

Messrs. BERMAN, TEJEDA, and GUTIERREZ changed their vote from "aye" to "no."

Messrs. DEUTSCH, EHLERS, and EVERETT changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces again that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. CHRISTENSEN

The CHAIRMAN. The pending business is the demand of gentleman from Nebraska [Mr. CHRISTENSEN] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 11, as follows:

[Roll No. 414]

AYES—177

Allard	Chenoweth	Forbes
Archer	Christensen	Fowler
Armey	Chrysler	Franks (CT)
Bachus	Coble	Franks (NJ)
Baker (CA)	Coburn	Frelinghuysen
Baker (LA)	Collins (GA)	Frisa
Baldacci	Combest	Funderburk
Ballenger	Cox	Gallegly
Barrett (WI)	Cramer	Ganske
Bartlett	Crane	Goodlatte
Barton	Crapo	Gordon
Bass	Creameans	Goss
Bentsen	Cubin	Graham
Bilbray	Danner	Green
Bliley	Deal	Gutknecht
Blute	Deutsch	Hall (TX)
Brown (OH)	Diaz-Balart	Hamilton
Brownback	Dickey	Hancock
Bryant (TN)	Doggett	Hansen
Bunn	Dooley	Harman
Bunning	Dreier	Hastert
Burr	Duncan	Hastings (WA)
Buyer	Dunn	Hayworth
Camp	English	Hefley
Canady	Ensign	Heineman
Cardin	Fawell	Hерger
Castle	Fields (TX)	Hilleary
Chabot	Flanagan	Hoekstra

Hoke	McHugh
Holden	McInnis
Horn	McIntosh
Hostettler	McKeon
Hunter	Meehan
Hutchinson	Metcalf
Inglis	Mica
Istook	Miller (FL)
Johnson (CT)	Minge
Johnson (SD)	Moorhead
Jones	Myrick
Kasich	Nethercutt
Kelly	Neumann
Kennedy (RI)	Norwood
Kim	Nussle
Kingston	Paxon
Klug	Petri
LaHood	Pomeroy
Largent	Portman
Latham	Pryce
Lazio	Quinn
Leach	Ramstad
Lewis (KY)	Reed
Lincoln	Rivers
LoBiondo	Roemer
Longley	Rohrabacher
Luther	Ros-Lehtinen
Manzullo	Royce
Martini	Salmón
McCreary	Sanford
McHale	Saxton

NOES—246

Abercrombie	Dellums
Andrews	Dicks
Baesler	Dingell
Barcia	Dixon
Barr	Doolittle
Barrett (NE)	Doyle
Bateman	Durbin
Becerra	Edwards
Beilenson	Ehlers
Bereuter	Ehrlich
Berman	Emerson
Bevill	Engel
Bilirakis	Eshoo
Bishop	Evans
Boehlert	Everett
Boehner	Ewing
Bonilla	Farr
Bonior	Fattah
Bono	Fazio
Borski	Fields (LA)
Boucher	Filner
Brewster	Flake
Browder	Foglietta
Brown (CA)	Foley
Brown (FL)	Ford
Bryant (TX)	Fox
Burton	Frank (MA)
Callahan	Frost
Calvert	Furse
Chambliss	Gejdenson
Chapman	Gekas
Clay	Gephardt
Clinger	Geren
Clyburn	Gibbons
Coleman	Gilchrest
Collins (IL)	Gillmor
Collins (MI)	Gilman
Condit	Gonzalez
Conyers	Goodling
Cooley	Gunderson
Costello	Gutierrez
Coyne	Hall (OH)
Davis	Hastings (FL)
de la Garza	Hayes
DeFazio	Hefner
DeLauro	Hilliard
DeLay	Hinchev

Scarborough	Meyers
Schaefer	Mfume
Seastrand	Miller (CA)
Sensenbrenner	Mineta
Shadegg	Mink
Shaw	Molinari
Shays	Mollohan
Smith (MI)	Montgomery
Smith (TX)	Moran
Smith (WA)	Morella
Solomon	Murtha
Souder	Myers
Stearns	Nadler
Stockman	Neal
Stump	Ney
Talent	Oberstar
Tanner	Obey
Tate	Olver
Taylor (NC)	Ortiz
Thornberry	Orton
Tiahrt	Owens
Torkildsen	Oxley
Upton	Packard
Waldholtz	Pallone
Wamp	Pastor
Ward	Payne (NJ)
Weller	Payne (VA)
White	Pelosi
Whitfield	Peterson (FL)
Zeliff	Peterson (MN)
Zimmer	Pickett

Radanovich	Tauzin
Rahall	Taylor (MS)
Rangel	Tejeda
Regula	Thomas
Reynolds	Thompson
Richardson	Thornton
Riggs	Thurman
Roberts	Torricelli
Rogers	Towns
Rose	Traficant
Roth	Tucker
Roukema	Velazquez
Roybal-Allard	Vento
Rush	Visclosky
Sabo	Volkmer
Sanders	Vucanovich
Sawyer	Walker
Schiff	Walsh
Schroeder	Waters
Schumer	Watt (NC)
Scott	Watts (OK)
Shuster	Waxman
Sisisky	Weldon (FL)
Skaggs	Weldon (PA)
Skeen	Wicker
Skelton	Williams
Slaughter	Wilson
Smith (NJ)	Wise
Spence	Wolf
Spratt	Woolsey
Stark	Wyden
Stenholm	Wynn
Stokes	Yates
Studds	Young (AK)
Stupak	Young (FL)

NOT VOTING—11

Ackerman	Dornan	Parker
Clayton	Greenwood	Serrano
Clement	Laughlin	Torres
Cunningham	Moakley	

□ 1447

Mr. HUNTER changed his vote from "no" to "aye."

Mr. BROWDER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, on roll call vote No. 414, I was unavoidably detained with business before the U.S. Senate regarding Dr. Henry Foster's nomination. Had I been present, I would have voted "nay" on the amendment offered by Representative JON CHRISTENSEN.

AMENDMENT OFFERED BY MR. ZIMMER

The CHAIRMAN. The pending business is the demand of the gentleman from New Jersey [Mr. ZIMMER] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 403, noes 21, not voting 10, as follows:

[Roll No. 415]

AYES—403

Allard	Dicks	Jackson-Lee
Andrews	Doggett	Jacobs
Archer	Dooley	Jefferson
Army	Doolittle	Johnson (SD)
Bachus	Dornan	Johnson, E. B.
Baesler	Doyle	Johnson, Sam
Baker (CA)	Dreier	Johnston
Baker (LA)	Duncan	Jones
Baldacci	Dunn	Kanjorski
Ballenger	Durbin	Kaptur
Barcia	Edwards	Kasich
Barr	Ehlers	Kelly
Barrett (NE)	Ehrlich	Kennedy (MA)
Barrett (WI)	Emerson	Kennedy (RI)
Bartlett	Engel	Kennelly
Barton	English	Kildee
Bass	Ensign	Kim
Bateman	Eshoo	King
Becerra	Evans	Kingston
Beilenson	Everett	Klecza
Bentsen	Farr	Klink
Bereuter	Fattah	Klug
Berman	Fawell	Knollenberg
Bevill	Fields (LA)	Kolbe
Bilbray	Fields (TX)	LaFalce
Billrakis	Filner	LaHood
Bishop	Flake	Lantos
Bliley	Flanagan	Largent
Blute	Foglietta	Latham
Boehlert	Foley	LaTourette
Boehner	Forbes	Lazio
Bonilla	Ford	Leach
Bonior	Fowler	Levin
Bono	Fox	Lewis (CA)
Borski	Frank (MA)	Lewis (KY)
Boucher	Franks (CT)	Lightfoot
Brewster	Franks (NJ)	Lincoln
Browder	Frelinghuysen	Linder
Brown (CA)	Frisa	Lipinski
Brown (FL)	Frost	LoBiondo
Brown (OH)	Funderburk	Lofgren
Brownback	Furse	Longley
Bryant (TN)	Galleghy	Lowey
Bryant (TX)	Ganske	Lucas
Bunn	Gejdenson	Luther
Bunning	Gekas	Maloney
Burr	Gephardt	Manton
Burton	Geren	Manzullo
Buyer	Gilchrest	Markey
Callahan	Gillmor	Martinez
Calvert	Gilman	Martini
Camp	Gonzalez	Mascara
Canady	Goodlatte	Matsui
Cardin	Goodling	McCarthy
Castle	Gordon	McCollum
Chabot	Goss	McCreary
Chambliss	Graham	McDade
Chapman	Green	McDermott
Chenoweth	Greenwood	McHale
Christensen	Gunderson	McHugh
Chrysler	Gutierrez	McInnis
Clement	Gutknecht	McIntosh
Clinger	Hall (OH)	McKeon
Clyburn	Hall (TX)	McKinney
Coble	Hamilton	McNulty
Coburn	Hancock	Meehan
Coleman	Hansen	Menendez
Collins (GA)	Harman	Metcalf
Collins (IL)	Hastert	Meyers
Combest	Hastings (WA)	Mfume
Condit	Hayes	Mica
Cooley	Hayworth	Miller (CA)
Costello	Hefley	Miller (FL)
Cox	Hefner	Mineta
Coyne	Heineman	Minge
Cramer	Herger	Mink
Crane	Hilleary	Molinari
Crapo	Hilliard	Mollohan
Cremeans	Hinchev	Montgomery
Cubin	Hobson	Moorhead
Cunningham	Hoekstra	Morella
Danner	Hoke	Murtha
Davis	Holden	Myers
de la Garza	Horn	Myrick
Deal	Hostettler	Neal
DeFazio	Houghton	Nethercutt
DeLauro	Hunter	Neumann
DeLay	Hutchinson	Ney
Deutsch	Hyde	Norwood
Diaz-Balart	Inglis	Nussle
Dickey	Istook	Oberstar

Obey	Rush	Tejeda
Olver	Salmon	Thomas
Ortiz	Sanders	Thompson
Orton	Sanford	Thornberry
Owens	Sawyer	Thurman
Oxley	Saxton	Tiahrt
Pallone	Scarborough	Torkildsen
Pastor	Schaefer	Torrice
Paxon	Schiff	Trafficant
Payne (NJ)	Schroeder	Tucker
Payne (VA)	Schumer	Upton
Pelosi	Scott	Velazquez
Peterson (FL)	Seastrand	Vento
Peterson (MN)	Sensenbrenner	Visclosky
Petri	Shadegg	Volkmer
Pickett	Shaw	Vucanovich
Pombo	Shays	Waldholtz
Pomeroy	Shuster	Walker
Portman	Siskis	Walsh
Poshard	Skaggs	Wamp
Pryce	Skeen	Ward
Quillen	Skelton	Watt (NC)
Quinn	Slaughter	Watts (OK)
Engel	Smith (MI)	Waxman
Radanovich	Smith (NJ)	Weldon (FL)
Rahall	Smith (TX)	Weldon (PA)
Ramstad	Smith (WA)	Weller
Rangel	Solomon	White
Reed	Souza	Whitfield
Regula	Spence	Wicker
Reynolds	Spratt	Williams
Richardson	Stark	Wilson
Riggs	Stearns	Wise
Rivers	Stenholm	Wolf
Roberts	Stockman	Woolsey
Roemer	Studds	Wyden
Rogers	Stump	Wynn
Rohrabacher	Stupak	Yates
Ros-Lehtinen	Talent	Young (AK)
Rose	Tanner	Young (FL)
Roth	Tate	Zeliff
Roukema	Tauzin	Zimmer
Roybal-Allard	Taylor (MS)	
Royce	Taylor (NC)	

NOES—21

Abercrombie	Fazio	Nadler
Clay	Gibbons	Packard
Collins (MI)	Hastings (FL)	Sabo
Conyers	Hoyer	Stokes
Dellums	Lewis (GA)	Thornton
Dingell	Meek	Towns
Dixon	Moran	Waters

NOT VOTING—10

Ackerman	Laughlin	Serrano
Clayton	Livingston	Torres
Ewing	Moakley	
Johnson (CT)	Parker	

□ 1455

Ms. MCKINNEY and Mr. GEJDENSON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. PORTMAN. Mr. Chairman, I rise today to voice my support for H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

I strongly support the bold cuts to the level of funding provided in the bill today.

There is nothing more important than addressing the \$4.8 trillion national debt, which is keeping badly needed capital out of the hands of the private sector of our economy, the engine of growth and job creation. And I believe the goal of deficit reduction will only be met if we lead by example here in Congress.

Today, we have the opportunity to prove to our constituents that we are serious about addressing the national debt by taking the lead and making cuts to our own budget. This bill appropriates \$1.7 billion for the House of Representatives and other legislative branch operations—\$155 million less than in fiscal year 1995. This bill contains responsible cuts, such as eliminating the Joint Committee on Printing [JCP], the Office of Technology Assessment [OTA], one House parking lot, complimentary

Capitol Historical Society calendars, and volumes of the U.S. Code for members of Congress. This bill provides for privatizing the flag office, the House folding room, and other support offices, reducing the General Accounting Office budget by 15 percent, combining the allowances for Members' clerk hire, mailing and office expenses into one account and cutting House committee funding by \$39 million.

At a time when the House is asking others to make significant sacrifices, we must be responsible enough to tighten our own belt. I will vote for the legislative branch appropriations bill because the House should lead by example rather than give itself special treatment.

Mr. CLINGER. Mr. Chairman, I rise today in support of H.R. 1854, legislative branch appropriations for fiscal year 1996. I also rise to applaud the efforts of the subcommittee chairman, Congressman RON PACKARD, for performing a superior job in crafting this difficult bill, making truly difficult decisions, and helping ensure that the legislative branch contributes its share to the Nation's total debt reduction.

I am particularly pleased with the committee's successful efforts to find meaningful and constructive reductions in the General Accounting Office account.

H.R. 1854 appropriates \$393 million for the General Accounting Office. That is \$56 million, or 12 percent, less than the fiscal year 1995 appropriation, and \$80 million less than the amount requested by GAO. The bill's appropriation level will support 3,947 positions, a 15-percent cut from current staffing levels. This cut is the first of a 2-year reduction in GAO's budget, which will reach a total of about 25 percent over 2 years. If this budget is adopted, GAO will have downsized by a total of 35 percent between 1992 and 1997.

No agency can sustain this level of a reduction without seriously reevaluating the work that it performs. I am confident that Comptroller General Chuck Bowsher, Appropriations Subcommittee Chairman RON PACKARD, and I will work hard to ensure that GAO takes responsible steps to absorb these reductions while still providing useful research and assistance to the Congress.

The committee report that accompanies this bill calls on GAO to fully accomplish its core mission while absorbing the reductions in their budget both this year and next. As the chairman of GAO's authorizing committee, it is my intention over the coming months to work with the GAO staff to ensure that the mission of GAO is achieved. In my mind, some of the most important functions of the GAO is to perform financial management and performance audits. The enactment of the Chief Financial Officers Act placed a great burden on the shoulders of GAO to help executive branch agencies design and publish annual financial reports. Also, the development of a District of Columbia financial control board will also result in a strain on GAO's resources. They should continue their hard work in these areas.

At the same time, GAO should continue to support the activities of congressional committees. I am confident that they will continue to do just that in the same professional manner that we have seen in the past. GAO has performed yeomen's service for the Government Reform and Oversight Committee during the past several months and I look forward to continuing that relationship with them.

Again, I applaud the efforts of Chairman PACKARD and encourage the adoption of this bill.

Mr. PORTMAN. Mr. Chairman, I rise today to offer the Clinger-Portman-Condit-Davis amendment to the legislative branch appropriations bill. Our amendment is fiscally responsible and is vital to the mission of the Unfunded Mandates Reform Act of 1995. In fact, our amendment is endorsed by many of the same groups that supported the unfunded mandates bill earlier this year, including the U.S. Chamber of Commerce, National Governors' Association, National Conference of State Legislatures, National Association of Counties, and the National League of Cities. The amendment would add \$1.1 million to CBO's budget, the funding it needs to comply with S. 1, the unfunded mandates bill that was signed into law in March. As you know, the House approved this Contract With America bill by a strong vote of 394-28, and the Senate did as well, 91-9.

The amendment's appropriation of \$1.1 million to the CBO is far below the \$4.5 million the House authorized earlier this year in S. 1. In fact, it is only 26 percent of the amount we've already authorized for CBO by the unfunded mandates law.

As you may remember, under the unfunded mandates bill, CBO has a number of critical and new responsibilities starting January 1, 1996. First, CBO is required to analyze all new reported legislation containing Federal mandates and to prepare cost estimates for bills that impose mandates on State and local governments costing more than \$50 million in any year. CBO has to perform a similar analysis for bills that impose mandates on the private sector costing more than \$100 million. Although CBO does analyze intergovernmental mandates costing more than \$200 million now, the new law has greatly increased its workload. These are complicated analyses, requiring CBO to perform a number of complex new tasks.

CBO has identified a number of new challenges it will be facing as it calculates the costs of mandates. Specifically, Dr. June O'Neill, Director of the CBO, has identified that: First, legislation often lacks the detailed information needed to project future impacts at the time a bill is considered; second, the effects of legislation may vary greatly among localities, making it difficult to quantify nationwide costs; third, obtaining accurate information from State, local, and tribal officials will be difficult and time consuming; fourth, obtaining information from private-sector parties will be difficult and time consuming since the information may not be readily available and is often considered to be confidential.

To make accurate cost estimates, CBO needs these additional resources to address these problems. Specifically, these resources will need to be focused on covering the costs of: First, consulting extensively with the relevant Federal agency to define the range of alternatives that are likely to be considered in issuing regulations; second, collecting information early in the legislative process from a broad sample of State, localities, and tribes, as well as from the private sector and individuals; third, consulting with experts to identify techniques that will improve CBO's ability to provide accurate estimates of nationwide costs based on a limited sample of States, localities, tribes, businesses, and individuals; fourth,

consulting directly with as many States, local, and tribal officials as possible, as well as representatives from business and citizen groups.

CBO estimates that it needs 25 new full-time employees to conduct the cost analyses required by the unfunded mandates bill. The office intends to create a new intergovernmental mandate unit in the Budget Analysis Division that will prepare cost statements and studies of intergovernmental mandates, as well as work with committees and State and local governments—15 people would be assigned to the program divisions for preparing private-sector mandate cost estimates and studies.

In addition to new analytic difficulties, the quantity of estimates required by CBO will likely be burdensome. Dr. O'Neill estimates that the private sector analyses—a provision in the law that is strongly supported by many Members of Congress—alone could require CBO to analyze approximately 10 to 15 percent of all reported bills. I expect the number of analyses required for State and local governmental mandates will be even higher. The bottom line is that S. 1 increased significantly CBO's volume of work.

CBO has identified another issue that justifies this additional appropriation to its budget. In the case of both intergovernmental and private sector mandates, CBO has determined that it will take nearly as much analysis to estimate whether or not a bill exceeds the threshold as it does to provide a full cost analysis when the threshold is exceeded. A statement by Dr. O'Neill reinforces this point: ". . . all bills that are deemed to have a mandate will exert considerable pressure on CBO's resources, even when the analysis does not result in a detailed cost statement."

If CBO fails to complete these analyses, the consequences to the legislative process could be severe. Because the unfunded mandates law establishes a new point of order against the consideration of legislation for which a CBO cost estimate is not printed in the committee report or in the CONGRESSIONAL RECORD, points of order could potentially be raised against scores of bills. This could significantly complicate and slow down the legislative process.

In addition, a provision in the bill allows for a waiver of CBO's requirement if an analysis is not feasible, although a point of order would remain in effect. Without the CBO analysis, the unfunded mandates law would be meaningless. I view the new cost information as the linchpin to the improved accountability the legislation is intended to establish. Without the CBO analysis, Members would be voting on legislation in the dark, without any clear knowledge of the burdens they are imposing on State and local governments or the private sector. Those 394 Members of the House agreed that we should end the practice of mandating blindly. Providing CBO the tools it needs will help to eliminate this problem, by giving Members the information we all must have to legislate responsibly. Also, because S. 1 obligates committees to identify sources of funding to cover the costs of intergovernmental mandates, committees will need the CBO information to do their jobs. Last year alone, it is estimated that we sent billions of dollars worth of mandates to State and local governments. Spending \$1.1 million up front to curb the practice makes sense. To do otherwise would be penny-wise and pound-foolish.

I understand that the Appropriations Committee expresses concerns about the additional duties given to CBO by the unfunded mandates law, but it suggested that DBO shift its resources to cover the new responsibilities. Having talked to CBO and looked at these new responsibilities, I believe that a mere shifting of CBO priorities will not free up enough money to cover the costs of these analyses. We should not place an unfunded mandate on the very agency helping us to end this practice.

This amendment is a modest and responsible request for funding that CBO needs. The \$1.1 million is fully paid for by offsetting cuts in the legislative branch appropriations bill. The offset is to a part of the Library of Congress budget, specifically targeted to eliminate funding for the American Folklife Center, which was not authorized. We believe this is a reasonable cut. The Appropriations Committee report on this item cites that "there is ample precedence for the Library to raise private funding for the American Folklife Center."

I urge my colleagues to join me in supporting this amendment. It will allow for the successful implementation of the unfunded mandates bill. CBO analyses of mandates on State and local governments, as well as the private sector, are the heart of the unfunded mandates bill—a law that is designed to ensure Congress has cost information, has a separate debate on whether and how to fund mandates and is accountable before it ever mandates again. Without providing the additional appropriation, we will also be sending the message that we are not serious about giving our State and local partners the relief they need. Let's keep our promise and support this amendment. If you supported the Unfunded Mandate Reform Act of 1995 and believe in it, you should vote "yes" on this amendment.

Mr. LUTHER. Mr. Chairman, I rise in strong support of Mr. CASTLE's proposal to cut our official mail allowances by \$4.6 million. I ran for Congress with the promise that I would work to reform the franked mail system, and I intend to vote accordingly.

Consider these facts: First, Members of Congress sent about 267 million pieces of mail in 1994, that's six times more mail than was received; second, during the last election cycle, House incumbents spent more on franked mail than House challengers raised; and third, spending on franked mail doubles in election years.

I do believe that it is important for Members to keep in touch with their constituents. Members of Congress must make the attempt to listen and seek the input of constituents on important pending issues. I also believe that it is important for Members to let their constituents know about town meetings, listening sessions, and other opportunities to contact their Members of Congress. However, I do not believe that Members should be using the franked mail as a campaign advantage. A limited frank budget will result in responsible communications from Members to their constituents.

The Castle proposal freezes the franking allowance at 1994 levels by cutting \$4.6 million from Members' representational allowances. That represents a reduction of 13 percent in addition to the roughly 30-percent cut of earlier this year.

The Castle proposal enjoys bipartisan support.

Those Members who are firmly committed to reforming Congress and reducing the budget deficit will vote "yes" on this proposal.

The CHAIRMAN. Under this rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAMP) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 169, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF CALIFORNIA WITH INSTRUCTIONS

Mr. MILLER of California. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill in its present form?

Mr. MILLER of California. I am, Mr. Speaker.

Mr. PACKARD. Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves to recommit the bill H.R. 1854 to the Committee on Appropriations with instructions to report the same to the House forthwith with the following amendment:

Page 49, after line 25, insert the following new section:

SEC. 312. None of the funds made available in this Act may be provided for any Member, officer, or employee of the House of Representatives when it is made known to the Federal entity or official to which the funds are made available that such Member, officer, or employee has accepted a gift, knowing that such gift is provided directly or indirectly by a paid lobbyist, a lobbyist firm, or an agent of a foreign principal.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] is recognized for 5 minutes in support of his motion to recommit.

□ 1500

Mr. MILLER of California. Mr. Speaker, the purpose of this motion to recommit is to send this bill back to committee with instructions for the purposes of reporting the bill back to the floor with a gift ban, to make sure

we would finally end the practice of gifts from lobbyists, lobbying firms, and others involved in legislation, to Members of Congress.

We have amended the rules of this House extensively, and we have done it on three different occasions. Each time we have been denied the opportunity to offer an amendment to end the practice of gifts by lobbyists to Members of Congress.

This is an effort to do that through the legislative appropriations bill by denying those appropriations to those offices where Members have continued to accept gifts which they knowingly have been provided, directly or indirectly, by a paid lobbyist or a lobbying firm.

Mr. Speaker, I would hope Members of this House, on a bipartisan basis, would vote to support the recommittal motion, so once and for all we can put an end to a practice that is unacceptable to the public, it is unacceptable in the conduct of the public's business, and it should be unacceptable in this House. That is ending the giving of gifts by lobbyists and lobbying firms to Members of this House while they have legislation under consideration.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it was very thoughtful of the Committee on Rules to put some of the really critical issues of the Nation before us in the amendments that they permitted us to consider. We got to consider flowers, we got to consider whether there would be elevator operators, we got to consider a number of other matters of similar import, and yet, on the critical issue of whether the ties that bind legislators to gifts would be approved, we were denied the opportunity to even present it for a vote on the floor of this Congress. Mr. Speaker, that goes to the core of the problem in this Congress of business as usual.

Mr. Speaker, there is a need for us to be able to present the American people with a clear choice of whether we are going to end gifts, freebies, free trips, or we are not going to end them. This motion is one way to do that. It is an up-or-down vote. If Members believe in continuing the gifts, if they believe in continuing the freebies, then vote against the motion of the gentleman from California [Mr. MILLER].

However, if Members think we ought to do something to clean up this House, this is the opportunity to do it. Some of us have taken a voluntary gift ban agreement and have signed off, and we return these gifts and these freebies, and deny these tickets and special benefits. However, this is a way to write it into law. That is the whole purpose of this amendment.

Mr. WARD. Mr. Speaker, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Kentucky.

Mr. WARD. Mr. Speaker, do Members know what is so frustrating? What is so frustrating is to hear these cries of "vote," when they are not saying vote on a gift ban, are they? They are not going to allow us a vote on a gift ban. We have asked again and again and again.

If we are going to reform this Congress, let us have an up-or-down vote on a gift ban. That is all we are asking for today.

Mr. MILLER of California. Mr. Speaker, finally, I would just say we have considered many amendments to this legislation. Many of those amendments have been about how we conduct our offices and how we pay for those offices and how we approach and hold ourselves out to the public.

However, what we did not consider in this legislation was the question of gift giving by lobbyists to Members of this legislative body. It is a practice that must be ended. The leadership on that side had said they are going to end it. The question is when, because every time we have an opportunity to do it within the rules of the House, somehow we cannot find the will to do it.

Mr. Speaker, this is a practice that must end. It must end now. If Members support the motion to recommit, it can be done away with today. I would urge all the Members to support the motion to recommit.

POINT OF ORDER

The SPEAKER pro tempore (Mr. CAMP). Does the gentleman from California [Mr. PACKARD] have a point of order?

Mr. PACKARD. Mr. Speaker, I wish to make a point of order against the motion to recommit with instructions because it includes a limitation and is not in order under clause 2 of rule XXI. Under the precedents of the House, it is not "competent" for the House to amend the bill in the manner proposed because it is not in order for the House to instruct the Committee to do what the House itself could not do.

Mr. Speaker, I quote from precedents of the House of Representatives: "It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment."

Also, Mr. Speaker, a point of order was sustained on a motion, a very like motion, to recommit with instructions on August 1, 1989, under a different Speaker. Mr. Speaker, the gentleman's motion to instruct includes a limitation not specifically contained or authorized in existing law, and not considered in the Committee of the Whole pursuant to clause 2(d) of rule XXI, and therefore I ask for a ruling by the Chair on the point of order.

The SPEAKER pro tempore. Does the gentleman from California [Mr. MILLER] wish to address the point of order?

Mr. MILLER of California. Mr. Speaker, the language offered in this motion to recommit is in fact valid under the House rules. It is constructed to meet all requirements for a valid

limitation under clause 2 of rule XXI. It does not impose "substantial additional duties."

While it is true such an amendment could have been blocked under section (d) of clause 2 by the motion to rise had such a motion been offered in the Committee of the Whole, in fact no such motion was offered. The Committee rose under the direct terms of the rule, House Resolution 169, rather than as a result of the motion of the majority leader or the manager.

The House rules clearly permit a valid limitation to be offered when the manager or the majority chooses not to offer the motion to rise or if they fail to do so in a timely fashion. For this reason, a motion to recommit with instruction to include a simple valid limitation is in fact in order, and therefore the motion to recommit requiring a gift ban be reported back to the House is in order.

The SPEAKER pro tempore (Mr. CAMP). The Chair is prepared to rule on the point of order. Consistent with the precedents of August 1 and 3, 1989, which are recorded in section 835 of the House Rules and Manual, the point of order is sustained and the motion is held out of order.

MOTION TO RECOMMIT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I move to recommit the bill, H.R. 1854, to the Committee on Appropriations.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MILLER of California moves to recommit the bill, H.R. 1854, to the Committee on Appropriations.

Mr. MILLER of California. Mr. Speaker, if I can, I would like to be heard on the motion.

The SPEAKER pro tempore. The motion is not debatable. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit with instructions.

PARLIAMENTARY INQUIRIES

Mr. GEJDENSON. I have a parliamentary inquiry, Mr. Speaker.

Mr. MILLER of California. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] will state his parliamentary inquiry.

Mr. MILLER of California. Mr. Speaker, why was that motion not debatable, but the previous motion was debatable?

The SPEAKER pro tempore. The difference is between a motion that includes instructions, which is debatable, and one that does not.

Mr. MILLER of California. I thank the Chair.

Mr. PACKARD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California will state it.

Mr. PACKARD. Mr. Speaker, I have been told and informed that we expect

this final passage vote to be the last vote of the day. Is that correct?

The SPEAKER pro tempore. The Chair would advised the gentleman that the vote is on recommittal.

Mr. PACKARD. After final passage, I am talking about, Mr. Speaker.

The SPEAKER pro tempore. The Chair is about to announce a 15 vote on recommittal and then a 5—

Mr. PACKARD. After final passage, is that to be the last vote of the day, Mr. Speaker?

The SPEAKER pro tempore. The Chair would tell the gentlemen yes, that is the Chair's understanding.

Mr. OBEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OBEY. Mr. Speaker, would it be in order to point out that if this motion is adopted, the committee would attempt to incorporate the gift ban when it comes back from committee?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b)(3) of rule XV, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on passage of the bill.

The vote was taken by electronic device, and there were—ayes 186, noes 240, not voting 8, as follows:

[Roll No 416]

AYES—186

Abercrombie	Dingell	Jackson-Lee
Andrews	Dixon	Jacobs
Baldacci	Doggett	Jefferson
Barcia	Dooley	Johnson (SD)
Barrett (WI)	Doyle	Johnson, E. B.
Becerra	Durbin	Johnston
Beilenson	Edwards	Kanjorski
Bentsen	Engel	Kaptur
Berman	Eshoo	Kennedy (MA)
Bevill	Evans	Kennedy (RI)
Bishop	Farr	Kennelly
Bonior	Fattah	Kildee
Borski	Fazio	Kleczka
Browder	Fields (LA)	LaFalce
Brown (CA)	Filner	Lantos
Brown (FL)	Flake	Levin
Brown (OH)	Foglietta	Lewis (GA)
Bryant (TX)	Ford	Lincoln
Cardin	Frank (MA)	Lipinski
Chapman	Frost	Lofgren
Clay	Furse	Lowey
Clement	Gejdenson	Luther
Clyburn	Gephardt	Maloney
Coleman	Gerren	Manton
Collins (IL)	Gibbons	Markey
Collins (MI)	Gonzalez	Martinez
Condit	Gordon	Mascara
Conyers	Green	Matsui
Costello	Gutierrez	McCarthy
Coyne	Hall (OH)	McDermott
Cramer	Hamilton	McHale
Danner	Harman	McKinney
de la Garza	Hastings (FL)	McNulty
DeFazio	Hefner	Meahan
DeLauro	Hilliard	Meek
Dellums	Hinchev	Menendez
Deutsch	Holden	Mfume
Dicks	Hoyer	Miller (CA)

Mineta	Reynolds	Taylor (MS)
Minge	Richardson	Tejeda
Mink	Rivers	Thompson
Montgomery	Roemer	Thornton
Moran	Rose	Thurman
Nadler	Roybal-Allard	Torricelli
Neal	Rush	Towns
Oberstar	Sabo	Trafigant
Obey	Sanders	Tucker
Olver	Sawyer	Velazquez
Ortiz	Schroeder	Vento
Orton	Schumer	Vislosky
Owens	Scott	Volkmer
Pallone	Sisisky	Ward
Pastor	Skaggs	Waters
Payne (NJ)	Skelton	Watt (NC)
Payne (VA)	Slaughter	Waxman
Pelosi	Spratt	Williams
Peterson (FL)	Stark	Wilson
Peterson (MN)	Stenholm	Wise
Pickett	Stokes	Woolsey
Poshard	Studds	Wyden
Rangel	Stupak	Wynn
Reed	Tanner	Yates

NOES—240

Allard	Flanagan	McCollum
Archer	Foley	McCrary
Armey	Forbes	McDade
Bachus	Fowler	McHugh
Baessler	Fox	McInnis
Baker (CA)	Franks (CT)	McIntosh
Baker (LA)	Franks (NJ)	McKeon
Ballenger	Frelinghuysen	Metcalf
Barr	Frisa	Meyers
Barrett (NE)	Funderburk	Mica
Bartlett	Galleghy	Miller (FL)
Barton	Ganske	Molinari
Bass	Gekas	Mollohan
Bateman	Gilchrist	Moorhead
Bereuter	Gillmor	Morella
Bilbray	Gilman	Murtha
Bilirakis	Goodlatte	Myers
Bliley	Goodling	Myrick
Blute	Goss	Nethercutt
Boehlert	Graham	Neumann
Boehner	Greenwood	Ney
Bonilla	Gunderson	Norwood
Bono	Gutknecht	Nussle
Boucher	Hall (TX)	Oxley
Brewster	Hancock	Packard
Brownback	Hansen	Paxon
Bryant (TN)	Hastert	Petri
Bunn	Hastings (WA)	Pombo
Bunning	Hayes	Porter
Burr	Hayworth	Portman
Burton	Hefley	Pryce
Buyer	Heineman	Quillen
Callahan	Herger	Quinn
Calvert	Hilleary	Radanovich
Camp	Hobson	Rahall
Canady	Hoekstra	Ramstad
Castle	Hoke	Regula
Chabot	Horn	Riggs
Chambliss	Hostettler	Roberts
Chenoweth	Houghton	Rogers
Christensen	Hunter	Rohrabacher
Chryslers	Hutchinson	Ros-Lehtinen
Clinger	Hyde	Roth
Coble	Inglis	Roukema
Coburn	Istook	Royce
Collins (GA)	Johnson (CT)	Salmon
Combest	Johnson, Sam	Sanford
Cooley	Jones	Saxton
Cox	Kasich	Scarborough
Crane	Kelly	Schaefer
Crapo	Kim	Schiff
Creameans	King	Seastrand
Cubin	Kingston	Sensenbrenner
Cunningham	Klink	Shadegg
Davis	Klug	Shaw
Deal	Knollenberg	Shays
DeLay	Kolbe	Shuster
Diaz-Balart	LaHood	Skeen
Dickey	Largent	Smith (MI)
Doolittle	Latham	Smith (NJ)
Dornan	LaTourette	Smith (TX)
Dreier	Lazio	Smith (WA)
Duncan	Leach	Solomon
Dunn	Lewis (CA)	Souder
Ehlers	Lewis (KY)	Spence
Ehrlich	Lightfoot	Stearns
Emerson	Linder	Stockman
English	Livingston	Stump
Ensign	LoBiondo	Talent
Everett	Longley	Tate
Ewing	Lucas	Tauzin
Fawell	Manzullo	Taylor (NC)
Fields (TX)	Martini	Thomas

