. And I wondered if you would like to do that, David?

Mr. SKAGGS. Just very quickly.

By the way, Mr. Chairman, we will be getting a letter around to our colleagues in the House later today that brings them up-to-date on our tentative cut on some of these things. Right now, we are looking at the weekend of February 28th to March 2nd in 1997. For various reasons, that appeared to the group to be the most likely time frame to plan for.

Right now, tentatively, we have focused on the Hershey Lodge and Conference Center at Hershey, Pennsylvania, which is able to accommodate as large a group as we hope we will be, at a reasonable cost. We have had very, very fruitful preliminary discussions with the PUGH charitable trusts and their representatives have been most generous and encouraging about the likelihood that PUGH will basically underwrite this project; very importantly, I think that there be no taxpayer money involved. We are debating

whether there should be a portion of the cost covered by participating Members for various reasons.

Hopefully, we will be able to work out rail transportation, but that is still a ways off. And we are just beginning a process of really opening ourselves, as a planning group, to some brainstorming and outside resource folks with ideas about what an agenda for a unique and really unprecedented meeting like this ought to look like, and we are most anxious to get all the help and counsel we can on that point especially.

Mr. DREIER. It sounds terrific, and again I am—

Mr. LAHOOD. Can we just announce, too, that the other Members include Eva Clayton and Charlie Stenholm have also been appointed, yourself, and Tillie Fowler from Florida, and the four of us. So the eight of us will be the planning group.

Mr. DREIER. Great. I have—sure, Tom.

Mr. SAWYER. Let me just add one other thing, that inasmuch as these proceedings are often seen far beyond this chamber, that we would solicit the thoughtful contributions, ideas, suggestions of people far beyond this chamber.

Mr. SKAGGS. Absolutely.

Mr. SAWYER. And that is an active request that we make not only of other Members but of citizens of this country.

Mr. DREIER. It is against the House rules to, from the Floor, address the C-SPAN audience. But since we are being covered by C-SPAN and we are in a hearing room, I don't know, Walter, if it is a violation of the rules here for us to say to the American people who are following this, that if they have any recommendations as to how we can encourage our bipartisanship—I won't start announcing e-mail addresses or Web sites, but I think people do know how to get in touch with us, and we do want a wide range of input because, as you said, David, this is clearly unprecedented and we hope very much that it will go a long way towards improving the operations of this institution.

I congratulate all four of you and my other three colleagues who have joined with us in this effort, and look forward to working with you in the coming months.

Thank you all for being here.

Mr. SKAGGS. Thank you.

Mr. HOUGHTON. Thank you.

Mr. DREIER. Our next panel will include Barbara Vucanovich and Henry Waxman, who are part of the Corrections Day Advisory Group.

Barbara chairs the Corrections Day Advisory Group, and we all know that this was a proposal that was brought forward to look at idiotic and crazy laws and problems that have been created from regulations and other things, and we have established this Corrections Day procedure as a way to, as expeditiously as possible, address those.

We would like to welcome you, Barbara. And your statement will appear in the record. You are welcome to summarize or present it however you wish. You might want to push the little button there.

STATEMENT OF THE HON. BARBARA VUCANOVICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mrs. VUCANOVICH. Well, thank you, Mr. Chairman.

Mr. DREIER. Yes, that is it.

Mr. SOLOMON. Good morning.

Mrs. VUCANOVICH. I would like to shorten this a little bit, but since this will be our last report, I would like to at least come up with some ideas and talk to you about some of the suggestions that I have. And I would certainly like to thank you and the committee for holding the hearing today and your interest in learning about how we managed this Congress with the new procedure known as the Corrections Day.

And as you mentioned, Mr. Dreier, this Corrections Day is the inspiration of Speaker Gingrich to expedite legislative procedure and get rid of outdated or ridiculous rules and laws or regulations that plague Americans. And I would like to thank the Speaker for his creativity in working to make our lives less cumbersome and less intrusive.

Mr. DREIER. Henry.

Mrs. VUCANOVICH. I especially want to thank him for giving me the opportunity to chair this innovative and effective Corrections Day Advisory Group. It has also been an honor and privilege to serve with my cochairs, Mr. Zeff and Mr. McIntosh, Mr. Waxman and the other eight Members of the Advisory Group, in making this process a success. And as we all know, change is every easy to implement, especially in the legislative process. However, I believe Corrections Day has worked and I am very pleased with what we have accomplished this Congress.

Our record is good, Mr. Chairman, and I am pleased to report that to date, 18 bills have been brought to the House Floor under the Corrections Day process; 10 bills have been signed into law and 8 have passed the House and await further action in the Senate. Perhaps even more important are many of the bills we considered prompted the executive branch bureaucracy to make the change administratively, and it was our experience, that faced with the prospect of the House moving to pass Corrections Day legislation, an administrative decision was made to make the change before we would change it legislatively.

Clearly, we have the attention of the executive branch, and I dare say they are very interested in what we are all about.

Mr. Chairman, the Corrections Day rule has been good for the Corrections Day process during the 104th Congress. However, I would like to suggest three proposed changes to the Corrections Calendar rule that would provide flexibility for Floor management.

First, allow the Speaker to call the bills on the Corrections Calendar out of numerical order. This would allow the Speaker to change the order of consideration of corrections bills to accommodate the manager or sponsor of the bill.

Secondly, allow intervening businesses, between the Pledge of Allegiance and the Call of the Corrections Calendar. This would give the Speaker the authority to consider business before the Call of the Corrections Calendar. Often, simple scheduling problems can be avoided by moving legislation to later in the day.

Finally, allow recorded votes on an amendment or recommittal to be postponed. This would allow the Speaker to postpone votes ordered on a correction until the next day. This could be helpful on a week like this one, where votes ordered Tuesday were postponed until Wednesday.

Mr. Chairman, the Speaker's Corrections Day Advisory Group has worked together in a bipartisan manner. A new process is never easy, however, we have had and will continue to have great success.

I can honestly tell you from my experience, as the Chair of the Corrections Day Advisory Group, that the American people want, indeed, they are demanding, a government that can fix problems without years of legislative study; one that can effect instead of hinder common-sense changes to obvious glitches in the current law.

Corrections Day has worked, and it is achieving the goal of meeting the people's demand for a smarter, more efficient government. With your committee's help, we have successfully embarked on this new process, and I am optimistic that with these few changes I have outlined, future Congresses will achieve even greater results.

Thank you, Mr. Chairman.

[The prepared statement of Mrs. Vucanovich follows:]

PREPARED STATEMENT OF HON. BARBARA F. VUCANOVICH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. Chairman, I want to thank you and the Rules Committee for holding this hearing today and for your interest in learning about how we managed this Congress with the new procedure known as Corrections Day. As you know, Corrections Day is the inspiration of Speaker Gingrich to expedite legislative procedure and get rid of outdated or ridiculous rules, laws or regulations that plague Americans. I want to commend the Speaker for his creativity in working to make our lives less cumbersome and less intrusive and I especially want to thank him for giving me the opportunity to chair this innovative and effective Corrections Day Advisory Group.

It has also been an honor and a privilege to serve with my co-chairs Mr. Zelfiff and Mr. McIntosh, Mr. Waxman and the other eight members of the Advisory Group in making this process a success. As we all know, change is never easy to implement, especially in the legislative process. However, I believe Corrections Day has worked and I am very pleased with what we have accomplished this Congress.

As you all know, on June 15, 1995, the House Rules Committee reported a privileged resolution to amend clause 4 of House Rule XIII. This amendment abolished the Consent Calendar and replaced it with a new "Corrections Calendar." The Consent Calendar originated in 1909 as a way to expedite action on noncontroversial measures. However, the Consent Calendar had fallen into disuse as the House increasingly employed unanimous consent and the suspension procedure to process noncontroversial measures.

I am happy to report that this has not been the case for the Corrections Day calendar. From the inception of Corrections Day, as we have proven, bold steps can result in tremendous success.

For example, the Oil Pollution Act of 1990 placed prohibitive financial requirements on ships carrying oil into or out of U.S. waters. This requirement may make sense for petroleum products, but unfortunately the way the law is written it also covers vegetable oil, which is non-toxic and biodegradable. This was obviously in need of correction. Vegetable oil was being classified the same as crude oil, with the same financial ramifications. How ridiculous to in essence compare apples to oranges. Through the Corrections Day process, we saved American farmers hundreds of millions of dollars by fixing this law.

Our record is good, Mr. Chairman and I am pleased to report that, to date, 18 bills have been brought to the House floor under the Corrections Day process. Ten bills have been signed into law, and eight have passed the House and await further action in the Senate. Perhaps even more importantly, many of the bills we consid-

ered prompted the Executive Branch bureaucracy to make the change administratively. It was our experience that faced with the prospect of the House moving to pass Corrections Day legislation, an administrative decision was made to make the change before we would change it legislatively. Clearly, we have the attention of the Executive Branch and I dare say they are very interested in what we are all about.

Mr. Chairman, the Corrections Day rule has been good for the Corrections Day process during the 104th Congress. However, I would like to suggest three proposed changes to the Corrections Calendar rule that would provide flexibility for floor management. First, allow the Speaker to call the bills on the Corrections Calendar out of numerical order. This would allow the Speaker to change the order of consideration of correction bills to accommodate the manager or sponsor of the bill.

Second, allow intervening business between the pledge and the call of the Corrections Calendar. This would give the Speaker the authority to consider business before the call of the Corrections Calendar. Often simple scheduling problems can be avoided by moving legislation to later in the day.

Finally, allow recorded votes on an amendment or recommittal to be postponed. This would allow the Speaker to postpone votes ordered on a correction until the next day. This could be helpful on a week like this one where votes ordered Tuesday were postponed until Wednesday.

Mr. Chairman, the Speaker's Corrections Day Advisory Group has worked together in a bipartisan manner. A new process is never easy, however we have had, and will continue to have, great success. I can honestly tell you from my experience as the chair to the Corrections Day Advisory Group that the American people want—indeed they are demanding—a government that can fix problems without years of legislative study. One that can affect, instead of hinder, common sense changes to obvious glitches in current law.

Corrections Day has worked and is achieving the goal of meeting the people's demand for a smarter, more effective government. With your Committee's help, we have successfully embarked on this new process and I am optimistic that with these few changes I have outlined, future Congresses will achieve even greater results.

Thank you Mr. Chairman and I would ask unanimous consent that additional statements of members of the Advisory Group be made a part of the Record.

Mrs. VUCANOVICH. And I would like to ask unanimous consent that additional statements of Members of the Advisory Group be made part of the record.

[The information follows:]

PREPARED STATEMENT OF HON. LYNN N. RIVERS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF MICHIGAN

Thank you for giving me the opportunity to recommend ways to improve Corrections Committee process.

As you know, the Corrections Committee is charged with the task of streamlining government and making it more efficient. Comprised of 12 Representatives—including myself—the Corrections Committee reviews bills that attempt to mend laws that are unnecessary, redundant, overly burdensome, or outdated. If the laws are in need of a "correction," we are given the authority to recommend bills to the Speaker that address those concerns. In the past 2 years, the House has passed 18 bills on the Correction Calendar, 10 of which President Clinton has signed into law.

While the committee has met many of the goals it set forth last year, I believe its process is in need of improvement. Well into the second year, there is still no set protocol. The Corrections Committee desperately needs rules to govern how the committee will address bills before the committee. Witnesses who come before the committee are often frustrated by the awkward, "as hoc" committee process. Like all committees, it should adopt rules that clearly define the limits of the committee's jurisdiction.

Thank you for your consideration of my recommendations. I would be happy to discuss any of my suggestions in further detail.

Mr. DREIER. Thank you very much.

Thank you, Barbara, for your fine work. And let me say that you will be, like Tony Beilenson, sorely missed when the 105th Congress meets. It has been a privilege for me to be a Member of the Corrections Day Advisory Group, and I have enjoyed working with you and look forward to seeing it continue.

STATEMENT OF THE HON. HENRY WAXMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DREIER. We are happy to my welcome my California colleague, Mr. Waxman.

Mr. WAXMAN. Thank you very much, Mr. Chairman, for inviting me to come before you and talk about the Corrections Day Calendar. I have a statement that I would like to have in the record.

Mr. DREIER. Without objection, it will be appear in the record.

Mr. WAXMAN. When this idea was first proposed, I was a skeptic about it. I was concerned that the Corrections Day Calendar would be used as a fast track for special-interest bills that wouldn't otherwise get the full consideration they deserve, and which were, in fact, controversial and shouldn't be on a Corrections Day Calendar. I am pleased to report that I think the Corrections Day process has worked well, and to a great extent, the reason it has worked well is because of our Chairman, Mrs. Vucanovich.

Mrs. VUCANOVICH. Well, thank you.

Mr. WAXMAN. Mrs. Vucanovich has handled the committee in a fair way, trying to get the Corrections Day process to do exactly what was intended, to take rules and regulations that don't make sense, that are duplicative or superfluous, that need just genuine corrections, without having to wait for a whole massive piece of legislation to move it forward.

And for the most part, the Corrections Day Calendar has worked the way it was intended. And the best example of that was legislation that we passed that would have corrected the ride-sharing provisions under the Clean Air Act, allowing the States a lot more flexibility. The Corrections Day process provided a way to correct the problem in the Clean Air Act.

But there have been times when the Corrections Day Calendar was used for bills that were controversial and didn't belong on the calendar. The most significant one was a bill that would have repealed the minimum wage for certain workers. This was placed on the Corrections Day Calendar over the objections of many Democrats, myself included, and fortunately, it was pulled from the Floor schedule at the last minute.

Another bill that was placed on the Corrections Day Calendar, would have weakened the authority of the Fish and Wildlife Service despite strong opposition of the Ranking Member of the committee and subcommittee, and opposition by the administration and environmental groups.

Whatever the merits of these bills were, they just shouldn't have been on the Corrections Calendar.

Despite the fact that corrections legislation is intended to have a narrow scope and significant external and bipartisan support, too many bills that come before the advisory committee are controversial, and they are strongly opposed by either a Federal agency or affected interest groups. Much of our time in the Advisory Group meetings has been spent listening to bills without even having the expertise of the committee with the jurisdiction.

And one of the dangers of this process is that no one attends our meetings except the Advisory Group Members, our staff and the advocates for the bills. We therefore do not hear from the opposition, because the opposition rarely knows that we are meeting.

So we often hear one side of a bill and think it is noncontroversial, when, in fact, we find out later that it is controversial.

One way to correct this problem is to have stronger coordination between the committees of jurisdiction over the bills and the Advisory Group.

I think it is wise that we have the committees of jurisdiction review all legislation. Sometimes we are asked to make a judgment about whether a bill is appropriate for the Corrections Day calendar before any committee has heard the bill. Because this is an expedited procedure, a lot of people think this is a great process; as it will move their bills through very rapidly. But, you know, the danger is, that a bill might be controversial and shouldn't be on this calendar.

Most Members who come before the Advisory Group to offer bills that would change the law, think they are in fact correcting the problems in the law: But this wasn't what Corrections Day was intended for. Rather, it was meant to correct government regulations that don't make sense.

There is an important lesson we can learn from this Corrections Day experience. When the Speaker proposed Corrections Day, he said he envisioned it as a way to fix profoundly dumb laws and regulations, I think he had in mind that there are a lot more ludicrous and flawed laws than actually exist. That isn't to say there aren't more laws that we need to correct, but I think there are amazingly few laws and regulations that are profoundly dumb.

If anything, Corrections Day has revealed that our government is doing a much better job than some might suspect.

One interesting aside on this process is that, when we organized the Corrections Day process, I met with some people at EPA and other regulatory agencies with which I had some dealings. They were enthusiastic about the idea of correcting some of their rules and regulations that they didn't think made any sense.

I think we ought to invite them to become more a part of the process: Often there are corrections bills that have no interest groups to back them, but they are corrections that are needed nevertheless. I listened a few minutes ago to Mrs. Vucanovich's suggestions for changes; they all sounded like good ideas.

I would also suggest that, because the Advisory Group is supposed to be reviewing noncontroversial bills, we should solicit the approval and recommendations of the committee of jurisdiction and of both the Speaker and the Minority Leader to accompany the Advisory Group's recommendation. In this manner, a bill will be able to pass the test to determine whether or not it is truly controversial.

If there is a bill with some opposition, it can go on the Suspension Calendar or on the regular calendar. But let's not let this process, which I think has worked well due to the leadership of our Chairman, go awry. It could easily go awry if people abuse it and start using it for bills that are inappropriate.

[The prepared statement of Mr. Waxman follows:]

PREPARED STATEMENT OF HON. HENRY A. WAXMAN, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman for the opportunity to share my thoughts and experiences on the Corrections Day process.

When Corrections Day was first proposed over a year ago, I had serious reservations about instituting such a process. While I strongly supported the idea of "correcting" silly or ambiguous laws, I was concerned that the corrections procedure could become a fast-track for special interest legislation.

As a result of my concerns, I have had the opportunity to serve as a member of the Corrections Day Advisory Group. This group has sought to ensure an open, bipartisan process so that only appropriate, noncontroversial bills are recommended for the Corrections Day Calendar.

Today, I report that with few notable exceptions the Corrections Day process has worked the way it was intended.

The bills that were placed on the Corrections Day calendar were for the most part noncontroversial and appropriate for the abbreviated legislative process of Corrections Day. The expeditiously legislate. We have been able to repeal duplicative laws, act to increase flexibility, and even make bipartisan policy changes.

One such bill gave States greater flexibility under the Clean Air Act to implement employee trip reduction requirements. This corrections bill allowed us to resolve a controversial issue to the satisfaction of all parties. It is an example of how we can work together and use the Corrections Day process in a way that makes sense.

However, I would be remiss if I didn't point out the few exceptions to the success of Corrections Day. Some bills have been recommended for the Corrections Day Calendar despite significant controversy and opposition.

For example, one bill would have repealed the minimum wage for certain workers. This bill was placed on the Corrections Day Calendar over the objections of many Democrats, myself included. Fortunately, it was pulled from the floor schedule at the last minute.

Another bill, which weakened the authority of the Fish and Wildlife Service, was placed on the Corrections Day Calendar despite the strong opposition of the ranking Members of the committee and subcommittee and opposition by the Administration and environmental groups. This bill was passed by the House, but it never should have been on the Corrections Day Calendar in the first place.

Despite the fact that Corrections legislation is intended to have a narrow scope and significant external and bipartisan support, too many bills that come before the Advisory Group are extremely controversial and are strongly opposed either by a Federal agency or by affected interest groups. And unfortunately much of the Advisory Group's time is spent debating and defining the parameters of controversy surrounding each bill.

Better coordinated actions between the Advisory Group and the relevant Committee would ensure only the most appropriate bills are placed on the Corrections Day Calendar and would guarantee that the time of the Members on the Corrections Day Advisory Group is used most productively.

There is an important lesson we can learn from the Corrections Day experience. When the Speaker proposed Corrections Day, he said he envisioned it as a way to fix "profoundly dumb" laws or regulations. Corrections Day was supposed to address ambiguous, arbitrary, or ludicrous actions of government.

Yes it is important to note that while many are critical of the government and paint a caricature of a government that mindlessly passes arbitrary, burdensome and stupid rules, the Advisory Group learned that ludicrous laws are more the exception than the rule. The Advisory Group constantly looked for bills that addressed this kind of problem. However, of all the Federal agencies and the rules they've promulgated and all the laws enacted by Congress, we found that there are amazingly few laws and regulations that are "profoundly dumb." If anything—Corrections Day has revealed that our government is doing a much better job than some might suspect.

I would like to thank Rep. Vucanovich for her leadership throughout this process. She has continually sought to improve the Advisory Group's efficiency. I would also like to thank the other Members of the Advisory Group for their time and commitment in contributing to an effective Corrections Day process. I look forward to working with each of you again in the future.

Mr. DREIER. Well, thank you very much, Henry.

Let me say it has been a privilege to work with you on the Corrections Day Advisory Panel. And, frankly, just as I was listening to you, I was remembering on more than one occasion when you

and I have sat and together said, this is something that should not be brought up under the—I am not going to mention the legislation—but should not be brought up under the Corrections Day Advisory Group. So I think that there has been a sense of bipartisan-ship. And the skepticism that you brought to the process was very healthy and helpful, and I think brings—because of your skepticism, I think that the statements you have made are very, very well-received here.

One thing that I would say is that, I mentioned earlier that we have conducted a survey of committee Chairmen and Ranking Minority Members, and 71 percent of the committee Chairmen and Ranking Minority Members indicated they felt that the Corrections Day Advisory Group was being—the process was being underutilized at this point and they would like to actually see it used more, which I found to be rather interesting.

And also—

Mr. WAXMAN. They might be advised to give us recommendations to move things on that calendar.

Mr. DREIER. Sure. I mean, they obviously are free to.

Mr. WAXMAN. It has been more one sided, I think.

Mrs. VUCANOVICH. It has, I think.

Mr. WAXMAN. I don't recall too many committees initiating corrections.

Mr. DREIER. It is interesting what came forward in that survey. We probably—our panel should probably play a role in encouraging committee Chairmen and Ranking Minority Members to take advantage of it, if they see fit.

One thing you mentioned, the Suspension Calendar, early on there was a question of whether or not the items that the Corrections Day Advisory Group would address, if they couldn't simply be handled under the procedure of the Suspension Calendar.

Mr. WAXMAN. Yes.

Mr. DREIER. And I wonder if you feel, the both of you, that we have been able to establish, you know, real justification for this along with the Suspension Calendar?

Mr. WAXMAN. You know, there is not a very clear line, in my view, as to what can go on one calendar as opposed to another. I don't think there is any clear demarcation. But if we look at the Corrections Calendar as a way to actually correct laws and regulations that just don't make any sense, I think we can move forward on noncontroversial bills.

The Suspension Calendar is more for policy changes. There may even be some controversy in such policy changes, but they are nevertheless, policy changes which have enough bipartisan support to enable the bills' authors to go to the Floor and get two-thirds without any opportunity for amendment. So, I think that there is a need for both, and the Corrections Calendar shouldn't be a replacement for the Suspension Calendar, and the Suspension Calendar shouldn't be a replacement for the Corrections Calendar.

Mrs. VUCANOVICH. No. And I think, Mr. Chairman, it has worked as we had hoped that it would. And most of the things that we finally have brought under the Corrections Day process have been really noncontroversial and have been small things, that probably

nobody would bother bringing under the suspension process. So I think it has worked very well.

And like anything new, it is going to take a little while to see how it works. But I think overall, it has been very helpful when you consider that we have passed and have had things signed into law.

Mr. DREIER. Mr. Solomon.

Mr. SOLOMON. Mr. Chairman, first of all, Barbara, let me commend you, as David said, he and I served on your committee, along with Henry, and I think you did a spectacular job. We certainly are going to miss you. You are from my home area, Albany, New York—

Mrs. VUCANOVICH. That is right.

Mr. SOLOMON. —are you not? Even though you are the Representative from Nevada. And we are going to miss you and George because you are personal friends.

And, Henry, I just want to commend you, too, because you, in your capacity on the committee, I think, have been a real asset. We mentioned that there had not been that many bills that had been successfully put forth, and that is good because that means the committee was doing its job and it means that you did scrutinize the legislation.

I believe there were a couple of dozen bills that we actually decided had merit and that we acted on. And I think out of those couple of dozen, or whatever they were, I think 10 or 12 of them have now become law.

So it isn't that we were rushing hell-bent for leather to pass all of these bills. We were being deliberative, and I think the committee did a good job.

Henry, the other—or let me get back to Barbara. Your suggestion to call up bills out of order, I think, is excellent. That is something that we can do. We can make that rules change without any, I think, much difficulty, if it is within the wisdom of this committee, and I think it probably would be. So it is a very good suggestion.

And, Henry, on the same thought, when you talked about some of the bills that might have been controversial, it is important to point out that we only on that committee only consider reported bills. In other words, they have had their hearing. They have had their airing under the normal committee procedure. And I think that is good, and I think we ought to keep it that way.

We should not be originating legislation and reporting legislation to the Floor that has not gone before the respective committees because, after all, they do have the expertise and they should be—they should have the jurisdiction.

Having said all of that, we appreciate you coming before us. We appreciate the good job you have done and we hope that we can improve it and keep it in effect for the new Congress coming along.

Thank you.

Mrs. VUCANOVICH. Thank you.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thanks, Mr. Chairman. We do appreciate your testimony. It is particularly helpful to persons like myself who, along with Mr. Waxman, was really quite skeptical of the idea at the outset. Very quickly, is it true what our chairman has just sug-

gested, that all of these bills first go through their own committees before they go to you?

Mrs. VUCANOVICH. They do go to the committees, but we recommend them.

Mr. BEILENSEN. I see. You recommend them?

Mrs. VUCANOVICH. Well, it is up to the committee to make the determination as to whether they need anything further, whether they want to continue and send it on to the Corrections.

Mr. BEILENSEN. Do they have a hearings on them as such, or not?

Mrs. VUCANOVICH. Pardon me?

Mr. BEILENSEN. Do the committees of jurisdiction have hearings on these bills?

Mrs. VUCANOVICH. Well, they have the choice of whether they need hearings.

Isn't that correct?

Mr. WAXMAN. Yes.

Mrs. VUCANOVICH. I think that they can or cannot have hearings.

Mr. BEILENSEN. So you pick a bill first. Then it goes to the committee?

Mrs. VUCANOVICH. That is correct.

Mr. BEILENSEN. That is good. I didn't know that. That is obviously a lot better.

Mr. WAXMAN. One of the issues that came up was that a bill is often presented for the first time at our Advisory Group meetings, where we hear from the author, who tells us that it is a genuine Corrections Bill. Some of us on our own try to find out if there is any opposition. Oftentimes we find out there is opposition, sometimes this opposition doesn't fully or properly understand the bill.

And we are called on at this first instance to say, if a bill ought to be on the Corrections Day Calendar or not. But even if we say it ought to be on the calendar, it still must go to the committee of jurisdiction. It puts us in the uncomfortable position of making a preliminary judgment. But I think a lot of people misunderstand what our role is or what I think our role should be at that point. But before any bill goes to the Floor, it does go to the committee. But we have had bills that were reported out of committees by sharp or close division.

Mr. BEILENSEN. Did it go on the Corrections Calendar?

Mr. WAXMAN. There were a few, but this really shouldn't happen.

Mr. BEILENSEN. Maybe there should be some way at that point for them to be diverted to the Suspension Calendar if the author wants that.

Mr. WAXMAN. That is why I think if you ask the Minority Leader to sign off—

Mr. BEILENSEN. That was going to be my next question. Mr. Waxman made a couple of suggestions which sounded good to me, but I thought I would ask you about them, Madam Chairwoman. One of them was the Minority Leader, whomever he or whatever party he or she might represent, would have to sign off on bills, and also a suggestion with respect to the committee of jurisdiction—was that your suggestion, Henry?

Mr. WAXMAN. Yes. I think there ought to be better coordination between the committee of jurisdiction and the Advisory Group. I

suggested that the Minority Leader also approves these bills, because as I understand the rules, we are only advising the Speaker who can take anything he wants and put on the Suspension Calendar. And I don't think it ought to be that arbitrary.

Mr. BEILENSEN. Let me ask you all this. I will just ask a question and you don't have to answer; but does the Speaker suggest to you all or do you suggest to him that certain bills go on the Corrections Calendar?

Mrs. VUCANOVICH. Correct.

Mr. BEILENSEN. Then it goes for a hearing or not, but at least for discussion perhaps to the committee of jurisdiction. And if—what if the committee of jurisdiction feels differently about that, do you suggest something?

Mrs. VUCANOVICH. Well, usually if the committee feels differently about it, it isn't to come back to the Corrections Day Calendar. For instance, something that is referred to Ways and Means, they may feel that it really is something that they should continue to have control over and, therefore, they wouldn't let it go that way.

Mr. BEILENSEN. So they are involved in the decision?

Mrs. VUCANOVICH. Yes.

Mr. BEILENSEN. Either way?

Mrs. VUCANOVICH. We make the recommendation, but it does go to the committee and it is up to the committee to say whether it is to go on the Corrections Day Calendar.

Mr. BEILENSEN. If I may, Mr. Chairman, bear with me.

Mr. DREIER. Yes.

Mr. BEILENSEN. Let me ask you a few more questions, because I have not been involved in the process myself and wanted to ask about how it actually works. How exactly is a decision to a place a bill on the Corrections Calendar actually made? You have an advisory board.

Mrs. VUCANOVICH. We do, and we meet.

Mr. BEILENSEN. Does it meet pretty frequently?

Mrs. VUCANOVICH. We meet when we have several bills to be considered.

Mr. BEILENSEN. Do most of the Members come, or a decent number of Members?

Mrs. VUCANOVICH. Yes, quite often. I would say once or twice that we have not had representation, but most of the time it has been pretty well-attended.

Mr. BEILENSEN. So who initiates the whole process; an author has a bill which he or she presents?

Mrs. VUCANOVICH. An author has a bill and they ask us to consider it in the Corrections Day process.

Mr. BEILENSEN. So it goes to you and your board first and then to the Speaker?

Mrs. VUCANOVICH. Well, we refer it to the Speaker—

Mr. DREIER. To the committee.

Mrs. VUCANOVICH. —for the Corrections Day Calendar, but it really goes to the committee of jurisdiction.

Mr. BEILENSEN. But the preliminary decision is yours, your group's decision?

Mrs. VUCANOVICH. Yes, but very often something has already been considered by a committee and nothing has happened.

Mr. BEILENSEN. Right.

Mrs. VUCANOVICH. So it has come to our attention perhaps from the sponsor of the amendment or the legislation, and asks us to consider it under the Corrections Day process because it has bogged down, for instance, or it hasn't been top priority for a committee.

Mr. BEILENSEN. Second question, as I recall, the definition of a corrections bill was somewhat vague and subjective when we first adopted this process. Have you changed the definition at all or have you worked with that relatively vague definition? Do you have any suggestions for changing it or is it adequate the way it is?

Mrs. VUCANOVICH. Well, I am very satisfied with the way it is. I think it is workable and we have been able to do this under this procedure and with our advisory committee. I don't see any need for change, but that may be something that we need to look at next time.

Mr. BEILENSEN. And then again, and this is a question which Mr. Waxman, at least, spoke to, but many of us keep coming back to this; if there is any real purpose served by placing these bills on a separate calendar, whether or not there would be some way to coordinate it with the Suspension Calendar, maybe even to make the Suspension Calendar into something new that an advisory group such as yours would first suggest bills go on. You seem to be serving a useful purpose in moving some things along that in the past Chairmen or Chairwomen haven't wanted to move. But it may be that we don't need two separate calendars. It just may be that we need a Suspension and Corrections Calendar and a group such as yours might be a good group to move more things on to it.

Mr. WAXMAN. If I might respond to that. There are regulations that don't make sense. We found out that the Food and Drug Administration had to keep a list of reactions to medical devices and the same list had to be kept by another government agency. This was a completely useless and duplicative process.

Now, if the agency wanted to change its regulations, it would have to send out a notice of comment, and hold it for, I don't know, 90 days, whatever the administrative process is, and go through a lot of red tape, just to repeal a duplicative rule.

I think the purpose of this committee was to highlight the fact that we want to, as the Congress, exercise oversight to the point where not just the major issues but these minor silly things ought to be taken care of and disposed of in a rapid way. And so I—

Mr. BEILENSEN. These are lesser matters, in a sense, than the policy changes that would be on a Suspension Calendar?

Mrs. VUCANOVICH. Yes.

Mr. WAXMAN. That, I think, is the important thing. They are small, noncontroversial matters, and we ought to focus on these matters so we can make government more efficient by eliminating some of these nonsensical rules.

Now, when the idea of Corrections Day was first proposed, ironically enough, it was proposed by the Speaker for a regulation that he considered superfluous and nonsensical. But, many of us disagreed with him. It was over a sewage system—a dumping system

in San Diego, which was extremely controversial and should not have been on the Corrections Day Calendar.

Mr. BEILENSEN. Whatever happened to it?

Mr. WAXMAN. That is a good question. I know we passed it. I don't know if the Senate ever passed it.

Mr. BEILENSEN. We still don't have the sewage system in San Diego?

Mr. WAXMAN. Well, they had one. It was a question of whether they were going to have—I won't get into it.

But anyway, I think this mechanism to correct problems separate from the Suspension Calendar is worthwhile. But we ought to make sure that it is genuinely noncontroversial.

To share with you my frustration, you and I served in the California Legislature. In the California Legislature, and probably most State legislatures, the committee members sit at the rostrum and a member colleague comes forward with a bill, at an open hearing. The bill has been noticed in some register, and anyone who wants to oppose it can come in and make a case.

Our Advisory Group operates with the Members sitting there without public involvement in the meeting. The opposition is never informed that a bill is even being discussed. So we don't get a balanced presentation as to whether a bill is controversial or not. We are put in a situation when we have to make an initial judgment about a bill without hearing all sides of the issue.

Now, luckily, the bill then goes to the committee of jurisdiction. But we always have the same dilemma. Do we make the suggestion that a bill be put on the Corrections Day Calendar and then tell the committee of jurisdiction to act on it? The committees can refuse, but we are nevertheless putting a lot of pressure on them.

We don't want to lock ourselves into the position of putting a bill on the calendar and later discovering that it doesn't belong there. This is not an insurmountable problem. It is just one that has bothered me. The reason it hasn't been a difficult problem is because I think our Chairman has tried to be mindful of it, but it could be abused.

Mr. BEILENSEN. It is an institution of laws rather than an institution of human beings, and we might not be so lucky with the next Chairman. So you do have to put up some kind of procedure that tries to ensure that you are going to be dealing with something other than the Chairman.

Mrs. VUCANOVICH. One other comment, very often an agency themselves is frustrated by some rule or regulation and they are very happy to have us deal with it. But we have tried to vet this process and talk about it. Originally, we didn't even ask sponsors of the bills to come and explain it and to talk about it. But as we worked through it, we felt that that was the thing to do and conceivably we may look at if there is opposition, we might find ways to revise opposition. But we have tried to deal with things that really come up that are noncontroversial.

Mr. BEILENSEN. Thanks, Mr. Chairman.

Can I ask one quick additional question?

Mr. Waxman suggested something earlier and Mrs. Vucanovich touched on it, which seems to me to be extremely useful, potentially, at least, and that is whether or not you shouldn't do—I take

it, you don't circulate amongst the bureaucrats questionnaires eliciting suggestions from them as to what we ought to do. But as you suggested, Henry, if you work in any large organization you become aware after some time of some totally nonsensical things more so than we would ever know about or hear about.

In the future one might carefully and selectively ask some of the Bureaus and some of the program managers and some of the Departments if there are such things that they think ought to be done away with and have them come and present them to you.

Mrs. VUCANOVICH. We might be overwhelmed. Who knows.

Mr. BEILENSEN. But you can do an immense amount of good work in a very short period of time, perhaps, to clear away some underbrush that really serves no purpose at all.

Mr. WAXMAN. That is a good idea.

Mrs. VUCANOVICH. That is a good idea.

Mr. DREIER. I think that was really the intention behind the establishment of the whole Corrections Day procedure and any way that we can encourage greater participation is helpful. I will say that one important distinction that exists between the Suspension of the Calendar—I mean, the Suspension of Rules. There is not a calendar—I mean, Suspension of Rules and the Corrections Day procedure, is that under the Corrections Day procedure we do, as you said in your statement, Barbara, have an opportunity for a recommittal motion which the Minority can offer, so that does—that is one more way to address some of the understandable concerns.

This, obviously, is a completely new process. The reason that we are sitting here is that—today is that we want to do what we can to try and figure out a way to even build on what, I am happy to say, you see as a success so far with a few exceptions, Henry. And so, I again, thank both of you. I appreciate the opportunity to serve as a Member of the advisory panel.

I think we have a meeting this afternoon; don't we?

Mrs. VUCANOVICH. Yes, we do.

Mr. DREIER. OK. So we look forward to seeing you at this afternoon's meeting.

Thank you all very much.

Mrs. VUCANOVICH. Thank you.

Mr. WAXMAN. Thank you.

Mr. DREIER. Our next panel will consist of our colleagues, the gentleman from Virginia, Mr. Wolf, and the gentleman from Indiana, Mr. Roemer, and they are going to talk about the Family Quality-of-Life Advisory Committee, which was put together as another idea of the Speaker's at the beginning of this Congress. And I know there are a wide range of recommendations that they made early on. We look forward to hearing from both of you.

You can proceed as you wish, Mr. Wolf. Your entire statement will appear in the record. You are welcome to summarize.

STATEMENT OF THE HON. FRANK WOLF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

Mr. WOLF. Thank you, Mr. Chairman.

Let me just say at the outset—

Mr. DREIER. Please turn the microphone on. Just push the button there.

Mr. WOLF. Thank you, Mr. Chairman.

At the outset, I appreciate your inviting us. I don't mean any criticism of anybody with regard to my testimony. I want to put that out on the record. I don't mean to be critical of anybody. I just want to be an honest person on this issue.

This Congress has been extremely difficult for many Members, for staff and families. Both sessions have been marked by long days and nights, contentous debate, ambitious legislative agendas. Our efforts to enact broad reforms and sweeping initiatives have exacted a significant toll on far too many of our colleagues, staff and families, and I know a lot of kids.

I know many who have struggled greatly under the enormous burden imposed by the House schedule. The House leadership did try to respond to the needs of the Members and the staff by adopting some reforms and improvements in the House schedule, and I believe the House leadership was sincere.

But I must say, the House is not family-friendly. Let me just state it again. The House is not, under any circumstances, family-friendly.

The House began adhering, where possible, to published schedules; starting sessions earlier in the morning, when possible; rolling votes; ending sessions earlier on a get-away Friday and instituting a Tuesday-to-Thursday schedule for Floor business. There were some good intentions, but much, much more is needed.

We need to balance the needs of the Members who are anxious to conclude legislative business early, most days, so they can spend time with their families. Now one suggestion was to stay very late Wednesday night but on other nights get out at a reasonable time, so Members and staff could go home and see your husband, see your wife, see your kids, read a book, call your mom, call your dad, but have a normal life except for that late Wednesday night.

We have a problem of balancing between Members whose families are back home, versus the Members who are here and have their families here, but also have to go back to their congressional districts.

There is a difficulty in balancing the conflict here, but we need to keep in mind we have to represent all the Members. My own personal view is that I honestly don't know if we can ever have truly a family-friendly Congress. I don't know that we can balance the legislative business of the Nation against the individual personal needs of Members and staff.

But having said that, I do know that we must continue to work to make this Congress a more family-friendly place. We must remain committed to making Congress a more family-friendly place, one which enables Members and staff to be successful representatives and successful staff people, as well as successful spouses, fathers, mothers, sons and daughters. We owe this effort to ourselves. We owe it to our staffs. We owe it, more importantly, to our families and to those who would aspire to follow us on Capitol Hill.

We all think that we are so important sometimes, but the only place that we will truly be missed when we leave, will be in our family.

I never hear people say, I wish Jim Wright were back. I very seldom hear them say, I wish Bob Michel were back. I don't hear

them say, I wish Tip O'Neill were back. I don't hear them saying, I wish that Lyndon Johnson were back. But the only place——

Mr. DREIER. They will say they wish Tony Beilenson was back next year.

Mr. WOLF. They won't even say I wish that Tony Beilenson was back.

Mr. DREIER. They won't?

Mr. WOLF. No, they won't, to be honest.

Mr. ROEMER. I will.

Mr. WOLF. You will, but you won't.

The truth of the matter is when you are gone, out of sight, out of mind. The only place Mr. Tony Beilenson will be missed is in his family. The only place you will be missed is in your family. So that is the fundamental thing. If we give up on our efforts to establish a more family-friendly Congress, we essentially concede that on Capitol Hill one can be successful in either his or her professional or personal life, but not both. What kind of legislators, what kind of spouses, what kind of sons and daughters and fathers and mothers will we then become? Let's not throw in the towel on the effort to successfully meet both the professional needs and the private needs.

Success in establishing a more family-friendly working environment requires strong leadership from the House leadership on both sides of the aisle. If this Congress has not been family friendly, and it has not, the fault rests with the leadership in some respects on both sides and on all committees and, lastly, on all the Members of the House.

It is not uncommon to hear a Member to say, why couldn't you get us out early last night, Wolf? And then all of a sudden, the last week he was the Member that was calling for roll call votes, keeping us here, and demanding things. So it isn't only the leadership. But we also need the rank and file members to commit that they will make sure that they are family friendly.

Because it is your anniversary, you want to get home on Wednesday night. It may have been your mom's or somebody else's mom's birthday last Wednesday night and they wanted to go home. Well, leadership on both sides of the aisle must lead the way. All Members have a responsibility to the House and to their colleagues as well to further these efforts.

Where possible, all Members should work to focus Floor debate, limit debate, enter into agreements, elect not to debate and re-debate every issue. The House Members and the staff should not be held hostage to the whims of Members who would force everyone to stay in session to debate issues whose outcome is a foregone conclusion.

Family friendly is a responsibility of not just the leadership but all Members. And quite frankly, if the leadership fails, the whole rank and file fail. Of course, all Members must understand, as legislators, we have entered into an unpredictable business. There will be times when Congress must remain in session to debate critical issues, on weekends, on Saturdays, late at night, Desert Storm, Desert Shield, major issues. There are times, if you want to come to have a 9:00 to 5:00 job, don't run for Congress. But staying in

session for extended periods doesn't have to be every day. It should only be on those unique times when a major issue is debated.

At the recent political conventions, both parties offered strong pro family platforms and policies, and I believe that it is vital that the espoused pro family views represent the true positions of the parties. It is important that the parties not only talk their pro family talk but they also walk the pro family walk.

By living a relatively normal life, if we are so busy meeting the needs of the country that we neglect our own needs or those of our families, our views become obscured. It is like the corporate CEO for IBM who has a chauffeur to drive him to work and then wonders why there is a traffic problem with his other employees. He should get in the traffic. We should live basically the same type of lives that our constituents live.

Many Members have suggested additional changes. Let me just cover them. Start legislative sessions earlier in the day. Most Members come in very early, both parties. This is a hard working group of men and women. Start earlier. End legislative sessions at a reasonable hour every day while setting one night whereby we go on into the night, whether it be 12:00, 1:00, 2:00, 3:00 in the morning, so Members know.

Some people say you can't do it because of the Page School. Hire one or two or three professional people that can fill in during that period of time.

Conclude voting on a designated late night, on other nights, if you have to, by 8:00 or 9:00 and then roll the votes. And I think the Majority Leader has been doing a good job when he can get an agreement, but we can't always get the agreement to roll the votes.

And then we have one Member who gets angry and wants to stay and expound into the night, but as they stay and expound into the night, the staff has to stay. And the staff has husbands and wives and sons and daughters and moms and dads and a family.

Roll or cluster roll call votes. Improve modified closed rules to expedite debate. Set time limits on debate on amendments. Sometimes we seem to spend more time on the most irrelevant amendment and a short time on the most important amendment.

Adjourn before 7 p.m., when possible, at least one night a week or more, so people with families here can spend time with their families. Or if their families aren't here, they can go home and read a book. They can watch television. They can call their husband or wife or mom or dad or son or daughter on the phone.

Eliminate One-Minute speeches at the start of the day once the House is expected to stay until 9:00. If we know it is a late night, then do not have One-Minute speeches which go on. Just limit them.

Eliminate Special Orders when the House session extends beyond 9:00. Why should we keep the House floor staff down there listening to Special Orders? So if we know we are going to go past 9:00, let the word go out, there will be no Special Orders.

Of course, if adopted, some of these reforms may need to be suspended at the end of the session and at other times when legislative demands dictate longer days and nights. However, suspension of necessary reforms should not be an everyday procedure.

Lastly, we have become like the House of Commons. In the House of Commons, they come in late and they stay very late. I just finished reading a book about William Wilberforce, who was a member of the Parliament who was committed to abolishing the slave trade. And William Wilberforce would talk about the debates raging in 1815 at 4:30 a.m. in the morning, but they came in late.

So we have now taken the best thing of the U.S. Congress, we come in very early, and we have also taken what the House of Commons does, they stay in very late, and we have merged them together. So now we have become a body who comes in early and stays late. And I think it is hurting Members. I think it is hurting their families. I think it is hurting staff. I think it is hurting the comity between the two sides. I think it is developing into more partisanship. I think it is making the place a less desirable place to work and, frankly, not much good takes place on the Floor of the House after a certain hour at the night. And I would plead with this committee to make some recommendations to change it.

My last comment is that I mean no criticism of the leadership on either side. I think there is a sincere goal by the leadership to deal with this. It is like the Pogo cartoon. We have met the enemy and the enemy is us. All of us together have to work, and I think we have failed in this session to be successful.

Mr. DREIER. Thank you very much, Frank.

[The prepared statement of Mr. Wolf follows:]

PREPARED STATEMENT OF HON. FRANK R. WOLF, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF VIRGINIA

Mr. Chairman, thank you for convening today's hearing. Especially during this busy time, I appreciate your willingness to take the time to address reform proposals in preparation for the 105th Congress. Even while Congress moves toward adjournment, I can think of few issues as important as this one or one that demands our attention.

This Congress has been extremely difficult for many Members, staff and families. Both sessions have been marked by long days and nights, contentious debate, and ambitious legislative agendas. Our efforts to enact broad reforms and sweeping initiatives have exacted a significant toll on far too many of our colleagues, staff, and on our families. I know many who have struggled greatly under the enormous burdens imposed by the House schedule.

The House leadership did try to respond to the needs of Members, staff and families by adopting some reforms and improvements in the House schedule. But the House is not "family friendly." The House began adhering where possible to a published schedule, starting sessions earlier in the morning, rolling votes, ending sessions earlier on get-away Fridays, and instituting a Tuesday-Thursday schedule for floor business when possible. However, much more is needed.

We need to better balance the needs of Members anxious to conclude legislative business early most days except Wednesday to allow them time with family members who live in the metropolitan area with the needs of Members eager to return to their Districts at the end of the legislative work week. I recognize the difficulties in attempting to meet these conflicting needs, but we must continue to endeavor to balance the needs of all Members where possible.

My own personal view is that I don't know if we can ever have a truly "family friendly" Congress. I don't know if we can balance the legislative business of the Nation against the individual, personal needs of Members and staff. But having said that, I do know that we must continue working to make Congress more "family friendly." We must remain committed to making Congress a more "family friendly" place, one which enables Members to be successful Representatives as well as successful spouses, fathers and mothers. We owe this effort to ourselves, our staffs, our families, and those who would aspire to follow us to Capitol Hill. If we give up on efforts to establish a more "family friendly" Congress, we essentially concede that on Capitol Hill, one can only be successful in either his or her professional or personal life but not both. What kind of legislators, spouses, fathers or mothers would

we then become? Let's not throw in the towel on efforts to successfully meet both professional and personal needs.

Success in establishing a more "family friendly" working environment requires a strong commitment from the House leadership. Members—especially freshman Members—need to see their leaders are committed to having the House "family friendly."

While leadership on both sides of the aisle must lead the way in our "family friendly" efforts, all Members have a responsibility to the House and their colleagues as well to further these efforts. Where possible, all Members should work to focus floor debate, limit debate, enter into time agreements, and elect not to debate and "re-debate" every issue. The House, Members, and staff should not be held hostage to the whims of Members who would force everyone to stay in session late to debate issues whose outcome is a foregone conclusion. "Family friendly" is a responsibility not just of the leadership but of all Members.

Of course, all Members must understand that as legislators, we have entered into an unpredictable business. There will be times when Congress must remain in session to debate critical issues but crisis government should not be the standard way of doing business on Capitol Hill.

At the recent political conventions, both parties offered strong "pro-family" platforms and policies. I believe it is vital that the espoused "pro-family" views represent the true positions of the parties. It is important that the parties not only "talk the pro-family talk" but that they also "walk the pro-family walk" by living a relatively normal life. If we are so busy meeting the needs of the country that we neglect our own needs or those of our families, our views become skewed. Let's not lose our focus and true commitment to family.

Many Members have suggested additional changes in House practices that merit further consideration and/or adoption. Some of these changes include:

- start legislative sessions earlier in the day;
- end legislative sessions at a reasonable hour every day while setting one day each week for a late session;
- conclude voting on the designated late night by 8 or 9 p.m. and only allow debate on amendments to take place past this hour;
- roll or cluster roll call votes;
- approve modified closed rules to expedite debate;
- set time limits on debate on amendments;
- establish and adhere to a set schedule;
- adjourn before 7 p.m. at least one night a week;
- provide more time for district work;
- eliminate "one minute" speeches at the start of the day in which the House is expected to be in session beyond 9 p.m.;
- eliminate "special orders" when the House session extends beyond 9 p.m.

Of course, if adopted, some of these reforms may need to be suspended at the end of a session or at other times when legislative demands dictate longer days and nights. However, suspension of necessary reforms should be the rare exception, not the standard procedure.

I am hopeful that these and other reforms can be implemented to make the House of Representatives a more "family friendly" place. While change is difficult, let's not abandon critical efforts to effect necessary change. Let's not stop trying to improve House practices.

Mr. DREIER. Tim.

Mr. ROEMER. I would just ask unanimous consent that my entire statement be entered in, Mr. Chairman.

Mr. DREIER. Without objection, it will appear in the record.

STATEMENT OF THE HON. TIM ROEMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. ROEMER. I thank Frank Wolf for his heartfelt statement. It has been a pleasure to serve with Frank on the Family Advisory and Quality of Life Committee that the Speaker and Mr. Gephardt put together as we entered into this new session.

I would also say that I adamantly agree with Frank. There is a lot of blame to go around. There is blame to go around to us Democrats, when we controlled this body, that did not do a very good job

putting family-friendly policies first, as we talked about them. And certainly, in the last 2 years, there has not been a very good job in terms of implementing a lot of the talk about the values on families.

This is not just about the value of family and the quality of life for us as Members of Congress. If this place works better, the taxpayer gets better efficiency out of every one of us and out of the tax dollar that they send to Washington.

I would like to tell you two very short, quick stories, about what I mean on both the family side for Members and also the efficiency side for a predictable schedule and for taxpayers.

I am a father and a husband. I have two small children, Patrick who is 3 and Matthew who is 2. We are at the stage with both of them where we are trying to teach them prayers now. We happen to be Catholic.

And the other night we were laying in bed. I was with Patrick in bed trying to teach him the Our Father. He is doing a great job on it. And he is getting through it and he got to the end of it. Well, those of you familiar with the prayer, the last few lines are, "Deliver us from evil, Amen."

Well, Patrick says, "And deliver us some eagles, Amen."

Eagles, instead of evil. Now, I think that is probably improvement. How do you tell a 3-year-old what evil is anyway? We all need a little uplifting in our lives.

I am fortunate to have my children and my wife. It is the best thing about my job in terms of the values that I hold dear. I don't want to miss those opportunities of teaching my children the values and the priorities that they need to have in their life.

Too oftentimes in this session of Congress, and since I have served in 1991, I missed those opportunities, and it does not have to be that way around here. It gets that way because we do not treat each other with the kind of civility and comity that we need to. Too oftentimes we don't work in bipartisan ways around here, when we could. And too oftentimes, people put their own Special Order or their own One-Minute ahead of the rest of this body and the other 434 people.

I think the two can work hand in hand: The values that we hold dear and the efficiencies.

Another example of the inefficiency around here, I was walking up to vote with a Republican member of a very powerful committee. He said to me, Tim, I have not been able to even go to the store for the last month to buy a shirt, because the schedule is so inefficient and so unpredictable, going from one minute where we are in session until midnight for 2 weeks in a row to the next minute where we don't even know what we are doing today in terms of votes and how late we will be in and how many votes we will have.

How do you run a government? How do you run a life? How do you know when you are going to be with your children when you don't know what you are doing that day?

Now, I can't agree more with the saying that if you don't like voting and if you don't like working hard, don't run for Congress. I am willing to work 12- and 13- and 14-hour days, but it does not

have to be so inefficient. It does not have to be so unfriendly to our children and to our families. This place can work better.

What do you do?

I think one of the first things we need to do is change the schedule. We have a tough time changing the schedule because any time you put forward a new policy, you get 100 people signing onto one proposal and 100 people proposing—opposing it right away.

One of the best compromises to that that is fair and bipartisan and fair to people on the West Coast and the East Coast is to come up with a schedule that is Tuesday through Friday and then Monday through Thursday. You are in 4 days a week. You have 3 or 4 days on alternating weekends to be back in your district working hard, representing your people, as the Founding Fathers wanted us to do; not necessarily legislating and putting more laws on the books and more regulations, but listening to your people and going door to door and visiting your businesses and listening to your school teachers. That is a fair schedule to people all over the country.

Secondly, I think we need to change the One-Minutes. We should not start this august place, where, many, many good-willed people are serving, with the most partisan comments made of the day, every day.

I would disagree slightly with Frank and say not to eliminate One-Minutes but let's move them to the end of the day. Let's not start out every session bashing one another and bashing the President and bashing the opposition party. That makes it very difficult to accomplish things around here.

Thirdly, I think we need to rely more on creating a master schedule, a master computer. Many State legislatures do this. Florida has done this for years, where we don't have the committee process conflicting directly almost every day with the Floor schedule, so that you have three cabinet secretaries and two CEOs sitting for 2 hours waiting for us to come back from voting on on adjourning four times in a row and we don't get our committee work done and we are sitting over on the Floor voting on some rather—some rather insulting measures every now and then.

I think we need to coordinate in a better fashion with technology, a master schedule, so we don't constantly have these conflicts.

Fourth, I would say, let's start the day earlier. We don't need to start at 10:00 in the morning. We can start at 8:30 or 9:00 in the morning and get the legislative business going so that we can get our committee business going in the morning and then maybe coordinate the Floor schedule more in the afternoon. If our constituents start work at 7:30 or 8:30 in the morning, certainly we can do the same thing here.

Finally, I would just say, those that are willing to read my testimony, I have more suggestions as to how to make this place more family friendly for our families, so we don't just talk about values but we practice those values so our children catch those values; more tax efficient, so that we run this place in a more efficient manner so that people have more confidence in their elected Representatives and so that we use the technology that other State legislative bodies are using, so that we are more civil, we have more comity toward one another, and we can get things done on occa-

sion, when necessary, and oftentimes it is necessary to work in bipartisan ways.

I think that this is highly practicable, highly logical, highly doable, and I think that those that continue to put just lip service to this, whether they be in the Democratic or Republican leadership, I would hope that Members and the people and the public would just help us and be outraged at that and help us make this place work better.

We can be family friendly and we can be work efficient and taxpayer friendly at the same time.

[The prepared statement of Mr. Roemer follows:]

PREPARED STATEMENT OF HON. TIM ROEMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

I would like to take this opportunity to thank the distinguished Chairman for providing this opportunity for Members to share their ideas on Congressional reform with this Committee. I commend this Committee for addressing issues relating to the impact of the House schedule on Members and their families and to receive recommendations for changing the current process. The Committee's willingness to entertain suggestions of Members is very much appreciated.

Mr. Chairman, the Committee has heard many thoughtful suggestions, including some urgent fundamental changes in the way the Congress conducts this Nation's business. Today, I would like to offer what I hope will be a fresh perspective for you to consider as we approach the end of this Congress and form our recommendations for the 105th Congress.

I firmly believe that scheduling, or the lack of it, remains a very real problem in Congress. We are all too familiar with the many demands on out time, and, unfortunately, the current legislative and committee scheduling system does little to ease these demands. It often results in late week nights during busy legislative periods, coupled with travel to and from our districts at the beginning and end of each week. The schedule affects the Members' quality of life, the efficiency of the committee system and floor proceedings, and ultimately, the nature of the legislative product. The schedule is inextricably linked to the legislative agenda; no agenda can be implemented without a schedule that facilitates it. The profound uncertainty of the current schedule has disrupted family life and the legislative product in ways that make change imperative.

Our current schedule clearly limits our effectiveness here in Congress and our ability to meet our primary responsibility of legislating. It is time that the House of Representatives establish a more predictable, more flexible, and more family-friendly schedule. I strongly believe that a firm schedule for the year should be established early in January at the beginning of the Congress, and adhered to as much as possible.

As you know, I have served as a Member of the Family Quality of Life Advisory Committee since it was established in December 1994, and was pleased to contribute to the advisory committee process during the 104th Congress. While I have not always agreed with the recommendations of the advisory committee, I certainly appreciate the Leadership's recognition of the importance of establishing such a committee and its efforts to provide some degree of certainty to the legislative calendar—such as providing advance notice of the legislative calendar and clustering series of votes during certain legislative days. I am confident, however, that we can do more. Despite these well intended efforts, the schedule remains effectively unpredictable and inflexible. In order to meet our responsibilities as legislators, we need to do more than recommended by the advisory committee and demand more than provided by the House Leadership.

As evidenced by the first months of this Congress, when the House endured its consideration of the "Contract with America," it was clear that there was one area in which all Members of Congress could agree—the increasing concern that we all have and which we do not believe is being adequately addressed—scheduling the work of the House. I am confident that almost every Member has a personal list of complaints about scheduling. I am equally confident that the leadership of the House is criticized daily with criticisms about this or that scheduling decision. I have personally voiced many of these complaints. All of us have made commitments and demands on out time that exceed the time available to fulfill them. Obviously, some things are left unfinished. When we ask whether the current system of sched-

uling enables the most efficient use of either institutional or individual time, the answer is "no." And when we question whether the current approach enables Members of the House to concentrate on the most critical priorities, the response again is "no."

It is clear that the current scheduling approach allows district obligations to compress the legislative work week so drastically that we are not fulfilling the national responsibilities we are elected to perform. The time Members spent in Washington is squeezed even as a number of important bills are supposed to be moving through committee and being prepared for action on the floor. The problem of finding enough time to adequately address questions of state is one that has occupied the concerns of several previous congressional efforts. As early as 1974, Representative Hanley, Moss and Giamo recognized the need on scheduling that was generated by Members wishing to travel to their districts early on weekends. In response, they suggested to the Democratic Caucus adopt a "block approach" to scheduling that would allow the House to meet "3 weeks out of every 4."

In 1977, the Commission on Administrative Review, which was chaired by Representative Obey, also recommended adopting a firm schedule of work periods so that Members would be able to plan the work they perform in Washington and in their districts more effectively. The Senate bowed to increased demands on Members time, and in 1988, adopted the "3 week in—1 week out" schedule.

In the last Congress, there was renewed discussion among Members of both the Democratic and Republican Caucuses regarding the desirability of a legislative schedule for the House of Representatives that was more regular. Such a schedule would entail a timetable where the House would be in session for three consecutive weeks, followed by a week-long district work period for town meetings or other events in Members' districts.

While some have observed that such a schedule, under which the Senate still operates, does not result in the greatest efficiency, I believe that the "three in session, one in district" format that the other body has adopted offers a variety of benefits that the House could utilize as well. Such a schedule would lead to a much more efficient functioning of floor and committee operations in the House. The current schedule creates an inconsistent legislative agenda in which there are only three work days with which to take care of legislative business, floor votes, and all of our other legislative and constituent responsibilities. This was of particular concern to the Patterson reform committee of 1979. The House Select Committee on Committees identified this as such a serious problem, it suggested guaranteeing committees more time than Tuesday through Thursday with which to conduct their business.

The shortage of time that results in compressing a full week's work into 3 days leads to overlapping committee hearings and meetings, often when the House is also in session. Even the best legislators can only be in one place at a time, and, as a result, are unable to listen to and participate in committee or floor debate as a result. Time is also short for Members to work together on important issues, and artificial constraints are often placed on floor debate because of Members' desire to begin travel back to their districts on late Thursday afternoon.

With the adoption of the "Oxford Style" debate format, our current schedule barely permits participation by Members, let alone enabling a substantial number of us to listen and benefit from the proceedings. Under the proposal I have advocated in the past, the considerable benefits of "Oxford Style" policy debates could be realized and used to their full potential.

A program of three consecutive 5 day work weeks with planned district work periods of one week's length would, in my view, be a much more efficient way of operating. Such a schedule would provide a much more concentrated period of time for substantive work in committee and on the floor. It would also help Members plan their schedules so that time with family and opportunities to meet with constituents in the middle of the week in their districts could be arranged. I recognize, however, that the schedule changes that I am supporting are not without opposition.

I would also encourage serious consideration of another similar proposal brought forward by Representative Skaggs and the late Representative Mike Synar that would establish a rule that would effectively require the House to be in session at least 4 days a week, with recorded votes to open and close each work week. Such a rule would dramatically improve the way we do business here by establishing a new work ethic and ultimately contribute to our ability to address problems facing our Nation. This is a common sense plan and one that I would endorse.

This plan uses the House floor schedule to encourage committee work and enforce attendance at committee meetings by creating a structure of procedural votes and floor sessions which forces Members to be in Washington. In addition, it would encourage more committee meetings when needed in the early weeks of the Congressional session, while providing more floor sessions when legislative activity intensi-

fied later in the year. Specifically, this plan would require that the House be in session for four full legislative days each week and that the week be bracketed by recorded votes to insure that Members return to Washington and are available for committee work. The 4 day work periods could be alternated between Monday-through-Thursday work weeks and Tuesday-through-Friday work weeks, resulting in 4 day weekend periods every other week. That would provide Members with a significant and predictable block of time every two weeks to travel to their districts, hold meetings and take care of other district business. As a result, Members could plan on 4 day work periods in their districts on alternating weekends and would be able to plan accordingly. This proposal builds in necessary travel time and, with the certainty of a fixed schedule, will allow Members to schedule official meetings and events in their districts well in advance. This would be in addition to regularly scheduled district work periods throughout the year.

It is clear that the Congressional schedule cannot exist in a vacuum. There is sufficient evidence that if Members are not required to be in Washington to vote until 5:00 on a Tuesday, then Committee work will not be performed. Members will simply skip committee work if there are no floor votes on any given day. Therefore, I believe there must be a link between scheduling committee activity and floor activity in order to guarantee that our work in Congress will proceed more efficiently. If we start legislative business earlier in the morning and earlier in the week, the schedule will allow greater flexibility and there will be no reason to stay in session late into the night.

I also encourage serious consideration of advanced computerized scheduling to minimize meetings conflicts between and among committees. The most recent proposal of this kind was introduced in 1993 by the Joint Committee on the Organization of Congress. To date, committees have not relied extensively on computers to try to minimize scheduling conflicts with other committees. I strongly believe that to minimize scheduling problems, committees should make every effort to maximize its use of the House's existing scheduling system when planning and scheduling meetings. We should encourage the House Information Resources (HIR) to enhance training of committee and subcommittee staff on how to use the present scheduling system and create a "Master" computer program of all committee schedules that would allow Members to be instantly informed of potential meeting conflicts with other committees.

Mr. Chairman, I would also encourage serious consideration of other common-sense approaches to schedule reform such as moving "One Minutes" to the end of each legislative business day. We should not make special accommodations for "political" statements to be delivered for the sole purpose of allowing those statements to be aired for prime-time television or radio feeds.

We should also consider starting the legislative business day earlier in the morning. If we could start legislative business at 9 a.m. or 9:30 a.m., we could easily finish earlier in the day. If my constituents have to go to work at 8:45 a.m., then so should their elected Representative.

In closing, I would like to extend my sincere appreciation to you, Mr. Chairman, for this opportunity to address this issue and for all of the time and effort toward recommending viable and necessary reforms to the Congress. It is my sincere wish that we can make progress toward reforming our legislative procedures, and I stand ready to be helpful in any way that I can.

Again, thank you for time and consideration.

Mr. DREIER. Well, thank you both very much. And I appreciate the passion with which you both made your statements.

To say that quite frankly, I believe, that Frank Wolf said it best, it is going to be difficult for us to do this. I just looked at my watch. It is 7:35 in California, and I have been here for a few hours already. And when people choose to live in their districts rather than in the District, it is tough. I mean, frankly, if we came in at 8:30 in the morning, that is 5:30 a.m. in California. In a few hours I will be back in Los Angeles. I just got in from there the day before yesterday. And that does create the problem that Frank raised.

And so it is going to be tough for us to resolve this. But that doesn't mean that we shouldn't continue to try whenever possible.

I have Members who will come to me, Frank talked about this late Wednesday night proposal, and they will say, my gosh, I mean, I am here. I don't have anything else to do. I go back to a cold

water flat somewhere on Capitol Hill and I want to get out of town as quickly as possible so that I can be with my constituents and my family in Florida, is what was said by a certain Member who doesn't even have to go through the time change.

So as we look at the technological advances that have been made, air travel and communication and all, I think that in many ways, it is making the process tough.

I remember watching the old movies about the Congress from, you know, Mr. Smith Goes to Washington, Advise and Consent, and I remember in those movies, people lived here in this town and they went back to their districts or their States on occasion. And they went home for campaigning. And it is just much different now.

So it is tough. I appreciate the fact that you all have worked so hard on it. We have tried in this committee to deal with a lot of those concerns that are out there.

And I will say this: That while it hasn't been perfect in many ways, I mean, I think that in the 104th Congress that with few exceptions, when it has come to target adjournment dates, we have been pretty much in line as opposed to staying over an extra 2 or 3 weeks. It remains to be seen whether we adjourn sine die on the 27th of September or the 1st of October or however late we go.

So there have been improvements that have been made over past schedules. I am running for my ninth term. I was here—came with Frank. There was real uncertainty during the 1980's. Tony has been here even longer. So I think that we have seen some improvement and I know that both of you are frustrated because we don't have a perfectly family-friendly structure.

But you hit the nail on the head when you said that we are never going to get to that point. But your efforts to try and improve it, I think are very well received and important.

Now I would like to recognize one of the newest mothers in the institution, Ms. Greene.

Ms. GREENE. Thank you.

I think this is one of the more difficult things that Members deal with personally, because the nature of our job and the nature of the things that we are dealing with don't always lend themselves to perfect predictably. So I recognize that there will always be circumstances beyond which Congress has no control in terms of having to deal with things on an immediate basis for the good of the Nation.

At the same time, I share your concern. I was stunned to find myself a single mother this year, and through the help of family and friends I have managed to make it work, but it is difficult every single day. And I am concerned that if we don't do a little better job than what we are doing we will exclude a great number of people from the eligibility to run for office through their decision, which I could not argue with, of someone saying, I simply can't make this work for my family.

I think it would be a real loss to this institution if the only people who could run for Congress are people who are either single or whose children have grown and left their homes, because I think that we need the additional perspective of people at all stages throughout their lives. So I recognize it is a very, very difficult

question, one that I am sure Congress will continue to struggle with.

But I think whether or not you feel completely satisfied with the results of what you are doing, I salute you for continuing to raise this as an issue, and hopefully we will continue to move in the right direction. Thank you.

Mr. ROEMER. Can I just respond to that very briefly?

I appreciate that insight from you. And just as this whole Constitution and our whole House of Representatives is set up to represent people from different States, different occupations, different perspectives and viewpoints, certainly one of the most valuable things that we have to represent is our families and our children. And if this body, if this body excludes and runs those people out, like the Pete Gerens that make announcements this year that say, I am retiring as a young man of 40 or 41 years old with two children or three children, because I never see them. That is like running out our farmers out of Congress and we run out our expertise on the farm bill.

We cannot afford to run people out because of families and young children, losing that expertise that people relate to with their kids and with the value of family and education and new ideas to help the new generation of children in this country.

So I would say that we need to continue to make every effort to improve, and what Frank and I are saying is we don't expect perfection but we certainly expect it to be better than it is right now. It is miserable right now, not just for the families but I think for the taxpayer.

Mr. DREIER. Mr. Beilenson.

Mr. BEILENSEN. Thanks, Mr. Chairman. I will be brief.

Ms. Greene's comments were very much on point. You don't want to have a situation around here in which, in effect, you eliminate the kinds of people who seek and have membership in this House. You want an across-the-board spectrum of men and women, and you don't want to limit it to people who are single or have no children or perhaps, as Ms. Greene suggested, are older and whose children already have grown up.

I have nothing much to add to the discussion. It has been well said by one Member or another. I, too, am glad that you are doing this. I hope you keep up the pressure.

On the other hand, I must admit to you that I am of two minds about this whole matter. We know what we are getting into when we run for Congress. We know it is a difficult job, and, in fact, there are only 435 of us. There are some commitments we have to make, but there are only a few hundred people in the country who have to put themselves in a difficult position, 435 of us here and 100 over in the Senate.

As I suggest to people back home often, I am their only Representative in Washington. If I am not here, they have nobody here representing them.

I have two general suggestions, both of which have been brought up and both of which I think are useful and both of which not everybody agrees with, but one was that I have always discovered that to have a normal life you have to live in the capital. That doesn't fit for everybody. I understand that.

But when we were in Sacramento for 14 years we moved up there, we bought a house, the kids went to public school. I came home and saw them every single night. I went to all of their Little League games. That wouldn't have happened if they had stayed in Los Angeles.

And I came home and popped in and out then, and I do now. To stay in touch with my constituents, I have townhall meetings. I find that I don't have to live in the district or leave my family and home in order to represent people well.

I know that is not possible for some other people. Their spouses have jobs or their kids are very small or whatever the reasons are. I understand it doesn't work for everybody. But I think we should encourage people to move their families here.

I saw more of my family being a member of the State legislature than I would have if I had stayed in West Los Angeles or Beverly Hills as a lawyer and worked late every night. I came home, and the kids grew up with me and everything was fine.

When we came here 20 years ago, we moved everybody here, even though all three children were in the middle of high school. It was a little bit difficult for them but not terrible. They made a lot of good friends here. We bought a home here. We lived in that house 20 years. I would go home every evening, whatever time we got out. Of course, when we get out is a problem, Frank, as you quite properly bring out.

But I have been able to lead a perfectly normal private life being a member of the State legislature and being a Member of Congress. I don't think you can do that if your family stays in the district. Again, I know some families need to stay at home or they think they need to stay at home. I wouldn't argue with you.

But the second thing we need to do is exactly what Mr. Roemer suggested, is to have 4 or perhaps 5-day sessions, every week or every other week, whatever it is. It's just that I happen to like his particular suggestion because it gives you every other long weekend to go home and take care of all your commitments to your constituents and still live here and have a couple of weekends here in the Washington area with your children and with your family.

And you will find also—we find these Tuesday through Thursday schedules do not work for any rationale, under any reason, including the family-friendly one. If you meet for 4 days a week, your work will get done in the regular time frame. Even if you start at 10:00 in the morning, you will be through at 5:00 or 6:00 or 7:00 in the evening. You don't get through, and it is not predictable, if you don't start coming to work until Tuesday evening and you try to get out early Thursday afternoon. That never works. It never has. It never will. So you need a predictable schedule and you need one where you are in session for a decent amount of time most weeks because that will take care of the work and free people up in the evenings and even early in the mornings. And beyond that, it will never be perfect but we can make a lot of improvements, and I think the things you all have suggested are very much on point.

Mr. WOLF. Well, if I may, I thank the gentleman and I agree with what Enid said. I think we need a cross-section of America to serve here.

Secondly, I am also thinking in terms of the staff and not just the Members. Obviously, the staff can leave if they want to leave but we have got a lot of good people that are committed to their jobs, both single parents, husbands, wives, different broad sections. So I am thinking in terms of the staff.

Thirdly, I am thinking in terms of the more normal we live, the more normal we become. And also, most Members want to work hard, I mean most people that get into the business. And Dave makes a very good point. I mean, 5:30. So you have got to balance out I can't get what I want or Roemer can't get what he wants or Dave—Dave is right, you have got to balance it and balance it out. I think we can do a better job.

Dave and I shared a very close friendship with Bill Emerson. God bless, Bill. Bill was dying of cancer and never missed a vote and stayed here. I worried about some of those nights he would just be there, and we were doing frankly, almost nothing. Members were calling votes that shouldn't have been called.

Lastly, I am going to write the Speaker and tell him that this is going to be my last term as Chairman of the Family-Friendly Caucus. The next chairman should be a Member who has their family back in their district.

I thank the good Lord that I go home to my house every night. A half an hour from here, I am home in my own bed, my own pillow, my own desk, my own kitchen table, and so I haven't had the problems of juggling between here and my district. But I felt the burden. I have had Members come up and tell me I have this problem and I really feel for them.

I have tried to take it as if I was representing my type of interest of those with families here. As a matter of fact, some of the reforms made worked against my situation, or as Roemer suggested, worked against his interest to help the new Members with their families back home. So next year I think the Speaker ought to appoint a person who has their family back in the district so they can take that perspective.

It is a tough, tough job; There are good people on both sides. We really can do a better job, and I think families will have their comfort level raised if they know there is really an effort being made.

I appreciate your holding this hearing. It is a very important hearing, and I thank you.

Mr. DREIER. Thank you both very much. We appreciate your diligence and your very thoughtful remarks that you made.

Mr. DREIER. Next we will hear from our colleague from the District of Columbia, Eleanor Holmes Norton. I was privileged to serve with Eleanor on the Joint Committee on the Organization of Congress. This hearing today is to look at further reforms and we have been working at it.

I know that you want to talk about Delegate voting and the Committee of the Whole again, Eleanor. We are happy to have you. You can summarize your statement. Your entire prepared remarks will appear in the record.

Ms. NORTON. I will do that, Mr. Chairman.

Mr. DREIER. You might want to take the microphone closer to you.

STATEMENT OF THE HON. ELEANOR HOLMES NORTON, A REPRESENTATIVE IN CONGRESS FROM THE DISTRICT OF COLUMBIA

Ms. NORTON. I will do that, Mr. Chairman. I will simply briefly summarize my testimony.

Let me say first how much I appreciate the opportunity to make the case for a limited vote on the House Floor and the Committee of the Whole for the District of Columbia.

This is a very small gesture or action for this body, but to the half million people I represent, it figures large. I am asking for a limited right to vote that I originally secured in 1993, and I am asking for that right for the District out of respect for their status as taxpaying residents of the United States.

When the vote was withdrawn, I do not believe that the circumstances of the District were ever considered. They are special circumstances. They were drawn in a package of rules. The District did not consider this to be aimed at the District as such, and all of the Delegates were included.

With all respect, the District is profoundly different from the four territories. The best way to understand that is to put yourself in the position of my constituents, or perhaps in my position.

Suppose you represented people who were second per capita in Federal income taxes? Suppose your budget, your own local budget of your own county or city, had to come to this body before any money could be spent and could be changed in any way by this body? Suppose your Representative had to stand by and watch this body do whatever it wanted to do with respect to that budget but had no vote whatsoever at any point on that budget or any other matter on the House Floor?

And suppose you represented people who had fought and died in every war in the United States, from the Revolutionary War forward, and in the most recent war, Desert Storm, sent more troops than 47 of the States? If you put yourself in that context, you can see why even something perhaps as rather small to you means very much to the people I represent.

The vote was won fair and square. I submitted a legal memorandum. It was submitted then to outside counsel. Outside counsel said, look, it is up to you. There is no constitutional bar. There was a vote on the House Floor up and down. That vote gave to all the Delegates, without distinction among them, the vote. There was a legal challenge. In that challenge, the House prevailed in both the District Court and the Court of Appeals. Again, the Court said it is constitutionally permissible. What we need is only your permission.

It is a very short step from what the Delegates have as authority, and always had. The Delegates have all the privileges of House Members, including the voting in the committee and have had that traditionally.

Empowering the Delegates is an interesting thing that the founders did from the beginning, because the territories were people like them. They were one people, except some people had already made statehood and some had not. So the Delegates essentially often served an important post in the House, because of the American tradition, frankly, of a distaste for different rights of citizenship.

Let me indicate just how limited the right I seek is. It is directly analogous to the committee vote, the vote I have in my committee, Transportation and Infrastructure, to name one of them.

Interestingly, there is no revote there because, of course, it just goes to the Committee of the Whole, because this vote is not final, just as the vote in the Committee of the Whole is not final. The Committee of the Whole was created by the first Congress to get out from under the procedures that the full House requires, knowing full well that nothing is final until the full House votes on it.

The courts found that Article 1, Section 5, Clause 2, said that each House can decide its own rules. So you can do it or not do it, and I am asking you to, in fact, do it.

The vote is insulated and limited and confined to the Committee of the Whole. For example, if by some chance, it would be rare, but occasionally there would be votes where the votes of the Delegates sent something to the House, in that case there would be a revote in order to avoid any constitutional questions of whether Delegates, in fact, were affecting directly the right to vote in the House itself.

Finally, let me indicate that I am requesting the right to vote under the unique circumstances affecting my constituents only. They are the only Americans who pay Federal income taxes, \$1.6 billion every year, and don't have a Representative in—a voting Representative in the national legislature.

Let me remind you that the principle that created this Republic, no taxation without representation, literally has applied throughout to every other territory except the District, because the four territories, who have the same representation as the District, pay no Federal income taxes. And yet, they, indeed, are represented here by Delegates as the District is.

Let me say also that the four territories have complete self-government. We are the only Americans who do not enjoy democratic self-government, and we are the only Americans where Congress has taken unto itself to appropriate locally raised revenues. That is perhaps the strangest of the powers this Congress has taken when you consider how much we value people having a say over their own lives and certainly their own money.

Wherever you may be on Delegate voting in general, Mr. Chairman, a limited vote for the taxpaying residents of the District in particular speaks to the equities that are very deep in the heart of the American Constitution and the principles by which we live. I ask you to allow that limited vote in the Committee of the Whole for the people I represent.

Thank you very much.

[The prepared statement of Ms. Norton follows:]

PREPARED STATEMENT OF HON. ELEANOR HOLMES NORTON, A REPRESENTATIVE IN
CONGRESS FROM THE DISTRICT OF COLUMBIA

I am asking that the committee include in the rule package for the 105th Congress the District's limited right to vote on the House floor in the Committee of the Whole out of respect for the more than half million tax-paying residents whom I represent. This vote was withdrawn in the 104th Congress, but, as I will indicate, I do not believe the withdrawal was an act focused on the District and its unique circumstance. The repeal was wrapped in a package of Rules, and the District was never considered individually. On behalf of my constituents, to whom the vote is deeply meaningful, I appreciate your affording me the opportunity to make my case for the restoration of this vote today.

Without disparaging the rights of the other delegates, I base my request on the unique responsibilities and equities particular to the District of Columbia. I note that I supported the rationale of the decision that gave all the delegates the vote in the Committee of the Whole, noting that, historically, delegates have been accorded the same treatment. At the same time, there are profound differences between the District and the territories, most notably, that the District is subject to Federal income taxes and the territories are not.

The unique circumstance and equities that argue for a vote for the District can be embodied in four principles.

Principle No. 1—I represent the only Americans who pay Federal taxes but have no vote on the House floor; my constituents pay \$1.6 billion annually in Federal income taxes, making them second per capita among the 50 states and the District of Columbia. The District is the only territory under the jurisdiction of the United States whose citizens are subject to every obligation of citizenship, notably Federal taxation, but remain barred from sending a voting representative to the House and Senate. Unlike the delegate from the District, the delegates from American Samoa, Guam, Puerto Rico and the Virgin Islands do not represent citizens who pay Federal income taxes. However, they are afforded the same representation in Congress as the District.

Principle No. 2—I represent the only Americans whose budget governing the expenditure of their own locally raised tax dollars (by far the largest portion of the budget) must be enacted by Congress.

Principle No. 3—I represent the only Americans who do not enjoy full democratic self-government. The four territories, like the states and localities, are self governing under accepted principles of democracy without interference from the Congress. Under the Home rule Act of 1973, the Congress reserves and exercises the right to revoke and change the laws and budget of the District consisting of locally raised revenues.

Principle No. 4—I represent more than a half million residents, a population that puts the District in the top third of the most populous Congressional Districts.

The District Court for the District of Columbia and the Court of Appeals for this circuit have ruled that there is no constitutional impediment to extending voting rights to delegates in the House to the Committee of the Whole. Article I, Section 5, Clause 2 which states that, "Each House may determine the Rules of its Proceedings" is the constitutional basis for this ruling. Had the case gone against the House, an extraordinary precedent for intrusion by the courts into the Rules and proceedings of this body that no one in the House desires would have resulted.

The House granted a limited right to delegates to vote in the Committee of the Whole on the basis of a legal memorandum that I prepared that was factually grounded in the District's taxpaying status. The other territories were granted the vote at the same time to avoid differential treatment, although, of course, taxpaying status legitimately sets the District apart from the residents of the territories, who do not pay Federal income taxes to the Federal treasury. Subsequently, the courts approved delegate voting as granted by the Rules of the House, removing any legal or constitutional question.

My vote in the Committee of the Whole still left taxpaying District citizens without a vote in the formal House and without any vote in the Senate. To avoid any constitutional question, a re-vote requirement provided that a delegate's vote would never decide an issue before the Committee of the Whole if the delegate's vote provided the deciding margin.

The work of the Committee of the Whole is no more final than that of standing committees, such as Public Works and Judiciary, where Delegates have long had the vote. Therefore, nothing done in the Committee of the Whole is final until the House acts. My membership in the House, inasmuch as the District is not a state. What my constituents do meet each and every day is each and every obligation of citizenship, including from the time of the District's creation 200 years ago, paying every Federal tax paid by other American citizens, serving in the armed forces, and being subject to all obligations required by the nation's laws. District residents have fought and died in every war since the American Revolution, and sent more citizens to fight the nation's most recent war, Operation Desert Storm, than did 47 states.

Most Americans today would probably readily agree that citizens who are second per capita in Federal income taxes should have the right to vote in the Committee of the Whole punishes hard working, taxpaying Americans. The House gains by adherence to its often expressed democratic principles while losing nothing if my vote is returned. It would mean a great deal to the people I represent at this critical time in the life of the nation's capital. Disempowering me cannot help in my work to help dispel the District's acute fiscal crisis.

A vote in the Committee of the Whole would give District residents a vote on most matters—several steps up from being a representative confined to debating while other Members vote on her local laws and her local taxpayer raised budget and revenues. In a body that justifiably gives great deference to taxpaying Americans, allowing a vote to a jurisdiction that ranks higher in Federal income taxes than almost all others is a matter of simple justice.

The unique taxpaying status of my constituents, the unique privilege this body assumes of appropriating locally raised taxpayer revenue, the unique requirement to bring each and every action taken to the local city council to a body in which residents have no voting representation, and the significant population of the District makes the District's case unique. The vote in the Committee of the Whole should be granted to the District, considering the principles that produced the Nation itself: no taxation without representation. Under these circumstances, the House should do all that is constitutionally permissible. I ask that this committee restore my limited voting rights in the House and afford the respect that the residents of the nation's capital are due.

Mr. DREIER. Thank you very much, Eleanor. I appreciate your coming before us. The one thing that does come to mind is the last time we did have this procedure all of the Delegates did have it, and I wondered if you have discussed this at all with the other Delegates and what their response was.

Ms. NORTON. I certainly have. I thought it was important always to be up-front with the other Delegates.

From the beginning, what I think moved the House to grant their right to vote in the first place was a legal memorandum that I submitted which described the particular circumstance of the District, which is unique. At the same time, we noted that there had never been differential treatment among Delegates and we thought it was constitutional for them to allow a limited right to vote to the other Delegates because, like the District, they couldn't affect the full House.

But from the very beginning, I said to the other Delegates, gentlemen, you have a privilege that most Americans would exchange for Members of the House. If you said to most Americans, hey, would you rather have a Member of the House or no taxes, I don't think anybody here would want to put that proposition to their own constituents. So I said inasmuch as there is that profound difference between—

The CHAIRMAN. Talk about term limits.

Ms. NORTON. Inasmuch as there is that profound difference between you and me, I will not argue that you do not have the right to vote, but I have to tell you that the difference is so profound and so deep that that is the basis on which I will make my case. And I did it from the beginning.

Last year I said to them again that the taxpaying status of the District looms large here. I don't oppose your vote, but I have an obligation to the people I represent, and I certainly will not say to the world there is no difference between you and me.

So we have been absolutely straight. To which—they do not say, hey, we want to give up, we want to give up the taxpaying—non-taxpaying status we have in order to be in the position you are in. But their only retort is, well, remember, Eleanor, we do pay taxes but we pay them to our own commonwealth or our own territory. Again, that is a profound difference and one which in keeping with representation—no representation in this body without taxation.

Mr. DREIER. Thank you.

Mr. Solomon.

Mr. SOLOMON. Well, first, Mr. Chairman, let me say to Eleanor Holmes Norton, she is one of the most respected Members of this body and I particularly admire her because of her tenacity and her due diligence in representing the people of the D.C. district. And we all admire you for it, Eleanor.

I do have some differences with the issue of the Delegates being able to cast votes on the Floor of Congress. As you know, I was a part of the lawsuit to try to clarify this issue.

So let me just, first of all, preface my remarks by saying that there is considerable merit to the argument you make as far as the people of the D.C. district, in comparison to the other Delegates. And certainly, we need to take that into consideration and at some point down the road this has to be, I think, settled one way or the other and perhaps settled in the courts.

As the gentlelady knows, that when the provision was originally proposed, the rule change, to allow Delegate voting on the Floor of Congress, it was to give you a vote on the Floor, and because of the pending lawsuit by those of us that had brought it, the rule was changed, and so that the final result was that you would be able to vote in the Committee of the Whole but not in the full Committee of the House.

And consequently, I don't have the file here today but, as I recall, the court said that, in effect, because the vote—if the vote counts, it doesn't count, and therefore there would be a revote in the Committee of the House. That is very confusing to those people that might be watching this committee, but in effect, the problem that arose was the old question of perhaps logrolling, and we know we have that in the Congress, and that is where, you know, one Member will say, you vote for my bill and I will vote for yours or you vote for my amendment, I will vote for yours. We saw that during the extensive debate on the agricultural bill this past year, and so there is a question of whether the vote counts or doesn't count.

But having said all of that, I would continue to oppose Delegate voting in the full House. But I think there is merit to the D.C. situation, which you so eloquently present to us. And I think we as a committee can look at that, and I think the entire leadership on both sides of the aisle ought to take a look at it, and I for one will be doing that and will take your advice into consideration.

Mr. DREIER. Thank you very much.

Mr. Beilenson.

Ms. NORTON. Could I respond?

Mr. SOLOMON. Sure.

Ms. NORTON. First, I want to thank Mr. Solomon for his kind and generous remarks.

The question of the court suit, the matter was settled in court but it came up after the issues you describe were settled, and I know how that can be confusing as well.

In writing the memorandum, I was sensitive to this distinction between the Committee of the Whole and the House. So from the beginning, while I hadn't figured out the revote notion, I did indicate that the vote must be insulated from going to the full House, and that was all done before the matter was voted on in the House.

So it was voted on in the House. The insulation had taken place. What was put in place had been put in place before the vote occurred. Then it was that final matter that was put to the courts.

Mr. SOLOMON. Right.

Ms. NORTON. The court looked, I think, at the insulation that you described, and I think that helped to save the vote because they could see that.

This notion of logrolling you are speaking of, the reason that can't occur here, and you are right when you say—

Mr. SOLOMON. We are all guilty of it.

Ms. NORTON. —there is some confusion about if you vote, if it counts, it doesn't count. Well, if it doesn't count, of course, then we ought to vote to do it because really there is no harm done.

But the reason we don't have to worry about logrolling here is that if the Delegate decides it, then there has got to be a revote with the Delegate out of it, so the Delegate can't matter if, in fact, the Delegate is the deciding vote. Otherwise, what you are doing is you are saying, Eleanor Holmes Norton, hey, your constituency can look up there just like mine and hold you accountable and see how you voted. About all it means is that they can see how I vote.

There is a joke that one Member said to me about, this is—who was in the Minority and had to accustom himself to being in the Majority—when he saw himself coming to the Floor constantly and voting and seeing that you are always outvoted him, he said, hey, Eleanor, my vote doesn't count either.

In a real sense, the votes of the Minority don't count, but if you try to take it from Mr. Beilenson because most of the time it doesn't matter, I think you would hear from him. So I don't think the logrolling can take place.

And finally, let me say to you what was most gratifying after the vote was that a number of Republicans came up to me and said, Eleanor, if it had only been the District, bearing in mind your tax-paying status, I would have wanted to vote with you.

Thank you.

Mr. DREIER. Thank you. Mr. Beilenson.

Mr. SOLOMON. Thank you.

Mr. BEILENSEN. Thanks, Mr. Chairman.

I wish only to say that I personally found Ms. Norton's testimony absolutely compelling. I don't know the answer to it, if I may say so. I think she has found a most effective way of putting the question to us. I cannot imagine being in her position, where you are representing half a million or more taxpaying citizens, and are unable to vote on these matters, especially so since the Congress interests itself in the internal matters of the District a great deal more than it does in the internal matters of the people in the areas we represent.

And on top of that, of course, she is also asking something which I think is really politically possible. We are not talking about giving five votes; we are talking about giving one.

And I take it—I don't know this for a fact—but I assume our Republican friends in the past were a little concerned about giving Delegates votes because usually four of them, sometimes five of them, were Democrats; it would be a whole bunch of additional Democratic votes.

In this case you are giving just one additional vote, and I do think, I do hope, that next year whoever is in charge will take her pleas seriously and look at the particular situation, the peculiar situation of one, if I may, of the District of Columbia, and allow our good friend here when she is reelected, which I believe she will, a chance to properly represent and be accountable to her constituents as we are to ours.

Mr. DREIER. Ms. Greene.

Ms. GREENE. I have no comment.

Mr. DREIER. Mr. Goss.

Mr. GOSS. I apologize for not being here for your testimony. I will read it. If Mr. Beilenson says it was compelling, it was compelling. I will be very interested in reading it. Thank you.

Ms. NORTON. Thank you.

Mr. DREIER. Thank you very much, Eleanor. We appreciate your being here.

Mr. DREIER. Our next witness is the gentleman from Texas, Mr. Barton, who is going to talk about his proposal of drug testing for members of the staff.

Joe, we are happy to have you, and you are welcome to summarize your statement. The entire prepared remarks will appear in the record.

Mr. BARTON. Thank you, Mr. Chairman. I thought I would read it verbatim, very slowly, but since you asked me to summarize it—

Mr. DREIER. The first time it has been done here.

Mr. BARTON. —I will summarize it.

STATEMENT OF THE HON. JOE BARTON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BARTON. Let me say that it is interesting to come before this committee. It is the smallest standing committee of the House and it is the only committee that I know of that has two Chairmen, Mr. Dreier, Chairman, and Mr. Solomon, Chairman.

Mr. SOLOMON. There is a third one, too, Mr. Goss.

Mr. DREIER. This is a joint subcommittee.

Mr. BARTON. Even though it is small, it is so busy that it has to have two Chairmen. I appreciate being here.

I want to talk about drug testing for Members but before I do that I want to skip back to Mr. Wolf's testimony, Mr. Roemer's testimony.

I am one of the Members that lives in my district. I have got over 2 million frequent flyer miles. And we tried what Mr. Beilenson recommended and it just didn't work for my family. They didn't like living in Washington. They didn't like not being in Texas.

So I am not going to get into all the possibilities, but two things that have been done in this Congress that I think make it more family friendly, if your family is here, is, A, during the day when possible roll as many votes as possible so that you do get out a little bit earlier because you are not going back and forth. You all have done an excellent job on that. And on occasion, you have scheduled some family time, do debate for the day and you let Members go home and have supper with their family.

If you will continue those two things, if your family is here, you can see them in the evening, you can have supper with them, and by rolling as many votes as possible, you probably save 2 hours a day so that you get out sooner. So those two—you have already done it in this Congress and if you just reinforce that in the rules.

Let me now talk about drug testing for Members of Congress.

Back in either 1989 or 1990 I did a town meeting in Corsicana, Texas, which at that time was in my district. During the course of the town meeting, a Continental Airline pilot stood up and said that it was a requirement that he be tested and submit to a mandatory urinalysis test for illegal substances because he was a pilot. And he wanted to know if I was drug tested as a Member of Congress. I said, no, there is no requirement that I submit to mandatory drug testing.

He said, well, you have voted to require that I be—that I have to take this test. I think you ought to practice what you preach. And everybody in the town meeting applauded and thought that they had put me on the spot. And I said, well, I don't want to speak for all Members of Congress but I certainly am not unwilling to be tested and I will start a drug testing program for myself, and I will try to get it done for the Congress.

So I came back in either 1990 or 1991, offered a bill that would have required mandatory testing for all Members of Congress. I got a vote out on the House Floor. It was very difficult, but I finally managed a vote and it passed. It was stripped in conference with the Senate.

In the meantime, I started a drug testing program for myself and my staff. I have done that ever since. I have done it for 5 years. I am tested three or four times a year, on a random basis. SmithKline, a very respected laboratory, does the testing. It is unannounced.

We test myself—any time anybody is tested I am tested, and then other members of my staff are tested on a random basis, normally one in the district offices and one here in Washington. It costs me between \$500 and \$1,000 a year. I have to pay for it personally because it is not a voucherable expense right now.

But it has been an excellent program. The test results go to a medical review officer to make sure that there is no problem and then the test results come to me as the employer.

We have had occasions when members of the staff, there were some questions about the test and they had to be retested. It is all done on a confidential basis.

The bottom line is I think I am the only Member that has instituted a drug testing program in the Member's office, and I have had no problems with it from any standpoint, from confidentiality, from false positives, from, you know, you just—it actually works in my—so the bill that I have reintroduced in this Congress and that I would still like to get a vote on in this Congress says that all Members would be tested, every Member, all 435 Members would be tested on a random basis. You would test 10 percent at random each month. Those results would be reported to a medical review officer that the House chooses and would be reported to the ethics committee. And once each session of Congress, in the even numbered year, in October, the results would be made public.

It is possible a Member could go the entire Congress and never be subjected to a drug test. It is also possible a Member could be tested 24 times, could be in the 10 percent it picks at random each month.

But if we are going to vote, as we have in past Congresses, to require mandatory drug testing for certain sectors of the private sector, if we are going to make an issue when the executive branch chooses to exempt some of its employees in sensitive positions from drug testing, as we have done in this Congress with the Clinton administration, I think it is absolutely logical, and I think it is a very practical extension of our living by the rules that we want the rest of the country to live by, to subject Members of Congress to drug testing.

Now, in the past, there has been a lot of hilarity and mockery made of the fact that the test has been a urinalysis test. Well, we actually have some new testing procedures for hair testing that is actually a better test. It goes back approximately 90 days. You just clip a lock of the hair. The cost of that test has come down tremendously. So that if you have got an objection because of the method of testing, i.e., you object to a urinalysis sample, then we can do the hair testing.

Next week, on September the 18th, I am going to do a voluntary testing demonstration program over in the Rayburn nurse's office. Members can choose to come and be—have some of their hair clipped or they can subject to a urinalysis sample or both, just to show that it is doable and it is practical, and it makes a lot of sense.

So I would hope if we can't get Chairman Solomon's bill or my bill up on the Floor for this Congress that we certainly put it in the rules package to allow the testing and also allow Members that choose to test to voucher it and that in any event every Member of Congress be subject on a random basis.

I can think of no other thing that would more state—make the case to the American people that we are absolutely determined to be responsible, to fight the war on drugs, and to live by the same rules today more and more Americans have to live by in this case than drug testing in the workplace.

[The prepared statement of Mr. Barton follows:]

PREPARED STATEMENT OF HON. JOE BARTON, A REPRESENTATIVE IN CONGRESS FROM
THE STATE OF TEXAS

I want to thank Chairman Solomon and other members of the Rules Committee for holding this hearing regarding proposed internal rule changes for the 105th Congress, and allowing for me to testify. One of the historical aims of this Congress has been to make sure we live under the same rules we enforce for the rest of the Nation, and we have made great headway in changing the way Congress does business. However, I believe we still have a way to go. In our efforts to live under the same rules as the rest of the Nation, and in light of the startling news that drug use among teens has skyrocketed in the past several years, I join Chairman Solomon in the recommendation that mandatory drug testing for Members of Congress be instituted as a new internal House rule in the 105th Congress.

On August 2, 1996, I reintroduced a bill that I have introduced in the past two Congresses to require that Members of Congress be subjected to random drug testing. Under my plan, 10 percent of Members would be tested each month, and the results would given to the Member, the Ethics Committee, and would be made public in October of the second session of each Congress. The precedent for mandatory drug testing is long. In 1986, President Reagan directed Federal agencies to begin

implementing a drug testing program for employees in sensitive positions. In following years the House picked up the initiative and passed legislation requiring drug testing for railroad workers, space agency employees, and members of the CIA and FBI.

I believe the case for Members of Congress to be tested is even stronger than for Federal employees. Currently, no Members of the House are required to submit to a drug test. Some House staff of Intelligence and Defense Committees dealing with classified and sensitive information are required to submit to a drug test. As Members of Congress, we handle sensitive information everyday, but besides that, the trust that all of our constituents place in us to represent them should be all the reason we need to submit to a drug test. As Members of Congress we have the obligation not only to set policy, but to also set an example for those we represent. We are quick to criticize the White House drug policy while not submitting to a testing policy for ourselves.

We do not only have an obligation to submit ourselves to drug testing in order to live by the same rules as the rest of the Nation, but also to take action in response to recent reports that drug use among teens in this country is increasing. By now, anyone who watches the news and reads the paper is aware that drug use in America since 1992 has jumped 137 percent among 12 to 13 year olds and 200 percent among 14 to 15 year olds. Emergency room reports of heroin-related episodes are up 77 percent within the last 4 years. A recent report revealed that the lax attitudes of some parents about drugs may have contributed to this rise in drug use. Drug testing Members of Congress will not prevent teenagers from using drugs, but it does ensure that we set the highest standards possible in the war against drugs for our children.

The 104th Congress has sent a strong message about our seriousness to fight the drug way by increasing funding for the Drug Enforcement Agency (DEA) and by passing a \$56 million dollar initiative to help stop drug trafficking along the Southwest border. All of these recommendations were a part of the 1997 Fiscal Year Budget. We have shown that we are serious about the drug problem in the budget, but why don't we make a personal commitment to the drug war and institute random drug testing for ourselves? Drug testing Members of Congress will restore some of the trust and confidence in this Congress. A drug-free Congress would be a step, albeit one of many, towards a drug-free country. I have discussed this matter with many of my constituents and have found that most of them support drug testing Members of Congress.

I also have spoken with the Speaker and other Congressional leaders about my bill and they are supportive of the legislation. The Speaker has said that he is in favor of drug testing for all Federal employees—including Members of Congress and staff. This piece of legislation won the approval of the House in the 102nd Congress. I was able to pass my bill as an amendment to the emergency supplemental appropriations bill, by a vote of 226-190. Unfortunately, the measure was stripped out in a House-Senate conference. However, if the mood of the 105th Congress is in any way similar to the 104th Congress, I am confident we can pass drug testing for Members of Congress as one of the new internal rules of the House.

I would also like to mention a Member Drug Testing Day I am organizing for Wednesday, September 18, 1996. The Psychomedics Corporation is going to be offering both hair and urine tests for those Members who wish to participate. I held a similar type exercise in the 102nd Congress and the response was very positive. This project is a great opportunity for Members of Congress to show their personal commitment to the war on drugs by submitting to a drug test. I urge the members of this committee to come by the Rayburn First Aid Room next Wednesday and take a drug test. Thank you for your time. Again, I appreciate the opportunity to testify before this committee.

Mr. DREIER. Thank you very much, Joe. I know that there has been some editorial criticism. I think I saw an editorial in the Roll Call the last few days and there have been some critics of this. I wondered how you responded to some of the criticism that has come forward.

Mr. SOLOMON. You can ask me that, too.

Mr. BARTON. In past Congresses, I had one particular Member say, I should take an IQ test, that it was such a silly idea. In that particular case, I visited that Member in his office, man to man, if it is politically correct to say that, and we reached a mutual understanding.

There is no—the substantive argument against it is that it is somehow an invasion of privacy. I think that argument is overcome by the simple fact that we vote as Congressmen to require it in many cases. The executive branch requires it in what they define as sensitive positions, and in any event, as public servants who volunteer to run for office, we acknowledge that our right to privacy is not the same as it is if we were not Members of the House of Representatives.

So that is the only real substantive argument against it. The arguments that it is—in the past they have made arguments that it is not—the tests are not reliable. Well, the tests are 99.99 percent reliable today, and in any event you send the test results to a medical review officer, who looks for exceptional cases to see if there is some sort of a problem that needs to be retested. So the reliability argument doesn't hold.

So it really comes down to an integrity issue. Are you really willing to submit yourself to the same workplace rules that you say in many cases the American public has to submit to? And as a public servant, who almost all of us vote to fight the war on drugs, to make it real, are we willing to set a personal example?

And I have done it. Again, this is not something that I am talking about in a theoretical sense. Since 1989, I have had mandatory drug testing for myself and my congressional office every year, and I have also done it for my own staff, which I don't require in my bill that it be done at the staff level. So I have practiced what I have preached.

I have paid for it out of my own pocket. I have had to be tested on days I was doing town meetings in the district. I have had to be tested on days that I was booked, as we all are up here, two deep for 10 hours a day. And it is a little inconvenient on heavily scheduled days, but, again, it is something that I think that we absolutely need to do if we want to restore more credibility to this institution.

And if we did it in the rules package or if we did it on a Floor vote, it will pass. Not only will it pass, it will pass probably close to unanimously.

Drug use is up in the country. Drug use among teenagers has doubled in the last 4 years. The types of drugs that are being used are becoming more potent.

Mr. Goss, who is a former FBI agent, probably knows more about this than I do, but when you can buy heroin that is 70 percent pure on the streets of New York, when you can buy cocaine that is 60 percent pure in Dallas, Texas, you have got a drug problem. And we need to do something about it, and one thing we need to do is to set a positive example by what we do here in the Congress of the United States.

Mr. DREIER. Thank you very much.

Agent Goss.

Mr. GOSS. I am flattered to be thought to have been a former FBI agent. Actually, it was the CIA.

Mr. BARTON. Some "A."

Mr. GOSS. They are heavily involved, as you know, and need to be. We all need to be on the war on drugs.

I think that everything you said makes tremendous sense. I tend to believe that Members of Congress should be role models. That is one of the ways you build institutional credibility, and being a Member of Congress is something that parents want their children to grow up to be. It seems to me to be a worthwhile objective.

I feel very strongly that this is a great idea. I think you should extend the idea to random testing to all people in the workplace, and I don't know whether that is your intent or not, in addition to Members. I do feel that the full workplace question should be raised.

Mr. BARTON. I am not opposed to that, Porter. I thought since I am—I am doing it for the Members of the House because I am a Member of the House, but I am not opposed to extending it.

Mr. GOSS. I think that there are two separate objectives, and, again, it is your idea and I congratulate you for bringing it forward.

I think that the Members of the House idea is extremely important because of the role model aspect and all the rest of the message sent, but I also think it should be carried to the workplace because we have a good deal of public trust that we carry here, and a lot of the materials we handle are sensitive actually and it would be harmful if not handled properly, as we see regrettably from time to time when they are not handled properly.

The point in the workplace, many of us have tried different ways. My office system doesn't work the same as yours does but I have an honorary policy, an honor system policy, which I participate in, which I think works. And if there is evidence that there is a problem, I think we have a way to deal with that. I have a full expectation among my employees. I think that has worked well, but I think your additional program would work so much better.

The only thing I say half in jest, half seriously, is that if we are going to do the workplace, we should do everybody, make everybody subject to it, and that would include all people who use the Capitol and the Capitol facilities. It is a workplace area. That would include the media.

Mr. BARTON. Well, I am not opposed to that. It is just to try to minimize the cost. If you do it for 435 Members, that is 43 a month. 43 a month, you can get various prices for the cost of the test, but it is \$10 to \$30.

Mr. GOSS. My hair is getting more and more precious per strand, but I would be willing to, be very willing to give up a strand every so often. And I think other people would. And maybe for the volume we can get a cheaper price.

Mr. BARTON. Drug testing does work. When the military instituted drug testing in the mid-1980's, it—reportedly, the military had one of the worst drug, illegal drug use problems of any subgroup of our culture. Today, they are the most drug free of any subgroup, because it was mandatory. There were no exceptions. It was zero tolerance. The Joint Chiefs reinforced it. And it worked. It worked tremendously well. It will work here.

I don't stipulate that there is an illegal drug use problem among Members of Congress, or even among the staff if you want to extend it beyond that, but to the extent there is, if you have drug testing you will identify it and then you can take the corrective steps necessary to correct the problem.

Mr. GOSS. I would only add briefly, Mr. Chairman, that I recently have been watching the reports by I think Mr. Green, who is a former NFL player, about the lack of success of the NFL to have the same kind of success that the military has had, and one of the reasons that he cited on the TV interview, I guess probably preparing us for his new book on this subject, was to talk about the degrees to which people will go to try and beat the drug testing. So that provision has to be provided for. And I know you know about that well, even to the point of having urine injected into your bladder, clean urine, so that you have clean urine to put into the test.

Mr. BARTON. I don't know how you would beat the hair test.

Mr. GOSS. I would rather give you a piece of my hair than go through all of that, I will tell you flat out.

Mr. BARTON. I guess theoretically we could require Members to go on the Floor of the House and have their hair clipped and have it put in a gas spectrometer right there on the Floor. I mean, if you are worried about people trying to beat the test, you can, you know, with a hair test, you can make that impossible to beat.

Mr. GOSS. Good. Because I think we do need a system that is relatively foolproof so there is no unintended innocent victims here.

Mr. GOSS. Mr. Solomon.

Mr. SOLOMON. Joe, you know I want to commend you for being here because you and I have worked on this issue for many, many, many years now, and I certainly will be joining you next week for both a hair clipping and a urinalysis test as well. I have participated with you right along.

Let me just at the outset say that the news media made an error saying that Jerry Solomon personally did not have a random drug testing program in his office, and I just want to counter that. I have had one since the day I arrived in this Congress, and basically it says that anyone who comes to work for the Rules Committee or comes to work on my personal staff as a condition of employment, and this gets into the privacy business, but as a condition of employment, they will submit to random drug tests.

Mr. BARTON. I have the same statement. People sign one.

Mr. SOLOMON. That means no question about it. That means if you are hired to sweep the floor or hired to run a computer—in other words, if you don't run it as you are supposed to, then you have violated your condition of employment. And the same holds true with random drug testing.

Let me just say that your bill in particular is not before our committee. As you know, it goes before House Oversight. And so that we don't have the jurisdiction to act on it. I do have, as you know, legislation pending before the Congress that would require random drug testing of Members of Congress and personnel. That means officers and employees of the United States Congress.

Again, as you have stated, I do not believe that there is a serious problem, either among Members or among employees of the Congress. No doubt, there are people that use drugs, but I don't think it is significant. But that is not the point. The point is that we ought to be setting the example.

You brought out very vividly, back in the early 1980's, when Ronald Reagan was President, at my urging and others, we did imple-



ment a program of random drug testing of all military personnel. At that time, and this is back in 1981 and 1982, there was as much as 25 percent usage of drugs among our military, and that was a terrible situation. Just think what would happen if they had to go into combat, risking other people's lives, and you might be under the influence of drugs? That was terrible.

So President Reagan did, by Executive order, implement random drug testing, and within 4 years it dropped from 25 percent down to 4 percent, which is very, very, very small. If we could do that nationwide, if we could do it in the Federal Government of all employees, if we could do it in the State governments and the counties and the towns and the cities and villages, everywhere in the public sector, if we could drop that use from whatever it is down to less than 4 percent, if we could then do it in the private sector as the General Electric Company, as IBM, major Fortune 500 companies are doing, if everybody would do it, just think what would happen. You would actually destroy the value of these terrible life-taking drugs. That is why we need to set the example here.

Mr. BARTON. Well, it is—Mr. Chairman?

Mr. SOLOMON. Before you go any further, let me just finish.

Here is an article that was in U.S. Today, date-rape drugs being used today. You mentioned that drug use has doubled in recent years. It is more pathetic than that. Among 12 and 13-year-olds, the use of illegal drugs has increased over 100 percent in the last 4 years; 12 and 13-year-olds. Among 14 and 15-year-olds, it has gone up 200 percent, and just think what is happening now as we go on through.

That is what is happening.

According to the Rand studies, 75 percent of all the illegal drug use in America today is used by people of the middle class, upper middle class, people that live in suburban areas, not in the hard core areas; 75 percent of those drugs. That means that people are driving into the ghettos, coming in here and buying those drugs, propping up the price. It also means 75 percent of all of the violent crime against women and children today, 75 percent, is drug related. That is how serious this problem is getting to be nationwide.

So I can just assure you that when we open up the 105th Congress, if I am still Chairman of the committee, and you gentlemen here all support it, too, we will have a rule change that is going to require random drug testing of every Member of Congress and all personnel, officers and directors, and employees of this Congress. We are going to help set that example and we are going to do something about this terrible drug use in America. This is one small way that you and I can do it.

So having said all that, let me now yield back to you and commend you for it.

Mr. BARTON. Mr. Chairman, I just want to thank you on a personal level for your leadership. You were fighting this fight before I got to the Congress and you stood tall when we were in the Minority and you are continuing to practice what you preach now that you are in the Majority, and that is not always the case. I want to thank you for that.

The only point that I was going to make was that our earlier effort 4 or 5 years ago, there was—one of the subarguments was that

this wasn't necessary or that it wasn't being done on a routine basis, generally in the general public.

That is no longer the case. Almost—as you pointed out, almost every major corporation has some sort of testing option, and as we have done in some—in prior Congresses, we now require it for many occupations where public health, public safety is at risk.

In the construction industry, at least in Texas, drug testing is required before you even go to work now. Almost every construction company in the Dallas-Fort Worth area as a condition of employment you have got to submit to a drug test to prove that you are drug free before you even get the job because of the danger to the other workers in the construction project.

Mr. SOLOMON. That is right.

Mr. BARTON. Since it is so generally accepted now and it has been litigated in the courts, it is beyond me why we don't do it just routinely in the Congress. And I will certainly, if I am in this Congress the next session, I will support your rule change and every other effort that you make to fight the war on drugs.

Mr. SOLOMON. Thank you very much.

Mr. DREIER. Thank you very much.

Ms. Greene.

Ms. GREENE. Thank you. I will simply say I think we all know now, from this administration's abysmal record on the war on drugs and the concomitant steep rise of young children and teenagers, the public leadership on this issue matters and so I salute what you are doing. I support what you are doing.

I think that regardless of whether you think there is really a problem among Members is not the point. The point is demonstrating our leadership to the public, that we are willing to live by the rules we are imposing on others.

Mr. BARTON. I agree. Thank you.

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

Mr. BARTON. Thank you, David.

Mr. DREIER. We appreciate it.

Let me just say—do you want to be recognized, Mr. Chairman?

Mr. SOLOMON. When you are done I have an announcement to make.

Mr. DREIER. Let me just say that this does close the series of four hearings that the joint committee has held.

I would like to congratulate Ms. Greene, who unfortunately will not be here, chose not to run for reelection, will not be part of the 105th Congress, to say she will be sorely missed, and we appreciate very much her active participation in this series of hearings looking at a wide range of changes that we will be making in the 105th Congress, and we will look forward to those proposals because the issue of reform is one we plan to continue.

I want to thank my colleagues, Mr. Goss and Mr. Solomon, who have worked with us long and hard on it. With that, I would like to recognize Mr. Solomon.

Mr. SOLOMON. Mr. Chairman, let me commend you and Chairman Goss for carrying out these hearings. They will be invaluable, especially since there evidently will be new reorganization meetings right after the elections and therefore it is incumbent on all of us to get our recommendations in so that we can have those rec-

ommendations prepared for the two caucuses of the Democrat and Republican Party.

Having said that, let me remind the Democrat staff, as well as our own staff, that there will be a Rules hearing on Tuesday at 1:00, on the Puerto Rico issue, and there will likely be a Rules meeting at 4:00 on banking legislation. And we will make that announcement later on this afternoon as to the precise times.

Thank you very much, Mr. Chairman.

Mr. DREIER. Thank you very much. The subcommittees stand adjourned.

[Whereupon, at 11:30 a.m., the subcommittees were adjourned.]



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