

[Roll No. 869]

NAYS—412

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

Orton Sanford  
Owens Sawyer  
Oxley Saxton  
Packard Schaefer  
Pallone Schiff  
Parker Schroeder  
Pastor Schumer  
Paxon Scott  
Payne (NJ) Seastrand  
Payne (VA) Sensenbrenner  
Pelosi Serrano  
Peterson (FL) Shadegg  
Peterson (MN) Shaw  
Petri Shays  
Pickett Shuster  
Pombo Sisisky  
Pomeroy Skaggs  
Porter Skeen  
Portman Skelton  
Poshard Slaughter  
Quillen Smith (MI)  
Quinn Smith (NJ)  
Radanovich Smith (TX)  
Rahall Smith (WA)  
Ramstad Solomon  
Rangel Souder  
Reed Spence  
Regula Spratt  
Richardson Stark  
Riggs Stearns  
Rivers Stenholm  
Roberts Stockman  
Roemer Stokes  
Rogers Studds  
Rohrabacher Stump  
Roth Stupak  
Roukema Talent  
Roybal-Allard Tanner  
Royce Tate  
Sabo Tauzin  
Salmon Taylor (MS)  
Sanders Taylor (NC)

ANSWERED "PRESENT"—5

Clyburn Filner Williams  
Engel Mink

NOT VOTING—16

Berman Lantos Scarborough  
Chapman Murtha White  
Coleman Pryce Yates  
Edwards Ros-Lehtinen Young (AK)  
Gephardt Rose  
Kaptur Rush

□ 1711

Messrs. HILLIARD, DURBIN, BE-  
REUTER, RIGGS, and Mrs.  
CHENOWETH changed their vote from  
"yea" to "nay."

So the concurrent resolution was re-  
jected.

The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on  
the table.

## PERSONAL EXPLANATION

Ms. ROS-LEHTINEN. Mr. Speaker, due to  
my mother-in-law's death, I was unable to be  
present for the vote on House Concurrent  
Resolution 122 and, had I been present, I  
would have voted "no."

## PERSONAL EXPLANATION

Mr. WHITE. Mr. Speaker, I was un-  
avoidably caught in traffic during the  
vote on rollcall vote 869. If I had been  
here, I would have voted "no."

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

The SPEAKER pro tempore (Mr. EM-  
ERSON). Pursuant to the provisions of  
clause 5 of rule I, the Chair announces  
that he will postpone further proceed-

ings today on each motion to suspend  
the rules on which a recorded vote or  
the yeas and nays are ordered, or on  
which the vote is objected to under  
clause 4 of rule XV.

Such rollcall votes, if postponed, will  
be taken tomorrow.

□ 1715

PROVIDING FOR PROVISIONAL AP-  
PROVAL OF REGULATIONS IS-  
SUED BY OFFICE OF COMPLI-  
ANCE

Mr. THOMAS. Mr. Speaker, I move to  
suspend the rules and agree to the con-  
current resolution (H. Con. Res. 123), to  
provide for the provisional approval of  
regulations applicable to certain covered  
employing offices and covered employ-  
ees and to be issued by the Office of  
Compliance before January 23, 1996.

The Clerk read as follows:

H. CON. RES. 123

*Resolved,*

## SECTION 1. APPROVAL OF REGULATIONS.

The regulations applicable to employing  
offices which are not the House of Represent-  
atives or the Senate and covered employees  
who are not the employees of the House of  
Representatives or the Senate which are to  
be issued by the Office of Compliance before  
January 23, 1996, are hereby approved on a  
provisional basis until such time as such reg-  
ulations are approved in accordance with  
section 304(c) of the Congressional Account-  
ability Act of 1995 (2 U.S.C. 1384(c)).

The SPEAKER pro tempore (Mr.  
HASTINGS of Washington). Pursuant to  
the rule, the gentleman from Califor-  
nia [Mr. THOMAS] will be recognized for  
20 minutes, and the gentleman from  
California [Mr. FAZIO] will be recog-  
nized for 20 minutes.

The Chair recognizes the gentleman  
from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield  
myself such time as I may consume.

Mr. Speaker, House Concurrent Reso-  
lution 123 is a companion resolution to  
House Resolution 311 that we looked at  
earlier in the day and accepted. House  
Resolution 311 applied to the House of  
Representatives, and the House Con-  
current Resolution 123 applies to covered  
employee offices and others, such as  
the Architect, and so forth.

Mr. Speaker, recall the situation in  
which probably a provision of rules will  
be passed on January 8. We probably  
will not be here. We will accept these  
provisionally. When we come back on  
January 23, we will examine and then  
approve the final orders.

Mr. Speaker, I reserve the balance of  
my time.

Mr. FAZIO of California. Mr. Speak-  
er, I yield myself such time as I may  
consume.

Mr. Speaker, I support this resolu-  
tion. It has been a very cooperative ef-  
fort on the part of the majority and the  
minority to develop standards and  
guidelines that we can all benefit from  
as we live with the new law that ap-  
plies all of the laws that this Congress  
has passed to ourselves at some point  
during the next calendar year. I believe

that the step that we are taking today is appropriate.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman from California [Mr. FAZIO] for yielding me this time.

As I did earlier today, I rise in support of this resolution, which I think is an appropriate resolution. I congratulate the chairman of the Committee on House Oversight for bringing it to the floor and for moving this process forward.

However, as I did this morning, I take this opportunity to rise to consider legislation and resolutions which move the process forward of extending to employees protections to which I think they are entitled and which will enhance morale and the quality of our work force. I rise because I think that we have taken action in recent weeks to undermine both of those objectives.

I will not repeat the facts as I know them to be with reference to the nine employees who were removed by the Clerk just a few days ago, shortly before the Christmas holidays, some of whom have spent more than two decades as employees of this body. Suffice it to say that none of them were removed for cause.

The reason I rise is because the distinguished chairman of the Committee on House Oversight made some observations at the end of that debate which I want to comment on. The gentleman observed that the majority had not indicated that it would not take further actions after reorganization had been completed to eliminate redundant positions, to eliminate, in effect, featherbedding which might have been created, he did not use that term, but that was the implication, that had been created under the patronage-plagued system that the gentleman alleged existed under the Democrats. Not getting into that argument, let me say that the unfortunate implication was that any of these positions fall in that category.

None of them do, Mr. Speaker. Let me repeat, none of the nine fall into a category of being eliminated because they were described as was characterized by the chairman. I do not say that the gentleman from California [Mr. THOMAS] was characterizing these positions. I do not know that the gentleman was doing that at all. However, the implication could have been drawn that in fact that was the rationale for this action.

In my opinion, it was not. That opinion is drawn after personal conversations with the Clerk, Ms. Carle, and after correspondence from her.

I rise once again to discuss this issue simply because we are moving a process forward which in a bipartisan way we agree will accomplish an objective of depoliticizing and professionalizing the ministerial staff that serves this institution. When I refer to ministerial staff, I simply mean that staff which is not involved in the formulation or pro-

mulgation of policy, but simply involved in making sure that the day-to-day operations of the House of Representatives are as efficient and honest as they possibly can be.

That is, of course, the objective we want to both accomplish. When I say both, both the majority party and the minority party.

Mr. Speaker, I would hope that as we go through this season, as we adopt, probably unanimously, perhaps without a vote, this resolution and the previous resolution, that the majority party will look once again at the actions that have been taken with respect to these nine individuals, and see if that might be reconsidered: see if very loyal, very hard-working, very effective employees might be reinstated to the duties that I think they have done so well.

Furthermore, within the course of that review, ensure that other employees equally talented, equally essential are not subjected to the same precipitous, and that is my word, not anybody else's termination of their services, not because of lack of performance, but simply because a decision is made that their services are no longer needed.

Mr. Speaker, in closing, I would reiterate that a manual has been distributed to the employees of the Office of the Clerk which sets forth that terminations will be done in a manner that will provide employees with an opportunity to be heard.

It does not imply, nor do I interpret it to mean, that termination at will has been changed. In fact, I believe that House employees should be in the status of being terminated at will. But in that context of professionalizing our staff, they ought to have a sense that it will not be an arbitrary or political determination that leads to that action. Rather, it should be based upon their professional performance on the job.

As I said, Mr. Speaker, I do not intend to oppose this resolution; indeed, I support this resolution, and I support the chairman and our committee's efforts to move this process forward.

I appreciate the gentleman from California [Mr. FAZIO] giving me this opportunity to again call to the attention of the House a matter that I think is important not from a political standpoint, but from the standpoint of professionalizing this House. That is the stated intent of the majority. I congratulate and applaud them for that effort. It is an effort in which I and many, I think all, of my colleagues join.

It is an effort, however, that needs to be more than rhetoric. It needs to be reality for each and every one of our employees. I hope we will accomplish that objective, and I thank the gentleman from California for yielding me the time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

If anyone has watched the House of Commons, one of the things that goes on there is something that we might

adopt; and I will see if we can work it today. I will refer the gentleman to comments the chairman made a few hours ago in response to his statement, but I will also say that the gentleman from Maryland [Mr. HOYER] is certainly entitled to his opinions.

The Clerk has indicated that the reorganization was not based upon arbitrary or political reasons, and I am not going to replace the Clerk's judgment with the opinions of the gentleman from Maryland.

Mr. Speaker, I reserve the balance of my time.

Mr. FAZIO of California. Mr. Speaker, I have no further speakers on this side, so I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. THOMAS] that the House suspend the rules and agree to the concurrent resolution, 123.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

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#### POSTPONING CONSIDERATION OF VETO MESSAGE ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996, UNTIL WEDNESDAY, DECEMBER 20, 1995

Mr. ROGERS. Mr. Speaker, I ask unanimous consent if the Chair lays before the House a veto message from the President on the bill, H.R. 2076 today, that the objections of the President be spread at large upon the Journal and that the message and bill be ordered printed as a House document; and that consideration of the veto message be postponed until tomorrow, December 20, 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

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□ 1730

#### POSTPONING CONSIDERATION OF VETO MESSAGE ON H.R. 1058, SECURITIES LITIGATION REFORM ACT UNTIL WEDNESDAY, DECEMBER 20, 1995

Mr. THOMAS. Mr. Speaker, I ask unanimous consent, if the Chair lays before the House a veto message from the President on the bill, H.R. 1058 today, that the objections of the President be spread at large upon the Journal and that the message and bill be ordered printed as a House document; and that consideration of the veto message be postponed until tomorrow, December 20, 1995.