

transmitting the annual audit of the Association as of June 30, 1996, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

5292. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on NASA's intent to declare Parcels III, IV, V and VI of the NASA Industrial Plant [NIP] as excess to the needs of NASA, pursuant to 42 U.S.C. 2476a; to the Committee on Science.

5293. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96-49) received September 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5294. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Income Exclusions in the Supplemental Security Income Program (RIN: 0960-AE22) received September 20, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### ¶113.8 POINT OF ORDER

Mr. VOLKMER during one minute speeches addressed the House and, during the course of his remarks.

Mr. LINDER made a point of order, and said:

"The gentleman in the well is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the rules of the House."

The SPEAKER pro tempore, Ms. GREENE, sustained the point of order, and said:

"The Chair sustains the point of order and directs the gentleman from Missouri [Mr. VOLKMER] to proceed in order."

#### ¶113.9 POINT OF ORDER

Mr. VOLKMER further addressed the House and, during the course of his remarks,

Mr. LINDER made a point of order, and said:

"Madam Speaker, it may be that the gentleman does not understand the English language, but I thought the Chair just sustained a point of order and instructed him not to refer to matters before the Committee on Standards of Official Conduct but to continue in order, and for his to continue referring to these matters is out of order."

The SPEAKER pro tempore, Ms. GREENE, sustained the point of order, and said:

"The Chair once again sustains the point of order of the gentleman from Georgia [Mr. LINDER]. The gentleman from Missouri [Mr. VOLKMER] is not speaking in order, and the Chair again directs the gentleman from Missouri to proceed in order in accordance with the rules of the House."

#### ¶113.10 POINT OF ORDER

Mr. VOLKMER further addressed the House and, during the course of his remarks,

Mr. LINDER made a point of order, and said:

"Madam Speaker, it does not seem like anyone should have to remind

someone three times in a 1-minute speech that he is abusing the rules of the House, but that is the point I am raising."

The SPEAKER pro tempore, Ms. GREENE, sustained the point of order, and said:

"The Chair will inform the gentleman from Missouri [Mr. VOLKER] that the Chair sustains the point of order of the gentleman from Georgia [Mr. LINDER]. The gentleman from Missouri is not, under the rules of the House, to make references to matters currently under review before the Committee on Standards of Official Conduct or to members of that committee, as the gentleman from Missouri well knows.

"The gentleman from Missouri [Mr. VOLKMER] has 20 seconds remaining."

#### ¶113.11 POINT OF ORDER

Mrs. SCHROEDER during one minute speeches addressed the House and, during the course of her remarks.

Mr. LINDER made a point of order, and said:

"Madam Speaker, it is my understanding last week that the Chair ruled that even if newspapers make references to matters before the Committee on Standards, it is inappropriate under House rules to bring those matters to the floor of the House. It is entirely acceptable for the gentleman from Colorado [Mrs. SCHROEDER] to speak on this issue as much as she wants outside the House of this Congress. But on this floor, it is against the rules."

The SPEAKER pro tempore, Ms. GREENE, sustained the point of order, and said:

"The Chair sustains the point of order of the gentleman from Georgia [Mr. LINDER], and directs the gentleman from Colorado [Mrs. SCHROEDER] to proceed in order in accordance with the rules of the House."

#### ¶113.12 POINT OF ORDER

Mr. WAXMAN during one minute speeches addressed the House and following his remarks,

Mr. LINDER made a point of order, and said:

"The gentleman's [Mr. WAXMAN] time has expired, but the point of order is the same one, that he is referring to matters against the rules of the House."

The SPEAKER pro tempore, Ms. GREENE, sustained the point of order, and said:

"The Chair will sustain the point of order, and requests that all Members show respect for and abide by the rules of the House."

The SPEAKER pro tempore, Ms. GREENE, responded to a parliamentary inquiry by the gentleman from California [Mr. WAXMAN] as to the precedents regarding the rulings of the Chair, and said:

"Prior rulings of the Speaker have sustained the point of order in this and prior Congresses that press accounts relating to matters currently before

the Standards of Official Conduct Committee are not a proper subject for debate on the floor. That is why the gentleman from Georgia's [Mr. LINDER] point of order was sustained. \* \* \*

"The duty of the Chair is to enforce the rules of the House as they are written and have been interpreted. The rules of the House, as the Chair has ruled in this and prior Congresses, make it out of order for any Member to refer to any subject currently before the Standards Committee, whether through the Members' own words, or through the recitation of words printed in any other medium outside the floor of this House, except when a question of privileges is pending.

"The Chair will continue to abide by and enforce the rules of the House."

#### ¶113.13 NOTICE REQUIREMENT— CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGES

Mr. LINDER, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, a complaint filed against Representative Gephardt alleges House Rules have been violated by Representative Gephardt's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws or regulations and;

Whereas, the Committee on Standards of Official Conduct has in other complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative Gephardt's financial transactions violated standards of conduct or specific rules of the House of Representatives; and

Whereas, the complaint against Representative Gephardt has been pending before the committee for more than seven months and the integrity of the ethics process and the manner in which Members are disciplined is called into question; and

Whereas, on Friday, September 20, 1996 the ranking Democrat of the Ethics Committee, Representative James McDermott in a public statement suggested that cases pending before the committee in excess of 60 days be referred to an outside counsel; now be it

Resolved that the committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of the charges filed against the Democrat Leader Representative Richard Gephardt.

Resolved that all relevant material presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

The SPEAKER pro tempore, Ms. GREENE, responded to the foregoing notice, and said:

"Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule

within 2 legislative days. The Chair will announce that designation at a later time.

"A determination as to whether the resolution constitutes a question of privileges will be made at that later time."

#### ¶113.14 CORRECTIONS CALENDAR

Pursuant to clause 4, rule XIII, The SPEAKER pro tempore, Ms. GREENE, directed the Corrections Calendar to be called.

When,

#### ¶113.15 SMALL BUSINESS TRANSPORT CORRECTION ACT

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 3153) to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less.

When said bill was considered and read twice.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 4 of rule XIII, recognized Mr. PETRI and Mr. OBERSTAR, each for 30 minutes.

After debate,

Mr. PETRI submitted the following amendment in the nature of a substitute:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Transport Correction Advancement Act of 1996".

##### SEC. 2. FINDINGS.

Congress finds that—

(1) the Secretary of Transportation is considering, as part of a proposed rulemaking, expanding the exceptions provided for transportation of small quantities of hazardous materials from unnecessary and burdensome regulations;

(2) the Secretary has found that certain businesses, and especially small businesses, carry small quantities of hazardous materials;

(3) small businesses are critical in creating jobs in the United States economy and can be significantly affected by Federal regulations; and

(4) regulatory relief for small businesses transporting relatively small quantities of hazardous materials should be promptly acted on and the Secretary has stated an intention to issue a final rule to provide this regulatory relief by December 31, 1996.

##### SEC. 3. MATERIALS OF TRADE EXCEPTIONS FROM HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.

(a) DEADLINE FOR ISSUANCE OF FINAL RULE.—Not later than December 31, 1996, the Secretary of Transportation shall issue, under the rulemaking proceeding under docket number HM-200, entitled "Hazardous Materials in Intrastate Transportation", a final rule relating to materials of trade exceptions from chapter 51 of title 49, United States Code, and regulations issued pursuant thereto. The final rule shall substantially address the materials of trade exceptions contained in the proposed rule relating to hazardous materials in intrastate transportation published in the Federal Register on March 20, 1996 (61 Fed. Reg. 11489-11490).

(b) EFFECTIVE DATE.—The final rule issued under subsection (a) shall become effective

not later than 90 days after date of publication of the final rule.

(c) TRAINING OF INSPECTORS.—Before the effective date of the final rule issued under subsection (a), the Secretary shall provide sufficient training of inspectors to provide for implementation of the final rule.

##### SEC. 4. FARM-RELATED EXCEPTIONS FROM HAZARDOUS MATERIALS TRANSPORTATION REQUIREMENTS.

Any provision of a final rule relating to intrastate transportation of hazardous materials issued under the rulemaking proceeding under docket number HM-200 that prohibits States from granting exceptions for not-for-hire intrastate transportation by farmers and farm-related service industries shall not take effect with respect to not-for-hire intrastate transportation by farmers and farm-related service industries before the earlier of—

(1) the date of the enactment of a law which authorizes appropriations to carry out chapter 51 of title 49, United States Code, for fiscal year 1998; or

(2) the 180th day following the effective date of the final rule.

After further debate,

Pursuant to clause 4 of rule XIII, the previous question on the amendment and the bill was considered as ordered.

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Ms. GREENE, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. GREENE, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

By unanimous consent, the title was amended so as to read: "An Act to direct the Secretary of Transportation to issue a final rule relating to materials of trade exceptions from hazardous materials transportation requirements."

A motion to reconsider the votes whereby the bill was passed and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

#### ¶113.16 TRAFFIC SIGNAL SYNCHRONIZATION PROJECTIONS

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2988) to amend the Clean Air Act to provide that traffic signal synchronization projects are exempt from certain requirements of Environmental Protection Agency rules.

When said bill was considered and read twice.

The SPEAKER pro tempore, Ms. GREENE, pursuant to clause 4 of rule XIII, recognized Mr. SCHAEFER and Mr. WAXMAN, each for 30 minutes.

After debate,

The following amendment in the nature of a substitute recommended by

the Committee on Commerce, was submitted:

Strike out all after the enacting clause and insert:

##### SECTION. 1. TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS.

Section 176(c)(4) (42 U.S.C. 7506(c)(4)) of the Clean Air Act is amended by adding the following at the end thereof:

"(D) Compliance with the rules of the Administrator for determining the conformity of transportation plans, programs, and projects funded or approved under title 23 of the United States Code or the Federal Transit Act to State or Federal implementation plans shall not be required for traffic signal synchronization projects prior to the funding, approval or implementation of such projects. The supporting regional emissions analysis for any conformity determination made with respect to a transportation plan, program, or project shall consider the effect on emissions of any such project funded, approved, or implemented prior to the conformity determination."

After debate,

Pursuant to clause 4 of rule XIII, the previous question on the amendment and the bill was considered as ordered.

The question being put, viva voce,

Will the House agree to said amendment in the nature of a substitute?

The SPEAKER pro tempore, Ms. GREENE, announced that the yeas had it.

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Ms. GREENE, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

#### ¶113.17 PRIVATIZATION ACT OF 1995

Mr. MCKEON moved to suspend the rules and pass the bill (H.R. 1720) to amend the Higher Education Act of 1965 to provide for the cessation of Federal sponsorship of two Government sponsored enterprises, and for other purposes; as amended.

The SPEAKER pro tempore, Ms. GREENE, recognized Mr. MCKEON and Mr. CLAY, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Ms. GREENE, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: "An Act to reorganize the Student Loan Marketing Association, to privatize the College