

510, section 2903(d)(3) (104 Stat. 1812); to the Committee on Armed Services.

1653. A letter from the National Commission on Financial Institution Reform, Recovery, and Enforcement, transmitting findings, conclusions, and recommendations of the Commission, pursuant to Public Law 101-647, section 2556(a) (104 Stat. 4892); to the Committee on Banking, Finance and Urban Affairs.

1654. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled, "Housing and Community Development Act of 1993"; to the Committee on Banking, Finance and Urban Affairs.

1655. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-59, "District of Columbia Regional Interstate Banking Act of 1985 Clarification Temporary Amendment Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1656. A letter from the Acting Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-60, "District of Columbia Expenditure Prohibition Temporary Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

1657. A letter from the Director of Employee Benefits, Farm Credit Bank of Baltimore, transmitting the annual pension plan report for the plan year ending December 31, 1992, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1658. A letter from the Director, Financial Services, Library of Congress, transmitting the financial statements of the Capitol Preservation Fund for the first quarter of the fiscal years 1994 and 1993; to the Committee on House Administration.

1659. A letter from the Director, Office of Management and Budget, transmitting a soil conservation service plan for the Doyle Creek Watershed of Kansas, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1660. A letter from the Director, Office of Management and Budget, transmitting a soil conservation service plan for the McCoy Wash Watershed of California, pursuant to 16 U.S.C. 1005; to the Committee on Public Works and Transportation.

1661. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation entitled, "National Aeronautics and Space Administration Management Reorganization Act of 1993"; jointly, to the Committees on Science, Space, and Technology and Post Office and Civil Service.

189.3 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. 843. An Act to withdraw certain lands located in the Coronado National Forest from the mining and mineral leasing laws of the United States, and for other purposes.

189.4 UNFINISHED BUSINESS—APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. WISE, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the Chair's approval of the Journal of Monday, July 26, 1993.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER pro tempore, Mr. WISE, announced that the yeas had it.

Mr. VOLKMER 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 153

189.5

[Roll No. 367]

YEAS—262

- | | | |
|--------------|----------------|---------------|
| Abercrombie | Gejdenson | Mink |
| Ackerman | Gephardt | Mollohan |
| Andrews (ME) | Geren | Montgomery |
| Andrews (NJ) | Gibbons | Moran |
| Andrews (TX) | Gillmor | Morella |
| Applegate | Gilman | Murtha |
| Archer | Glickman | Myers |
| Bacchus (FL) | Gonzalez | Nadler |
| Baesler | Gordon | Natcher |
| Barca | Green | Neal (MA) |
| Barcia | Gutierrez | Neal (NC) |
| Barlow | Hall (OH) | Oberstar |
| Barrett (WI) | Hall (TX) | Obey |
| Bateman | Hamburg | Olver |
| Becerra | Hamilton | Ortiz |
| Beilenson | Harman | Orton |
| Berman | Hastings | Owens |
| Bevill | Hayes | Pallone |
| Bilbray | Hefner | Pastor |
| Bishop | Hilliard | Payne (NJ) |
| Bonior | Hinchey | Payne (VA) |
| Borski | Hoagland | Pelosi |
| Boucher | Holden | Penny |
| Brewster | Houghton | Peterson (FL) |
| Brooks | Hoyer | Peterson (MN) |
| Browder | Hughes | Pickett |
| Brown (FL) | Hutto | Pickle |
| Bryant | Inglis | Pombo |
| Byrne | Inslee | Pomeroy |
| Cantwell | Jefferson | Poshard |
| Cardin | Johnson (GA) | Price (NC) |
| Carr | Johnson (SD) | Rahall |
| Chapman | Johnson, E. B. | Rangel |
| Clayton | Johnston | Reed |
| Clement | Kanjorski | Reynolds |
| Clinger | Kaptur | Richardson |
| Coleman | Kasich | Roemer |
| Collins (IL) | Kennedy | Rose |
| Collins (MI) | Kennelly | Rostenkowski |
| Combest | Kildee | Rowland |
| Condit | Kingston | Roybal-Allard |
| Conyers | Kleczka | Rush |
| Cooper | Klein | Sabo |
| Coppersmith | Klink | Sanders |
| Costello | Kopetski | Sangmeister |
| Coyne | Kreidler | Santorum |
| Cramer | LaFalce | Sarpaluis |
| Danner | Lambert | Sawyer |
| Darden | Lancaster | Schenk |
| de la Garza | Lantos | Schumer |
| Deal | LaRocco | Scott |
| DeFazio | Laughlin | Serrano |
| DeLauro | Lehman | Sharp |
| Dellums | Levin | Shepherd |
| Deutsch | Lewis (GA) | Sisisky |
| Dicks | Lloyd | Skaggs |
| Dingell | Long | Skelton |
| Dixon | Lowe | Slattery |
| Dooley | Maloney | Slaughter |
| Dornan | Mann | Smith (IA) |
| Durbin | Manton | Smith (NJ) |
| Edwards (CA) | Margolies- | Spratt |
| Edwards (TX) | Mezvinsky | Stark |
| Engel | Markey | Stenholm |
| English (AZ) | Martinez | Strickland |
| English (OK) | Matsui | Studds |
| Eshoo | Mazzoli | Stupak |
| Evans | McCloskey | Swett |
| Farr | McCurdy | Swift |
| Fazio | McDermott | Synar |
| Fields (LA) | McHale | Tanner |
| Filner | McInnis | Tauzin |
| Fingerhut | McKinney | Tejeda |
| Fish | McNulty | Thompson |
| Flake | Meehan | Thornton |
| Foglietta | Meek | Thurman |
| Ford (MI) | Menendez | Torres |
| Ford (TN) | Mfume | Torricelli |
| Frank (MA) | Miller (CA) | Towns |
| Frost | Miller (FL) | Trafficant |
| Furse | Mineta | Tucker |
| Gallo | Minge | Unsoeld |

- | | | |
|-----------|----------|---------|
| Valentine | Watt | Wise |
| Velazquez | Waxman | Woolsey |
| Vento | Wheat | Wyden |
| Visclosky | Whitten | Wynn |
| Volkmer | Williams | Yates |
| Waters | Wilson | |

NAYS—153

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

NOT VOTING—19

- | | | |
|------------|---------------|------------|
| Blackwell | Henry | Packard |
| Brown (CA) | Hochbrueckner | Parker |
| Brown (OH) | Johnson, Sam | Ridge |
| Clay | McCollum | Stokes |
| Clyburn | McDade | Washington |
| Derrick | McMillan | |
| Ewing | Moakley | |

So the Journal was approved.

189.6 PROVIDING FOR THE CONSIDERATION OF H.R. 2667

Mr. WHEAT, by direction of the Committee on Rules, called up the following resolution (H. Res. 226):

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. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes. 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 ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under

the five-minute rule and shall be considered as read. The modification 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 printed in part 2 of the report. The amendment printed in part 2 of the report may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. 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.

Pending consideration of said resolution,

189.7 POINT OF ORDER

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

"Mr. Speaker, it is a longstanding practice of parliamentary law in this House that an amendment once rejected cannot be considered in identical form to the same bill.

"I cite Cannon's Precedents, volume 8, section 2834, and I quote: 'It is not in order to offer an amendment identical with one previously disagreed to.'

"And, quoting from Deschler's Precedents, volume 9, section 35, 'It is not in order to offer an amendment identical to one previously rejected.'

"And finally, from Procedure in the House, 97th Congress, section 33.1, and again I quote: 'It is not in order to offer an amendment identical to one previously rejected. An amendment once rejected cannot be re-offered in identical form.'

"Mr. Speaker, the pending resolution, House Resolution 226, provides, and I quote: 'The modification 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'.

"The so-called modification printed in part 1 of the Rules Committee report on House Resolution 226 proposes to insert at the appropriate place a new section entitled, 'Youth Fair Chance Program.'

"On Thursday, July 22, 1993, the House rejected House Resolution 220, which provided on page 2, beginning at line 10, the following: 'The modification 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.'

"And part 1 of the report to accompany that resolution contains an identical modification to that contained in the report on this resolution.

"The report on House Resolution 220 proposed to insert at the appropriate place a new section entitled, 'Youth Fair Chance Program.'

"A careful examination of both reports will reveal that the modifications considered to be adopted in both the House and in the Committee of the Whole are identical—word-for-word.

"This device of having an amendment considered as adopted upon the adoption of the rule is called a self-execution provision. At what point is the modification considered to be adopted? The rule makes clear that it is considered to be adopted in the House and in the Committee of the Whole, and not the reverse.

"We are now in the House, and the adoption of the so-called modification takes place first in the House when we adopt this rule. Then it is considered as adopted in the Committee of the Whole, when the House resolves into Committee. And finally, the language of the rule presumably also extends to the final adoption of the modification when the bill is reported back to the House when it is reported from the Committee of the Whole.

"But the Chair can hardly argue that this rule does not first adopt the modification in the House when the rule is adopted, since the order of adoption is quite clear—first in the House, then in the Committee of the Whole.

"Mr. Speaker, in further support of this, I would cite the ruling of the Chair of February 24, 1993, on a similar point of order brought against the rule on the unemployment compensation bill.

"At page H807, the Chair indicated that, and I quote, 'the amendments are not adopted until such time as the rule is adopted.' In other words, Mr. Speaker, the amendments are considered as adopted in the House upon adoption of the rule.

"By the same token, when House Resolution 220 was rejected by the House last Thursday, the identical amendment to that being offered in this rule, was considered as rejected in the House. And the point of order lies against considering the same amendment once rejected.

"I therefore urge the Chair to follow the logic of its previous ruling regarding the effect of the adoption of a rule by the House by upholding my point of order that this amendment has been previously rejected by the rejection of the prior rule on this bill."

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

"Mr. Speaker, the gentleman from New York [Mr. SOLOMON] makes a point of order that it would be inappropriate to consider legislation identical to that previously rejected by the House, and I have to congratulate the gentleman. He makes a clever argument when he suggests that because H. Res. 220, last week in its entirety, included a self-executing provision that would have considered the Youth Fair Chance Act provision adopted had that rule passed. However, Mr. Speaker, that amendment was not, in fact, rejected by this House of Representatives. What failed to pass was H. Res. 220 in its entirety, and in fact H. Res.

220 included many other provisions besides the Youth Fair Chance Opportunity Act. The legislation that is being considered here today is not identical to the resolution previously reported from the Committee on Rules.

"It is, in fact, true that some of the provisions are similar, however, Mr. Speaker, it is important to note that the general debate time, for instance, has been extended from 60 to 90 minutes, and it this is a substantially different proposition. Therefore, Mr. Speaker, I would urge you to, in fact, be consistent with previous rulings and to reject this point of order."

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

"Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] is a good friend, and we respect him, but what he just said is that the only difference between this resolution before us now, this rule and the previous one, is the fact that they have extended debate by 30 minutes. That is the only difference between these two rules.

"Therefore, Mr. Speaker, it stands to reason there is no significant difference. It is the identical amendment, the identical rule, that was before this body before, and the Chair should uphold my point of order."

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

"Mr. Speaker, one of the major purposes of the Committee on Rules is to award time, of course time that has to be approved by this entire body, and it is, in fact, what we consider to be a significant difference, to differentiate significantly in the amount of time that is to be awarded on the floor of the House of Representatives. So, the addition of 30 additional minutes for debate on what we consider to be a very significant and substantive matter is, in fact, a significant difference from one rule to the next.

"Mr. Speaker, this is not an identical rule to what was considered last week."

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

"Mr. Speaker, there is a longstanding parliamentary tradition and practice in the House that one cannot do indirectly that which they were not permitted to do directly. That is precisely what the majority is attempting to do in this particular rule.

"In this instance, if they were attempting to do this directly, there is no doubt that the Chair would have to rule that this amendment was not in order, having been previously rejected from the House. The indirect nature of this amendment should not preclude the Chair from ruling that this amendment is not eligible for consideration on the House floor."

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

"The resolution under consideration involves more than the self-executing adoption of the modification printed in the accompanying report. The pending