

### COMMITTEE TO NOTIFY THE PRESIDENT

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 325) providing for a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 325

*Resolved*, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 325

The SPEAKER pro tempore. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas [Mr. ARMEY] and the gentleman from Missouri [Mr. GEPHARDT].

### NOTIFICATION TO THE SENATE

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 326) to inform the Senate that a quorum of the House has assembled, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 326

*Resolved*, That the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### DAILY HOUR OF MEETING

Mr. ARMEY. Mr. Speaker, I offer a privileged resolution (H. Res. 327) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

*Resolved*, That until otherwise ordered, the hour of meeting of the House shall be 2 p.m. on Mondays; 11 a.m. on Tuesdays and Wednesdays; and 10 a.m. on all other days of the week up to and including May 11, 1996; and that from May 13, 1996, until the end of the second session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays, and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON TODAY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on today.

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

There was no objection.

### COMMUNICATION FROM THE CLERK OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,  
January 3, 1996.

Hon. NEWT GINGRICH,  
*The Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, January 2, 1996 at 12:05 p.m. and said to contain a message from the President whereby he submits an unclassified report on the Loan Guarantees to Israel Program.

With warm regards,

ROBIN H. CARLE,  
*Clerk, U.S. House of Representatives.*

### UNCLASSIFIED REPORT ON LOAN GUARANTEES TO ISRAEL PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

*To the Congress of the United States:*

Enclosed is an unclassified report on the Loan Guarantees to Israel Program and on economic conditions in Israel, as required by section 226(k) of the Foreign Assistance Act of 1961, as amended (Public Law 87-195), and section 1205 of the International Security and Development Cooperation Act of 1985 (Public Law 99-983).

WILLIAM J. CLINTON,  
*THE WHITE HOUSE, December 30, 1995.*

□ 1230

### PRIVILEGES OF THE HOUSE—RIGHTS OF THE HOUSE COLLECTIVELY

Mr. GEPHARDT. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution pursuant to rule IX.

The Clerk read the resolution, as follows:

H. RES. 328

Whereas clause 1 of rule IX of the Rules of the House of Representatives states that "Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings";

Whereas over 280,000 Federal employees have been barred from performing the jobs for which they will eventually be paid;

Whereas more than 480,000 Federal employees are required to report for work without being paid their full salaries at regular intervals;

Whereas the public is not receiving the benefits of their tax dollars; and

Whereas the inability of the House of Representatives to act on legislation keeping the Government in operation impairs the dignity and the integrity of the House and the esteem the public holds for the House; Now, therefore, be it

*Resolved*, that upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 1643, with a Senate amendment thereto, and concurred in the Senate amendment, and that a motion to reconsider that action shall be considered as laid on the table.

The SPEAKER pro tempore. Does the gentleman from Missouri [Mr. GEPHARDT] wish to be heard on whether or not his motion constitutes a question of privilege?

Mr. GEPHARDT. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. GEPHARDT. Mr. Speaker, let me explain why this is most certainly a question of privilege and why this Congress must finally reopen the Federal Government, with no threats or conditions, while we work to resolve the budget impasse that we are involved in.

The fact is that while we fight over the Federal budget, millions of Americans are being held hostage; and while some Republicans have even suggested that no one has noticed this Government shutdown, I think that is simply fiscal fantasy, not reality.

Think about the frail, home-bound seniors who will not have their meals delivered on time, or at all. Think about the elderly who will not have their Medicare claims processed, and the jobless who will not receive their unemployment checks.

Right now, crucial cleanups of toxic waste dumps have been stopped, and the Government's efforts to crack down on workplace abuses and nursing home atrocities are grinding to a halt. If you ask me, that is more than wrong; it is an abuse of power. It is an abuse of the responsibility the American people have placed in this Congress, and in each of us, when they elected us to serve them, not just to throw ideological tantrums. Even the Republicans in the other body have rejected the radicalism of this shutdown.

The extremist approach says, if the President will not agree to a budget that slashes Medicare to give huge tax breaks to the wealthy, we are going to make the whole country suffer until we get our way.

This is, by far, the longest and most devastating Government shutdown in American history. According to news

reports, the House Republicans have adopted this strategy because they want as a trump card the Government shutdown, that will not be as powerful as the President's veto pen.

The Constitution never provided for this procedure. The Constitution merely asks that the Congress provide a budget that the President can and will sign, and it is now 94 days late in that basic responsibility.

I have studied the Constitution carefully in the last days. I cannot find a page in the Constitution that says that if one group of people cannot have their way, they can shut down the whole Government for days and days and days. The Constitution I have read says that the Congress has two alternatives if there is a veto. One is to override the veto; the other is to present a new piece of legislation that the President will sign or veto.

This Congress under this majority is saying, there is a third choice, and that choice is to let the Government stay down.

Let us be very clear. This is a choice we are making; this is a clear choice that we are exercising. And it is a choice to say that we are not going to override the President's veto, we are not going to present new legislation, we are simply going to leave the Government down as a way of leveraging the President.

The integrity of this Congress is in question. Right now every Member of this House is being prevented from fulfilling our most basic duties and obligations. That is why I believe this is a matter of privilege under rule IX of this House, which states very clearly that matters of privilege are those affecting the House collectively, as well as its dignity and integrity.

In the words of the Republican leader of the other body, enough is enough. Good-faith negotiations on the budget have been taking place for days and are going on today. The damage has been done; the point has been made.

I urge the House to adopt this resolution and pass the bill that has already been passed by the other body. It opens the Government for the next 2 weeks so that people can be served while we negotiate in good faith, and I believe it restores some sense of responsibility to this House, the sense that this is a Government of the people, not a revolution.

Mr. Speaker, parliamentary privilege exists for exactly this kind of crisis. It is the very essence of privilege, and I urge the Chair to rule in its favor.

The SPEAKER pro tempore. The Chair will recognize Members who wish to discuss the question of privilege before the House.

The Chair has provided a great deal of leniency to the minority leader in the matter of discussing the question of privilege, out of deference to the minority leader's status, but the Chair will hold the discussion henceforth only to those issues that relate to whether or not this is a question of privilege.

The Chair recognizes the majority leader.

Mr. ARMEY. Mr. Speaker, I would like to speak on the question of privilege.

Mr. Speaker, I do not believe this is a question of privilege, and I take umbrage at the minority leader's use of the time allotted to him to speak on the question of privilege of the House to give what can only be characterized as a political speech.

Mr. Speaker, it includes the kind of accuracy that one encounters in political speeches, and I feel compelled to make the point. We do have a partial shutdown of the Federal Government.

The SPEAKER pro tempore. The gentleman from Texas will confine his remarks to the question before the House, which is whether or not the resolution constitutes a question of privilege.

Mr. ARMEY. Mr. Speaker, in my opinion, the gentleman from Missouri does not have a resolution that constitutes a question of privilege of the House, and I urge the Chair to so rule.

Let me just say in so doing that I share the consternation of the gentleman from Missouri over the President shutting down the Government.

The SPEAKER pro tempore. Does the gentleman from Wisconsin [Mr. OBEY] wish to be heard on the question of privilege?

Mr. OBEY. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. OBEY. Mr. Speaker, let me simply say, it is my understanding that rule IX of the House allows for privileged resolutions to be considered by the House when actions have been taken which affect the rights of the House collectively, its safety, its dignity, and its integrity. It seems to me that that is certainly the situation at this moment, because we have a fundamental misuse of taxpayers' money appropriated by this House.

It seems to me, Mr. Speaker, that it is a fundamental misuse of taxpayers' dollars, which are appropriated by this House, when we have a situation in which workers are being paid—

The SPEAKER pro tempore. The gentleman has now wandered beyond discussing a question of privilege. The Chair will remind the gentleman that he has the same obligation as all Members to discuss the matter before the House, which is whether or not the resolution, as presented by the minority leader, constitutes a question of privilege under rule IX.

Mr. OBEY. Mr. Speaker, that is what I am trying to do. What I was simply attempting to say is that I think that certainly the dignity of the House and the integrity of the House are brought into question when a situation is allowed to continue which, in effect, has taxpayers' money provided for work that Government employees have not done and when you have workers required to perform work for which they are not paid—that is certainly not

meeting the standard of dignity and decency and honor which we have a right to expect in this House.

I think, on those grounds alone, rule IX would dictate that we ought to be able to proceed with this resolution.

The SPEAKER pro tempore. Does the gentleman from Georgia [Mr. LINDER] wish to be heard on the question of privilege?

Mr. LINDER. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. LINDER. Mr. Speaker, we are engaged in a great debate over the direction of the country. It is messy. It has always been thus. No one, however, is questioning the integrity of the people on either side of this House on this debate. We do not question those on the left and they should not question us on the right. We are intending to reshape the Government, and that requires a great debate.

I think the speeches and the positions of individuals on both sides are dignified. There is no less dignity or more dignity by just stating opinions as to the question of the safety of the Members of the House. I see no one here unsafe. I think the Chair should rule against this question of privilege.

#### PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from New York will state it.

Mr. SCHUMER. Mr. Speaker, would it be appropriate to ask for a unanimous-consent request that each side be allowed to debate this without the restrictions the Chair is placing on it for, say, 15 minutes each? It is an important issue, and we ought to be debating the issue itself.

Would that be appropriate, to ask for such a unanimous-consent request?

The SPEAKER pro tempore. The Chair is attempting to assure that the discussion of the resolution before the House is confined to the matter of the privilege of the House and not to the merits of the argument underlying the resolution. So the Chair intends to proceed as historically such debates have been constituted.

#### REQUEST TO DEBATE ISSUE OF PRIVILEGE AND UNDERLYING MERITS

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that each side be allowed 15 minutes not only to debate the issue of privilege, but the underlying merits of the issue as well.

Mr. LINDER. I object.

The SPEAKER pro tempore. Objection is heard.

Does the gentleman from Texas [Mr. STENHOLM] wish to be heard on the question of privilege before the House?

Mr. STENHOLM. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. STENHOLM. Mr. Speaker, I would address my comments to the words "dignity" and "integrity" of the proceedings of the House of Representatives, as stated in rule IX of the Rules of the U.S. House of Representatives,

as well as the second statement that says, "those affecting the rights and the reputation and conduct of Members individually in their representative capacity only."

When we had this resolution before you last week, Mr. Speaker, you ruled against this as a question of privilege, but I am asking you to take another look at the rules of the House and the questions of privilege that shall be, first, those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings.

I would suggest, Mr. Speaker, that the integrity of the proceedings of the 104th Congress, 1st session just adjourned, and the beginning of the 2d session, the integrity of the proceedings of the House of Representatives is being called into question by the procedure in which we are being asked to follow without allowing a vote of the will of the majority as to whether or not the issue in question shall be put to the body of the House of Representatives.

□ 1245

It seems to me that we have been guilty, in the conduct of our proceedings, of mixing apples and oranges, of mixing an appropriation process with a budget process, of which a further reading of the Rules of the House of Representatives will clearly show that they are two separate issues and should not be commingled. But it is my argument in behalf of the minority leader's motion of privilege that a careful examination of the Rules of the House, the integrity of our proceedings will be called into question unless you find it to rule in favor of those who wish to have a simple, up and down vote as to whether or not the work of the Congress, the work of our Government shall proceed as we follow the regular order.

No Member of this body is more in favor of balancing the budget. I would rather do it in the regular order, and it seems to me that having the continued impasse is not in the best interests of the integrity of this body. Certainly as an individual Member, I am receiving the calls from people whose service is being denied because of these actions.

Mr. Speaker, I would ask that you find in favor of this motion of privilege. Basically it is to do one thing, to preserve the dignity and integrity of the House of Representatives in one simple aspect, allowing a vote. Let us now express ourselves as to the merits of the issue before us. That is all that we are asking for.

The SPEAKER pro tempore (Mr. WALKER). Are there additional Members who wish to be heard on the question of privilege?

#### PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, the question I have is, Have there been other

occasions when matters that large segments of this body wanted to vote on have not been allowed to come to the floor of the House?

The SPEAKER pro tempore. The gentleman is not stating a precise parliamentary inquiry relating to the pending question and the Chair therefore will respond in the regular order.

Does the gentleman from Virginia seek recognition?

Mr. MORAN. I do, Mr. Speaker, and I would like to address the issue of this motion relating to the integrity of this House.

To do so, I would like to quote initially today's CONGRESSIONAL RECORD, specifically the majority leader of the Senate, Senator DOLE.

Senator DOLE, I quote, says,

Let me just say I read a wire story, there's a split between the House and the Senate on what ought to happen. I do not get that feeling at all in talking with the Speaker. In fact, we just had a 30-minute meeting.

The SPEAKER pro tempore. The gentleman is not discussing the matter before the House which is the question of privilege. The gentleman will confine his remarks to the matter before the House.

Mr. MORAN. I will attempt to that, Mr. Speaker.

I was reading the introduction of comments that I think are quite relevant.

The majority leader of the Senate, in offering this motion and speaking to it prior to its passage in the Senate, which it has now, this is the very same motion offered by the minority leader.

The SPEAKER pro tempore. The Chair will remind the gentleman of the proceedings of the House. He is not to quote matters that have taken place in the other body unless they relate specifically to the matter before the House, which is the question of privilege. So the gentleman will have to confine his remarks to those matters that relate to the question of privilege before the House.

Mr. MORAN. I will accept the Speaker's interpretation of what I was saying. Rather than quote the majority leader of the Senate, I will simply say that his comments, I felt, were relevant, and this is the very same legislation that is being offered here.

Let me make the second point that I wanted to make with regard to the integrity of this House.

When this House voted to go on vacation and leave the Government shut down, I think that went directly to the integrity of this House. Now we have an opportunity, with legislation immediately before us, to pass that legislation to get the Government up and running. The other body has seen fit to do that.

Mr. LINDER. Regular order.

Mr. MORAN. I think it goes directly to the integrity of this House.

The SPEAKER pro tempore. The chair is attempting to proceed along the regular order, but it is difficult if Members engage in discussion that

goes beyond the question of privilege before the House. The gentleman will confine his remarks to the question of whether or not the resolution before the House constitutes a question of privilege.

Mr. MORAN. Mr. Speaker, I cannot imagine anything that goes more directly to the integrity of this House and the issues for which we are responsible than to act in a constructive way when we understand that the American public is shut out of its Government and Federal employees are shut out of their jobs.

Mr. HAYWORTH. Regular order.

Mr. MORAN. We took action to go on vacation when that was the case. We have an opportunity to rectify it. I think it is consistent with the integrity of this House to rectify it now.

Mr. THOMAS. Regular order.

The SPEAKER pro tempore. The Chair will inform the Member that he has an obligation to discuss those matters that are before the House.

Does any other Member wish to be heard on the question of privilege before the House?

Mr. THORNTON. Mr. Speaker, I wish to be heard on the question of privileges of the House, of this motion.

Mr. Speaker, this motion calls upon the House to exercise its duty under the Constitution of the United States, which provides in relevant part that the Congress shall make appropriation for the functioning of Government. It says specifically no money shall be withdrawn from the Treasury except upon appropriation of the Congress.

Nowhere in the Constitution is the President authorized to make an appropriation—I am not trying to assess blame for where we are. We are talking about how to get out—the question is, how do we resolve the impasse? The impasse must be resolved by the Congress performing its duty under the Constitution of the United States.

Mr. LINDER. Regular order.

Mr. THORNTON. If performance of our duties under the Constitution is not a question of privilege, I would like to ask whether the Contract With America overrides the Constitution?

Mr. HAYWORTH. Regular order.

The SPEAKER pro tempore. The Chair is listening to the gentleman. His remarks at this point have in fact been to the matter before the House.

Mr. THORNTON. I thank the Speaker.

Mr. Speaker, this is very important, because having placed the responsibility for appropriations for the operation of government upon the Congress and upon no other element of government, a failure to act becomes an abuse of power, and a failure to act by refusing to allow a vote upon a measure which has passed the other body is an abuse of power. This is clearly a question of privilege under the Constitution of the United States.

The SPEAKER pro tempore. Are there other Members who wish to be heard on the matter before the House?

Mr. VOLKMER. Mr. Speaker, yes, I would like to speak in favor of the resolution by the minority leader, and I would like to point out that the gentleman from Arkansas came very close to the words that I am about to speak but did not quite get there.

That is, under our Constitution, as he correctly points out, only this House can originate appropriations bills. It is only through those appropriation bills that this Government and all its agencies and employees operate. Without those appropriation bills, there is no Government that can function at all.

If that comes about, I say that does affect the dignity and integrity of this House, the integrity of this House by nonaction altogether.

Now, if by nonacting, and if this Congress, this body, this year would fail to even originate one appropriation bill, the President cannot spend a penny, the other body cannot spend a penny. Only this House can originate those bills.

And the failure to originate the bills is not a violation of rule IX and the dignity of this House and the integrity of this House, Mr. Speaker, I wish you to think very carefully about this, that surely would affect the dignity and integrity of this House by failure to follow the Constitution of the United States.

No. 2, if that is a violation of rule IX, then the failure to do a part thereof would also be a failure, and therefore would affect the dignity and integrity of this body and a violation of the rules.

Therefore, there is no question in my mind that if this House fails to act on all appropriation bills or fails to act on one or two, it still affects the dignity. You say, well, we have a procedure we can follow through a discharge. If you do not have a majority, Mr. Speaker, you cannot discharge anything.

Therefore, through the actions of the majority, the Government could be shut down altogether, all avenues of Government. There has to be a methodology for the rest of the House to be able to follow to keep the Government functioning.

#### PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, is it within the regular order of the House and the correct prescription under the Constitution that this House can override the President's vetoes and put everybody back to work this afternoon?

The SPEAKER pro tempore. The gentleman's parliamentary inquiry has to be directed to the specific question pending before the House. Therefore, it does not constitute an appropriate parliamentary inquiry at this point.

Mr. CARDIN. Mr. Speaker, speaking on the point of privilege, I think it is important to point out that rule IX refers to questions of privilege that affect the dignity and integrity of the House.

We are a Government of the people. We have been back in our districts. Does anyone here think that the procedures that we have been using, that the people of our district do not believe that the dignity and integrity of this House is in question?

I urge the Speaker to rule in favor of this matter being a matter of privilege so that we can uphold the great dignity of this House.

The SPEAKER pro tempore. The Chair is prepared to rule.

Are there additional Members who wish to be heard?

Mr. WYNN. Mr. Speaker, I rise in support of the resolution and specifically address the issue of the integrity of the House.

Mr. Speaker, I believe this resolution is appropriate because by our inaction, we have compelled the services of certain Federal employees, specifically those being the essential Federal employees performing such services as prison guards, security, and the like, compelled their services without compensation. It is unclear to me what definition of integrity the Chair is utilizing, but I would say that under most generally accepted definitions of integrity, compelling services from employees without compensation when it is within our power to provide them with compensation is in fact a question of the integrity of the House.

On that basis, I believe that this resolution, which addresses the integrity of the House by requiring us to take action to provide compensation to those employees and others, but specifically to those who are in fact working but are not being paid, does in fact raise a legitimate question of the integrity of the House, and ask the Chair to rule favorably on the resolution.

The SPEAKER pro tempore. Does the gentleman from Michigan desire to be heard on the question of privilege?

Mr. DINGELL. Yes, Mr. Speaker.

The resolution says questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

That quotes from the rules.

Mr. Speaker, as you stand there, I would call to your attention that one of the most important functions of this institution is to manage, to expend, under the power of the purse. We have the duty of collect taxes, we have the duty to expend moneys by authorization and by appropriations. None of that has until this time been properly carried out.

Certainly the questions of the integrity of this body and the integrity of the proceedings, the dignity of this body, are severely impaired by our failure to provide for the proper running of the Government of the United States. That is a failure of this institution. That is a failure because we have not been able to address the questions of the budget in a proper fashion.

I would call to the attention of the Chair our failure to carry out our duty,

our failure to carry out our responsibilities of appropriating funds, of authorizing expenditures, or of implementing the budget as required by the Budget Act, clearly affect the privileges, the prerogatives, the dignity, and the integrity of this institution. Certainly the respect in which the public holds this body has fallen to something approaching one of the lowest points that I have ever seen in my career.

Clearly, without taking the action here of bringing this matter to a vote and, clearly, without having taken the steps necessary to permit this body to commence addressing the single largest problem that confronts this country today, and that is the orderly running of its Government, the funding of its public affairs, and retaining the respect of its people, we are not carrying out our duties.

It is very plain to me, Mr. Speaker, that the question of the privileges of the House is entwined with this so intimately that the questions of the privileges of the House and the functioning of this body cannot be separated one from another.

I urge a proper ruling on this matter.

The SPEAKER pro tempore (Mr. WALKER). The Chair is prepared to rule. Are there additional Members who wish to be recognized?

The Chair recognizes the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I wish to address the point of personal privilege of the leader on our side. What is happening here is this is the body of the people. Everyone on this side of the aisle and I would imagine many on the other side of the aisle have been told by the people they went home and spoke to, it is time now to get on with the business of the Government. I join the gentleman's request.

The SPEAKER pro tempore. The gentlewoman will confine her remarks to that matter before the House, which is the question of privilege.

Are there additional Members who wish to be heard on the question of privilege as offered by the minority leader?

The Chair recognizes the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I wish to be heard on the question of privilege.

Rule IX is designed to allow us to bring to the floor motions which in fact do affect the integrity of the body, of Members of the body. At this very moment, there are Members of this body holding a press conference regarding whether we as Members of Congress should continue to receive our pay.

The SPEAKER pro tempore. The gentleman will confine his remarks to the matter before the House which is, does the resolution before the House and the wording of that resolution constitute a question of privilege.

Mr. ORTON. Respectfully, Mr. Speaker, I believe that I am addressing that, because I have just in the last few minutes had my integrity questioned as an

individual Member of this body by members of the press with regard to whether I would continue to accept pay while other workers are not.

The SPEAKER pro tempore. The Chair would remind the gentleman, he has an obligation to discuss the resolution which is before the House and not a question of privilege that might exist in another forum. This is not now a forum for a question of personal privilege.

Mr. ORTON. Mr. Speaker, rule IX has to do with the integrity of the body collectively and individually. And the integrity of this body is in fact—

The SPEAKER pro tempore. The Chair would remind the gentleman that he has an obligation not to discuss all of rule IX but to discuss the matter before the House, whether or not it constitutes a question of privilege of the House under rule IX.

Mr. ORTON. Mr. Speaker, that is exactly what I am attempting to do. If my integrity individually has been questioned with regard to funding of the Government, then that is a matter of privilege individually and collectively.

The SPEAKER pro tempore. The Chair would remind the gentleman that he might in fact draft a question of personal privilege that he could bring to the House, but the matter before the House at the present time is the specific wording offered by the gentleman from Missouri [Mr. GEPHARDT].

The Chair is prepared to rule. Are there additional Members who wish to be heard on the question of privilege?

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

Mr. MILLER of California. Mr. Speaker, to address the issue of privilege, I do believe that under rule IX this does rise to the occasion of privilege, the resolution offered by the minority leader. It does so because clearly the collective integrity of this House and the dignity of this House is being called into question, is being called into question in every commentary throughout the country about the shutdown of the Government.

The dignity and the integrity of this House is being called into question by our individual constituents, by the interviews on every nightly news program in every one of our districts. That goes to the collective integrity and to the collective dignity.

The SPEAKER pro tempore. The gentleman should confine his remarks to those matters that are before the House and the question of privilege that was offered by the gentleman from Missouri.

Mr. MILLER of California. Mr. Speaker, the reason this goes to that privilege is because in fact when the will of the people is thwarted, the integrity of the House, the dignity of this House is called into question. The only way that that can currently be remedied is through this motion that rises to privilege. That dignity and that integrity is called into question when the

popular will is thwarted, and we see it very often, when Members know that the votes exist to do something and yet the matter cannot be brought to the floor.

That is why a motion of privilege is laid before the Chair because there is no other way. That goes exactly to the heart of the privilege. The privilege in this case that the minority leader is asserting is the privilege to bring a matter to the floor by which now there is no other way to get that matter to the floor. That is because the power of the Chair, the power of the Chair and the rules—

The SPEAKER pro tempore. That is the reason why the Chair is prepared to rule.

Mr. MILLER of California. I am giving the Chair a reason to rule for privilege, because the power of the Chair is the power of recognition, and the Chair is now willing to recognize any Member for this purpose. Therefore, the minority leader must bring a matter before the House under the rules of privilege. We know that there are 198 votes to open up the Government on this side. So if we can find 20 votes on that side, the people's will can be carried out.

The SPEAKER pro tempore. The Chair is attempting to maintain order and would remind the majority side that it is the duty of the Chair to maintain order and would ask the cooperation of the Members in so doing. He would also ask the cooperation of the minority in discussing this matter to constrain their remarks to those matters that are before the House.

The gentleman from California has wandered away from that particular admonition, and the Chair would ask him to please constrain his remarks that address the question of privilege.

Mr. MILLER of California. Mr. Speaker, I would simply say, in closing, that the reason the integrity is called into question and the dignity of the House is called into question and the reason this motion should be granted privilege is that the popular will of the people and the belief of the people is that this body is not carrying out that will, and yet they believe the votes exist. The only way we can find that out is for the Chair to rule this is a matter of privilege and let the votes commence and we can open up the Government this afternoon.

The SPEAKER pro tempore. The Chair is prepared to rule.

The Chair is constrained, first, to determine whether the resolution qualifies under rule IX.

Questions of the privileges of the House must meet the standards of rule IX even when they invoke provisions of the Constitution. Those standards address privileges of the House, as a House, not those of the Congress, as a legislative branch. The question whether a Member may broach the privileges of the House simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution—or the general legislative “power

of the purse” in the seventh original clause of section 9 of that article—has consistently been answered in the negative. The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

The Chair will follow the ruling of Speaker Gillett on May 6, 1921, as recorded in volume 6 of Cannon's precedents, section 48:

It seems to the Chair that where the Constitution ordered the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. . . .

Applying that precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48, and the similar precedents of February 7 and December 22, 1995, the Chair holds that the resolution offered by the gentleman from Missouri does not affect “the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings” within the meaning of clause 1 of rule IX. Although it may address an aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Rather, the resolution constitutes an attempt to impose a special order of business on the House by providing that the Senate amendment to H.R. 1643 be deemed adopted.

The resolution does not constitute a question of privilege.

Mr. MORAN. Mr. Speaker, I appeal the ruling of the Chair.

MOTION TO TABLE OFFERED BY MR. ARMEY

Mr. ARMEY. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. ARMEY moves to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. ARMEY] to lay on the table the appeal of the ruling of the Chair.

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

Mr. ARMEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 167, answered “present” 1, not voting 59, as follows:

[Roll No. 2]

## YEAS—206

Allard	Franks (CT)	Moorhead
Archer	Franks (NJ)	Myers
Armey	Frelinghuysen	Myrick
Bachus	Frisa	Nethercutt
Baker (CA)	Funderburk	Neumann
Baker (LA)	Ganske	Ney
Ballenger	Gekas	Nussle
Barr	Gilchrest	Oxley
Barrett (NE)	Goodlatte	Packard
Bartlett	Goodling	Parker
Barton	Goss	Paxon
Bass	Graham	Petri
Bateman	Greenwood	Pombo
Bereuter	Gunderson	Porter
Bilbray	Gutknecht	Quinn
Billirakis	Hancock	Radanovich
Bliley	Hansen	Ramstad
Blute	Hastert	Regula
Boehlert	Hastings (WA)	Riggs
Boehner	Hayworth	Roberts
Bonilla	Hefley	Rogers
Bono	Heineman	Rohrabacher
Brownback	Herger	Ros-Lehtinen
Bryant (TN)	Hilleary	Roth
Bunn	Hobson	Royce
Bunning	Hoekstra	Salmon
Burr	Horn	Sanford
Burton	Hostettler	Saxton
Calvert	Houghton	Scarborough
Camp	Hunter	Schaefer
Campbell	Hyde	Schiff
Canady	Inglis	Seastrand
Castle	Istook	Sensenbrenner
Chambliss	Jacobs	Shadegg
Chenoweth	Johnson, Sam	Shaw
Christensen	Jones	Shays
Chrysler	Kasich	Skeen
Clinger	Kelly	Smith (NJ)
Coble	Kim	Smith (TX)
Coburn	King	Smith (WA)
Collins (GA)	Kingston	Solomon
Combest	Klug	Spence
Cooley	Knollenberg	Stearns
Cox	Kolbe	Stump
Crane	LaHood	Talent
Crapo	Largent	Tate
Creameans	Latham	Tauzin
Cunningham	Laughlin	Taylor (NC)
Deal	Lazio	Thomas
DeLay	Leach	Thornberry
Diaz-Balart	Lewis (CA)	Tiahrt
Dickey	Lewis (KY)	Torkildsen
Doolittle	Linder	Upton
Dreier	Livingston	Vucanovich
Duncan	LoBiondo	Waldholtz
Dunn	Longley	Walker
Ehlers	Lucas	Walsh
Ehrlich	Manzullo	Wamp
Emerson	Martini	Watts (OK)
English	McCrery	Weldon (FL)
Ensign	McDade	Weldon (PA)
Everett	McHugh	Weller
Ewing	McInnis	White
Fawell	McKeon	Whitfield
Flanagan	Metcalf	Wicker
Foley	Meyers	Young (FL)
Forbes	Mica	Zeliff
Fowler	Miller (FL)	Zimmer
Fox	Molinari	

## NAYS—167

Ackerman	Costello	Frost
Andrews	Coyne	Furse
Baesler	Cramer	Gejdenson
Baldacci	Danner	Gephardt
Barcia	Davis	Geren
Barrett (WI)	de la Garza	Gonzalez
Becerra	DeLauro	Gordon
Beilenson	Dellums	Green
Bentsen	Deutscher	Gutierrez
Bevill	Dicks	Hall (OH)
Bishop	Dingell	Hall (TX)
Bonior	Doggett	Hamilton
Borski	Dooley	Harman
Boucher	Doyle	Hastings (FL)
Brewster	Edwards	Hefner
Browder	Engel	Hilliard
Brown (CA)	Eshoo	Hinchey
Cardin	Evans	Holten
Clayton	Farr	Hoyer
Clement	Fattah	Jackson (IL)
Clyburn	Fields (LA)	Jackson-Lee
Coleman	Filner	(TX)
Collins (MI)	Flake	Jefferson
Condit	Ford	Johnson (SD)
Conyers	Frank (MA)	Johnson, E. B.

Kanjorski	Moakley	Schroeder
Kaptur	Mollohan	Schumer
Kennedy (MA)	Montgomery	Scott
Kennedy (RI)	Moran	Serrano
Kennelly	Morella	Sisisky
Kildee	Murtha	Skaggs
Kleccka	Nadler	Skelton
Klink	Neal	Slaughter
Lafalce	Oberstar	Spratt
Lantos	Obey	Stenholm
Levin	Olver	Stokes
Lewis (GA)	Ortiz	Stupak
Lincoln	Orton	Taylor (MS)
Lipinski	Pallone	Tejeda
Lofgren	Payne (NJ)	Thompson
Lowey	Payne (VA)	Thornton
Luther	Peterson (FL)	Thurman
Manton	Peterson (MN)	Torres
Markey	Pickett	Trafigant
Martinez	Pomeroy	Velazquez
Mascara	Poshard	Vento
Matsui	Rahall	Volkmer
McCarthy	Rangel	Ward
McDermott	Reed	Waters
McHale	Richardson	Watt (NC)
McKinney	Rivers	Waxman
McNulty	Roemer	Williams
Meehan	Rose	Wise
Menendez	Roybal-Allard	Woolsey
Miller (CA)	Rush	Wynn
Minge	Sabo	Yates

## ANSWERED "PRESENT"—1

Wolf

## NOT VOTING—59

Abercrombie	Gibbons	Portman
Berman	Gillmor	Pryce
Brown (FL)	Gilman	Quillen
Brown (OH)	Hayes	Roukema
Bryant (TX)	Hoke	Sanders
Buyer	Hutchinson	Sawyer
Callahan	Johnson (CT)	Shuster
Chabot	Johnston	Smith (MI)
Chapman	LaTourette	Souder
Clay	Lightfoot	Stark
Collins (IL)	Maloney	Stockman
Cubin	McCollum	Studds
DeFazio	McIntosh	Tanner
Dixon	Meek	Torricelli
Dornan	Mfume	Towns
Durbin	Mink	Visclosky
Fazio	Norwood	Wilson
Fields (TX)	Owens	Wyden
Foglietta	Pastor	Young (AK)
Gallegly	Pelosi	

□ 1329

The Clerk announced the following pairs:

On this vote:

Mr. Hoke for, with Mr. DeFazio against.

Mr. McIntosh for, with Mr. Pastor against.

Mr. GORDON changed his vote from "yea" to "nay."

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. PORTMAN. Mr. Speaker, because of inclement weather in my district, I was not in attendance for two recorded votes, rollcall vote No. 1 and rollcall vote No. 2.

Had I been in attendance, I would have voted "present" on rollcall vote No. 1 and "yea" on rollcall vote No. 2.

## PERSONAL EXPLANATION

Mrs. MALONEY. Mr. Speaker, I was unavoidably detained in my district this morning due to weather.

Had I been present, I would have voted "present" on rollcall vote No. 1, and "nay" on rollcall vote No. 2.

## PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was unavoidably delayed during rollcall No. 1, a quorum call, and rollcall No. 2, a motion to appeal the ruling of the Chair. Had I been present, I would have voted "present" on rollcall No. 1, and "aye" on rollcall No. 2.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALKER). The Chair announces that by agreement, the 1-minutes will be limited to 15 people on each side.

## TRIBUTE TO ANNE NOEL FAZIO

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I come to the House floor to share some sad news with our colleagues this morning. Anne Noel Fazio, the youngest daughter of our good friend and colleague, VIC FAZIO, died on Sunday after a 9-year battle with leukemia. She was 22.

As many of you know, Anne was a fighter. When faced with the most difficult circumstances, this courageous woman forced her energy on living. She never gave up.

After a successful bone marrow transplant in 1987, Anne graduated from C.K. McClatchey High School in 1991. She earned a degree in history from the University of California, Davis last year. She also served as president of the Tri Delta Sorority.

Mr. Speaker, I would ask Members to join me in a moment of quiet reflection to honor Anne Fazio's memory and to remember our friend VIC FAZIO and his family during this difficult time.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, I want to thank the gentleman very much for taking the well. He expresses all of our feelings who are devastated by Anne's death, and we share in the tragedy that VIC and his family are going through today, and we wish them the very, very best.

I thank the gentleman very much for his remarks and for bringing this before the House.

## GOVERNMENT SHUTDOWN CAUSES GOVERNMENT WASTE

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, when my Republican colleagues came to Congress, they promised us that they would run government like a business. Well, think about this business.

There is a disagreement between the CEO and the board of directors, and