the reason this motion should be granted privilege is that the popular will of the people and the belief of the people is that this body is not carrying out that will, and yet they believe the votes exist. The only way we can find that out is for the Chair to rule this is a matter of privilege and let the votes commence and we can open up the Government this afternoon.''.

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

''The Chair is constrained, first, to determine whether the resolution qualifies under rule IX.

''Questions of the privileges of the House must meet the standards of rule IX even when they invoke provisions of the Constitution. Those standards address privileges of the House, as a House, not those of the Congress, as a legislative branch. The question whether a Member may broach the privileges of the House simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution—or the general legislative ''power of the purse'' in the seventh original clause of section 9 of that article—has consistently been answered in the negative. The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

''The Chair will follow the ruling of Speaker Gillett on May 6, 1921, as recorded in volume 6 of Cannon's precedents, section 48:

It seems to the Chair that where the Constitution ordered the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. . . .

''Applying that precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48, and the similar precedents of February 7 and December 22, 1995, the Chair holds that the resolution offered by the gentleman from Missouri does not affect 'the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings' within the meaning of clause 1 of rule IX. Although it may address an aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Rather, the resolution constitutes an attempt to impose a special order of business on the House by providing that the Senate amendment to H.R. 1643 be deemed adopted.

''The resolution does not constitute a question of privilege.''.

Mr. MORAN appealed the ruling of the Chair.

The question being put, viva voce,

Will the decision of the Chair stand as the judgment of the House?

Mr. ARMEY 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. WALKER, announced that the nays had it.

Mr. ARMEY demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 206; Nays ..... 167; Answered present 1

¶1.12 [Roll No. 2]

YEAS—206

Allard, Archer, Armey, Bachus, Baker (CA), Baker (LA), Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blute, Boehlert, Boehner, Bonilla, Bono, Brownback, Bryant (TN), Bunn, Bunning, Burr, Burton, Calvert, Camp, Campbell, Canady, Castle, Chambliss, Chenoweth, Christensen, Chrysler, Clinger, Coble, Coburn, Collins (GA), Combest, Cooley, Cox, Crane, Crapo, Cremeans, Cunningham, Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Flanagan, Foley, Forbes, Fowler, Fox, Franks (CT), Franks (NJ), Frelinghuysen, Frisa, Funderburk, Ganske, Gekas, Gilchrest, Goodlatte, Goodling, Goss, Graham, Greenwood, Gunderson, Gutknecht, Hancock, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Heineman, Herger, Hilleary, Hobson, Hoekstra, Horn, Hostettler, Houghton, Hunter, Hyde, Inglis, Istook, Jacobs, Johnson, Sam, Jones, Kasich, Kelly, Kim, King, Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, Laughlin, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Livingston, LoBiondo, Longley, Lucas, Manzullo, Martini, McCrery, McDade, McHugh, McInnis, McKeon, Metcalf, Meyers, Mica, Miller (FL), Molinari, Moorhead, Myers, Myrick, Nethercutt, Neumann, Ney, Nussle, Oxley, Packard, Parker, Paxon, Petri, Pombo, Porter, Quinn, Radanovich, Ramstad, Regula, Riggs, Roberts, Rogers, Rohrabacher, Ros-Lehtinen, Roth, Royce, Salmon, Sanford, Saxton, Scarborough, Schaefer, Schiff, Seastrand, Sensenbrenner, Shadegg, Shaw, Shays, Skeen, Smith (NJ), Smith (TX), Smith (WA), Solomon, Spence, Stearns, Stump, Talent, Tate, Tauzin, Taylor (NC), Thomas, Thornberry, Tiahrt, Torkildsen, Upton, Vucanovich, Waldholtz, Walker, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Young (FL), Zeliff, Zimmer

NAYS—167

Ackerman, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Beilenson, Bentsen, Bevill, Bishop, Bonior, Borski, Boucher, Brewster, Browder, Brown (CA), Cardin, Clayton, Clement, Clyburn, Coleman, Collins (MI), Condit, Conyers, Costello, Coyne, Cramer, Danner, Davis, de la Garza, DeLauro, Dellums, Deutsch, Dicks, Dingell, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Evans, Farr, Fattah, Fields (LA), Filner, Flake, Ford, Frank (MA), Frost, Furse, Gejdenson, Gephardt, Geren, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Holden, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, Johnson (SD), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kleczka, Klink, LaFalce, Lantos, Levin, Lewis (GA), Lincoln, Lipinski, Lofgren, Lowey, Luther, Manton, Markey, Martinez, Mascara, Matsui, McCarthy, McDermott, McHale, McKinney, McNulty, Meehan, Menendez, Miller (CA), Minge, Moakley, Mollohan, Montgomery, Moran, Morella, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Orton, Pallone, Payne (NJ), Payne (VA), Peterson (FL), Peterson (MN), Pickett, Pomeroy, Poshard, Rahall, Rangel, Reed, Richardson, Rivers, Roemer, Rose, Roybal-Allard, Rush, Sabo, Schroeder, Schumer, Scott, Serrano, Sisisky, Skaggs, Skelton, Slaughter, Spratt, Stenholm, Stokes, Stupak, Taylor (MS), Tejeda, Thompson, Thornton, Thurman, Torres, Traficant, Velazquez, Vento, Volkmer, Ward, Waters, Watt (NC), Waxman, Williams, Wise, Woolsey, Wynn, Yates

ANSWERED ''PRESENT''—1

Wolf

NOT VOTING—59

Abercrombie, Berman, Brown (FL), Brown (OH), Bryant (TX), Buyer, Callahan, Chabot, Chapman, Clay, Collins (IL), Cubin, DeFazio, Dixon, Dornan, Durbin, Fazio, Fields (TX), Foglietta, Gallegly, Gibbons, Gillmor, Gilman, Hayes, Hoke, Hutchinson, Johnson (CT), Johnston, LaTourette, Lightfoot, Maloney, McCollum, McIntosh, Meek, Mfume, Mink, Norwood, Owens, Pastor, Pelosi, Portman, Pryce, Quillen, Roukema, Sanders, Sawyer, Shuster, Smith (MI), Souder, Stark, Stockman, Studds, Tanner, Torricelli, Towns, Visclosky, Wilson, Wyden, Young (AK)

So the motion to lay the appeal of the ruling of the Chair 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.

¶1.13 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

¶1.14 COMMUNICATION FROM THE CLERK—MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. WALKER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, December 28, 1995.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, December 28, 1995 at 5:30 p.m. and said to contain a message from the President whereby he returns without his approval H.R. 1530, ''National Defense Authorization Act for Fiscal Year 1996.''

With warm regards,

ROBIN H. CARLE,
Clerk.

¶1.15 MESSAGE FROM THE PRESIDENT—VETO OF H.R. 1530

The SPEAKER pro tempore, Mr. WALKER, laid before the House a message from the President, which was read as follows:

To the House of Representatives:

I am returning herewith without my approval H.R. 1530, the ''National Defense Authorization Act for Fiscal Year 1996.''

H.R. 1530 would unacceptably restrict my ability to carry out this country's national security objectives and substantially interfere with the implementation of key national defense programs. It would also restrict the President's authority in the conduct of foreign affairs and as Commander in Chief, raising serious constitutional concerns.

First, the bill requires deployment by 2003 of a costly missile defense system able to defend all 50 States from a long-range missile threat that our Intelligence Community does not foresee in the coming decade. By forcing such an unwarranted deployment decision now, the bill would waste tens of billions of dollars and force us to commit prematurely to a specific technological option. It would also likely require a multiple-site architecture that cannot be accommodated within the term of the existing ABM Treaty. By setting U.S. policy on a collision course with the ABM Treaty, the bill would jeopardize continued Russian implementation of the START I Treaty as well as Russian ratification of START II—two treaties that will significantly lower the threat to U.S. national security, reducing the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels. The missile defense provisions would also jeopardize our current efforts to agree on an ABM/TMD (Theater Missile Defense) demarcation with the Russian Federation.

Second, the bill imposes restrictions on the President's ability to conduct contingency operations essential to national security. Its restrictions on funding of contingency operations and the requirement to submit a supplemental appropriations request within a time certain in order to continue a contingency operation are unwarranted restrictions on a President's national security and foreign policy prerogatives. Moreover, by requiring a Presidential certification to assign U.S. Armed Forces under United Nations operational or tactical control, the bill infringes on the President's constitutional authority as Commander in Chief.

Third, H.R. 1530 contains other objectionable provisions that would adversely affect the ability of the Defense Department to carry out national defense programs or impede the Department's ability to manage its day-to-day operations. For example, the bill includes counterproductive certification requirements for the use of Nunn-Lugar Cooperative Threat Reduction (CTR) funds and restricts use of funds for individual CTR programs.

Other objectionable provisions eliminate funding for the Defense Enterprise Fund; restrict the retirement of U.S. strategic delivery systems; slow the pace of the Defense Department's environmental cleanup efforts; and restrict Defense's ability to execute disaster relief, demining, and military-to-military contact programs. The bill also directs the procurement of specific submarines at specific shipyards although that is not necessary for our military mission to maintain the Nation's industrial base.

H.R. 1530 also contains two provisions that would unfairly affect certain service members. One requires medically unwarranted discharge procedures for HIV-positive service members. In addition, I remain very concerned about provisions that would restrict service women and female dependents of military personnel from obtaining privately funded abortions in military facilities overseas, except in cases of rape, incest, or danger to the life of the mother. In many countries, these U.S. facilities provide the only accessible, safe source for these medical services. Accordingly, I urge the Congress to repeal a similar provision that became law in the ''Department of Defense Appropriations Act, 1996.''

In returning H.R. 1530 to the Congress, I recognize that it contains a number of important authorities for the Department of Defense, including authority for Defense's military construction program and the improvement of housing facilities for our military personnel and their families. It also contains provisions that would contribute to the effective and efficient management of the Department, including important changes in Federal acquisition law.

Finally, H.R. 1530 includes the authorization for an annual military pay raise of 2.4 percent, which I strongly support. The Congress should enact this authorization as soon as possible, in separate legislation that I will be sending up immediately. In the meantime, I will today sign an Executive order raising military pay for the full 2.0 percent currently authorized by the Congress and will sign an additional order raising pay by a further 0.4 percent as soon as the Congress authorizes that increase.

I urge the Congress to address the Administration's objections and pass an acceptable National Defense Authorization Act promptly. The Department of Defense must have the full range of authorities that it needs to perform its critical worldwide missions.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *December 28, 1995.*

The SPEAKER pro tempore, Mr. WALKER, ordered that the veto message, together with the accompanying bill, be printed (H. Doc. 104–155) and spread upon the pages of the Journal of the House.

The question being on passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

By unanimous consent, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the negative ..... { Yeas ..... 240 / Nays 156

¶1.16 [Roll No. 3]

YEAS—240

Allard	Clement	Franks (CT)
Archer	Clinger	Frelinghuysen
Armey	Coble	Frisa
Bachus	Coburn	Frost
Baesler	Collins (GA)	Funderburk
Baker (CA)	Combest	Gekas
Baker (LA)	Cooley	Geren
Ballenger	Costello	Gilchrest
Barr	Cox	Gillmor
Barrett (NE)	Cramer	Gilman
Bartlett	Crane	Gingrich
Barton	Crapo	Goodlatte
Bass	Cremeans	Goodling
Bateman	Cubin	Goss
Bereuter	Cunningham	Graham
Bevill	Danner	Greenwood
Bilbray	Davis	Hall (OH)
Bilirakis	de la Garza	Hall (TX)
Bishop	Deal	Hamilton
Bliley	DeLay	Hancock
Boehlert	Diaz-Balart	Hansen
Boehner	Dickey	Harman
Bonilla	Doolittle	Hastert
Bono	Dornan	Hastings (WA)
Brewster	Dreier	Hayes
Browder	Duncan	Hayworth
Brownback	Dunn	Hefley
Bryant (TN)	Edwards	Heineman
Bunn	Ehlers	Herger
Bunning	Ehrlich	Hilleary
Burr	Emerson	Hobson
Burton	English	Hoekstra
Buyer	Ensign	Horn
Calvert	Everett	Hostettler
Campbell	Ewing	Houghton
Canady	Fawell	Hunter
Castle	Flanagan	Hyde
Chambliss	Foley	Inglis
Chenoweth	Forbes	Istook
Christensen	Fowler	Johnson (CT)
Chrysler	Fox	Johnson, Sam