

|               |               |             |
|---------------|---------------|-------------|
| Moakley       | Richardson    | Taylor (NC) |
| Mollohan      | Rivers        | Tejeda      |
| Montgomery    | Roemer        | Thompson    |
| Moran         | Rohrabacher   | Thurman     |
| Murtha        | Roukema       | Torres      |
| Nadler        | Roybal-Allard | Torricelli  |
| Neal          | Rush          | Towns       |
| Oberstar      | Sabo          | Traficant   |
| Obey          | Sanders       | Tucker      |
| Olver         | Sawyer        | Velazquez   |
| Ortiz         | Schroeder     | Vento       |
| Owens         | Schumer       | Visclosky   |
| Pallone       | Scott         | Volkmer     |
| Pastor        | Serrano       | Ward        |
| Payne (NJ)    | Sisisky       | Waters      |
| Payne (VA)    | Skaggs        | Watt (NC)   |
| Pelosi        | Spence        | Waxman      |
| Peterson (FL) | Spratt        | Williams    |
| Peterson (MN) | Stark         | Wilson      |
| Pickett       | Stenholm      | Wise        |
| Pombo         | Studds        | Wolf        |
| Pomeroy       | Stump         | Woolsey     |
| Poshard       | Stupak        | Wyden       |
| Rahall        | Tanner        | Wynn        |
| Rangel        | Tauzin        |             |
| Reed          | Taylor (MS)   |             |

NOT VOTING—29

|              |          |              |
|--------------|----------|--------------|
| Bono         | Gibbons  | Reynolds     |
| Brown (FL)   | Hayes    | Ros-Lehtinen |
| Chapman      | Hayworth | Scarborough  |
| Chrysler     | Hefner   | Schaefer     |
| Collins (MI) | Kaptur   | Slaughter    |
| Conyers      | Lincoln  | Souder       |
| Creameans    | Lofgren  | Stokes       |
| Davis        | Meehan   | Yates        |
| Dornan       | Orton    | Young (AK)   |
| Flake        | Porter   |              |

So the Journal was approved.

8.4 COMMUNICATIONS

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

185. A letter from the Adjutant General, the Veterans of Foreign Wars of the United States, transmitting proceedings of the 95th national convention of the Veterans of Foreign Wars of the United States, held in Las Vegas, NV, August 21-26, 1994, pursuant to 36 U.S.C. 118; 44 U.S.C. 1332 (H. Doc. No. 104-20); to the Committee on National Security and ordered to be printed.

186. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting a proposed plan for the settlement of the claims of the confederated tribes of the Colville Reservation Tribe concerning their contributions to the production of hydropower by the Grand Coulee Dam; to the Committee on Resources.

187. A letter from the Secretary of Labor, transmitting the third biennial report on internationally recognized worker rights, pursuant to 19 U.S.C. 2465(c); to the Committee on Ways and Means.

8.5 POINT OF ORDER

Mr. FRANK made a point of order against changes in the Congressional Record, and said:

"Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

"In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

"The first change is as follows:

He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, 'It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order.'

"That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, 'It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.'

"Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, 'it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker.'

"In the CONGRESSIONAL RECORD that has been changed to 'a proper level of respect.'

"Now, I do not believe that changing 'personal' to 'critical' and 'proper' to 'higher' is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said."

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

"The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling."

8.6 RULES OF DECORUM IN DEBATE

The SPEAKER pro tempore, Mr. DREIER, in response to Members' parliamentary inquiries, made the following statement:

"The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

"First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

"Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper

reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

"Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

"Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

"Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

"Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities."

8.7 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

8.8 PROVIDING FOR THE CONSIDERATION OF H.R. 5

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 38):

*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. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, 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 two hours, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Government Reform and Oversight and the Committee on Rules, 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 printed in the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered by title rather than by section. Each of the first four sections and each title 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. 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 amendment in the nature of a substitute made in order as original text. 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. DREIER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. MOAKLEY 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 | ..... | 350 |
| Nays | ..... | 71  |

18.9 [Roll No. 21]  
YEAS—350

|              |             |              |
|--------------|-------------|--------------|
| Ackerman     | Bilirakis   | Camp         |
| Allard       | Bishop      | Canady       |
| Andrews      | Bliley      | Castle       |
| Archer       | Blute       | Chabot       |
| Armye        | Boehkert    | Chambliss    |
| Baesler      | Boehner     | Chenoweth    |
| Baker (CA)   | Bonilla     | Christensen  |
| Baker (LA)   | Bono        | Chrysler     |
| Ballenger    | Boucher     | Clayton      |
| Barcia       | Brewster    | Clement      |
| Barr         | Browder     | Clinger      |
| Barrett (NE) | Brown (OH)  | Clyburn      |
| Barrett (WI) | Brownback   | Coble        |
| Bartlett     | Bryant (TN) | Coburn       |
| Barton       | Bryant (TX) | Collins (GA) |
| Bass         | Bunn        | Combust      |
| Bateman      | Bunning     | Condit       |
| Bentsen      | Burr        | Conyers      |
| Bereuter     | Burton      | Cooley       |
| Berman       | Buyer       | Costello     |
| Bevill       | Callahan    | Cox          |
| Bilbray      | Calvert     | Cramer       |

|               |               |               |
|---------------|---------------|---------------|
| Crane         | Jacobs        | Porter        |
| Crapo         | Jefferson     | Portman       |
| Creameans     | Johnson (CT)  | Poshard       |
| Cubin         | Johnson, E.B. | Pryce         |
| Cunningham    | Johnson, Sam  | Quillen       |
| Danner        | Johnston      | Quinn         |
| Davis         | Jones         | Radanovich    |
| de la Garza   | Kaptur        | Rahall        |
| Deal          | Kasich        | Ramstad       |
| DeLauro       | Kelly         | Reed          |
| DeLay         | Kennedy (MA)  | Regula        |
| Dellums       | Kennedy (RI)  | Richardson    |
| Deutsch       | Kennelly      | Riggs         |
| Diaz-Balart   | Kildee        | Rivers        |
| Dickey        | Kim           | Roberts       |
| Dicks         | King          | Roemer        |
| Doggett       | Kingston      | Rogers        |
| Dooley        | Klecza        | Rohrabacher   |
| Doolittle     | Klug          | Roth          |
| Dornan        | Knollenberg   | Roukema       |
| Doyle         | Kolbe         | Royce         |
| Dreier        | LaHood        | Salmon        |
| Duncan        | Lantos        | Sanford       |
| Dunn          | Largent       | Sawyer        |
| Edwards       | Latham        | Saxton        |
| Ehlers        | LaTourrette   | Scarborough   |
| Ehrlich       | Laughlin      | Schiff        |
| Emerson       | Lazio         | Schroeder     |
| Engel         | Leach         | Schumer       |
| English       | Levin         | Seastrand     |
| Ensign        | Lewis (CA)    | Sensenbrenner |
| Eshoo         | Lewis (KY)    | Shadegg       |
| Everett       | Lightfoot     | Shaw          |
| Ewing         | Linder        | Shays         |
| Fawell        | Lipinski      | Shuster       |
| Fields (LA)   | Livingston    | Sisisky       |
| Fields (TX)   | LoBiondo      | Skaggs        |
| Flanagan      | Lofgren       | Skeen         |
| Foley         | Longley       | Skelton       |
| Forbes        | Lucas         | Smith (MI)    |
| Ford          | Luther        | Smith (NJ)    |
| Fowler        | Manton        | Smith (TX)    |
| Fox           | Manzullo      | Smith (WA)    |
| Franks (CT)   | Martinez      | Solomon       |
| Franks (NJ)   | Martini       | Souder        |
| Frelinghuysen | Mascara       | Spence        |
| Frisa         | Matsui        | Spratt        |
| Funderburk    | McCarthy      | Stearns       |
| Galleghy      | McCollum      | Stenholm      |
| Ganske        | McCrery       | Stockman      |
| Gekas         | McDade        | Studds        |
| Gephardt      | McHale        | Stump         |
| Geran         | McHugh        | Stupak        |
| Gibbons       | McInnis       | Talent        |
| Gilchrest     | McIntosh      | Tanner        |
| Gillmor       | McKeon        | Tate          |
| Gilman        | Menendez      | Tauzin        |
| Gonzalez      | Metcalf       | Taylor (MS)   |
| Goodlatte     | Meyers        | Taylor (NC)   |
| Goodling      | Mica          | Tejeda        |
| Gordon        | Miller (CA)   | Thomas        |
| Goss          | Miller (FL)   | Thompson      |
| Graham        | Minge         | Thornberry    |
| Green         | Molinari      | Thornton      |
| Greenwood     | Mollohan      | Tiahrt        |
| Gunderson     | Montgomery    | Torkildsen    |
| Gutknecht     | Moorhead      | Torres        |
| Hall (TX)     | Moran         | Towns         |
| Hamilton      | Morella       | Traficant     |
| Hancock       | Murtha        | Tucker        |
| Hansen        | Myers         | Upton         |
| Harman        | Myrick        | Visclosky     |
| Hastert       | Nader         | Volkmer       |
| Hastings (WA) | Neal          | Vucanovich    |
| Hayes         | Nethercutt    | Waldholtz     |
| Hayworth      | Neumann       | Walker        |
| Hefley        | Ney           | Walsh         |
| Hefner        | Norwood       | Wamp          |
| Heineman      | Nussle        | Ward          |
| Herger        | Obey          | Watts (OK)    |
| Hilleary      | Ortiz         | Weldon (FL)   |
| Hobson        | Orton         | Weldon (PA)   |
| Hoekstra      | Oxley         | Weller        |
| Hoke          | Packard       | White         |
| Holden        | Pallone       | Whitfield     |
| Horn          | Parker        | Wicker        |
| Hostettler    | Pastor        | Wilson        |
| Houghton      | Paxon         | Wise          |
| Hoyer         | Payne (VA)    | Wolf          |
| Hunter        | Peterson (FL) | Wynn          |
| Hutchinson    | Peterson (MN) | Young (AK)    |
| Hyde          | Petri         | Young (FL)    |
| Inglis        | Pickett       | Zeliff        |
| Istook        | Pombo         | Zimmer        |
| Jackson-Lee   | Pomero        |               |

NAYS—71

|             |           |
|-------------|-----------|
| Abercrombie | Beilenson |
| Baldacci    | Bonior    |
| Becerra     | Borski    |

|              |               |               |
|--------------|---------------|---------------|
| Clay         | Hastings (FL) | Owens         |
| Coleman      | Hilliard      | Payne (NJ)    |
| Collins (IL) | Hinchee       | Rangel        |
| Collins (MI) | Johnson (SD)  | Roybal-Allard |
| Coyne        | Kanjorski     | Rush          |
| DeFazio      | Klink         | Sabo          |
| Dingell      | LaFalce       | Sanders       |
| Dixon        | Lewis (GA)    | Scott         |
| Durbin       | Lowey         | Serrano       |
| Evans        | Maloney       | Stark         |
| Farr         | Markey        | Stokes        |
| Fattah       | McDermott     | Thurman       |
| Fazio        | McKinney      | Torricelli    |
| Filner       | McNulty       | Velazquez     |
| Foglietta    | Meek          | Vento         |
| Frank (MA)   | Mfume         | Waters        |
| Frost        | Mineta        | Watt (NC)     |
| Furse        | Mink          | Williams      |
| Gejdenson    | Moakley       | Woolsey       |
| Gutierrez    | Oberstar      | Wyden         |
| Hall (OH)    | Olver         |               |

NOT VOTING—13

|         |              |           |
|---------|--------------|-----------|
| Bachus  | Pelosi       | Slaughter |
| Chapman | Reynolds     | Waxman    |
| Flake   | Ros-Lehtinen | Yates     |
| Lincoln | Rose         |           |
| Meehan  | Schaefer     |           |

So 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.

18.10 UNFUNDED FEDERAL MANDATES

The SPEAKER pro tempore, Mr. GUNDERSON, pursuant to House Resolution 38 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. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes.

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

The SPEAKER pro tempore, Mr. GOODLATTE, assumed the Chair.

When Mr. EMERSON, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

18.11 JOINT ECONOMIC COMMITTEE MEMBERS

The SPEAKER pro tempore, Mr. GOODLATTE, by unanimous consent and pursuant to the provisions of 15 U.S.C. 1024(a), announced that the Speaker appointed as Members of the Joint Economic Committee the following Members on the part of the House:

- Mr. SAXTON of New Jersey.
- Mr. EWING of Illinois;