program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2890. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 138 of title 10, United States Code; to the Committee on Armed Services.

2891. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation entitled, ''Military Construction Authorization Act, 1993''; to the Committee on Armed Services.

2892. A letter from the Secretary, Housing and Urban Development, transmitting a report on the feasibility and effectiveness of establishing uniform standards for training and certification of executive directors and other officers and members of local, regional, and State public housing agencies, pursuant to Public Law 101–625, section 502(b) (104 Stat. 4183); to the Committee on Banking, Finance and Urban Affairs.

2893. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9–151, ''Advisory Neighborhood Commission Election Temporary Act of 1992,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on the District of Columbia.

2894. A letter from the Director, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

2895. A letter from the Director, Agency for International Development, transmitting a report on economic conditions prevailing in Portugal that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

2896. A letter from the Director, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

2897. A letter from the Director, Office of Management and Budget, transmitting OMB estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 1995 resulting from passage of S. 1415, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on Government Operations.

2898. A letter from the Assistant Secretary (Management), Department of the Treasury, transmitting a report on its activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2899. A letter from the National Endowment for Democracy, transmitting a report on its activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2900. A letter from the Chairman, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1991, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2901. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2902. A letter from the U.S. International Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1991, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2903. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2904. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2905. A letter from the Assistant Secretary of the Department of the Interior, transmitting a draft of proposed legislation to amend the Surface Mining Control and Reclamation Act of 1977, as amended, to extend authority to collect abandoned mine reclamation fees; to the Committee on Interior and Insular Affairs.

## ¶18.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the report of the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2212) ''An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.''

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested.

S. 2166. An Act to reduce the Nation's dependence on imported oil, to provide for the energy security of the Nation, and for other purposes.

The message also announced that, pursuant to Public Law 101–649, the Chair, on behalf of the Republican leader, appointed Mr. Richard Estrada of Texas and Mr. Michael Teitelbaum of New York, as members of the Commission on Legal Immigration Reform.

## ¶18.5 PROVIDING FOR THE CONSIDERATION OF H.R. 4210

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 374):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. Immediately upon the conclusion of the general debate and notwithstanding any rule of the House, the Chair shall put the question, without further debate, on adopting an amendment in the nature of substitute consisting of the text of the bill H.R. 4210. No further amendment to the bill shall be in order except the following amendments in this order: (1) an amendment in the nature of a substitute consisting of the text of the bill H.R. 4200 as modified by the amendment in section 2 of this resolution, to be offered by Representative Michel of Illinois or Representative Archer of Texas or their designee; and (2) an amendment in the nature of a substitute consisting of the text of the bill H.R. 4287, to be offered by Representative Rostenkowski of Illinois or his designee. Both amendments shall be considered as having been read and shall not be subject to amendment. Each amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto. All points of order against each amendment in the nature of a substitute are hereby waived. If more than one amendment in the nature of a substitute is adopted, only the last such amendment which is adopted shall be considered as finally adopted in the Committee of the Whole and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been adopted, and the previous question shall be considered as having been ordered on the bill and amendment thereto final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. At the end of line 25, page 14 of H.R. 4200, insert the following new sentence: ''Notwithstanding any other provision of this chapter, in the case of a taxpayer other than a corporation, any amount treated as ordinary income under this subsection shall be subject to tax at a rate not in excess of 28 percent.''.

Pending consideration of said resolution,

## ¶18.6 POINT OF ORDER

Mr. SOLOMON made a point of order against said resolution, and said:

''Mr. Speaker, I make a point of order against the consideration of House Resolution 374 on grounds that it is in violation of clause 4(b) of House rule XI, and ask to be heard on my point of order.

''Mr. Speaker, I regret that I must again rise to make this point of order that the minority's right to offer a motion to recommit of its choosing is being violated. I thought I had assurances from your leadership that this right would not be further abridged pending a promised Rules Committee inquiry into the legislative history behind this rule.

''Mr. Speaker, as you will recall, on January 3, 1991, I transmitted to you, the majority leader, and the chairman and other members of the Rules Committee a 48-page report prepared by our Rules Committee minority staff entitled, 'The Motion to Recommit in the U.S. House of Representatives: The Rape of a Minority Right.'

''That paper traces the legislative history and the intent behind the two rules at issue here, which were adopted by the House back in 1909.

''In essence, Mr. Speaker, that report documents that the two rules were specifically adopted to permit the minority the right to offer a motion to recommit of its own choosing, including one with instructions, so that it could go get a final vote on its position.

''Mr. Speaker, that report goes on to conclude that a 1934 precedent that has

been relied on to deny the minority a right to offer recommittal instructions of its choosing was strongly decided and should be reversed.

''In my letter to the Speaker, I urged that the majority reconsider its policy of denying instructions in motions to recommit, and I quote:

''Thereby avoid future confrontations and points of order over such a fundamental guarantee of fairness.

''It was my hope that on the basis of the clear historic record behind this rule and guarantee that the Committee on Rules would not deny us our immutable right in this 102d Congress. We were promised that. Unfortunately, that was not the case here today.

''Mr. Speaker, clause (b) of House rule XI provides, and I quote:

'The Committee on Rules shall not report any rule or order of business which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.'

''That is the rule of this House. That is the rule that we live by and we have lived by for 80 years, and clause 4 of rule XVI provides, and again I quote, 'After the previous question shall have been ordered on the passage of a bill or joint resolution, one motion to recommit,' and I am quoting, 'shall be in order, and the Speaker,' Mr. Speaker, listen, 'the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or the joint resolution.'

''Mr. Speaker, those two clauses were adopted as amendments to House rules on March 15, 1909, when the minority party, Democrat, that is right, they were in the minority, it may have been the last time they were in the minority, joined with a group of insurgent Republicans, can Members imagine, to guarantee greater minority rights. And yes, would it not be nice if Democrats and Republicans were joining together today on this economic growth package? God forbid, I guess.

''Mr. Speaker, prior to this rule's revision, the motion to recommit was controlled by the majority party and the minority had no rights. This change was instituted for the specific purpose of giving the minority a final vote on its alternative legislative proposal through a motion to recommit with instructions.

''That is so every Member, 435 Members, can have some say, some input into legislation.

''The rule before us right now, on the other hand, provides that the motion to recommit, and I quote, 'may not contain instructions.' That means we cannot have a motion to recommit with or without instructions.

''It is, therefore, in direct violation of this rule, which was purposely designed to guarantee the minority a vote on its final proposition by way of instructions.

''Mr. Speaker, I will not again take your time and the time of this House to quote speaker after speaker after speaker over the last 80 years who have ruled that the House, that this whole purpose of this rule was to protect the right of the minority to offer its final proposition to a bill.

''Mr. Speaker, that is just a plain fact that cannot be denied or ruled away by the way of the Speaker's gavel.

''Mr. Speaker, if the Chair overrules my point of order today, not only is the minority being denied the right to offer a final amendment to the bill, it is even being denied the right to offer general instructions that the Committee on Ways and Means, and listen to this, reconsider this bill with a view to developing a bipartisan compromise.

''Mr. Speaker, that completely flies in the face not only of the legislative history behind this rule but of common sense and common decency.

''Mr. Speaker, the motion to recommit may be the last opportunity to salvage an economic growth program in this Congress this year. Without instructions, a straight motion to recommit by implication kills the bill. I hope my colleagues are listening over there. It kills the bill.

''But with instructions, the House would have an opportunity to tell the Committee on Ways and Means to get back to work.

''Mr. Speaker, I strongly urge that the Chair not render this important minority right completely null and void by overruling my point of order. Leave this institution with some measure of dignity and respect for the rights of the minority.

''Mr. Speaker, as Speaker of this House you are required by the rules of this House and by the tradition of this body and, above all else, out of fairness to represent all of the Members of this House, and it is on behalf of all 435 Members of this House on both sides of the aisle that I respectfully ask to have my point of order sustained.''.

Mr. DERRICK was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman makes the point of order that the resolution is not in order because it limits the motion to recommit in violation of clause 4(b) of rule XI.

''Mr. Speaker, I respectfully disagree and ask the Chair to overrule the point of order.

''Clause 4(b) of rule XI prohibits the Committee on Rules from reporting a rule 'which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.'

''Mr. Speaker, House Resolution 374 does not propose to prevent the minority from offering a motion to recommit, so it does not violate clause 4(b) of rule XI.

''It is now very well established under the precedents that the Committee on Rules may recommend special orders of business limiting instructions on the motion to recommit.

''This point was reaffirmed as recently as November 25, 1991, on June 4, 1991, and also on October 16, 1990, when the House tabled by a vote of 251 to 171 an appeal of the Speaker pro tempore MURTHA's overruling of a point identical to that raised by my Republican friend today.

''In a ruling on January 11, 1934, the Speaker Mr. Rainey stated that:

'The Committee on Rules may, without violating this clause, recommend a special order which limits but does not totally prohibit a motion to recommit pending passage of a bill or joint resolution such as precluding a motion containing instructions relative to certain amendments.'

''Mr. Speaker, the precedents are clear and unequivocal. If a special order of business does not deprive the minority of its right to offer a simple motion to recommit the bill or joint resolution under consideration, then it does not violate clause 4(b) of rule XI. As the Speaker pro tempore noted on October 16, 1990, clause 4 of rule XVI does not guarantee that a motion to recommit a bill may always include instructions.

''I urge the point of order be overruled.''.

Mr. WALKER was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman from South Carolina [Mr. DERRICK] has cited specific instances from the last few minutes as precedents for suggesting how the Chair should rule today. The gentleman from New York [Mr. SOLOMON] makes an absolutely valid point the Chair ought to take into consideration.

''At the time those rulings were made there was real question expressed about whether or not this was an appropriate course to be taken. The leadership of this House felt it was so questionable that they agreed to study it. The gentleman from New York received assurances that we would not proceed along this path until we had studied this matter and found out what the rights of the minority should be in these kinds of instances.

''Now what we have happening is that the very items that were considered questionable enough to call for that kind of study in the past are being cited as precedents for the Chair today.

''If the Chair ever wants to know why the minority feels at times that there is a dictatorial sense about the direction in which we are moving, this is a perfect example of where we have outrageous rulings which are questionable, which even the leadership questions, and then have those later on cited as precedents for action.

''That is precisely what is taking place here. I would hope that the Chair would not continue to rule in a manner which undermines minority rights.''.

Mr. DERRICK was further recognized to speak to the point of order, and said:

''Mr. Speaker, we also, in addition to the precedents of recent date, rely on the January 11, 1934 decision. I think the rules clearly state that the minority is entitled to a motion to recommit, but they are not entitled without question to a motion to recommit with instructions.

''We have had this same point of order brought up by the distinguished

gentleman from New York [Mr. SOLOMON] in the Committee on Rules, and ruled the same way, the chairman of the Committee on Rules did.''.

The SPEAKER pro tempore, Mr. MURTHA, overruled the point of order, and said:

''The gentleman from New York makes a point of order against House Resolution 374 on the ground that it violates clause 4(b) of rule XI, which provides that the Committee on Rules shall not report any rule or order of business that would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.

''Clause 4 of rule XVI provides for one motion to recommit a bill or joint resolution after the previous question is ordered on final passage, with preference in recognition going to a Member who is opposed to the bill or joint resolution.

''The pending resolution provides that the motion to recommit H.R. 4210 pending the question of its passage may not contain instructions. It does not impair a simple motion to recommit.

''The precedent of October 16, 1990, is precisely on point. On that occasion the Committee on Rules had reported a special order of business that precluded the inclusion of instructions in the motion to recommit a bill pending the question of its passage. The present occupant of the Chair overruled the point of order, relying on precedents of the House—specifically the ruling of Speaker Rainey on January 11, 1934—holding that the Committee on Rules does not violate clause 4(b) of rule XI so long as it does not deprive the minority of the right to offer a simple motion to recommit.

''Under the precedents a special order that does not preclude a simple motion to recommit does not 'prevent the motion to recommit from being made as provided in clause 4 of rule XVI.' Clause 4 of rule XVI does not guarantee that a motion to recommit after the previous question is ordered on passage of a bill or joint resolution may always include instructions.

''The pending resolution does not 'prevent the motion to recommit from being made as provided in clause 4 of rule XVI.' The Chair will follow the precedent of October 16, 1990. The point of order is overruled.''.

Mr. SOLOMON appealed the ruling of the Chair.

Mr. DERRICK moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 256 / Nays ..... 157 }

¶18.7 [Roll No. 23]

YEAS—256

| | | |
|---|---|---|
| Abercrombie | Glickman | Owens (NY) |
| Ackerman | Gonzalez | Owens (UT) |
| Alexander | Gordon | Pallone |
| Anderson | Guarini | Panetta |
| Andrews (ME) | Hall (OH) | Parker |
| Andrews (NJ) | Hall (TX) | Pastor |
| Andrews (TX) | Hamilton | Patterson |
| Annunzio | Harris | Payne (NJ) |
| Anthony | Hatcher | Payne (VA) |
| Applegate | Hayes (IL) | Pease |
| Aspin | Hayes (LA) | Pelosi |
| Atkins | Hefner | Penny |
| AuCoin | Hertel | Perkins |
| Bacchus | Hoagland | Peterson (FL) |
| Barnard | Hochbrueckner | Peterson (MN) |
| Beilenson | Horn | Pickett |
| Bennett | Hubbard | Pickle |
| Berman | Huckaby | Poshard |
| Bevill | Hughes | Price |
| Bilbray | Hutto | Rahall |
| Blackwell | Jacobs | Rangel |
| Bonior | Jefferson | Reed |
| Borski | Jenkins | Richardson |
| Boucher | Johnson (SD) | Roe |
| Boxer | Johnston | Roemer |
| Brewster | Jones (NC) | Rose |
| Brooks | Jontz | Rostenkowski |
| Browder | Kanjorski | Rowland |
| Brown | Kaptur | Roybal |
| Bruce | Kennedy | Russo |
| Bryant | Kennelly | Sabo |
| Bustamante | Kildee | Sanders |
| Byron | Kleczka | Sangmeister |
| Campbell (CO) | Kolter | Sarpalius |
| Cardin | Kopetski | Sawyer |
| Carper | Kostmayer | Scheuer |
| Carr | LaFalce | Schroeder |
| Chapman | Lancaster | Schumer |
| Clay | Lantos | Serrano |
| Clement | LaRocco | Sikorski |
| Collins (IL) | Laughlin | Sisisky |
| Collins (MI) | Lehman (CA) | Skaggs |
| Condit | Lehman (FL) | Skelton |
| Conyers | Levin (MI) | Slattery |
| Cooper | Levine (CA) | Slaughter |
| Costello | Lewis (GA) | Smith (FL) |
| Cox (IL) | Lipinski | Smith (IA) |
| Coyne | Lloyd | Solarz |
| Cramer | Long | Spratt |
| Darden | Lowey (NY) | Staggers |
| de la Garza | Luken | Stallings |
| DeFazio | Manton | Stark |
| DeLauro | Markey | Stenholm |
| Dellums | Martinez | Stokes |
| Derrick | Matsui | Studds |
| Dicks | Mavroules | Swett |
| Dingell | Mazzoli | Synar |
| Dixon | McCloskey | Tallon |
| Donnelly | McCurdy | Tanner |
| Dooley | McDermott | Taylor (MS) |
| Dorgan (ND) | McHugh | Thomas (GA) |
| Downey | McMillen (MD) | Thornton |
| Durbin | McNulty | Torres |
| Dwyer | Mfume | Torricelli |
| Dymally | Miller (CA) | Towns |
| Early | Mineta | Traficant |
| Edwards (CA) | Mink | Traxler |
| Edwards (TX) | Moakley | Unsoeld |
| Engel | Mollohan | Valentine |
| English | Montgomery | Vento |
| Erdreich | Moody | Visclosky |
| Espy | Moran | Volkmer |
| Evans | Mrazek | Washington |
| Fascell | Murphy | Waters |
| Fazio | Murtha | Waxman |
| Feighan | Nagle | Weiss |
| Flake | Natcher | Wheat |
| Foglietta | Neal (MA) | Williams |
| Ford (MI) | Neal (NC) | Wilson |
| Ford (TN) | Oakar | Wise |
| Frank (MA) | Oberstar | Wolpe |
| Frost | Obey | Wyden |
| Gejdenson | Olin | Yates |
| Gephardt | Olver | Yatron |
| Geren | Ortiz | |
| Gibbons | Orton | |

NAYS—157

| | | |
|---|---|---|
| Allard | Barton | Boehlert |
| Allen | Bateman | Boehner |
| Armey | Bentley | Broomfield |
| Baker | Bereuter | Bunning |
| Ballenger | Bilirakis | Burton |
| Barrett | Bliley | Callahan |
| Camp | Houghton | Ravenel |
| Campbell (CA) | Hunter | Regula |
| Chandler | Hyde | Rhodes |
| Clinger | Inhofe | Ridge |
| Coble | Ireland | Riggs |
| Coleman (MO) | James | Rinaldo |
| Combest | Johnson (CT) | Ritter |
| Coughlin | Johnson (TX) | Roberts |
| Cox (CA) | Kasich | Rogers |
| Crane | Klug | Rohrabacher |
| Cunningham | Kolbe | Ros-Lehtinen |
| Davis | Kyl | Roth |
| DeLay | Lagomarsino | Roukema |
| Doolittle | Leach | Santorum |
| Dornan (CA) | Lent | Saxton |
| Dreier | Lewis (CA) | Schiff |
| Duncan | Lewis (FL) | Schulze |
| Edwards (OK) | Lightfoot | Sensenbrenner |
| Emerson | Livingston | Shaw |
| Ewing | Lowery (CA) | Shays |
| Fawell | Machtley | Shuster |
| Fields | Marlenee | Skeen |
| Fish | Martin | Smith (NJ) |
| Franks (CT) | McCandless | Smith (OR) |
| Gallegly | McCollum | Snowe |
| Gallo | McCrery | Solomon |
| Gekas | McDade | Spence |
| Gilchrest | McEwen | Stearns |
| Gillmor | McGrath | Stump |
| Gilman | McMillan (NC) | Sundquist |
| Goodling | Meyers | Taylor (NC) |
| Goss | Michel | Thomas (CA) |
| Gradison | Miller (OH) | Thomas (WY) |
| Grandy | Miller (WA) | Upton |
| Green | Molinari | Vucanovich |
| Gunderson | Moorhead | Walker |
| Hammerschmidt | Morrison | Walsh |
| Hancock | Myers | Weber |
| Hansen | Nichols | Weldon |
| Hastert | Nussle | Wolf |
| Hefley | Packard | Wylie |
| Henry | Paxon | Young (AK) |
| Herger | Petri | Young (FL) |
| Hobson | Porter | Zeliff |
| Holloway | Pursell | Zimmer |
| Hopkins | Quillen | |
| Horton | Ramstad | |

NOT VOTING—21

| | | |
|---|---|---|
| Archer | Hoyer | Schaefer |
| Coleman (TX) | Jones (GA) | Sharp |
| Dannemeyer | Morella | Smith (TX) |
| Dickinson | Nowak | Swift |
| Eckart | Oxley | Tauzin |
| Gaydos | Ray | Vander Jagt |
| Gingrich | Savage | Whitten |

So the motion to lay the appeal on the table was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

When said resolution was considered.

After debate,

On motion of Mr. DERRICK, the previous question was ordered on the resolution, to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 244 / Nays ..... 178 }

¶18.8 [Roll No. 24]

YEAS—244

| | | |
|---|---|---|
| Abercrombie | Andrews (TX) | Bacchus |
| Ackerman | Annunzio | Barnard |
| Alexander | Anthony | Beilenson |
| Anderson | Applegate | Bennett |
| Andrews (ME) | Aspin | Berman |
| Andrews (NJ) | Atkins | Bevill |