

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document, number one, the text of any part of the rules of the House of Representatives which is proposed to be repealed and, number two, a comparative print of any part of the resolution making such an amendment, and any part of the rules of the House of Representatives to be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

House rules. Consequently, the requirement of clause 4(d) of rule XI is not applicable.

“Consistent with the precedent of February 24, 1993, the point of order is overruled.”

When said resolution was considered.

After debate,

Mr. DERRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, *viva voce*,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. McNULTY, 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 252
Nays 178

¶63.8 [Roll No. 195]
YEAS—252

Abercrombie	English (AZ)	Lewis (GA)
Ackerman	English (OK)	Lipinski
Andrews (ME)	Eshoo	Lloyd
Andrews (NJ)	Evans	Long
Andrews (TX)	Fazio	Lowey
Applegate	Fields (LA)	Maloney
Bacchus (FL)	Filner	Mann
Baesler	Fingerhut	Manton
Barcia	Flake	Margolies-Mezvinsky
Barlow	Foglietta	Markey
Barrett (WI)	Ford (MI)	Martinez
Becerra	Ford (TN)	Matsui
Beilenson	Frank (MA)	Mazzoli
Berman	Frost	McCloskey
Bevill	Furse	McCurdy
Billbray	Gejdenson	McDermott
Bishop	Gephardt	McHale
Blackwell	Geren	McKinney
Bonior	Gibbons	McNulty
Borski	Glickman	Meehan
Boucher	Gonzalez	Meek
Brewster	Gordon	Menendez
Brooks	Green	Mfume
Browder	Gutierrez	Miller (CA)
Brown (FL)	Hall (OH)	Mineta
Brown (OH)	Hall (TX)	Minge
Bryant	Hamburg	Mink
Byrne	Harman	Moakley
Cantwell	Hastings	Mollohan
Cardin	Hayes	Montgomery
Carr	Hefner	Moran
Chapman	Hilliard	Murphy
Clay	Hinchev	Murtha
Clayton	Hoagland	Nadler
Clement	Hochbrueckner	Natcher
Clyburn	Holden	Neal (MA)
Coleman	Hoyer	Neal (NC)
Collins (IL)	Hughes	Oberstar
Collins (MI)	Hutto	Obey
Condit	Inslee	Jefferson
Conyers	Obey	Johnson (GA)
Cooper	Jefferson	Johnson (SD)
Coppersmith	Johnson (GA)	Johnson, E. B.
Costello	Johnson (SD)	Johnston
Coyne	Johnson, E. B.	Kanjorski
Cramer	Johnston	Kaptur
Danner	Kanjorski	Kennedy
Darden	Kaptur	Kennelly
de la Garza	Kennedy	Kildee
Deal	Kennelly	Klecza
DeFazio	Kildee	Klein
DeLauro	Klecza	Klink
Dellums	Klein	Kopetski
Derrick	Klink	Kreidler
Deutsch	Kopetski	LaFalce
Dicks	Kreidler	Lambert
Dingell	LaFalce	Lancaster
Dixon	Lambert	Lantos
Dooley	Lancaster	LaRocco
Durbin	Lantos	Laughlin
Edwards (CA)	LaRocco	Lehman
Edwards (TX)	Laughlin	Levin
Engel	Lehman	

Roemer	Smith (IA)
Rose	Spratt
Rostenkowski	Stark
Rowland	Stenholm
Roybal-Allard	Stokes
Rush	Strickland
Sabo	Studds
Sanders	Stupak
Sangmeister	Swett
Sawyer	Swift
Schenk	Synar
Schroeder	Tanner
Schumer	Tauzin
Scott	Taylor (MS)
Serrano	Tejeda
Sharp	Thompson
Shepherd	Thornton
Sisisky	Thurman
Skaggs	Torres
Skelton	Torricelli
Slattery	Towns
Slaughter	Traficant

NAYS—178

Allard	Goodling
Archer	Goss
Armey	Grams
Bachus (AL)	Grandy
Baker (CA)	Greenwood
Baker (LA)	Gunderson
Balenger	Hamilton
Barrett (NE)	Hancock
Bartlett	Hansen
Barton	Hastert
Bateman	Hefley
Bentley	Henger
Bereuter	Hobson
Bilirakis	Hoekstra
Biley	Hoke
Blute	Horn
Boehlert	Houghton
Boehner	Huffington
Bonilla	Hunter
Bunning	Hutchinson
Burton	Hyde
Buyer	Inglis
Callahan	Inhofe
Calvert	Istook
Camp	Jacobs
Canady	Johnson (CT)
Castle	Johnson, Sam
Clinger	Kasich
Coble	Kim
Collins (GA)	King
Combest	Kingston
Cox	Klug
Crane	Knollenberg
Crapo	Kolbe
Cunningham	Kyl
DeLay	Lazio
Diaz-Balart	Leach
Dickey	Levy
Doolittle	Lewis (CA)
Dornan	Lewis (FL)
Dreier	Lightfoot
Duncan	Linder
Dunn	Livingston
Emerson	Machtley
Everett	Manzullo
Ewing	McCandless
Fawell	McCollum
Fields (TX)	McCoy
Fish	McDade
Fowler	McHugh
Franks (CT)	McInnis
Franks (NJ)	McKeon
Galleghy	McMillan
Gallo	Meyers
Gekas	Mica
Gilchrist	Michel
Gillmor	Miller (FL)
Gilman	Molinari
Gingrich	Moorhead
Goodlatte	Morella

NOT VOTING—2

Brown (CA)

Henry

So the previous question on the resolution was ordered.

The question being put, *viva voce*, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. McNULTY, announced that the nays had it.

Mr. DERRICK demanded a recorded vote on agreeing to said resolution,

which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 236
affirmative } Nays 194

¶63.9 [Roll No. 196]
AYES—236

Abercrombie	Gonzalez	Pastor
Ackerman	Gordon	Payne (NJ)
Andrews (ME)	Green	Payne (VA)
Andrews (NJ)	Gutierrez	Pelosi
Andrews (TX)	Hall (OH)	Penny
Applegate	Hamburg	Peterson (FL)
Bacchus (FL)	Harman	Pickett
Baesler	Hastings	Pickle
Barlow	Hefner	Pomeroy
Barrett (WI)	Hilliard	Poshard
Becerra	Hinchev	Price (NC)
Beilenson	Hoagland	Rahall
Berman	Hochbrueckner	Rangel
Bevill	Hoyer	Reed
Billbray	Hutto	Reynolds
Bishop	Inslee	Richardson
Blackwell	Jefferson	Roemer
Bonior	Johnson (GA)	Rose
Borski	Johnson (SD)	Rostenkowski
Boucher	Johnson, E. B.	Rowland
Brewster	Johnston	Roybal-Allard
Brooks	Kanjorski	Rush
Browder	Kaptur	Sabo
Brown (CA)	Kennedy	Sanders
Brown (FL)	Kennelly	Sangmeister
Brown (OH)	Kildee	Sawyer
Bryant	Klecza	Schenk
Byrne	Klein	Schroeder
Cardin	Klink	Schumer
Carr	Kopetski	Scott
Chapman	Kreidler	Serrano
Clay	LaFalce	Sharp
Clayton	Lancaster	Shepherd
Clement	Lantos	Sisisky
Clyburn	LaRocco	Skaggs
Coleman	Laughlin	Skelton
Collins (IL)	Levin	Slattery
Collins (MI)	Lewis (GA)	Slaughter
Condit	Lipinski	Smith (IA)
Conyers	Long	Spratt
Coppersmith	Lowey	Stark
Costello	Maloney	Stenholm
Coyne	Mann	Stokes
Cramer	Manton	Strickland
Danner	Margolies-Mezvinsky	Studds
Darden	Markey	Stupak
de la Garza	Martinez	Swett
Deal	Matsui	Swift
DeFazio	Mazzoli	Synar
DeLauro	McCloskey	Tanner
Dellums	McDermott	Taylor (MS)
Derrick	McKinney	Tejeda
Deutsch	McNulty	Thompson
Dicks	Meehan	Thornton
Dingell	Meek	Thurman
Dixon	Menendez	Torres
Dooley	Mfume	Torricelli
Durbin	Miller (CA)	Towns
Edwards (CA)	Mineta	Traficant
Edwards (TX)	Minge	Tucker
Engel	Mink	Unsoeld
	Moakley	Valentine
	Mollohan	Velazquez
	Montgomery	Vento
	Moran	Visclosky
	Murphy	Volkmer
	Murtha	Washington
	Nadler	Waters
	Natcher	Watt
	Neal (MA)	Waxman
	Neal (NC)	Wheat
	Oberstar	Whitten
	Obey	Williams
	Olver	Wilson
	Ortiz	Wise
	Owens	Woolsey
	Pallone	Wyden
		Wynn
		Yates

NOES—194

Allard	Balenger	Bentley
Archer	Barcia	Bereuter
Armey	Barrett (NE)	Bilirakis
Bachus (AL)	Bartlett	Biley
Baker (CA)	Barton	Blute
Baker (LA)	Bateman	Boehlert