

sistently adhered to this principle regarding the present and past Presidents.

"While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

"On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.

The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

"This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

"In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

"Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

"While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, 'in an orderly manner and without unnecessarily and unduly exciting animosity

among its Members or antagonism from those other branches of the Government with which the House is correlated.'

"This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

"When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the more rigorous standard of decorum that must prevail in this Chamber.

"The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House."

§86.4 PROVIDING FOR THE CONSIDERATION OF H.R. 2863

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (H. Res. 521):

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. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone

until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

§86.5 MIGRATORY BIRD TREATY REFORM

The SPEAKER pro tempore, Mr. DIAZ-BALART, pursuant to House Resolution 521 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2863) to amend the Migratory Bird Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes.

The SPEAKER pro tempore, Mr. DIAZ-BALART, by unanimous consent, designated Mrs. EMERSON as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DIAZ-BALART, assumed the Chair.

When Mrs. EMERSON, Chairman, pursuant to House Resolution 521, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of