

McHale	Penny	Stenholm
McKinney	Peterson (FL)	Stokes
McNulty	Peterson (MN)	Strickland
Meehan	Pickett	Studds
Meek	Pickle	Stupak
Menendez	Pomeroy	Swett
Mfume	Poshard	Swift
Miller (CA)	Price (NC)	Tanner
Miller (FL)	Rahall	Tauzin
Mineta	Reed	Tejeda
Minge	Reynolds	Thornton
Mink	Richardson	Thurman
Moakley	Roemer	Torres
Mollohan	Rostenkowski	Torrice
Montgomery	Roth	Towns
Moorhead	Rowland	Traficant
Moran	Roybal-Allard	Tucker
Murtha	Rush	Unsoeld
Myers	Sangmeister	Valentine
Nadler	Sarpalius	Velazquez
Natcher	Sawyer	Vento
Neal (MA)	Schenk	Visclosky
Oberstar	Schumer	Volkmer
Obey	Scott	Washington
Olver	Serrano	Waters
Ortiz	Sharp	Watt
Orton	Sisisky	Waxman
Owens	Skaggs	Wilson
Pallone	Skelton	Wise
Parker	Slattery	Woolsey
Pastor	Slaughter	Wyden
Payne (NJ)	Smith (IA)	Wynn
Payne (VA)	Spratt	Yates
Pelosi	Stark	

NAYS—160

Allard	Grandy	Pombo
Army	Greenwood	Porter
Bachus (AL)	Gunderson	Portman
Baker (CA)	Hancock	Pryce (OH)
Baker (LA)	Hansen	Quillen
Ballenger	Hastert	Quinn
Barrett (NE)	Hefley	Ramstad
Bartlett	Herger	Ravenel
Barton	Hobson	Regula
Bentley	Hoekstra	Ridge
Bereuter	Hoke	Roberts
Bilirakis	Horn	Rogers
Bliley	Huffington	Rohrabacher
Blute	Hunter	Ros-Lehtinen
Boehlert	Hutchinson	Roukema
Boehner	Hyde	Royce
Bonilla	Inhofe	Santorum
Bunning	Istook	Saxton
Burton	Jacobs	Schaefer
Callahan	Johnson (CT)	Schiff
Calvert	Johnson, Sam	Schroeder
Camp	Kim	Sensenbrenner
Canady	King	Shaw
Clay	Kingston	Shays
Clinger	Klug	Shuster
Coble	Knollenberg	Skeener
Collins (GA)	Kolbe	Smith (MI)
Cox	Kyl	Smith (NJ)
Crapo	Lazio	Smith (OR)
Cunningham	Levy	Smith (TX)
DeLay	Lewis (CA)	Snowe
Diaz-Balart	Lewis (FL)	Solomon
Dickey	Lightfoot	Spence
Doollittle	Linder	Stearns
Dornan	Machtley	Stump
Dreier	Manzullo	Sundquist
Duncan	McCandless	Talent
Dunn	McCrery	Taylor (MS)
Emerson	McDade	Taylor (NC)
Everett	McHugh	Thomas (CA)
Fawell	McInnis	Thomas (WY)
Fields (TX)	McKeon	Torkildsen
Fowler	McMillan	Upton
Franks (CT)	Meyers	Vucanovich
Franks (NJ)	Mica	Walker
Gallely	Michel	Walsh
Gallo	Molinari	Weldon
Gekas	Morella	Wolf
Gilchrist	Murphy	Young (AK)
Gingrich	Nussle	Young (FL)
Goodlatte	Oxley	Zeliff
Goodling	Packard	Zimmer
Goss	Paxon	
Grams	Petri	

ANSWERED "PRESENT"—1

Ewing

NOT VOTING—27

Brown (CA)	Dellums	Inslee
Buyer	Engel	Kopetski
Clayton	Fingerhut	Lambert
Clyburn	Hall (OH)	Leach
Crane	Henry	Livingston

Martinez	Sabo	Thompson
Neal (NC)	Sanders	Wheat
Rangel	Shepherd	Whitten
Rose	Synar	Williams

So the Journal was approved.

63.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1303. A letter from the Acting Secretary of the Army, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 and 25 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1304. A letter from the Acting Secretary of the Navy, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

1305. A letter from the Director, Defense Research and Engineering, Department of Defense, transmitting a report on research, development, test and evaluation activities conducted under the Biological Defense Research Program during fiscal year 1992, pursuant to Public Law 101-510, section 241(a) (104 Stat. 1517); to the Committee on Armed Services.

1306. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department intends to offer for lease a naval vessel to the Government of Morocco, pursuant to 10 U.S.C. 7307(B)(2); to the Committee on Armed Services.

1307. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the annual report on the subject of retail fees and services of depository institutions, pursuant to Public Law 101-73, section 1002(b) (103 Stat. 508); to the Committee on Banking, Finance and Urban Affairs.

1308. A letter from the Assistant Vice President of Governmental Affairs, National Railroad Passenger Corporation, transmitting the 1993 criteria performance review of Amtrak's routes, pursuant to 45 U.S.C. 564(c)(4)(C); to the Committee on Energy and Commerce.

1309. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a copy of the Deputy Secretary's determination and justification that it is in the national interest to grant assistance to Senegal, pursuant to 22 U.S.C. 2370(q); to the Committee on Foreign Affairs.

1310. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting notice of proposed lease to Norway for defense articles (Transmittal No. 5-93), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

1311. A letter from the Acting Director, U.S. Arms Control and Disarmament Agency, transmitting a draft of proposed legislation to amend the Arms Control and Disarmament Act to authorize appropriations for fiscal years 1994 and 1995; to the Committee on Foreign Affairs.

1312. 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 1998 resulting from passage of Public Law 103-31, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on Government Operations.

1313. A letter from the Chairman, Interstate Commerce Commission, transmitting the semiannual report on activities pursuant to the Inspector General Act, pursuant to Public Law 95-452, Section 5(b), (102 Stat. 2526); to the Committee on Government Operations.

1314. A letter from the Acting Director, U.S. Information Agency, transmitting the semiannual report of the Inspector General covering the period October 1, 1992, through March 31, 1993, pursuant to Public Law 99-399, Section 412(a); to the Committee on Government Operations.

1315. A letter from the Portland District, Corps of Engineers, Department of the Army, transmitting the fiscal year 1992 annual report of the Chief of Engineers on Civil Works Activities, Portland, OR District extract; to the Committee on Public Works and Transportation.

1316. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting Presidential determination (93-21) that the Government of Morocco is cooperating with the United Nations in implementing the settlement plan for self-determination of the people of the Western Sahara, pursuant to Public Law 102-319, section 599G; jointly, to the Committees on Appropriations and Foreign Affairs.

1317. A letter from the Acting Administrator, General Services Administration, transmitting notification of the determination that it is in the public interest to make a proposed contract award to Howard University without obtaining full and open competition, pursuant to 41 U.S.C. 253(c)(7); jointly, to the Committees on Public Works and Transportation and Government Operations.

63.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1723. An Act to authorize the establishment of a program under which employees of the Central Intelligence Agency may be offered separation pay to separate from service voluntarily to avoid or minimize the need for involuntary separations due to downsizing, reorganization, transfer of function, or other similar action, and for other purposes.

63.5 COMMITTEE ELECTION—MINORITY

Mr. MICHEL submitted the following privileged resolution (H. Res. 187):

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Smith of Michigan; and Mr. Everett of Alabama; and the

Committee on Merchant Marine and Fisheries: Mrs. Bentley of Maryland; and Mr. Taylor of North Carolina; and Mr. Torkildsen of Massachusetts; and the

Committee on Veterans' Affairs: Mr. Stearns of Florida; and Mr. King of New York.

When said resolution was considered and agreed to.

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

63.6 PROVIDING FOR THE CONSIDERATION OF H.R. 2264

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 186):

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

consideration of the bill (H.R. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The modifications to the bill printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against the bill, as modified, are waived. No amendment to the bill, as modified, shall be in order except the amendment in the nature of a substitute printed in part 2 of the report. The amendment in the nature of a substitute may be offered only by Representative Kasich of Ohio or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as modified, to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit, which may not include instructions.

Pending consideration of said resolution,

¶63.7 POINT OF ORDER

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

"Mr. Speaker, respectfully, I make a point of order against House Resolution 186 on the grounds that it is in violation of House rule XI, clause 4(d).

"Mr. Speaker, House rule XI, clause 4(d) provides that, and I quote,

Whenever the Committee on Rules reports a resolution repealing or amending any of the rules of the House of Representatives or part thereof it shall include in its report or in an accompanying document, number one, the text of any part of the rules of the House of Representatives which is proposed to be repealed and, number two, a comparative print of any part of the resolution making such an amendment, and any part of the rules of the House of Representatives to be amended, showing by an appropriate typographical device the omissions and insertions proposed to be made.

"Mr. Speaker, House Resolution 186 provides that upon its adoption 'Modifications to H.R. 2264, printed in part 1 of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole.'

"One of those modifications, Mr. Speaker, contained in the Committee on Rules report, adds a totally new title XV to the bill entitled 'Budget Process.'

"Subtitle B of that title in the report is entitled 'Amendment to the Congressional Budget and Impoundment Con-

trol Act of 1974; Conforming Amendments.'

"Section 15211 of that subtitle is entitled 'Conforming Amendments to the rules of the House of Representatives.' The section includes six separate, permanent, not temporary but permanent, amendments to the House Rules which amend: rule X, clause 4(g); rule XI, clause 2(L)(3)(B); rule XI, clause 2(L)(6); rule XI, clause 7; rule XXIII, clause 8; and rule XLIX, clause 2.

"And yet, despite the fact that this resolution, upon its adoption, amends House rules in those six different parts, nowhere in the report of the Committee on Rules for this resolution is there any kind of comparative print showing the changes being made from the existing rules as is required in House rule XI, clause 4(d), which I cited earlier today.

"Mr. Speaker, it will not do to argue that this change is being made in an order of business resolution. House rule XI does not differentiate between special rules and other resolutions reported from the Committee on Rules. It only refers to 'a resolution repealing or amending any rule of the House' whenever it is reported by the Committee on Rules.

"Mr. Speaker, the resolution clearly makes such changes, and the report must, therefore, include a comparative print showing those changes. Otherwise, I can assure my colleagues, Mr. Speaker, as I look at all of these changes, which I have here now, 90 percent of the Members of this House have never seen this document that I have in my hand here. I know almost 100 percent on our side, and I am sure only those who might have been active last night between the hours of 2 a.m. and 4 a.m. have any idea what is in here.

"So it just is not right. If we had these comparatives showing the differences of what is being changed or repealed or added, at least we could make some kind of a fair judgment.

"I, therefore, urge that my point of order be sustained."

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

"The gentleman from New York [Mrs. SOLOMON] makes the point of order that the rule violates clause 4(D) of rule XI. This clause requires the Rules Committee to include a comparative print displaying changes to the rules of the House when the committee reports a resolution repealing or amending any rule.

"House Resolution 186 modifies the text of the reconciliation bill. The bill as modified amends House rules. But the resolution under consideration does not, in itself, repeal or amend any rule of the House.

"Mr. Speaker, I urge you to overrule the point of order."

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

"Mr. Speaker, it seems to me what I hear the gentleman from South Carolina saying is that the resolution does not so state these rules changes and so,

therefore, they will not really take place. And the House should not have to fear them.

"Understand, what he is suggesting is that the self-enacting amendments that the resolution makes in order are not directly spelled out in the resolution and so, therefore, should not have to be considered in all of this, because two of the self-enacting amendments are what the gentleman refers to in the changes in text.

"We now have this rather strange situation on the floor where the Committee on Rules can come down, violate the fundamental rules of the House with self-enacting provisions, and claim that somehow these are not a part of their rule. They can go up and make deals in the dead of night behind closed doors, come out into the Committee on Rules, effect those deals, make them into self-enacting amendments where nobody has seen the text of them, and then come to the floor later on and claim that somehow these do not have any real effect. That simply is not the way in which the House should proceed.

"Mr. Speaker, I would suggest that the gentleman from New York [Mr. SOLOMON] is absolutely correct. They are coming to the floor with an intention to change the rules of the House of Representatives. When we adopt this rule, we will adopt self-enacting provisions which, if finally adopted, will change the rules of the House and we will have no comparison between the two.

"This would be an appalling precedent to set in the House, that what we are doing is trampling on the rules of the House without the proper procedures. It would certainly go along with how this budget resolution has been brought forward. The Chair, in all fairness, should sustain the point of order and should not simply take the majority party's opinion on this that is trying to ram through something extralegally."

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

"Clause 4(d) of rule XI requires the Committee on Rules to provide a comparative print of proposals to change the rules whenever it reports 'a resolution repealing or amending any of the Rules of the House.'

"The jurisdiction of the Committee on Rules is not confined to the rules, however. It extends also to the order of business of the House. Thus, the committee is authorized to report a resolution providing a special order of business.

"House Resolution 186 provides a special order of business. Its adoption would modify the text of H.R. 2264 to include certain changes in the rules, and would provide for the consideration of the bill, as modified, by the House. But House Resolution 186 does not, itself, repeal or amend any rule of the House. Only the bill—H.R. 2264—would, if enacted into law, amend