

Bryant	Goode	McCarthy (NY)	Schaefer, Dan	Solomon	Traficant
Bunning	Goodlatte	McCollum	Schaffer, Bob	Souder	Turner
Burr	Goodling	McCrery	Schumer	Spence	Upton
Burton	Gordon	McDade	Scott	Spratt	Velazquez
Buyer	Goss	McDermott	Sensenbrenner	Stabenow	Vento
Callahan	Graham	McGovern	Serrano	Stark	Walsh
Calvert	Green	McHale	Sessions	Stenholm	Wamp
Camp	Greenwood	McHugh	Shadegg	Strickland	Waters
Campbell	Gutierrez	McIntosh	Shaw	Stump	Watkins
Canady	Gutknecht	McIntyre	Shays	Stupak	Watt (NC)
Cannon	Hall (OH)	McKeon	Sherman	Sununu	Watts (OK)
Capps	Hall (TX)	McKinney	Shimkus	Talent	Weldon (FL)
Cardin	Hamilton	McNulty	Shuster	Tanner	Weldon (PA)
Carson	Hansen	Meehan	Sisisky	Tauscher	Weller
Castle	Harman	Meek	Skaggs	Tauzin	Wexler
Chabot	Hastert	Menendez	Skeen	Taylor (MS)	Weygand
Chambliss	Hastings (FL)	Metcalfe	Skelton	Thomas	White
Chenoweth	Hastings (WA)	Mica	Slaughter	Thompson	Whitfield
Christensen	Hayworth	Millender-	Smith (MI)	Thornberry	Wicker
Clay	Hefley	McDonald	Smith (NJ)	Thune	Wise
Clayton	Hefner	Miller (CA)	Smith (TX)	Thurman	Wolf
Clement	Hergert	Miller (FL)	Smith, Adam	Tiahrt	Woolsey
Clyburn	Hill	Minge	Smith, Linda	Tierney	Wynn
Coble	Hilleary	Mink	Snowbarger	Torres	Yates
Coburn	Hilliard	Moakley	Snyder	Towns	Young (AK)
Collins	Hinchee	Mollohan			
Combest	Hinojosa	Moran (KS)			
Condit	Hobson	Moran (VA)			
Cook	Hoekstra	Morella			
Cooksey	Holden	Murtha			
Costello	Hooley	Myrick			
Cox	Horn	Nadler			
Coyne	Hostettler	Neal			
Cramer	Houghton	Nethercutt			
Crane	Hoyer	Neumann			
Crapo	Hulshof	Ney			
Cubin	Hunter	Northup			
Cummings	Hutchinson	Norwood			
Cunningham	Hyde	Nussle			
Danner	Inglis	Oberstar			
Davis (FL)	Istook	Obey			
Davis (IL)	Jackson (IL)	Olver			
Davis (VA)	Jackson-Lee	Ortiz			
Deal	(TX)	Owens			
DeFazio	Jefferson	Oxley			
DeGette	Jenkins	Packard			
Delahunt	John	Pallone			
DeLauro	Johnson (CT)	Pappas			
DeLay	Johnson (WI)	Parker			
Dellums	Johnson, E. B.	Pascarell			
Deutsch	Jones	Pastor			
Diaz-Balart	Kanjorski	Paul			
Dickey	Kaptur	Paxon			
Dicks	Kasich	Payne			
Dingell	Kelly	Pease			
Dixon	Kennedy (MA)	Pelosi			
Doggett	Kennedy (RI)	Peterson (MN)			
Dooley	Kennelly	Peterson (PA)			
Doolittle	Kildee	Petri			
Doyle	Kilpatrick	Pickering			
Dreier	Kim	Pickett			
Duncan	Kind (WI)	Pitts			
Dunn	King (NY)	Pombo			
Edwards	Kingston	Pomeroy			
Ehlers	Klecicka	Porter			
Ehrlich	Klink	Portman			
Emerson	Klug	Poshard			
Engel	Knollenberg	Price (NC)			
English	Kolbe	Pryce (OH)			
Ensign	Kucinich	Quinn			
Eshoo	LaFalce	Radanovich			
Etheridge	LaHood	Rahall			
Evans	Lampson	Ramstad			
Everett	Lantos	Rangel			
Ewing	Largent	Redmond			
Farr	Latham	Regula			
Fattah	LaTourette	Reyes			
Fawell	Lazio	Riggs			
Filner	Leach	Riley			
Flake	Levin	Rivers			
Foglietta	Lewis (CA)	Rodriguez			
Foley	Lewis (GA)	Roemer			
Forbes	Lewis (KY)	Rogan			
Ford	Lipinski	Rogers			
Fowler	Livingston	Rohrabacher			
Fox	LoBiondo	Rothman			
Frank (MA)	Lofgren	Roukema			
Franks (NJ)	Lowey	Roybal-Allard			
Frelinghuysen	Lucas	Royce			
Frost	Luther	Rush			
Furse	Maloney (CT)	Ryun			
Gallegly	Maloney (NY)	Sabo			
Ganske	Manton	Salmon			
Gedensson	Manzullo	Sanchez			
Gekas	Markey	Sanders			
Gephardt	Martinez	Sandlin			
Gilchrest	Mascara	Sanford			
Gillmor	Matsui	Sawyer			
Gilman	McCarthy (MO)	Saxton			

## NAYS—5

Barr Scarborough Taylor (NC)  
Johnson, Sam Stearns

## NOT VOTING—16

Bereuter Granger Stokes  
Bliley Linder Visclosky  
Conyers McInnis Waxman  
Fazio Ros-Lehtinen Young (FL)  
Gibbons Schiff  
Gonzalez Smith (OR)

□ 1135

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2378) "An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes."

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 901, AMERICAN LAND SOVEREIGNTY PROTECTION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105-288) on the resolution (H. Res. 257) providing for consideration of the bill (H.R. 901) to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surrounding those public lands and acquired lands, which was referred to the House Calendar and ordered to be printed.

## PERSONAL EXPLANATION

Mrs. ROUKEMA. Madam Speaker, last evening I was unavoidably de-

tained and arrived too late for the vote on the Mollohan-Shays amendment. I would like to have the RECORD note that had I been here to vote, I would have voted against rollcall vote 475 to H.R. 2267.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks.)

Madam Speaker, we are bound by the Constitution to conduct a census every 10 years. Article 1, section 2 of the Constitution calls for an actual enumeration. The 14th amendment calls for the Representatives to be apportioned by counting the whole number of persons in each State. Any deviation from conducting the census under this constitutional mandate is a question for the Supreme Court to answer.

This is what this bill will now do. It will bar the Census Bureau from using sampling until this vital question is answered. Any other course of action would not be prudent or constitutional. It is for this overriding reason that I would have opposed the Mollohan-Shays amendment.

## PROVIDING FOR CONSIDERATION OF H.R. 1127, NATIONAL MONUMENT FAIRNESS ACT

Mr. SOLOMON. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 256 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 256

*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. 1127) to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment;

and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Madam Speaker, in trying to live up to the majority leader's request that we be out of here by noon time, we are going to try to expedite.

#### PARLIAMENTARY INQUIRY

Mr. CONDIT. Madam Speaker, is it appropriate for me to propound a parliamentary inquiry at this time?

The SPEAKER pro tempore. Does the gentleman from New York yield for a parliamentary inquiry?

Mr. SOLOMON. Not at this time, Madam Speaker. I want to get through this so we can live up to our obligation.

Mr. CONDIT. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The gentleman from California cannot take the gentleman from his feet by a motion while he is engaged in debate.

The gentleman from New York [Mr. SOLOMON] is recognized.

Mr. SOLOMON. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Ohio [Mr. HALL], pending which I would yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, this bill before us is a simple resolution.

□ 1145

Mr. SOLOMON. Madam Speaker, the proposed rule that I am offering is a modified, closed rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member on the Committee on Resources which will probably be taken up on the floor Monday or Tuesday, and not today.

Additionally, this resolution makes in order the Committee on Resources' amendment in the nature of a substitute as an original bill for purposes of amendment which shall be considered as read. Furthermore, this resolution provides for the consideration of the amendment printed in the Committee on Rules' report which shall be considered only in the order printed in the report, may be offered only by a Mem-

ber designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent of the amendment. The amendments shall not be subject to amendment, nor are they subject to a demand for a division of the question in the House or in the Committee of the Whole.

At the appropriate time, I intend to offer an amendment to the rule that would allow for the consideration of an amendment to be offered by the gentleman from Utah [Mr. HANSEN], the bill manager. This amendment is a germane amendment that reflects the concerns of both the gentleman from Utah [Mr. HANSEN] and the gentleman from New York [Mr. BOEHLERT].

If my colleagues will recall, the gentleman from New York [Mr. BOEHLERT] had given us an amendment in the Committee on Rules that was not germane. He has done his due diligence and made the amendment in order, so we are living up to our commitment to make all of the filed amendments that were germane in order, and that is what my amendment will be about.

Mr. Speaker, the rule allows for the Chairman of the Committee of the Whole to postpone during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, H.R. 256 provides for one motion to recommit, with or without instructions.

Now, Mr. Speaker, on September 18, 1996, the President of the United States, claiming authority under the 1906 Antiquities Act, proclaimed the Grand Staircase Escalante National Monument in Utah. According to a U.S. News and World Report article, "the White House went to great lengths to keep secret its plan to create by executive fiat a massive 1.7 million acre national monument in southern Utah."

Madam Speaker, dusting off the 91-year-old Antiquities Act to circumvent public hearings and a likely congressional battle, the stealth-like initiative was designed to boost the President's popularity with environmentalists during his campaign last year. In fact, Madam Speaker, the administration did not even inform, did not even consult with any of Utah's elected representatives of any political party. However, members of the administration did take the time to notify Governor Miller of Nevada, Governor Romer of Colorado, and Senators REID and BRYAN of Nevada.

Why would the administration go to great lengths to hide its plans from the public and the Utah delegation? Perhaps the answer lies in a memorandum sent by Katie McGinty, the chair of the President's Council on Environmental Quality. She wrote, "Any public release of information would probably foreclose the President's option to proceed." That is in writing, and we have a copy of it.

Additionally, Interior Department Solicitor John Leshy wrote to an outside consultant, "I can't emphasize confidentiality too much. If word leaks out, it probably won't happen." Talk about stealth and hiding things from the American people, Madam Speaker.

When President Roosevelt signed the Antiquities Act, which was designed to respond to a national movement back in 1906 to stop the vandalism and looting that was occurring on landmarks of prehistoric, historic, and scientific interest and value, the act made a great deal of sense back in those days. During the early 1900's there were few mechanisms for setting aside or protecting large portions of land. However, during the next several decades, concern for conservation became more widespread, and Congress responded by passing very powerful laws which serve the cause of conservation more fully.

Let me just give an example. Since 1906, the Congress has created the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation Act, and the Wild and Scenic Rivers System. The principal effect of laws such as these has been to make it much easier to preserve large portions of land. Therefore, what made sense in 1906 is not necessarily applicable today.

Madam Speaker, most people believe the issues should be debated in the public forum, and this bill amends the Antiquities Act of 1906 to prevent the President from unilaterally creating large national monuments. By requiring an act of Congress and the comments of the Governor from any particular State in which the proposed monument is located, we can be certain that a fair and open process is certain to continue.

This legislation is a commonsense proposal. I would urge my colleagues to support the rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

#### MOTION TO ADJOURN

Mr. CONDIT. Madam Speaker, I have a preferential motion at the desk.

The SPEAKER pro tempore (Mrs. EMERSON). The Clerk will report the motion.

The Clerk read as follows:

Mr. CONDIT moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from California [Mr. CONDIT].

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

#### RECORDED VOTE

Mr. CONDIT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 295, not voting 26, as follows: