

Atkins	Hayes (LA)	Parker
Bacchus	Hefner	Patterson
Barnard	Hertel	Payne (NJ)
Bateman	Hoagland	Pease
Beilenson	Hochbrueckner	Pelosi
Bennett	Horn	Penny
Berman	Horton	Perkins
Bevill	Houghton	Peterson (FL)
Bilbray	Hoyer	Peterson (MN)
Blackwell	Hubbard	Petri
Bonior	Huckaby	Pickett
Borski	Hughes	Pickle
Boucher	Hutto	Poshard
Brewster	Jefferson	Price
Brooks	Johnson (CT)	Pursell
Browder	Johnson (SD)	Rahall
Brown	Johnston	Ravenel
Bryant	Jones (GA)	Ray
Bustamante	Jones (NC)	Reed
Campbell (CO)	Jontz	Richardson
Cardin	Kanjorski	Rinaldo
Carr	Kaptur	Ritter
Clement	Kasich	Roemer
Coleman (TX)	Kennedy	Rose
Collins (MI)	Kennelly	Rostenkowski
Combest	Kildee	Rowland
Condit	Klecza	Roybal
Conyers	Kopetski	Russo
Cooper	Kostmayer	Sabo
Costello	LaFalce	Sangmeister
Coyne	Lancaster	Santorom
Cramer	Lantos	Sarpalius
Darden	LaRocco	Sawyer
DeFazio	Laughlin	Scheuer
DeLauro	Lehman (CA)	Schulze
Derrick	Lent	Schumer
Dicks	Levin (MI)	Serrano
Dingell	Lewis (GA)	Sharp
Dixon	Lipinski	Shaw
Donnelly	Lloyd	Sisisky
Dooley	Long	Skaggs
Dorgan (ND)	Lowey (NY)	Skelton
Downey	Luken	Slattery
Durbin	Manton	Slaughter
Dwyer	Markey	Smith (FL)
Dymally	Martinez	Smith (IA)
Early	Matsui	Smith (NJ)
Eckart	Mavroules	Solarz
Edwards (CA)	Mazzoli	Spence
Edwards (TX)	McCloskey	Staggers
Engel	McDermott	Stallings
English	McGrath	Stark
Erdreich	McHugh	Stenholm
Espy	McMillen (MD)	Stokes
Evans	McNulty	Studds
Ewing	Mfume	Swett
Fascell	Miller (CA)	Swift
Fazio	Mineta	Synar
Fish	Mink	Tallon
Foglietta	Mollohan	Tanner
Ford (MI)	Montgomery	Tauzin
Ford (TN)	Moran	Taylor (MS)
Frank (MA)	Morrison	Thomas (GA)
Frost	Mrazek	Thornton
Gejdenson	Murtha	Torricelli
Gephardt	Myers	Towns
Geran	Nagle	Traficant
Gibbons	Natcher	Traxler
Gillmor	Neal (MA)	Unsoeld
Gilman	Neal (NC)	Vander Jagt
Glickman	Nichols	Vento
Gonzalez	Nowak	Visclosky
Gordon	Oakar	Volkmer
Gradison	Oberstar	Waxman
Green	Obey	Weiss
Gunderson	Olin	Wheat
Hall (OH)	Olver	Whitten
Hall (TX)	Ortiz	Wise
Hamilton	Orton	Wolpe
Hammerschmidt	Owens (NY)	Wyden
Hansen	Owens (UT)	Wylie
Harris	Packard	Yates
Hatcher	Pallone	
Hayes (IL)	Panetta	

NAYS—122

Allard	Burton	Dickinson
Allen	Callahan	Doolittle
Arney	Camp	Dornan (CA)
Baker	Chandler	Dreier
Ballenger	Clay	Duncan
Barrett	Clinger	Emerson
Barton	Coble	Fawell
Bentley	Coleman (MO)	Fields
Bereuter	Coughlin	Franks (CT)
Bilirakis	Cox (CA)	Galleghy
Bliley	Crane	Gekas
Boehlert	Cunningham	Gingrich
Boehner	Davis	Goodling
Bunning	DeLay	Goss

Grandy	McCrery	Schiff
Hancock	McDade	Schroeder
Hastert	McEwen	Sensenbrenner
Hefley	Meyers	Shays
Henry	Michel	Shuster
Herger	Molinari	Sikorski
Hobson	Moody	Skeen
Holloway	Moorhead	Smith (OR)
Hopkins	Murphy	Smith (TX)
Hunter	Nussle	Snowe
Hyde	Oxley	Solomon
Inhofe	Paxon	Stearns
Jacobs	Porter	Stump
James	Quillen	Sundquist
Kolbe	Ramstad	Taylor (NC)
Kyl	Regula	Thomas (CA)
Lagomarsino	Rhodes	Thomas (WY)
Lewis (CA)	Ridge	Upton
Lewis (FL)	Riggs	Vucanovich
Lightfoot	Roberts	Walker
Livingston	Rogers	Walsh
Lowery (CA)	Rohrabacher	Weldon
Machtleay	Ros-Lehtinen	Wolf
Marleene	Roth	Young (FL)
Martin	Roukema	Zeliff
McCandless	Saxton	Zimmer
McCollum	Schaefer	

ANSWERED "PRESENT"—1

Broomfield

NOT VOTING—49

AuCoin	Gilchrest	Payne (VA)
Boxer	Guarini	Rangel
Bruce	Ireland	Roe
Byron	Jenkins	Sanders
Campbell (CA)	Johnson (TX)	Savage
Carper	Klug	Spratt
Chapman	Kolter	Torres
Collins (IL)	Leach	Valentine
Cox (IL)	Lehman (FL)	Washington
Dannemeyer	Levine (CA)	Waters
de la Garza	McCurdy	Weber
Dellums	McMillan (NC)	Williams
Edwards (OK)	Miller (OH)	Wilson
Feighan	Miller (WA)	Yatron
Flake	Moakley	Young (AK)
Gallo	Morella	
Gaydos	Pastor	

So the Journal was approved.

¶50.3 COMMUNICATIONS

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

3465. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated solution of the Cyprus problem, including any relevant reports from the Secretary General of the United Nations covering the second half of October and all of November and December 1991, pursuant to 22 U.S.C. 2373(c); to the Committee on Foreign Affairs.

3466. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Peter Barry Teeley, of Virginia, to be Ambassador to Canada, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3467. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Robert L. Barry, of New Hampshire, to be Ambassador to the Republic of Indonesia; of Reginald Bartholomew, of the District of Columbia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization; of Adrian A. Basora, of New Hampshire, to be Ambassador to the Czech and Slovak Federal Republic, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3468. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting the texts of ILO Convention No. 172 and Recommendation No. 179 concerning working conditions in hotels, restaurants, and similar establishments as adopted by the International Labor Conference at its 78th ses-

sion, at Geneva, June 25, 1991, pursuant to article 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

3469. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on claims for loss of property incident to service, pursuant to Public Law 101-138, section 154 (105 Stat. 674); to the Committee on Foreign Affairs.

3470. A letter from the Chairman, National Transportation Safety Board, 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.

3471. A letter from the Chairman, National Transportation Safety Board, transmitting a report of 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.

3472. 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.

3473. 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.

3474. 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.

3475. 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.

3476. A letter from the Secretary of Energy, transmitting a report on the status of research and development activities during fiscal year 1991 and actual and anticipated obligation of funds in accordance with the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988, pursuant to 15 U.S.C. 5107; to the Committee on Science, Space, and Technology.

3477. A letter from the Secretary of the Interior, transmitting a report on findings and recommendations of the North Carolina Environmental Sciences Review Panel, pursuant to Public Law 101-380, section 6003; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

¶50.4 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate insisted upon its amendment to the bill (H.R. 2507) "An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes" disagreed to by the House and agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appointed Mr. KENNEDY, Mr. HARKIN, Mr. ADAMS, Mr. HATCH, and Mr. DURENBERGER to be the conferees on the part of the Senate.

150.5 AMERICAN FOLKLIFE CENTER

The SPEAKER, pursuant to the provisions of section 4(b) of Public Law 94-201, reappointed to the Board of Trustees of the American Folklife Center in the Library of Congress, Mrs. Nina M. Archabal of St. Paul, Minnesota, and Mrs. Judith McCulloh of Champaign, Illinois, from private life, on the part of the House.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

150.6 PROVIDING FOR THE CONSIDERATION OF H.R. 4990

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 447):

Resolved, That at any time after 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. 4990) rescinding certain budget authority, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. No amendment to the bill shall be in order except the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report of the Committee on Rules, and shall be considered as having been read. Each shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report of the Committee on Rules are hereby waived. If both amendments in part 2 of the report of the Committee on Rules are adopted, only the latter amendment which is adopted shall be considered as finally adopted 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 amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which shall not contain instructions.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on March 10, 1992, March 20, 1992, or April 8, 1992.

Pending consideration of said resolution,

150.7 POINT OF ORDER

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

"Mr. Speaker, House Resolution 447 provides in the last sentence of section 1:

and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which—

"And this is the point I wish to make—

which shall not contain instructions.

"Mr. Speaker, the language prohibiting any instructions in the motion to recommit clearly violates clause 4(b) of House rule XI which prohibits the Rules Committee from reporting "any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI" of the rules that we live under in this House.

"And clause 4 of rule XVI provides at the relevant part that—

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker—you—shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

"Mr. Speaker, I will not take your time or the time of this House to recount the detailed history of these two rules and the precedents behind them. I have previously given that to you and to the Members of this House in the form of a 48-page, documented historical report, which you have, so I will not bother repeating it.

"Suffice to say, prior to 1909, the House already had a motion to recommit, with or without instructions, contained in at that time rule XVII. Clauses 4 of rule XI and XVI were added to the rules by a minority party member, a Democrat from New York, my State, to give the minority a right to get a last vote on its proposition through recommittal instructions.

"That is clear from the author of that amendment to the rules and numerous Speakers upholding that right in the following years.

"The key phrase in clause 4(b) of rule XI is 'as provided in clause 4 of rule XVI,' since what was being provided for in that new rule was the right of the minority to offer a final amendment in the form of instructions.

"If the Speaker will consider logic alone, for the majority to dictate in a rule such as this what form the motion to recommit should take—in this case only a straight motion to recommit—is to truly deny the opponent of the bill recognized under the rule, a motion of his or her choosing. This now becomes a majority motion, and not a minority motion.

"And that is what is happening here today.

"When I previously raised similar points of order, the Chair has referred to a 1934 ruling of Speaker Rainey that the Rules Committee need only allow for a straight motion to recommit to satisfy that rule.

"And as I previously argued, Mr. Speaker, and argue again today, that ruling, and all subsequent rulings of this and previous Speakers which relied on it, were wrongly decided.

"And any logical person would come to that conclusion.

"To limit the minority to a straight motion to recommit, to deny it the original intent of the rule, guts that right and nullifies the original intent of the rule. There is no longer a need for two motions to recommit under our rules.

"It was my understanding that the Speaker was at least willing to consider that ruling and had agreed to have the Rules Committee—that I serve on—look into the matter further. Ironically, that long-promised hearing was held just yesterday, the very same day that this rule, this unfair rule depriving the minority, was reported. The Rules Committee has not yet issued a final report on its study, and yet here we are again today being denied our traditional right to offer instructions. We are being disenfranchised.

"Mr. Speaker, instead of quoting Speaker Gillett or any number of other Speakers who have upheld our rights, or your rights if you were in the minority, to offer instructions in the past, let me close by quoting to you from Thomas Jefferson in his Manual, which is still a part of our rules. He said: 'So far the maxim is certainly true and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House,' the law of the House, 'by a strict adherence to which the weaker party can only be protected from those irregularities and abuses,' and I will repeat those words, 'be protected from those irregularities and abuses which these forms were intended to check,' and have been intended to check for over 200 years in this House, 'and which the wantonness of power is but too often apt to suggest to large and successful majorities,' which you have the privilege of having 101 more Members than we have on this side.

"Mr. Speaker, the rule before us strips the minority of all of its rights and does not allow us to offer even one amendment which we had requested—not in the Committee of the Whole and not in the motion to recommit. This is exactly the kind of example against which Jefferson warned us in which the minority has been stripped of the only weapon and protections we have to defend against attempts by those in power, and I will repeat again, 'irregularities and abuses,' which in recent years seems to be the norm around here and is one of the reasons I am ashamed to say that this House is held in such low esteem by the American people. Ten percent approval or something like that in the latest polls.

"If you take away this last ounce of protection that the minority has under