

eral Accounting Office. According to a recent study by the Heritage Foundation, said audit has not been done.

"So, therefore, that does constitute a question of improper conduct. And so, therefore, it should be permitted.

"Beyond that, the method in which the House contingent account has been run, namely, multiyear authorizations and expenditures, was, in fact, regarded by Congress as an unacceptable means of expenditure, when it involved the U.S. Air Force and its so-called M account.

"Furthermore, these procedures have recently been characterized by the Wall Street Journal, a national publication, as 'Congress having arranged special treatment for itself and shielded its operations from public scrutiny.'

"We do have now an allegation by a major national news source that what we are doing here constitutes wrongdoing in the public realm. So in that case, allegations of wrongdoing in the public domain also raise a question of privileges before the House.

"So for those reasons, I would say that the gentleman's resolution is in order and should be debated by the House."

Mr. FAZIO was recognized to speak to the question and said:

"Mr. Speaker, I would like to be heard on this so-called privileged resolution.

"My remarks are in two categories. Specifically, as I look at the resolution there is a reference to the failure to audit the Capitol Preservation Commission. That is the only real allegation of any specificity in the resolution. And I might try to place on the record some facts that obviously eluded the Heritage Foundation, which is the source of the information which was just presented by the two gentleman from Pennsylvania.

"The Preservation Commission audit has begun and is ongoing. Of course, the General Accounting Office is required, and I agree with the gentleman from Pennsylvania [Mr. WALKER], to do so under the law in which the Preservation Commission was created. Section 804 of Public Law 106-96 asked that an audit be done on an annual basis.

"But the Commission, which was authorized in 1988, did not hold its first meeting until 1991, and no financial activities were undertaken until later. And so it was impossible effectively for any financial audit to be performed until activities took place and expenditures were made in February 1991.

"We believe that the ongoing Commission audit is the first opportunity to look at any activity of any consequence which took place under the purview of the Commission, and in my view, when the GAO is able to allocate sufficient resources, given the other responsibilities they have been given by this institution in other areas, they will complete this audit and it will be available to us, just as the law requires.

"The other comments made by the gentleman from Pennsylvania [Mr.

WALKER] relate to articles in the Wall Street Journal, Heritage Foundation reports, and I suppose we could say articles that appeared in the Washington Times, all of which are repeating rumors and innuendoes which are circulated by all of these entities on a regular basis. There is no factual content to the resolution otherwise.

"There, obviously, is an effort here to inflame public concern about the way the House operates. The House record of doing audits is a good one, and I suppose that is why no other entity or activity other than the Preservation Commission was cited with any specificity in the resolution.

"So it is clearly an inappropriate occasion for these issues to be brought before the House. There will be ample opportunity to discuss these matters on other legislation that will come before us during the remainder of this year.

"There is no question that this issue has been before us before and been discussed in the context of the legislative branch appropriation bill, and in reference to the Iran-Contra investigation when the whole subject of contingent fund expenditures of the House of Representatives was discussed in great depth with the minority whip, Mr. GINGRICH.

"Mr. Speaker, at a subsequent point in the RECORD I will include a series of audits which have been conducted of the legislative branch activities going back to the 1st of October of 1987, and we will provide this to make sure that all of the audits which have been performed are available in the RECORD so those who seem to be unable to find them will know where to go to obtain them so that in the future their comments can be made more accurately."

The SPEAKER pro tempore, Mr. McNULTY, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

"The Chair is prepared to rule. A question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. Similarly a question of the privileges of the House may not invoke to effect a change in the operation of law.

"The instant resolution does not allege a deviation from or violation of the duly constituted procedures of the House affecting the range of account activity addressed in the resolution after its resolving clause. Rather, with respect to almost the whole of that range, the resolution takes issue with the very adequacy of the procedures under existing law and rule. It does not confine itself to the redress of an abuse of existing rules. Rather it proposes to change and add to such rules, including the new auditing requirements of rule LIII, as adopted in House Resolution 423 on April 9, 1992 by requiring a comprehensive financial and performance audit of all contingency accounts within 90 days.

"An assertion that the reputation of the House is besmirched because it does not follow a particular course of action suggested as an improvement in its operation does not present a question affecting the rights of the House collectively, its safety, dignity, or the integrity of its proceedings under the precedents. That such an assertion may have been echoed in a major financial publication does not change the matter. On this point the opinion of Speaker Colfax on April 21, 1868—which is recorded in Hinds' Precedents, volume 3, section 2639—on the subject of general charges concerning the proceedings of the House—in that instance in a newspaper—is aptly quoted:

If this proposition could be entertained as a question of privilege, the House of Representatives would or could have resolutions upon questions of privilege before them every day, because probably not a day elapses without some newspaper in the country making a general charge against the Congress or some of its Members. These charges must be specific charges. A general charge that some conduct has been scandalous and unjust, the Chair will rule is not a question of privilege * * *.

"The preamble of instant resolution does not present a predicate for a question of the privileges of the House. As Speaker pro tempore Cox noted in the precedent of September 20, 1888, which is recorded in Hinds' Precedents, volume 3, section 2601, there is no allegation of impropriety. Similarly, the matter after its resolving clause merely proposes what amounts to a new rule for audits of all House accounts without alleging improper conduct with respect to all those accounts.

"Therefore, the Chair rules that the resolution does not constitute a question of the privileges of the House."

Mr. SANTORUM appealed the ruling of the Chair.

Mr. GEPHARDT 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. McNULTY, announced that the yeas had it.

Mr. SANTORUM 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 262
Nays 149

| | | |
|--------------|----------------------------|---------------|
| ¶57.5 | [Roll No. 130] YEAS—262 | |
| Abercrombie | Bennett | Campbell (CO) |
| Ackerman | Berman | Cardin |
| Alexander | Bevill | Carper |
| Anderson | Bilbray | Carr |
| Andrews (ME) | Bonior | Chapman |
| Andrews (NJ) | Borski | Clay |
| Andrews (TX) | Brewster | Clement |
| Annuzio | Brooks | Coleman (TX) |
| Applegate | Browder | Collins (IL) |
| Aspin | Brown | Collins (MI) |
| Atkins | Bruce | Combest |
| Bacchus | Bryant | Condit |
| Barnard | Bustamante | Conyers |
| Beilenson | Byron | Costello |

| | | |
|---------------|---------------|--------------|
| Cox (IL) | Kennelly | Price |
| Coyne | Kildee | Rahall |
| Cramer | Klecza | Rangel |
| Darden | Kolter | Ray |
| Davis | Kopetski | Reed |
| de la Garza | Kostmayer | Rhodes |
| DeFazio | LaFalce | Richardson |
| DeLauro | Lancaster | Roemer |
| Dellums | Lantos | Rose |
| Derrick | LaRocco | Rostenkowski |
| Dickinson | Laughlin | Royland |
| Dicks | Lehman (CA) | Roybal |
| Dingell | Lehman (FL) | Russo |
| Dixon | Levin (MI) | Sabo |
| Donnelly | Lewis (GA) | Sanders |
| Dooley | Lipinski | Sangmeister |
| Dorgan (ND) | Lloyd | Sarpalius |
| Downey | Long | Savage |
| Durbin | Lowe (NY) | Sawyer |
| Dwyer | Luken | Saxton |
| Dymally | Manton | Scheuer |
| Early | Markey | Schroeder |
| Eckart | Martinez | Schumer |
| Edwards (CA) | Matsui | Serrano |
| Edwards (TX) | Mavroules | Sharp |
| English | Mazzoli | Sikorski |
| Erdreich | McCloskey | Sisisky |
| Espy | McCurdy | Skaggs |
| Evans | McDermott | Skelton |
| Fascell | McGrath | Slattery |
| Fazio | McHugh | Slaughter |
| Feighan | McMillen (MD) | Smith (FL) |
| Flake | McNulty | Smith (IA) |
| Foglietta | Mfume | Solarz |
| Ford (MI) | Michel | Spratt |
| Ford (TN) | Miller (WA) | Staggers |
| Frank (MA) | Mineta | Stallings |
| Frost | Mink | Stark |
| Gaydos | Moakley | Stenholm |
| Gejdenson | Mollohan | Stokes |
| Gephardt | Montgomery | Studds |
| Geren | Moody | Sweet |
| Gibbons | Moran | Swift |
| Glickman | Mrazek | Synar |
| Gonzalez | Murphy | Tallon |
| Gordon | Murtha | Tanner |
| Guarini | Natcher | Tauzin |
| Hall (OH) | Neal (MA) | Taylor (MS) |
| Hall (TX) | Neal (NC) | Thomas (GA) |
| Hamilton | Nowak | Thornton |
| Hammerschmidt | Oberstar | Torres |
| Harris | Obey | Towns |
| Hatcher | Olin | Trafficant |
| Hayes (IL) | Olver | Traxler |
| Hayes (LA) | Ortiz | Unsoeld |
| Hefner | Orton | Valentine |
| Hertel | Owens (NY) | Vento |
| Hoagland | Owens (UT) | Visclosky |
| Hochbrueckner | Pallone | Volkmer |
| Horn | Panetta | Waters |
| Hubbard | Parker | Waxman |
| Huckaby | Pastor | Weiss |
| Hughes | Patterson | Wheat |
| Hutto | Payne (NJ) | Whitten |
| Jacobs | Payne (VA) | Williams |
| Jefferson | Pease | Wilson |
| Jenkins | Pelosi | Wise |
| Johnson (SD) | Penny | Wolpe |
| Johnston | Perkins | Wyden |
| Jones (NC) | Peterson (FL) | Yates |
| Jontz | Peterson (MN) | Yatron |
| Kanjorski | Pickett | Young (AK) |
| Kaptur | Pickle | |
| Kennedy | Poshard | |

NAYS—149

| | | |
|---------------|--------------|--------------|
| Allard | Coleman (MO) | Goss |
| Allen | Coughlin | Gradison |
| Archer | Cox (CA) | Green |
| Armey | Crane | Gunderson |
| Baker | Cunningham | Hancock |
| Ballenger | Dannemeyer | Hansen |
| Barrett | Doolittle | Hastert |
| Barton | Dornan (CA) | Hefley |
| Bateman | Dreier | Henry |
| Bentley | Duncan | Herger |
| Bereuter | Emerson | Hobson |
| Billirakis | Ewing | Holloway |
| Biley | Fawell | Hopkins |
| Boehlert | Fields | Horton |
| Boehner | Fish | Hunter |
| Broomfield | Franks (CT) | Hyde |
| Bunning | Galleghy | Inhofe |
| Burton | Gallo | Ireland |
| Callahan | Gekas | James |
| Camp | Gilchrest | Johnson (CT) |
| Campbell (CA) | Gillmor | Johnson (TX) |
| Chandler | Gilman | Kasich |
| Clinger | Gingrich | Klug |
| Coble | Goodling | Kolbe |

| | | |
|---------------|---------------|-------------|
| Kyl | Packard | Skeen |
| Lagomarsino | Paxon | Smith (NJ) |
| Leach | Petri | Smith (OR) |
| Lent | Pursell | Smith (TX) |
| Lewis (CA) | Quillen | Snowe |
| Lewis (FL) | Ramstad | Solomon |
| Lightfoot | Ravenel | Spence |
| Lowery (CA) | Regula | Stearns |
| Machtley | Ridge | Stump |
| Marlenee | Riggs | Sundquist |
| Martin | Rinaldo | Taylor (NC) |
| McCandless | Ritter | Thomas (CA) |
| McCollum | Roberts | Thomas (WY) |
| McCrery | Rogers | Upton |
| McDade | Rohrabacher | Vander Jagt |
| McEwen | Ros-Lehtinen | Vucanovich |
| McMillan (NC) | Roth | Walker |
| Meyers | Roukema | Walsh |
| Miller (OH) | Santorum | Weber |
| Molinari | Schaefer | Weldon |
| Moorhead | Schiff | Wolf |
| Morrison | Schulze | Wylie |
| Myers | Sensenbrenner | Young (FL) |
| Nichols | Shaw | Zeliff |
| Nussle | Shays | Zimmer |
| Oxley | Shuster | |

NOT VOTING—23

| | | |
|--------------|-------------|------------|
| Anthony | Engel | Morella |
| AuCoin | Grandy | Nagle |
| Blackwell | Houghton | Oakar |
| Boucher | Hoyer | Porter |
| Boxer | Jones (GA) | Roe |
| Cooper | Levine (CA) | Torricelli |
| DeLay | Livingston | Washington |
| Edwards (OK) | Miller (CA) | |

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.

57.6 PROVIDING FOR THE CONSIDERATION OF H.R. 776

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 459):

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. 776 to provide for improved energy efficiency, 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 five hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, and with thirty minutes to be equally divided and controlled by the chair-

man and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the "Committee Print, May 19, 1992, Comprehensive National Energy Policy Act" as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution or by subsequent order of the House. The amendments printed in the report of the Committee on Rules shall be considered in the order and manner specified in the report and shall be considered as having been read. Said amendments shall be debatable for the period specified in the report, equally divided and controlled by the proponent and a Member opposed thereto. Said amendments shall not be subject to amendment except as specified in the report. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. No further amendments shall be in order except as subsequently ordered by the House.

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 and under the operation thereof, the resolution was agreed to.

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

57.7 ENERGY POLICY

The SPEAKER pro tempore, Mr. McNULTY, pursuant to House Resolution 459 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 776) to provide for improved energy efficiency.

The SPEAKER pro tempore, Mr. McNULTY, by unanimous consent, designated Mr. SKAGGS as Chairman of the Committee of the Whole.

The Acting Chairman, Mr. GLICKMAN, assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. MURTHA, assumed the Chair.

When Mr. SKAGGS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

57.8 H. CON. RES. 320—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MURTHA, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and agree to the concurrent resolution (H. Con. Res. 320) declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators.

The question being put, Will the House suspend the rules and agree to said concurrent resolution?

The vote was taken by electronic device.