

CRS Report for Congress

Reaching Legislative Agreement: A Case Study of H.R. 3128, 99th Congress

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INDEXED REPORT

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SUMMARY

This case study of H.R. 3128 of the 99th Congress illustrates that the House and Senate sometimes resort to unusual procedures in order to reach legislative agreement on the provisions of a bill that both houses have passed.

In the case of H.R. 3128, these procedures involved consolidating several bills for purposes of arranging for a conference, rejecting a conference report, agreeing to amendments between the houses that normally would not have been in order, acting on various preferential motions, and adopting "self-executing" special rules reported by the House Rules Committee.

Reaching Legislative Agreement: A Case Study of H.R. 3128, 99th Congress

INTRODUCTION

The process by which the House of Representatives and the Senate try to reach legislative agreement sometimes is the most complicated and confusing stage of the legislative process. Many of the elements of this process are discussed in two other reports prepared by the Congressional Research Service.¹ The purpose of this report is to illustrate some of what *may* occur through a case study outlining what *did* occur as the two houses eventually reached agreement on H.R. 3128 of the 99th Congress, the Consolidated Omnibus Budget Reconciliation Act of 1985.

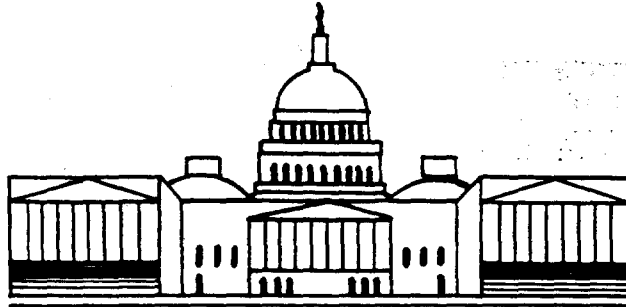
The manner in which the House and Senate ultimately resolved their differences in this case was particularly complicated and, in some respects, quite unusual. But precisely for this reason, the case study which follows illustrates some of the problems and possibilities that can arise as the two houses attempt to complete the legislative process.² Attached as an appendix to this report are excerpts from the *Congressional Record* documenting some of the developments that occurred.³ The diagram which follows, reprinted from the April 5, 1986, issue of the *Congressional Quarterly Weekly Report*, summarizes these developments and serves as a useful guide to the sequence of events.

¹ Stanley Bach, *Conference Committee and Related Procedures: An Introduction*, Report No. 91-576, Revised July 3, 1991; and Stanley Bach, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, Report No. 91-538, Revised July 8, 1991.

² This report does not discuss the genesis of the relevant bills or their consideration by the standing committees of the House and Senate. It only identifies the subjects and provisions of the bills when necessary to clarify procedural developments. The report is based almost exclusively on the author's interpretation of the proceedings published in the *Congressional Record*, and should not be considered an authoritative statement of House or Senate procedures.

³ In some cases, these excerpts do not include part or all of the debate occurring between procedural developments that took place on the House or Senate floor.

How a Bill Becomes a Law (Revised)



Robert B. Dove, the Senate parliamentarian, says he knows of no bill that bounced between the Senate and House as many times as did HR 3128, the fiscal 1986 reconciliation (or deficit-reduction) bill. HR 3128 went back and forth nine times in late 1985 and early 1986 after the conference report was filed.

HOUSE

SENATE

OCT. 24
House passed HR 3500, containing deficit-reduction proposals from most House committees.

NOV. 14
Senate passed S 1730, containing deficit-reduction proposals from all Senate committees. The bill was renumbered HR 3128.

OCT. 31
House passed HR 3128, containing deficit-reduction proposals from the Ways and Means Committee. (HR 3500 was later combined with HR 3128 for conference.)

CONFERENCE

DEC. 19
More than 240 conferees, meeting in 31 groups over two weeks, reached agreement on HR 3128.

DEC. 19
House rejected the conference report, voting to strip off a conference provision establishing a new manufacturers' tax to pay for the "superfund" hazardous-waste cleanup program.

DEC. 19
Senate adopted the conference report.

DEC. 19
Senate voted to reinstate the superfund tax.

DEC. 19
House rejected the Senate proposal.

DEC. 20
Senate voted again to keep the superfund tax.

MARCH 6
House voted to strip off the superfund tax, but also offered compromises on health care and offshore oil revenues.

MARCH 14
Senate agreed to delete the superfund tax, but at White House insistence also demanded elimination of welfare and offshore drilling provisions and further cuts in offshore oil revenues for states.

MARCH 18
House rejected the latest Senate proposal.

MARCH 18
Senate insisted on its March 14 proposal.

MARCH 20
House accepted March 14 Senate proposal, clearing the bill for the president.

SEQUENCE OF EVENTS

October 23, 1985: the House of Representatives

The House considered and agreed to H.Res. 296, a special rule providing for House floor consideration of H.R. 3500, one of the reconciliation bills that House committees developed in response to instructions contained in S.Con.Res. 32, the first concurrent budget resolution for Fiscal Year 1986. This special rule, adopted by a vote of 230 to 190, prohibited all amendments to the bill except for three amendments identified in the resolution. (See page 14.) The rule also waived various points of order and included an unusual "self-executing" provision by which, upon adoption of the resolution, a fourth amendment was considered as having been agreed to in Committee of the Whole and in the House. The effect of adopting the special rule, therefore, was to incorporate this fourth amendment into the bill (and prevent it from being amended or deleted) even before the House began to consider H.R. 3500.⁴

The House then resolved into Committee of the Whole to consider the bill and completed general debate on it.

October 24, 1985: the House of Representatives

The House passed H.R. 3500 by a vote of 228 to 199, after having agreed to two of the three amendments made in order by H.Res. 296.

October 31, 1985: the House of Representatives

The House considered and adopted another special rule, H.Res. 301, providing for consideration of H.R. 3128, a second reconciliation bill reported pursuant to S.Con.Res. 32. This special rule was approved by a voice vote after the House voted, 219 to 205, to order the previous question on the resolution (and thereby preclude an amendment to it). The resolution waived points of order against consideration and provisions of the bill, and prohibited all but three amendments to it. (See page 15.) This rule also was similar to H.Res. 296 in providing that, upon adoption of the resolution, the three amendments would be considered as having been adopted in Committee of the Whole and in the House. One of the three amendments consisted of the text of another bill, H.R. 3290. Once again, by voting to adopt the special rule, the House also agreed to the three amendments to the bill.

After debating the bill and rejecting, 183 to 238, a motion to recommit with instructions, the House passed H.R. 3128 by a roll call vote of 245 to 174.

⁴On such special rules, see Stanley Bach, *Special Rules in the House of Representatives*, Report No. 91-730, October 3, 1991, especially p. 55-58.

November 14, 1985: the Senate

The Senate completed action on amendments to S. 1730, the Senate reconciliation bill mandated by S.Con.Res. 32.⁶ Debate on the bill had begun on October 15. On November 14, the Senate also agreed to engrossment and third reading of the bill, as amended--a formal stage that concludes the amending process and often is followed immediately by the vote on final passage. Instead of proceeding to vote on S. 1730, however, the Senate immediately took up H.R. 3128, one of the two House bills, and agreed to a motion to strike out the text of H.R. 3128 and substitute the text of S. 1730, as amended. The Senate then voted to pass H.R. 3128, as amended, by a vote of 93 to 6, and returned the bill to the House without further action. (See pages 15-16.)

Both houses must pass the same bill before they can begin the formal process of reaching agreement on its provisions. At some point in the legislative process, therefore, the Senate must pass a House bill or the House must pass a Senate bill. When the Senate debated and amended its bill but then passed the House bill instead, with an amendment consisting of the amended text of S. 1730, it satisfied this preliminary requirement for reaching agreement.

H.R. 3128 now had become the legislative vehicle for considering all of the Senate's reconciliation provisions, but only some of the corresponding House provisions. The Senate had not acted on the other House reconciliation bill, H.R. 3500, which remained a separate bill that was not yet procedurally tied to H.R. 3128, as passed either by the House or the Senate. At this point, therefore, the provisions contained in H.R. 3500, as passed by the House, could not technically be considered by a conference committee on H.R. 3128, because they were not part of either house's version of the latter bill.

December 5, 1985: the House of Representatives

The House agreed by voice vote to H.Res. 330, still another special rule reported by the Rules Committee. (See page 17.) The purpose of this resolution was to enable the House to arrange for an eventual conference committee on H.R. 3128 that could formally consider all the House's reconciliation provisions, including the provisions the House had included in H.R. 3500. To this end, the resolution provided that, upon its adoption, the House would be deemed to have (1) taken up H.R. 3128, with the Senate amendment to it, (2) agreed to the Senate amendment with a House amendment consisting of the texts of both H.R. 3128 and H.R. 3500, as passed by the House, (3) insisted on this new combined House amendment, and (4) requested a conference with the Senate.

⁶For background information on Senate amendment procedures and practices, see Stanley Bach, *The Amending Process in the Senate*, Report No. 83-230, December 7, 1983.

The House or Senate is likely to take such actions in cases like this--namely, when one house passes two or more bills on subjects that are encompassed in one bill passed by the other house. The Senate already had amended H.R. 3128 to include all its reconciliation provisions. The House now amended that Senate amendment to include all of the House reconciliation provisions, taken from H.R. 3128 and from H.R. 3500, as the House originally had passed both bills.

Before the House has disagreed to Senate amendments to a bill or insisted on its own amendments (either to the Senate amendments or to a Senate bill), the only motions in order on the House floor are to disagree to the Senate amendments or insist on its own amendments, and to request or agree to a conference with the Senate. A motion to agree to (concur in) Senate amendments or to amend them (concur in them with House amendments) is not in order before the House reaches what is called the stage of disagreement. Instead, the House usually takes such action by unanimous consent. It also may do so through a motion to suspend the rules, which requires a two-thirds vote.

If neither of these alternatives is feasible, the Rules Committee can propose a special rule which, once adopted by the House, makes in order a motion to concur or a motion to concur with amendments. In such a case, the House first votes on the special rule and then considers and votes on the motions the resolution makes in order. In this instance, however, the House adopted a special rule that eliminated the need for the House to cast several votes: on agreeing to the resolution, on amending the Senate amendment, and on insisting on the new House amendment and requesting a conference. The Committee proposed and the House agreed to a "self-executing" rule by which the vote for the special rule was considered as also being a vote for all the subsequent actions.⁶ There was no controversy over agreeing to H.Res. 330.

The House had now agreed to a House amendment to the Senate amendment to H.R. 3128. As these developments indicate, one house can amend the amendments of the other--either in the hope that the House or Senate will accept the other house's position, or to establish the positions over which their conferees will negotiate in a conference committee. But just as when bills are being considered on the House or Senate floor, each house has well-established precedents limiting the amendments between the houses that may be proposed. Under these House and Senate precedents, one house's amendments to the other house's bill are amendable in two degrees. To put it differently, each house may amend the other house's amendments, but only once. In this case, the Senate amendment to H.R. 3128 could be amended in two degrees. The House amendment to the Senate amendment, consisting of the House-passed texts of H.R. 3128 and H.R. 3500, became the first degree amendment.

Rather than expecting the Senate to accept (or even amend) this new House amendment, the House evidently concluded that the differences between the

⁶See note 4.

House and Senate positions should be the subject of negotiations by a conference committee. For this reason, the House insisted on its amendment to the Senate amendment and requested a conference with the Senate. The Speaker then announced the appointment of the House conferees, or the managers on the part of the House as they are also called. Because of the diverse provisions in this omnibus reconciliation bill, the House delegation consisted of 179 Representatives and included members from most of the House's standing committees.

December 5, 1985: the Senate

The Senate agreed by unanimous consent to the conference the House had requested, and did so before it normally would have been possible to take such an action. (See page 17.)

The House and Senate cannot act on the same bill at the same time.⁷ To act on it, the House or Senate must be in possession of the papers, which are essentially the official copies of the bill and the amendments of the other house, accompanied by messages which state the actions each house has taken. For example, when the Senate passed H.R. 3128 with a Senate amendment, it returned the bill and the Senate amendment to the House with an appropriate message. In turn, when the House amended the Senate amendment, insisted on its new amendment, and requested a conference, it sent the papers back to the Senate with a message announcing its decisions. The Senate normally would not take further actions of its own until it had received the papers back from the House.

By unanimous consent, however, the Senate agreed to the conference the House had requested on H.R. 3128 even before the Senate received the papers. With the end of the session approaching, the Senate agreed on December 5 that, when the papers arrived, the Senate would be deemed to have disagreed to the House amendment adopted that day and to have agreed to the proposed conference. By unanimous consent, also, the Presiding Officer appointed the Senators who would be its conferees. Like their House counterparts, the 62 Senate managers were drawn from the membership of most of its standing committees.

December 9, 1985: the Senate

The Senate received the House message on H.R. 3128, triggering without further action the decisions to which the Senate had agreed, by unanimous consent, on December 5.

⁷The House and Senate can consider similar, or even identical, bill at the same time. But by precedent, both houses cannot act simultaneously on any one bill.

December 19, 1985: the House of Representatives

The House debated and agreed to H.Res. 342, a special rule to expedite House floor consideration of the expected conference report on H.R. 3128 or on an amendment reported in disagreement by the conference committee. (See page 18.) The vote on adopting the resolution was 239 to 136.

Under clause 2 of House Rule XXVIII, a conference report must be printed in the *Congressional Record* and available to Members for three calendar days (excluding weekends and holidays) before it may be considered. (The three-day rule also applies to amendments that conferees report back to the House in disagreement.) When the report is called up for consideration, it then may be subject to a point of order if, for example, it includes a proposal on a subject that was not included in either the House or Senate version of the bill, or if it recommends resolving a disagreement between the House and Senate by a proposal that is neither the House position, the Senate position, or a compromise between them.

The Rules Committee may propose that the House adopt a special rule waiving such constraints, thereby precluding any points of order against a conference report. However, once the Committee reports a special rule, it usually must lay over for one day. Under clause 4(b) of Rule XI, it requires a two-thirds vote for the House to consider a special rule on the same day it is reported by the Committee, except during the last three days of a session.⁸

H.Res. 342 proposed to waive this one-day layover requirement for the remainder of the 1st session, but only with respect to further House consideration of H.R. 3128, in the form either of a conference report or an amendment reported from conference in disagreement.

December 19, 1985: the conference committee

The conferees filed their conference report, marking their agreement on a proposal to resolve all the differences between the House and Senate versions of H.R. 3128. (See page 18.) The conference report proposed (1) that the Senate recede from its disagreement to the House amendment of December 5, and concur in that amendment with a new Senate amendment on which the

⁸Clause 2(a) of Rule XXVIII exempts conference reports from the three-day layover requirement during the last six days of a session. And under the same clause, the one-day layover requirement for special rules does not apply to resolutions which only propose to waive the three-day rule. Although the House expected that the first session of the 99th Congress would end on December 19 or shortly thereafter, the House and Senate had not yet agreed to a concurrent resolution setting the date for adjournment. Thus, the layover requirements remained in force because the date of the last day of the session had not yet been fixed.

conferees had agreed, and (2) that the House then agree to the new Senate amendment.

December 19, 1985: the Senate

On the same day, the Senate debated and agreed to the conference report by a roll call vote of 78 to 1. (See page 19.)

The Senate voted first on the conference report because it was the Senate conferees who brought the papers out of conference. After the Senate agreed to the House's request for a conference, it returned the papers to the House with an accompanying message. So the House conferees brought the papers into the conference (figuratively, at least). When a conference committee completes its work successfully, the papers usually change hands once again; in this case, they were returned to the Senate conferees. Thus, the house that agrees to the conference usually acts first on the conference report. This is the normal and customary practice, although it is not embodied in House or Senate rules.

December 19, 1985: the House of Representatives

Under the terms of still another unusual special rule, the House disagreed to the conference report and proposed a new amendment to the Senate. (See page 19.) By a vote of 205 to 151, the House approved H.Res. 349 which provided that, upon its adoption, the House would be considered as having (1) rejected the conference report, (2) receded from its amendment of December 5 to the Senate amendment (that is, the text of S. 1730 as amended), and (3) concurred in that Senate amendment with a different House amendment. This new House amendment consisted of all but one portion of the text of the conference report.

When the House considers a conference report, it may not amend it and normally debates it for no more than an hour before voting on whether to agree to it. If the House rejects a conference report, that vote essentially brings the House back to the position at which it stood before it had requested or agreed to the conference in the first place. The House then may insist on its previous position or it may be able to propose a new amendment to the Senate's amendment. But under its precedents, the House normally may not recede from its amendment to a Senate bill or amendment and then concur in that bill or amendment with a new and different House amendment.

In this case, therefore, the House could not have considered the conference report on December 19, because it had not yet met the three-day layover requirement. Moreover, if the House eventually did consider and reject the conference report, it would have back before it the House's amendment of December 5 to the Senate's amendment of November 14. The House would have been able to recede from or insist further on its amendment, but it would not

have been able to recede from its amendment and propose a different amendment instead.

The adoption of H.Res. 349 obviated these constraints. Not only did it have the effect of waiving the layover requirement, it provided that adoption of the resolution would, in itself, constitute rejection of the conference report. And not only did the special rule make it possible for the House to adopt a different amendment, it provided that the vote on the resolution also would constitute the vote on the proposed amendment. In adopting H. Res. 349, the House supplanted the earlier House amendment of December 5 with a different first degree amendment between the houses--an amendment consisting of the text of the conference report except for its provisions on one subject. Rather than amending the conference report itself--something that neither the House nor the Senate permits--the special rule allowed the House to agree to an amended version of the conference agreement, but in the form of the House amendment.

At issue were provisions of the conference report proposing a source of revenues to fund the Superfund program. The House and Senate had taken different positions on how the revenues should be raised. By agreeing to H.Res. 349, the House proposed that the Senate accept the conferees' agreement, but without any provisions on Superfund revenues. This approach to reaching agreement would have permitted the remainder of the reconciliation bill to be enacted while leaving the Superfund issue to be decided through other legislation.

December 19, 1985: the Senate

Having received a message from the House on its most recent action, the Senate agreed, by voice vote, to a motion to concur in the new House amendment with a Senate amendment consisting of the entire text of the conference report. (See page 20.) In other words, the Senate rejected the House's most recent proposal and renewed its support for the conference agreement, but now in the form of a Senate amendment to the House amendment to the Senate amendment to the bill (and, therefore, in the form of a second degree amendment between the houses). In taking this action, the Senate proposed to continue considering the issue of Superfund revenues in connection with the reconciliation bill.

December 19, 1985: the House of Representatives

When the House received a message announcing the latest Senate action, the Chairman of the House Budget Committee, Representative Gray of Pennsylvania, moved to take up the bill with the Senate amendment (to the House amendment to the Senate amendment) and concur in the amendment. (See page 21.) In effect, Gray's motion proposed that the House agree to the entire text of the conference agreement, which it had rejected earlier in the day,

pursuant to H.Res. 349. Representative Daub of Nebraska immediately offered a preferential motion to table (and so kill) the Gray motion to concur. A motion to table not being debatable, the House proceeded to vote on the Daub motion and to reject it by voice vote.

After debate, the House also rejected the Gray motion to concur by a vote of 137 to 211. Without further debate, the House then agreed to another motion by Representative Gray--a motion that the House simply disagree to the Senate amendment. (See page 22.)

December 20, 1985: the Senate

The Majority Leader, Senator Dole of Kansas, asked unanimous consent that the Senate recede from its amendment of yesterday (i.e., the text of the conference agreement that the Senate had accepted and the House had rejected) and concur in the House amendment of yesterday (i.e., the conference agreement without its Superfund provisions) with a new amendment consisting of the text of the agreement without its provisions on five subjects, one of which was Superfund revenues. (See page 23.) Senator Dole could not have made a motion to this effect because the Senate (like the House) normally cannot recede from its amendment to an amendment from the other house and concur with a different amendment.

When Senator Johnston of Louisiana objected to the unanimous consent request, Senator Dole moved that the Senate insist on the amendment to which the House had disagreed shortly before. After debate, Senator Johnston moved to table the Dole motion to insist, but the Senate rejected the motion, 29 to 35. Senator Johnston then offered a second motion--a preferential motion that the Senate recede from its amendment. (See page 24.) After the Senate has reached the stage of disagreement, Senate precedents permit a Senator to offer a motion to recede before the Senate votes on a motion to insist that another Senator already has proposed. In other words, a motion to recede has precedence over a motion to insist.⁹

Had the Senate agreed to the Johnston motion to recede, the Senate would have signified its acceptance of the House amendment of December 19, consisting of the text of the conference report except for the Superfund provisions. However, the Senate voted, 30 to 35, against the motion to recede and then agreed by voice vote to the Dole motion to insist. By unanimous consent, the Senate also requested a new conference with the House and the Presiding Officer once again appointed Senate conferees. (See page 25.)

⁹U.S. Congress. Senate. *Senate Procedures: Precedents and Practices*. By Floyd M. Riddick. Senate Document No. 97-2, 97th Cong., 1st Sess. Washington, U.S. Govt. Print. Off., 1981. p. 101-102.

December 20, 1985: the House of Representatives and the Senate

Both houses adjourned sine die, bringing to an end the first session of the 99th Congress.

March 6, 1986: the House of Representatives

The House considered and, by a vote of 314 to 86, agreed to H.Res. 390. By adoption of this resolution, the House receded from its disagreement of December 19 to the Senate amendment of the same date (on which the Senate had insisted on December 20), and concurred in that amendment with a further House amendment proposed by Representative Gray and printed in the *Congressional Record* of March 4. (See pages 26-27.) Thus, the House chose not to agree to the new conference which the Senate had requested on December 20. Instead, the House agreed to a House amendment to the Senate amendment to the House amendment to the Senate amendment to H.R. 3128.

This new amendment constituted a third degree amendment between the houses, and so a motion proposing it normally would not have been in order. However, H.Res. 390 not only made the amendment in order, it also was another "self-executing" rule which provided that the vote to adopt the resolution would be considered to be a vote in favor of the amendment.

The House amendment of March 6 included no Superfund provisions, but did propose new positions on several other matters the bill addressed.

March 13, 1986: the Senate

The Presiding Officer laid before the Senate the House message on its amendment of March 6, and Senator Simpson of Wyoming moved that the Senate concur in the House amendment with yet another Senate amendment. (See page 27.) In effect, the proposed new Senate amendment was in the fourth degree, and so presumably was not in order under the conventional interpretation of Senate precedents. The Senate did not dispose of the Simpson motion that day.

March 14, 1986: the Senate

After agreeing to one amendment, and tabling another, to the amendment proposed by Senator Simpson as part of his motion to concur with an amendment, the Senate agreed to the motion by voice vote, thereby returning the bill once again to the House with a new Senate proposal.

March 18, 1986: the House of Representatives

On the day the House received the latest message from the Senate, Representative Martin of Illinois offered a privileged motion: that the House take up H.R. 3128, with the various amendments of the House and Senate, and concur in the Senate amendment of March 14. (See pages 27-29.) At the conclusion of the debate, the House voted instead in favor of Representative Gray's motion to table the Martin motion to concur. The roll call vote was 217 to 192. Then Representative Gray moved that the House disagree to the Senate amendment. Before debate began on the Gray motion to disagree, however, Representative Lott offered a preferential motion that the House disagree and request a conference. (See page 29.)

The Lott motion was in order after the Gray motion had been offered because Lott's proposal to disagree and go to conference tended to promote agreement between the houses more than Gray's motion that the House merely disagree. In response, Gray moved to table the Lott motion. (See pages 29-32.) After voting 223 to 186 for Gray's second tabling motion, the House agreed to Gray's earlier motion to disagree. The vote was 331 to 76.

The House thereby refused to accept the Senate's amendment of March 14, and returned the growing collection of papers to the Senate.

March 18, 1986: the Senate

With no debate and only a brief statement by the Majority Leader, the Senate, by voice vote, insisted on its amendment of March 14. (See page 33.)

March 20, 1986: the House of Representatives

Two days later, Representative Gray asked unanimous consent that the House take up the bill once again, recede from its disagreement to the Senate's amendment of March 14, and concur in that amendment with still another House amendment. (See page 34.) The Chairman of the Budget Committee could not make a motion to achieve his purpose because House precedents permit only two degrees of amendments between the houses. And Representative Gray's amendment would have been in the fifth degree: a House amendment to the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment to H.R. 3128, the House bill. Representative Walker of Pennsylvania objected to the Chairman's unanimous consent request.

At that point, Representative Martin offered another privileged motion, proposing that the House recede from its disagreement and concur in the latest Senate amendment. (See page 35.) Her motion was in order because it did not

propose a House amendment beyond the second degree. On March 18, the House had rejected a motion which would have achieved the same purpose. This time, however, the House agreed to the Martin motion by a vote of 230 to 154, thereby completing the process of reaching agreement. The bill then had to be enrolled (or reprinted) before it could be presented to the President.

Shortly after agreeing to Martin's motion, the House also agreed, by unanimous consent, to consider and approve H.Con.Res. 305, directing the Clerk of the House to make certain technical corrections in the enrollment of H.R. 3128. (See page 37.)

March 26, 1986: the Senate

By unanimous consent, the Senate also considered and agreed to H.Con.Res. 305, completing action on that resolution and clearing H.R. 3128 for presentation to President Reagan, who subsequently signed it into law as Public Law 99-272. (See page 38.)

CONCLUSION

The process by which the House and Senate ultimately reached agreement on H.R. 3128 was atypical in several respects. First, the subjects of the Senate's reconciliation provisions (contained in H.R. 3128 as amended by the text of S. 1730 as amended) were divided between H.R. 3128 and H.R. 3500 as passed by the House. This situation required the House to amend the Senate's original amendment with the texts of both bills it had passed. Second, the House rejected the conference report on the bill. Third, the House and Senate then engaged in a prolonged exchange of positions and amendments--sometimes reflecting a willingness to compromise, at other times demonstrating a reluctance to do so. Fourth, the number of amendments one house proposed to the other exceeded the number that normally are in order. Fifth, the House acted several times by means of self-executing special rules by which votes on the resolutions constituted actions on H.R. 3128 itself.

The sequence of events outlined in this report illustrates that the process of reaching agreement, while often non-controversial and even routine, can provoke extended conflict, with the possibility of eventual stalemate. It also can involve extraordinary procedures as the House and Senate each balance two interests: an interest in reaching agreement and concluding the legislative process successfully, and an interest in maximizing the extent to which the legislation ultimately enacted reflects its policy preferences and priorities.

APPENDIX: EXCERPTS FROM THE CONGRESSIONAL RECORD

October 23, 1985: House

Congressional Record, p. H 9008-9

PROVIDING FOR CONSIDERATION OF H.R. 3500, OMNIBUS BUDGET RECONCILIATION ACT OF 1986

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 296 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 296

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 the consideration of the bill (H.R. 3500) to provide for reconciliation pursuant to section 2 of the First Concurrent Resolution on the Budget for the fiscal year 1986, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill are hereby waived, all points of order for failure to comply with the provisions of clause 5(b) of rule XXI are hereby waived against subtitle C of title III of the bill beginning on page 267, line 19 through page 351, line 15, and all points of order against the bill for failure to comply with the provisions of clause 5(a) of rule XXI are hereby waived except against section 4110 of the bill, beginning on page 379, line 20 through page 380, line 17. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, the bill shall be considered as having been read for amendment under the five-minute rule. The following amendment shall be considered as having been adopted in the House and in the Committee of the Whole: on page 15, strike out lines 8

through 10 and insert in lieu thereof the following: 'which become available during fiscal year 1986, the Secretary shall, to the extent approved in appropriations Acts, reserve authority to enter into obligations aggregating - '. No other amendment to the bill shall be in order in the House or in the Committee of the Whole except the following amendments, which shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and which shall be in order any rule of the House to the contrary notwithstanding:

(1) a motion, if offered by Representative Fazio of California, to strike subtitle B of title VIII of the bill beginning on page 481, line 1 through page 486, line 6, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Fazio and a Member opposed thereto;

(2) an amendment printed in the Congressional Record of October 17, 1985, by, and if offered by, Representative Latta of Ohio, and said amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by Representative Latta and a Member opposed thereto; and

(3) an amendment printed in the Congressional Record of October 17, 1985, by, and if offered by, Representative Florio of New Jersey, and said amendment shall be debatable for not to exceed thirty minutes, to be equally divided and controlled by Representative Florio and a Member opposed thereto. At the conclusion of the 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, and 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.

October 31, 1985: House

Congressional Record, p. H 9478

PROVIDING FOR CONSIDERATION OF H.R. 3128, DEFICIT REDUCTION AMENDMENTS OF 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 301 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 301

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 9(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process. All points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived, and all points of order against the bill for failure to comply with the provisions of clause 6(a) of rule XXI are hereby waived. After general debate, which shall be confined to the bill and to the amendments made in order by this resolution, and which shall continue not to exceed two hours, one hour to be equally divided and controlled by the chairman

and ranking minority member of the Committee on Ways and Means and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except the following amendments, which shall be considered to have been read and to have been adopted in the House and in the Committee of the Whole: (1) an amendment to strike out title I of the bill and to insert in lieu thereof the text of H.R. 3290; (2) an amendment printed in the Congressional Record of October 29, 1985, by Representative Rostenkowski of Illinois, relating to single employer plans; and (3) an amendment to the table of contents striking 'Medicare program' and inserting in lieu thereof 'Healthcare programs', and inserting at the end of the table of contents 'Title VI. Amendments relating to single employer plans.'. At the conclusion of the 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, 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.

November 14, 1985: Senate

Congressional Record, p. S 15488-9

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 3128 which the clerk will state.

The legislative clerk read as follows:

A bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment in the nature of a substitute.

The PRESIDING OFFICER. The committee amendment falls.

Mr. DOLE. Mr. President, I move that all after the enacting clause in H.R. 3128 be stricken and the text of S. 1730, as amended, be inserted in lieu thereof.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

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

The bill was read a third time.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Laxalt). Are there any other Senators in the Chamber wishing to vote?

The result was announced - yeas 93, nays 6 as follows:

(ROLLCALL VOTE NO. 314 LEG.)
YEAS - 93

Abdnor	Glenn	Mitchell
Armstrong	Goldwater	Moynihan
Baucus	Gore	Murkowski
Bentsen	Gorton	Nickles
Biden	Gramm	Nunn
Bingaman	Grassley	Packwood
Boren	Hart	Pell
Boschwitz	Hatch	Pressler
Bradley	Hawkins	Proxmire
Bumpers	Hecht	Pryor
Byrd	Heflin	Quayle
Chafee	Heinz	Riegle
Chiles	Helms	Rockefeller
Cochran	Hollings	Roth
Cohen	Humphrey	Rudman
Cranston	Inouye	Sarbanes
D'Amato	Johnston	Sasser
Danforth	Kassebaum	Simon
DeConcini	Kasten	Simpson
Denton	Kennedy	Specter
Dixon	Lautenberg	Stafford
Dodd	Laxalt	Stennis
Dole	Leahy	Stevens
Domenici	Levin	Symms
Durenberger	Long	Thurmond

Eagleton	Lugar	Trible
East	Mathias	Wallop
Evans	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	McClure	Wilson
Garn	McConnell	Zorinsky

NAYS - 6		
Andrews	Burdick	Harkin
Kerry	Melcher	Metzenbaum

NOT VOTING - 1

Hatfield

So the bill, H.R. 3128, as amended, was passed, as follows:
H.R. 3128

Resolved, That the bill from the House of Representatives (H.R. 3128) entitled 'An Act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process', do pass with the following amendments:

Strike out all after the enacting clause and insert:
That this Act may be cited as the 'Consolidated Omnibus Budget Reconciliation Act of 1985'.

December 5, 1985: House

Congressional Record, p. H 10954

DEFICIT REDUCTION
AMENDMENTS OF 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330.

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. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendments thereto, to have agreed to the Senate amendment to the title, to have agreed to the Senate amendment to the text with an amendment inserting in lieu thereof the texts of the bills H.R. 3128 and H.R. 3500 as passed by the House, and to have insisted on said amendment and to have requested a conference with the Senate thereon.

December 5, 1985: Senate

Congressional Record, S 16952

APPOINTMENT OF CONFEREES --
H.R. 3128

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate receives H.R. 3128 from the House, the Senate be deemed to have disagreed to the

amendment of the House to H.R. 3128, and have agreed to the conference requested by the House, and that the chair be deemed to have appointed conferees as follows:

FISCAL YEAR 1986 SENATE RECONCILIATION CONFEREES

Senate Committee	Republican Conferees	Democratic Conferees
Budget -- General Conferees	Domenici, Armstrong, Kassebaum, Boeschwitz, Symms	Hollings, Johnston, Sasser, Metzenbaum.
Agriculture	Helms, Dole, Lugar, Cochran	Zorinsky, Leahy, Melcher.
Armed Services	Goldwater	Nunn.
Banking	Garn, Heinz, Hecht	Proxmire, Reigle.
Commerce	Danforth, Packwood, Goldwater, Pressler, Gorton, Stevens	Hollings, Long, Inouye, Ford, Riegle.
Environment and Public Works	Stafford, Chafee, Simpson, Symms	Bentsen, Burdick, Lautenberg.
Finance--General Conferees	Packwood, Roth, Danforth, Chafee	Long, Bentsen, Matsunaga.
Finance--for PBGC and ERISA Subconference only	Packwood, Chafee, Heinz	Mitchell, Moynihan.
Finance--for CHAMPUS Medicare Subconference only	Durenberger	Baucus.
Finance -- for Private Health Insurance Coverage Subconference only	Heinz, Wallop, Durenberger	Baucus, Pryor.
Governmental Affairs	Roth, Stevens, Mathias, Cohen	Eagleton, Levin, Gore.
Labor and Human Resources -- General Conferees	Hatch, Stafford, Quayle	Kennedy, Pell.
Labor and Human Resources -- for PBGC and ERISA Subconference only	Hatch, Nickles, Thurmond	Kennedy, Metzenbaum.
Small Business	Weicker, Gorton	Bumpers.
Veterans' Affairs	Murkowski, Simpson	Cranston.
Energy Committee General Conferees	McClure, Domenici, Wallop	Johnston, Ford.
Energy Committee Conferees on Title VI, sec. 6701 only	McClure, Hatfield, Domenici	Johnston, Ford.
Commerce Conferees on Title VI, sec. 6701 only	Goldwater	Domenici

The PRESIDING OFFICER. Without objection, it is so ordered.

December 19, 1985: House

Congressional Record H 13039

PROVIDING FOR CONSIDERATION OF
RESOLUTION REPORTED BY COMMITTEE ON
RULES PROVIDING FOR CONSIDERATION OF
CONFERENCE REPORT ON H.R. 3128, DEFICIT
REDUCTION AMENDMENTS OF 1985

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

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

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That during the remainder of the first session of the Ninety-ninth Congress, the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day reported is hereby waived against any resolution reported from that committee providing for the consideration of a conference report, or any amendment reported from conference in disagreement, on the bill (H.R. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress).

December 19, 1985: House

Congressional Record, p. H 13093

CONFERENCE REPORT ON H.R. 3128,
CONSOLIDATED OMNIBUS
RECONCILIATION ACT OF 1985

Mr. GRAY of Pennsylvania submitted the following conference report and statement on the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process:

CONFERENCE REPORT (H. REPT. 99-453)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the text of the bill H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, having met, after full and free conference, have agreed to recommend and do recommended to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

Short Title

Section 1. This Act may be cited as the "Consolidated Omnibus Budget Reconciliation Act of 1985".

December 19, 1985: Senate

Congressional Record, p. S 18201

OMNIBUS BUDGET RECONCILIATION
CONFERENCE REPORT

Mr. ARMSTRONG. Mr. President, I send to the desk a conference report on H.R. 3128, the Consolidated Omnibus Budget Reconciliation Act of 1985, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado (Mr. Armstrong)?

There being no objection, the Senate proceeded to consider the conference report.

December 19, 1985: House

Congressional Record, p. H 13291

CONSOLIDATED OMNIBUS
RECONCILIATION ACT OF 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 349 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 349

Resolved, That upon the adoption of this resolution the conference report on the bill (H.R. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress) shall be considered as having been rejected, and the House shall be considered to have receded from its amendment to the Senate amendment to said bill, and to have concurred in the Senate amendment with an amendment inserting in lieu of the Senate amendment an amendment consisting of the text of the conference report, with the following modification: strike out Subtitle B of Title XIII.

December 19, 1985: Senate

Congressional Record, p. S 18400-1

OMNIBUS BUDGET RECONCILIATION ACT

Mr. PACKWOOD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3128.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That pursuant to the provisions of H. Res. 349, the House rejects the conference report on the bill (H.R. 3128) entitled 'An Act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process'.

Resolved, That the House recede from its disagreement to the amendment of the Senate to the text of the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the provisions of the conference report on the bill, with the provisions of Subtitle B of Title XIII (Superfund and Its Revenue Sources) stricken.

Mr. PACKWOOD. Mr. President, I move that the Senate concur in the House amendment with the language of the conference report on said bill as a substitute.

The PRESIDING OFFICER. The question is on the motion.

Mr. PACKWOOD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

December 19, 1985: House

Congressional Record, p. H 13320, 13327-8

CONSOLIDATED OMNIBUS RECONCILIATION ACT OF 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I move to take from the Speaker's table the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendment to the House amendment to the Senate amendment, and concur in the Senate amendment to the House amendment to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the title of the bill and the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment as follows: (See Senate Proceedings in today Record, page S18201, Part II.)

MOTION OFFERED BY MR. DAUB

Mr. DAUB. Mr. Speaker, I move to table the motion.

My motion is in writing, and it is on its way to the desk.

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

The Clerk read as follows:

Mr. Daub moves to table the motion.

The SPEAKER pro tempore. The question is on the motion to lay on the table offered by the gentleman from Nebraska (Mr. Daub). The motion to table was rejected.

Mr. GRAY of Pennsylvania. Mr. Speaker, I move to limit debate to 15 minutes per side.

The SPEAKER pro tempore. The gentleman requests that debate be limited. Is there objection to the request of the gentleman from Pennsylvania?

Mr. DAUB. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes and the gentleman from Ohio (Mr. Latta) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Gray).

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The question is on the motion offered by the gentleman from Pennsylvania (Mr. Gray) to concur in the Senate amendment.

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

Mr. GRAY of Pennsylvania. Mr. Speaker, on that I demanded the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were - yeas 187, nays 211, not voting 86, as follows:

(ROLL NO. 482)

YEAS - 187

Anderson	Andrews	Anthony
Archer	Bartlett	Barton
Bateman	Berman	Bliley
Boggs	Bonker	Borski
Bosco	Boulter	Breaux
Brooks	Brown (CO)	Broyhill
Bruce	Bryant	Bustamante

Campbell	Carper	Cheney
Clinger	Cobey	Coble
Coelho	Combest	Coughlin
Courter	Craig	Darden
DeLay	Derrick	Dingell
DioGuardi	Dymally	Eckart (OH)
Eckert (NY)	Edwards	Emerson
English	Fazio	Feighan
Fields	Foglietta	Ford (TN)
Fowler	Frank	Franklin
Frost	Gallo	Gilman
Glickman	Gonzalez	Gray (PA)
Hall, Ralph	Hatcher	Hawkins
Hefner	Hendon	Hopkins
Huckaby	Hutto	Jacobs
Jenkins	Johnson	Jones (OK)
Kolbe	Kostmayer	Leath (TX)
Leland	Lent	Livingston
Long	Lowery (CA)	Lujan
Manton	McCurdy	McMillan
Mollohan	Montgomery	Moore
Murtha	Myers	Natcher
Nielson	Oakar	Ortiz
Perkins	Pickle	Porter
Rahall	Ray	Ridge
Rinaldo	Ritter	Roberts
Roe	Roemer	Rogers
Rose	Roukema	Rowland (GA)
Saxton	Shafer	Schuettle
Siljander	Sisisky	Skeen
Slattery	Slaughter	Snyder
Spratt	Staggers	Stangeland
Stenholm	Strang	Stratton
Sundquist	Sweeney	Synar
Tallon	Tudzin	Thomas (CA)
Thomas (GA)	Udall	Valentine
Walgren	Waxman	Whitley
Whittaker	Wilson	Wise
Wright	Young (AK)	

NAYS - 211

Akaka	Alexander	Annunzio
Applegate	Army	AuCoin
Badham	Barnes	Bates
Bedell	Beilenson	Bennett
Bentley	Bereuter	Bilirakis
Boehlert	Boner (TN)	Bonior (MI)
Boucher	Brown (CA)	Burton (CA)
Burton (IN)	Byron	Callahan
Carney	Carr	Chandler
Chappell	Chappie	Coats
Coleman (MO)	Collins	Conte
Cooper	Coyne	Crane
Dannemeyer	Daschle	Daub
Davis	de la Garza	Dellums
DeWine	Dicks	Donnelly
Dorgan (ND)	Dornan (CA)	Downey
Dreier	Duncan	Durbin
Dwyer	Dyson	Edgar
Edwards (CA)	Evans (IA)	Evans (IL)
Fasell	Falwell	Fiedler
Fish	Foley	Frenzel
Gejdenson	Gekas	Gingrich
Goodling	Gordon	Green
Grothberg	Guarini	Gunderson

Hammerschmidt	Hamilton	Hansen
Hartnett	Hayes	Henry
Hertel	Hiler	Horton
Howard	Hoyer	Hughes
Hunter	Hyde	Ireland
Jeffords	Jones (TN)	Kanjorski
Kasich	Kastenmeier	Kemp
Kennelly	Kildee	Kloczka
Kramer	Lagomarsino	Lantos
Latta	Leach (IA)	Levin (MI)
Levine (CA)	Lewis (CA)	Lewis (FL)
Lightfoot	Lloyd	Lowry (WA)
Luken	Lundine	Lungren
Mack	MacKay	Madigan
Markey	Martin (IL)	Martin (NY)
Matsui	Mavroules	Mazzoli
McCain	McCandless	McCloskey
McCollum	McDade	McEwen
McHugh	McKernan	Meyers
Mica	Michel	Mikulski
Miller (OH)	Miller (WA)	Mineta
Moakley	Molinari	Moody
Moorhead	Morrison	Mrazek
Neal	Nelson	Nowak
O'Brien	Oberstar	Obey
Owens	Oxley	Packard
Parris	Pashayan	Pease
Penny	Pepper	Petri
Pursell	Rangel	Regula
Reid	Robinson	Rodino
Rostenkowski	Roth	Rowland
Sabo	Savage	Scheuer
Schneider	Schroeder	Seiberling
Sensenbrenner	Shaw	Shelby
Shumway	Skelton	Smith (FL)
Smith (IA)	Smith (NJ)	Smith
Smith, Robert	Smith, Robert	Snowe
Solomon	Spence	St Germain
Stallings	Stark	Studds
Stump	Swift	Swindall
Tauke	Taylor	Torres
Torricelli	Towns	Traficant
Vento	Visclosky	Volkmer
Vucanovich	Walker	Weber
Weiss	Wheat	Wolf
Wolpe	Wyden	Yatron
Young (FL)		

NOT VOTING - 86

Ackerman	Addabbo	Aspin
Atkins	Barnard	Bevill
Biaggi	Boland	Boxer
Broomfield	Chapman	Clay
Coleman (TX)	Conyers	Crockett
Daniel	Dickinson	Dixon
Dowdy	Early	Erdreich
Flippo	Florio	Ford (MI)
Fuqua	Garcia	Gaydos
Gephardt	Gibbons	Gradison
Gray (IL)	Gregg	Hall (OH)
Hefstel	Hillis	Holt
Hubbard	Jones (NC)	Kaptur
Kindness	Kolter	LaFalce
Lehman (CA)	Lehman (FL)	Lipinski
Loeffler	Lott	Marlenee
Martinez	McGrath	McKinney
Miller (CA)	Mitchell	Monson
Morrison (CT)	Murphy	Nichols
Olin	Panetta	Price
Quillen	Richardson	Roybal
Rudd	Russo	Schulze

Schumer	Sharp	Shuster
Sikorski	Smith (NE)	Solarz
Stokes	Traxler	Vander Jagt
Watkins	Weaver	Whitehurst
Whitten	Williams	Wirth
Wortley	Wyllie	Yates
Young (MO)	Zachau	

TIME: 0030

MOTION TO DISAGREE TO THE
SENATE AMENDMENT TO H.R.
3128, CONSOLIDATED OMNIBUS
RECONCILIATION ACT OF 1985

Mr. GRAY of Pennsylvania. Mr. Speaker, I move that the House disagree to the Senate amendment to the House amendment to the Senate amendment to H.R. 3128.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Gray).

The motion was agreed to.

A motion to reconsider was laid on the table.

December 20, 1985: Senate

Congressional Record, p. S 18292-3,
18298

OMNIBUS BUDGET RECONCILIATION ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3128.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 3128) entitled 'An Act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process.'

At the present time, I would ask unanimous consent that the Senate recede from its amendment and concur in the House amendment with a further amendment consisting of the conference report on H.R. 3128, with the following sections stricken: First, section 12301 relating to AFDC and Medicaid quality control studies and penalty moratorium; second, sections 13001 through 13011 relating to trade adjustment assistance; third, section 13203(b) relating to a 5-year moratorium on interest accruals with respect to the indebtedness of the black lung disability trust fund; fourth, subtitle B of title XIII relating to Superfund and its revenue sources; and fifth, sections 8001 through 8101 relating to Outer Continental Shelf Lands Act.

The PRESIDING OFFICER (Mr. Gorton). Is there objection?

Mr. JOHNSTON. Mr. President, reserving the right to object -

The PRESIDING OFFICER. The Senator from Louisiana reserves the right to object.

Mr. JOHNSTON. For the last almost 24 hours, we have been engaged in this negotiation about how we were going to get this deficit down. On this side of the aisle, I do not think there is anyone who can say we have not been cooperative. We have not been particularly brought into the process, I must say, but to the extent we have, we have offered the hand of cooperation, repeating that over and over again privately, here on the floor, and in the majority leader's office, when permitted to come at our request - at every instance of the time offering the hand of cooperation. It was not Senators on this side of the aisle who made the decision as to the strategy last night in sending back to the House the bill with the same amendment which they had turned down previously.

This strategy was available to us last night when we could still amend. Rather than using that strategy of amending and putting these amendments back on the bill and sending it back to the House, we used up on motion of the majority leader and the chairman of the Senate Finance Committee our chance to amend by insisting again upon the same amendment.

Full cooperation, we tried that. It did not work. It lost by an even larger margin.

Now, this morning, we came in again offering full cooperation, saying, 'We need a bill; the American people need a bill. We will do what we can to get it.'

This strategy was suggested to us earlier. I personally said, 'I will do what I can to help get it' - not because I like these amendments. Indeed, it was a different package when previously discussed. This is the

first time I have even heard about all the elements of this package.

That is the kind of bipartisanship you get. You get something sprung at you out on the floor of the Senate without even discussing it with you. Nevertheless, as the package last existed, we were asked, 'Will you try to sell it?' I said, 'I will do the best I can.' The leader, Bob Byrd, said he would do the best he could, and indeed we convened a caucus for that purpose. In the meantime, we called the leadership of the House and they say they have lost a quorum, it takes unanimous consent, and a number have already announced publicly and others privately. Congressman Frenzel has already made a speech saying he would object to any change.

So, Mr. President, make no mistake about it, this strategy, however good it might have been at any one time, is no strategy now. It does not get you a bill. It is some kind of tactic, and I do not know what the tactic is or what its purpose is other than to elicit an objection from us, which will soon be coming because we are not going to be a party to bearing this bill, not after all the time and effort we have put in on this side of the aisle, not to mention the gargantuan efforts that Senator Domenici and others have put in fashioning what is not a perfect bill but it is a good bill.

It is \$79 billion worth of savings without the so-called Superfund tax. And if all it is \$8 billion, I want to tell you we better shut down the CBO, do away with that agency of Government because it is not worth what we are paying them if they are that far off.

In any event, Mr. President, with that reservation and for those reasons, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader.

Mr. DOLE. Mr. President, I regret that there is objection. I must say it was no surprise. We have had some prior discussion of this matter. We met in the minority leader's office, so there has been bipartisan discussion. My own view is that we are going to be gone for 30 days. It is not our problem if the House may not have a quorum. We have a quorum. We have about 40 of our Members here and I think there are 30-some Democrats here, so that is not our problem. We are here prepared to go to conference this afternoon on five very minor issues that can be resolved in 30 minutes. Now, if the House is gone, they say, 'Oh, we can't do it, we left town.' I do not believe that is our problem. We have enough problems of our own, but that is not one of them.

Do we want a bill? I hope so. I think so, because there has been a strong bipartisan effort following the May 10 vote, which was 50 to 49, with only one member of the other party voting for real deficit reduction. We can argue that at a later time. But it seems to me that now we need to try to complete the process, keep it alive, see if we can salvage something, if not today, when we come back or maybe even prior to that time the conferees could meet and see if they could resolve it.

I assume the conferees could meet informally while the rest of us are working at other places in January.

But in any event, I move that we insist on the Senate amendment.

December 20, 1985: Senate

Congressional Record, p. S 18298-18300

The question is on agreeing to the motion to insist.
 Mr. JOHNSTON. Mr. President, I move to recede from the Senate amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask that there be a time agreement of 10 minutes, 5 minutes on a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the motion of the Senator from Louisiana.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Maine (Mr. Cohen), the Senator from Alabama (Mr. Denton), the Senator from Minnesota (Mr. Durenberger), the Senator from North Carolina (Mr. East), the Senator from Washington (Mr. Evans), the Senator from Utah (Mr. Garn), the Senator from Iowa (Mr. Grassley), the Senator from Oregon (Mr. Hatfield), the Senator from Florida (Mrs. Hawkins), the Senator from New Hampshire (Mr. Humphrey), the Senator from Idaho (Mr. McClure), the Senator from Alaska (Mr. Murkowski), the Senator from Virginia (Mr. Tribble), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

I also announce that the Senator from Maryland (Mr. Mathias) is absent on official business.

Mr. BYRD. I announce that the Senator from Delaware (Mr. Biden), the Senator from Oklahoma (Mr. Boren), the Senator from North Dakota (Mr. Burdick), the Senator from California (Mr. Cranston), the Senator from Illinois (Mr. Dixon), the Senator from Connecticut (Mr. Dodd), the Senator from Missouri (Mr. Eagleton), the Senator from Colorado (Mr. Hart), the Senator from Massachusetts (Mr. Kennedy), the Senator from New Jersey (Mr. Lautenberg), the Senator from Montana (Mr. Melcher), the Senator from Ohio (Mr. Metzenbaum), the Senator from New York (Mr. Moynihan), the Senator from Georgia (Mr. Nunn), the Senator from Rhode Island (Mr. Pell), the Senator from Arkansas (Mr. Pryor), the Senator from Michigan (Mr. Riegle), the Senator from Illinois (Mr. Simon), and the Senator from Nebraska (Mr. Zorinsky) are necessarily absent.

I also announce that the Senator from Florida (Mr. Chiles) is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota (Mr. Burdick) and the Senator from Rhode Island (Mr. Pell) would each vote 'yea.'

The PRESIDING OFFICER (Mr. Wallop). Are there any other Senators in the Chamber desiring to vote?

The result was announced - yeas 80, nays 85, as follows:

(ROLLCALL VOTE NO. 381 LEG.)
 YEAS - 30

Armstrong	Baucus	Bentsen
Bingaman	Bradley	Bumpers
Byrd	DeConcini	Exon
Ford	Glenn	Gore
Harkin	Heflin	Hollings
Inouye	Johnston	Kerry
Leahy	Levin	Long
Matsunaga	McConnell	Mitchell
Nickles	Proxmire	Rockefeller
Sarbanes	Sasser	Stennis

NAYS - 35

Abdnor	Andrews	Boschwitz
Chafee	Cochran	D'Amato
Danforth	Dole	Domenici
Goldwater	Gorton	Gramm
Hatch	Hecht	Heinz
Helms	Kassebaum	Kasten
Laxalt	Lugar	Mattingly
Packwood	Presler	Quayle
Roth	Rudman	Simpson
Specter	Stafford	Stevens
Symms	Thurmond	Wallop
Warner	Wilson	

NOT VOTING - 85

Biden	Boren	Burdick
Chiles	Cohen	Cranston
Denton	Dixon	Dodd
Durenberger	Eagleton	East
Evans	Garn	Grassley
Hart	Hatfield	Hawkins
Humphrey	Kennedy	Lautenberg
Mathias	McClure	Melcher
Metzenbaum	Moynihan	Murkowski
Nunn	Pell	Pryor
Riegle	Simon	Tribble
Weicker	Zorinsky	

So the motion was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. BOSCHWITZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the motion to insist.

Mr. BYRD. Mr. President, we have a general understanding that no one who was present at the time will make a request for the yeas and nays.

I ask that the Record show that I will vote no on the motion to insist and there are other Senators who want that same privilege.

I ask unanimous consent that they may show that in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The following Senators asked that they be recorded as voting 'No' on the motion to insist: Senators Rockefeller, Exon, Johnston, and DeConcini.

The PRESIDING OFFICER. The question is on agreeing to the motion to insist.

The motion was agreed to.

Mr. DOLE. Mr. President, I request a conference with the House and that the Chair be instructed to appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Clerk will state the names of the conferees.

Mr. DOLE. Mr. President, are the conferees the same as has previously been appointed, with one exception?

The PRESIDING OFFICER. With one exception, they are --

Mr. DOLE. I ask that they be approved without further reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. Wallop) appointed:

From the Committee on the Budget - General conferees: Messrs. Domenici, Armstrong, Mrs. Kassebaum, Messrs. Boschwitz, Symms, Chiles, Hollings, Johnston, and Sasser.

From the Committee on Agriculture, Nutrition and Forestry: Messrs. Helms, Dole, Lugar, Cochran, Zorinsky, Leahy, and Melcher.

From the Committee on Armed Services: Messrs. Goldwater and Nunn.

From the Committee on Banking, Housing and Urban Affairs: Messrs. Garn, Heinz, Proxmire, and Riegle.

From the Committee on Commerce, Science and Transportation: Messrs. Danforth, Packwood, Goldwater, Pressler, Gorton, Stevens, Hollings, Long, Inouye, Ford, and Riegle.

From the Committee on Commerce, Science, and Transportation for the consideration of sec. 6701 of title VI only: Messrs. Danforth, Packwood, Goldwater, Hollings, and Long.

From the Committee on Energy and Natural Resources: Messrs. McClure, Domenici, Wallop, Johnston, and Ford.

From the Committee on Energy and Natural Resources for the consideration of sec. 6701 of title VI only: Messrs. McClure, Hatfield, Domenici, Johnston, and Ford.

From the Committee on Environment and Public Works: Messrs. Stafford, Chafee, Simpson, Symms, Bentsen, Burdick, and Lautenberg.

From the Committee on Finance - General Conferees: Messrs. Packwood, Roth, Danforth, Chafee, Long, Bentsen, and Matsunaga.

From the Committee on Finance - For PBGC and ERISA Subconference

only: Messrs. Packwood, Chafee, Heinz, Mitchell, and Moynihan.

From the Committee on Finance - For CHAMPU's Medical Subconference only: Messrs. Durenberger and Baucus.

From the Committee on Finance - For private health insurance coverage subconference only: Messrs. Heinz, Wallop, Durenberger, Baucus, and Pryor.

From the Committee on Governmental Affairs: Messrs. Roth, Stevens, Mathias, Cohen, Eagleton, Levin, and Gore.

From the Committee on Labor and Human Resources - General conferees: Messrs. Hatch, Stafford, Quayle, Kennedy, and Pell.

From the Committee on Labor and Human Resources - For PBGC and ERISA subconference only: Messrs. Hatch, Nickles, Thurmond, Kennedy, and Metzenbaum.

From the Committee on Small Business: Messrs. Weicker, Gorton, and Bumpers.

From the Committee on Veterans' Affairs: Messrs. Murkowski, Simpson, and Cranston. Conferees on the Part of the Senate.

March 6, 1986: House

Congressional Record, p. H 865, 884

PROVIDING FOR AMENDING
SENATE AMENDMENT TO HOUSE
AMENDMENT TO SENATE AMENDMENT
TO H.R. 3128, DEFICIT REDUCTION
AMENDMENTS OF 1985

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 390, and ask for its immediate consideration.

The Clerk read the resolution, as follows:
H. RES. 390

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. 3128) to provide for reconciliation pursuant to section 2 of the first concurrent resolution on the budget for fiscal year 1986 (S. Con. Res. 32, Ninety-ninth Congress), with the Senate amendment to the House amendment to the Senate amendment thereto, to have receded from its disagreement to the Senate amendment, and to have

concurred in the Senate amendment with an amendment printed in the Congressional Record of March 4, 1986, by Representative Gray of Pennsylvania.

The SPEAKER. The gentleman from South Carolina (Mr. Derrick) is recognized for 1 hour.

Mr. Derrick, Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were - yeas 314, nays 86, not voting 34, as follows:

(ROLL NO. 41)
YEAS - 314

Akaka	Alexander	Anderson
Andrew	Anunzio	Anthony
Archer	Armey	Aspin
Atkins	AuCoin	Barnes
Bartlett	Barton	Bateman
Bates	Bedell	Beilenson
Bennett	Bentley	Bereuter
Berman	Bevill	Biaggi
Bliley	Boehlert	Boggs
Boland	Boner (TN)	Bonior (MI)
Bonker	Borski	Bosco
Boulter	Boxer	Breaux
Brooks	Brown (CA)	Broyhill
Bruce	Bryant	Burton (CA)
Bustamante	Byron	Callahan
Campbell	Carper	Chandler
Chapman	Clay	Clinger
Cobey	Coble	Coelho
Coleman (TX)	Combest	Conte
Cooper	Courter	Coyne
Crockett	Daniel	Darden
Daschle	Daub	Davis
de la Garza	Dellums	Derrick
Dickinson	Dicks	Dingell
DioGuardi	Dixon	Donnelly
Dorgan (ND)	Dowdy	Downey
Duncan	Durbin	Dwyer
Dymally	Dyson	Early
Eckart (OH)	Eckert (NY)	Edwards (CA)
Edwards (OK)	Emerson	English
Erdreich	Evans (IL)	Fascell
Fazio	Feighan	Fields
Fish	Flippo	Foley
Ford (MI)	Ford (TN)	Fowler
Frank	Franklin	Frost
Fuqua	Gallo	Garcia
Gaydos	Gejdenson	Gephardt
Gibbons	Gilman	Glickman
Gonzalez	Gordon	Gradison
Gray (PA)	Green	Guarini
Hall (OH)	Hall, Ralph	Hamilton
Hammerschmidt	Hatcher	Hawkins
Hayes	Hefner	Heftel
Hendon	Henry	Hertel
Holt	Hopkins	Horton
Howard	Hoyer	Hubbard
Huckaby	Hughes	Hutto
Jacobs	Jenkins	Jones (NC)
Jones (OK)	Jones (TN)	Kaptur
Kasich	Kastenmeier	Kemp
Kennelly	Kildee	Kindness
Kleccka	Kolbe	Koatmayer
LaFalce	Lantos	Leach (IA)
Leath (TX)	Lehman (CA)	Leah (FL)
Leland	Lent	Levin (MI)
Lightfoot	Lipinski	Livingston
Loeffler	Long	Lott
Lowry (WA)	Lujan	Luken
Lundine	MacKay	Manton
Markey	Martin (NY)	Martinez
Matsui	Mavroules	Mazzoli

McCloskey	McCollum	McCurdy
McHugh	McKernan	McKinney
McMillan	Meyers	Mica
Mikulski	Miller (CA)	Miller (WA)
Moakley	Montgomery	Moody
Moore	Morrison (CT)	Mrazek
Murphy	Murtha	Natcher
Neal	Nelson	Nichols
Nielson	Nowak	O'Brien
Oakar	Oberstar	Obey
Olin	Ortiz	Owens
Panetta	Parris	Pease
Penny	Pepper	Perkins
Pickle	Price	Pursell
Quillen	Rahall	Ray
Regula	Reid	Richardson
Ridge	Rinaldo	Roberts
Robinson	Rodino	Roe
Roemer	Rogers	Rose
Roukema	Rowland (CT)	Rowland (GA)
Roybal	Ruseo	Sabo
Savage	Scheuer	Schneider
Schroeder	Schutte	Schumer
Seiberling	Sensenbrenner	Shelby
Sikorski	Siskiy	Skeen
Skelton	Slattery	Smith (FL)
Smith (NE)	Smith (NJ)	Snowe
Snyder	Spence	Spratt
St Germain	Staggers	Stallings
Stark	Stenholm	Stokes
Strang	Studds	Sweeney
Swift	Synar	Tallon
Tauke	Tauzin	Taylor
Thomas (GA)	Torres	Torricelli
Towns	Trafigant	Udall
Valentine	Vento	Visclosky
Walgren	Watkins	Waxman
Weaver	Weber	Weiss
Wheat	Whitehurst	Whitley
Whittaker	Williams	Wilson
Wirth	Wise	Wolf
Wolpe	Wortley	Wright
Wyden	Wylie	Yatron
Young (AK)	Young (MO)	

NAYS - 86

Applegate	Badham	Bilirakis
Broomfield	Brown (CO)	Burton (IN)
Carney	Chappie	Cheney
Coats	Coughlin	Craig
Crane	Dannemeyer	DeLay
DeWine	Dornan (CA)	Dreier
Fawell	Fiedler	Florio
Frenzel	Gekas	Gingrich
Goodling	Gregg	Gunderson
Hansen	Hiler	Hunter
Hyde	Ireland	Jeffords
Kanjorski	Kramer	Lagomarsino
Lewis (CA)	Lewis (FL)	Lloyd
Lowery (CA)	Lungren	Mack
Madigan	Marlenee	Martin (IL)
McCain	McCandless	McEwen
McGrath	Michel	Miller (OH)
Mitchell	Molinari	Moorhead
Morrison	Oxley	Packard
Pashayan	Petri	Porter
Ritter	Saxton	Schaefer
Schulze	Sharp	Shaw
Shumway	Shuster	Sijander

Smith (IA)	Smith	Smith, Robert
Smith	Solomon	Stangeland
Stratton	Stump	Sundquist
Swindall	Thomas (CA)	VanderJagt
Volkmer	Vucanovich	Walker
Yates	Young (FL)	

1225

The Clerk announced the following pair:

On this vote:

Mr. Coleman of Missouri for, with Mr. Zachau against.

Messrs. HUNTER, APPELEGATE, and LEWIS of Florida changed their votes from "yea" to "nay."

Messrs. WORTLEY, LEACH of Iowa, and LUJAN changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 890 the House recedes from its disagreement to the Senate amendment and concurs with an amendment to the Senate amendment to the House amendment to the Senate amendment to the bill H.R. 312, as follows:

March 13, 1986: Senate

Congressional Record, p. S 2700, 2704

DEFICIT DEDUCTION AND PROGRAM IMPROVEMENT

AMENDMENT NO. 1673

Mr. SIMPSON. Mr. President, after conferring with the minority leader, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3128, the reconciliation bill. The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House recede from its disagreement to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 3128) entitled 'An Act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process', and concur therein with the following amendment:

Mr. SIMPSON. Mr. President, I move that the Senate concur in the House amendment with a further amendment, which I send to the desk on behalf of Senators Domenici, Packwood, and McClure.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. Simpson), on behalf of Mr. Domenici, Mr. Packwood, and Mr. McClure, proposes an amendment numbered 1673.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

March 18, 1986: House

Congressional Record, p. H 1217

DEFICIT REDUCTION AMENDMENTS OF 1986

Mrs. Martin of Illinois. Mr. Speaker, I offer a privileged motion.

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

The Clerk read as follows:

Mrs. Martin of Illinois moves to take from the Speaker's table the bill, H.R. 3128, with the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment thereto, and to concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment, as follows:

March 18, 1986: House

Congressional Record, p. H1229-1231

MOTION TO TABLE OFFERED BY MR. GRAY OF PENNSYLVANIA

Mr. GRAY of Pennsylvania. Mr. Speaker, I offer a motion. The Clerk read as follows:

Mr. GRAY of Pennsylvania moves to table the motion to concur.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Gray) to table the motion to concur offered by the gentlewoman from Illinois (Mrs. Martin).

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

Mrs. MARTIN of Illinois. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members. The vote was taken by electronic device, and there were - yeas 217, nays 192, not voting 25, as follows:

(ROLL NO. 55)
YEAS - 217

Ackerman	Akaka	Alexander
Anderson	Andrews	Anthony
Applegate	Aspin	Atkins
AuCoin	Barnard	Barnes
Bates	Bedell	Beilenson
Bennett	Berman	Bevill
Biaggi	Boggs	Boland
Boner (TN)	Bonior (MI)	Bonker
Borski	Bosco	Boucher
Boxer	Breaux	Brown (CA)
Bruce	Bryant	Burton (CA)
Bustamante	Byron	Carper
Carr	Chapman	Chappell
Coelho	Coleman (TX)	Conyers
Cooper	Coyne	Crockett
Daschle	de la Garza	Dellums
Derrick	Dicks	Dingell
Dixon	Donnelly	Dorgan (ND)
Dowdy	Downey	Durbin
Dwyer	Dymally	Dyson
Early	Eckart (OH)	Edwards (CA)
English	Evans (IL)	Fascell
Fazio	Feighan	Flippo
Florio	Foglietta	Foley
Ford (MI)	Ford (TN)	Frank
Frost	Fuqua	Garcia
Gaydos	Gejdenson	Gibbons
Glickman	Gonzalez	Gordon
Gray (IL)	Gray (PA)	Guarini
Hall (OH)	Hamilton	Hawkins
Hefner	Hefstel	Hertel
Howard	Hoyer	Huckaby
Hughes	Hutto	Jacobs
Jones (OK)	Jones (TN)	Kanjorski
Kaptur	Kastenmeier	Kennelly
Kildee	Kleczka	Kolter
Koelmayer	Kramer	LaFalce
Lantos	Lehman (FL)	Leland
Levin (MI)	Levine (CA)	Long
Lowry (WA)	Luken	Lundine
MacKay	Manton	Markey
Martinez	Matsui	Mavroules

Mazzoli	McCloskey	McCurdy
McHugh	Mica	Mikulski
Miller (CA)	Mineta	Mitchell
Moakley	Mollohan	Moody
Morrison (CT)	Mrazek	Murphy
Murtha	Neal	Nelson
Nichols	Nowak	Oaker
Oberstar	Obey	Olin
Ortiz	Owens	Panetta
Penny	Pepper	Pickle
Price	Rahall	Rangel
Ray	Reid	Richardson
Robinson	Rodino	Roe
Roemer	Rose	Roybal
Russo	Sabo	Scheuer
Schroeder	Schumer	Seiberling
Sharp	Shelby	Sikorski
Sisisky	Skelton	Slattery
Smith (FL)	Smith (IA)	Solarz
Spratt	St Germain	Staggers
Stallings	Stark	Stokes
Stratton	Studds	Swift
Tauzin	Torres	Torricelli
Towns	Traficant	Udall
Valentine	Vento	Visclosky
Volkmer	Walgren	Watkins
Waxman	Weaver	Weiss
Wheat	Whitley	Williams
Wirth	Wise	Wolpe
Wright	Yates	Yatron
Young (MO)		

NAYS - 192

Archer	Arney	Badham
Bartlett	Barton	Bateman
Bentley	Bereuter	Bilirakis
Bliley	Boehlert	Boulter
Brooks	Broomfield	Brown (CO)
Broyhill	Burton (IN)	Callahan
Carney	Chandler	Chappie
Cheney	Clinger	Coats
Cobey	Coble	Coleman (MO)
Combest	Conte	Coughlin
Courter	Craig	Crane
Daniel	Dannemeyer	Darden
Daub	Davis	DeLay
DeWine	Dickinson	DieGuardi
Dornan	Dreier	Duncan
Eckert	Edwards	Emerson
Erdreich	Evans (IA)	Fawell
Fiedler	Fields	Fish
Franklin	Frenzel	Gallo
Gekas	Gilman	Gingrich
Goodling	Gradison	Green
Gregg	Gunderson	Hall, Ralph
Hammerschmidt	Hansen	Hartnett
Hatcher	Hendon	Henry
Hiler	Hillis	Hopkins
Horton	Hubbard	Hunter
Hyde	Ireland	Jeffords
Jenkins	Johnson	Jones (NC)
Kasich	Kemp	Kolbe
Lagomarsino	Leach	Leath (TX)
Lent	Lewis (CA)	Lewis (FL)

Lightfoot	Livingston	Lloyd
Loeffler	Lott	Lowery (CA)
Lujan	Lungren	Mack
Marlenee	Martin (IL)	Martin (NY)
McCain	McCandless	McCollum
McDade	McEwen	McGrath
McKernan	McKinney	McMillan
Meyers	Michel	Miller (OH)
Miller (WA)	Molinari	Monson
Montgomery	Moore	Moorhead
Morrison (WA)	Myers	Natcher
Nielson	O'Brien	Packard
Parris	Pashayan	Pease
Perkins	Petri	Pursell
Quillen	Regula	Ridge
Rinaldo	Ritter	Roberts
Rogers	Roth	Roukema
Rowland (CT)	Rowland	Rudd
Saxton	Schaefer	Schneider
Schuette	Schulze	Sensenbrenner
Shaw	Shumway	Shuster
Siljander	Skeen	Slaughter
Smith (NE)	Smith (NJ)	Smith, Robert (NH)
Smith, Robert	Snowe	Snyder
Solomon	Spence	Stangeland
Stenholm	Strang	Stump
Sundquist	Sweeney	Swindall
Tauke	Taylor	Thomas (CA)
Thomas (GA)	Traxler	Vander Jagt
Vucanovich	Walker	Weber
Whitehurst	Whittaker	Whitten
Wolf	Wortley	Wyden
Wylie	Young (AK)	Young (FL)

NOT VOTING - 25

Addabbo	Annunzio	Campbell
Clay	Collins	Edgar
Fowler	Gephardt	Grotberg
Hayes	Holt	Kindness
Latta	Lehman (CA)	Lipinski
Madigan	Oxley	Porter
Rostenkowski	Savage	Smith, Denny (OR)
Synar	Tallon	Wilson
Zschau		

TIME: 1455

Mrs. BENTLEY and Messrs. ARMEY, GREEN, HORTON, CONTE, GILMAN, and PETRI changed their votes from 'yea' to 'nay.'

Mr. HEFNER and Mr. VALENTINE changed their votes from 'nay' to 'yea.'

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. GRAY OF PENNSYLVANIA

Mr. GRAY of Pennsylvania. Mr. Speaker, I offer a motion. PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Speaker, I have a parliamentary inquiry. The SPEAKER pro tempore. The gentleman will state it.

Mr. LOTT. Mr. Speaker, I understand the gentleman from Pennsylvania has offered a motion to disagree. My parliamentary inquiry is, would a motion to disagree to the last amendment of the Senate and request a conference thereon be a preferential motion to the motion to disagree, that is, more preferential?

The SPEAKER pro tempore. The Chair would advise the gentleman in the affirmative, that is correct.

Mr. LOTT. Then Mr. Speaker, I have a privileged resolution which I send to the desk.

The SPEAKER pro tempore. If the gentleman will hold, the Clerk will first report the motion of the gentleman from Pennsylvania.

The Clerk read as follows:

Motion offered by Mr. Gray of Pennsylvania: Mr. Gray of Pennsylvania moves to take from the Speaker's table the bill H.R. 3128 with the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment thereto and to disagree to the Senate amendment.

The SPEAKER pro tempore. The Chair would advise the Members that this is a very important matter. It is a very detailed parliamentary situation, and I am sure the Members would like to know what they are going to be voting on.

PARLIAMENTARY INQUIRY

Mr. GRAY of Pennsylvania. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GRAY of Pennsylvania. Mr. Speaker, which motion was read, was it my motion or that of the gentleman from Mississippi?

The SPEAKER pro tempore. The Clerk has just read the motion of the gentleman from Pennsylvania.

The Clerk will now report the preferential motion of the gentleman from Mississippi.

PREFERENTIAL MOTION OFFERED BY MR. LOTT

Mr. LOTT. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Preferential motion offered by Mr. Lott. Mr. Lott moves to disagree to the last amendment of the Senate and request a conference thereon.

Mr. GRAY of Pennsylvania. Mr. Speaker, I move to table the motion.

The SPEAKER pro tempore. The Chair would ask which motion, the motion of the gentleman from Mississippi [Mr. Lott]?

Mr. GRAY of Pennsylvania. Yes, Mr. Speaker.

Mr. Speaker, I move to table the motion of the gentleman from Mississippi [Mr. Lott].

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. Gray] to table the motion offered by the gentleman from Mississippi [Mr. Lott].

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. LOTT. As the Chair has stated, this is a complicated parliamentary process we have here.

Mr. Speaker, I would like to make sure that Members understand what they are about to vote on and that I understand what we are about to vote on.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. Gray] made a motion to disagree to the Senate amendment. The gentleman from Mississippi [Mr. Lott] made a motion to instruct-excuse the Chair-to disagree to the Senate amendment and to go to conference. The gentleman from Pennsylvania now has moved to lay that on the table.

Mr. LOTT. Mr. Speaker, I believe the motion we offered was not to instruct conferees. The motion that was offered was to request a further conference with the Senate on the bill, H.R. 3128.

The SPEAKER pro tempore. The gentleman is correct.

Mr. LOTT. So that we do not send this off into some dark hole, but so that we could have a conference to try to further work out the difficulties.

So my parliamentary inquiry is this: Is the vote at this time then on the motion to table the motion for a conference on this most important reconciliation bill?

The SPEAKER pro tempore. The gentleman is correct.

Mr. SPEAKER pro tempore. The regular order is that the gentleman from Pennsylvania has made a motion to lay on the table the motion of the gentleman from Mississippi, and the question occurs on the motion of the gentleman from Pennsylvania.

PARLIAMENTARY INQUIRY

Mrs. MARTIN of Illinois. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman from Illinois will state it.

Mrs. MARTIN of Illinois. Mr. Speaker, I am sure it was the noise of the body, but I did not hear the answer to the question that was posed by the Republican whip. The question I believe was: When we vote on the motion to table going to conference a 'yes' vote to table would mean you did not wish to go to conference on this important item, is that correct?

The SPEAKER pro tempore. At this stage that would be an accurate statement.

Mrs. MARTIN of Illinois. I thank the Speaker.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Pennsylvania (Mr. Gray).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were - ayes 223, noes 186, not voting 26, as follows:

(ROLL NO. 56)

AYES - 223

Ackerman	Akaka	Alexander
Anderson	Andrews	Anthony
Applegate	Aspin	Atkins
AuCoin	Barnes	Bates
Bedell	Beilenson	Bennett
Berman	Bevill	Biaggi
Boggs	Boland	Boner (TN)
Bonior (MI)	Bonker	Borski
Boaco	Boucher	Boxer
Breaux	Brooks	Brown (CA)
Bruce	Bryant	Burton (CA)
Bustamante	Byron	Carper
Carr	Chapman	Chappell
Coelho	Coleman (TX)	Conyers
Cooper	Coyne	Crockett
Daschle	de la Garza	Dellums
Derrick	Dicks	Dingell
Dixon	Donnelly	Dorgan (ND)
Dowdy	Downey	Durbin
Dwyer	Dymally	Dyson
Early	Eckart (OH)	Edwards (CA)
Erdreich	Evans (IL)	Fascell
Fazio	Feighan	Flippo
Florio	Foglietta	Foley
Ford (MI)	Ford (TN)	Frank
Frost	Fuqua	Garcia
Gaydos	Gejdenson	Gibbons
Glickman	Gonzalez	Gordon
Gray (IL)	Gray (PA)	Guarini
Hall (OH)	Hall, Ralph	Hamilton
Hawkins	Hefner	Hefstl
Hertel	Howard	Hoyer
Huckaby	Hughes	Jacobs
Jenkins	Jones (NC)	Jones (OK)
Jones (TN)	Kanjorski	Kaptur
Kastenmeier	Kennelly	Kildee
Kleczka	Kolter	Kostmayer
LaFalce	Lantos	Leath (TX)
Lehman (FL)	Leland	Levin (MI)
Levins (CA)	Long	Lowry (WA)
Luken	Lundine	MacKay
Manton	Markey	Martinez

Matsui	Mavroules	Mazzoli
McCloskey	McCurdy	McHugh
Mica	Mikulski	Miller (CA)
Mineta	Mitchell	Moakley
Mollohan	Moody	Morrison (CT)
Mrazek	Murphy	Murtha
Neal	Nelson	Nichols
Nowak	Oakar	Oberstar
Obey	Olin	Ortiz
Owens	Panetta	Pease
Penny	Pepper	Pickle
Price	Rahall	Rangel
Ray	Reid	Richardson
Robinson	Rodino	Roe
Roemer	Rose	Roybal
Russo	Sabo	Scheuer
Schroeder	Schumer	Seiberling
Sharp	Shelby	Sikorski
Sisisky	Skelton	Slattery
Smith (FL)	Smith (IA)	Solarz
Spratt	St Germain	Staggers
Stallings	Stark	Stenholm
Stokes	Stratton	Studds
Swift	Tauzin	Torres
Torricelli	Towns	Traficant
Traxler	Udall	Valentine
Vento	Visclosky	Volkmer
Walgren	Watkins	Waxman
Weaver	Weiss	Wheat
Whitley	Whitten	Williams
Wirth	Wise	Wolpe
Wright	Yates	Yatron
Young (MO)		

NOES - 186

Archer	Army	Badham
Barnard	Bartlett	Barton
Bateman	Bentley	Bereuter
Billakis	Bliley	Boehert
Boulter	Broomfield	Brown (CO)
Broyhill	Burton (IN)	Callahan
Carney	Chandler	Chappie
Cheney	Clinger	Coats
Cobey	Coble	Coleman (MO)
Combest	Conte	Coughlin
Courter	Craig	Crane
Daniel	Dannemeyer	Darden
Daub	Davis	DeLay
DeWine	Dickinson	DioGuardi
Dornan(CA)	Dreier	Duncan
Eckert(NY)	Edwards	Emerson
English	Evans (IA)	Fawell
Fiedler	Fields	Fish
Franklin	Frenzel	Gallo
Gekas	Gilman	Gingrich
Goodling	Gradison	Green
Gregg	Gunderson	Hammerschmidt
Hansen	Hartnett	Hatcher
Hendon	Henry	Hiler
Hillis	Hopkins	Horton
Hubbard	Hunter	Hutto
Hyde	Ireland	Jeffords
Johnson	Kasich	Kemp
Kolbe	Kramer	Lagomarsino
Leach (IA)	Lent	Lewis (CA)
Lewis (FL)	Lightfoot	Livingston
Lloyd	Loeffler	Lott
Lowery (CA)	Lujan	Lungren
Mack	Marlenee	Martin (IL)
Martin (NY)	McCain	McCandless

McCollum	McDade	McEwen
McGrath	McKernan	McKinney
McMillan	Meyers	Michel
Miller (OH)	Miller (WA)	Molinari
Monson	Montgomery	Moore
Moorhead	Morrison	Myers
Natcher	Nielson	O'Brien
Packard	Parris	Pashayan
Perkins	Petri	Pursell
Quillen	Regula	Ridge
Rinaldo	Ritter	Roberts
Rogers	Roth	Roukema
Rowland (CT)	Rowland	Rudd
Saxton	Schaefer	Schneider
Schuette	Schulze	Sensenbrenner
Shaw	Shumway	Shuster
Siljander	Skeen	Slaughter
Smith (NE)	Smith (NJ)	Smith, Robert (NH)
Smith, Robert	Snowe	Snyder
Solomon	Spence	Stangeland
Strang	Stump	Sundquist
Sweeney	Swindall	Tauke
Taylor	Thomas (CA)	Thomas (GA)
Vander Jagt	Vucanovich	Walker
Weber	Whitehurst	Whittaker
Wolf	Wortley	Wyden
Wylie	Young (AK)	Young (FL)

NOT VOTING - 25

Addabbo	Annunzio	Campbell
Clay	Collins	Edgar
Fowler	Gephardt	Grotberg
Hayes	Holt	Kindness
Latta	Lehman (CA)	Lipinski
Madigan	Oxley	Porter
Rostenkowski	Savage	Smith, Denny (OR)
Synar	Tallon	Wilson
Zechau		

TIME: 1520

Mr. English changed his vote from 'aye' to 'no.'

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The pending business is the motion offered by the gentleman from Pennsylvania (Mr. Gray) to disagree to the Senate amendment.

The gentleman from Pennsylvania (Mr. Gray) will be recognized for 30 minutes and the gentlewoman from Illinois (Mrs. Martin) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Gray).

Mr. GRAY of Pennsylvania. Mr. Speaker, it is my understanding that the minority side wishes to yield back its time; and if that is the case, the majority side will yield back its time and, thus, move the previous question.

Mrs. MARTIN of Illinois. Mr. Speaker, the minority side yields back its time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. Gray).

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

Mr. GRAY of Pennsylvania. 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 331, nays 76, not voting 27, as follows:

(ROLL NO. 57)
YEAS - 331

Ackerman	Akaka	Alexander
Anderson	Andrews	Anthony
Applegate	Archer	Armey
Aspin	Atkins	AuCoin
Barnard	Barnes	Bartlett
Barton	Bates	Bedell
Beilenson	Bennett	Bentley
Bereuter	Berman	Bevill
Biaggi	Bliley	Boehlert
Boggs	Boland	Boner (TN)
Bonior (MI)	Bonker	Borski
Booco	Boucher	Boulter
Boxer	Breaux	Brooks
Brown (CA)	Broyhill	Bruce
Bryant	Burton (CA)	Bustamante
Byron	Callahan	Carper
Carr	Chandler	Chapman
Chappell	Clinger	Coats
Cobey	Coble	Coelho
Coleman (MO)	Coleman (TX)	Combest
Conte	Conyers	Cooper
Courter	Coyne	Crane
Crockett	Daniel	Darden
Daschle	Daub	Davis
de la Garza	Dellums	Dicks
Dingell	DioGuardi	Dixon
Donnelly	Dorgan (ND)	Dowdy
Downey	Duncan	Durbin
Dwyer	Dymally	Dyson
Early	Eckart (OH)	Edwards (CA)
Emerson	English	Erdreich
Evans (IA)	Evans (IL)	Fascell
Fazio	Feighan	Fields
Fish	Flippo	Florio
Foglietta	Foley	Ford (MI)
Ford (TN)	Fowler	Frank
Frost	Fuqua	Gallo
Garcia	Gaydos	Gejdenson
Gibbons	Gilman	Glickman
Gonzalez	Goodling	Gordon
Gray (IL)	Gray (PA)	Green
Guarini	Hall (OH)	Hall, Ralph
Hamilton	Hartnett	Hammerschmidt
Hatcher	Hawkins	Hefner
Hefstel	Hendon	Henry
Hertel	Hillis	Hopkins
Horton	Howard	Hoyer
Hubbard	Huckaby	Hughes
Hutto	Jacobs	Jenkins
Johnson	Jones (NC)	Jones (OK)
Jones (TN)	Kanjorski	Kaptur
Kasich	Kastenmeier	Kennelly
Kildee	Klecza	Kolbe
Kolter	Koestmayer	Kramer
LaFalce	Lantos	Leach (IA)
Leath (TX)	Lehman (FL)	Leland
Lent	Levin (MI)	Levine (CA)
Lightfoot	Livingston	Lloyd
Loeffler	Long	Lowry (WA)
Lujan	Luken	Lundine
Mackay	Manton	Markey
Martin (NY)	Martinez	Matsui
Mavroules	Mazzoli	McCain
McCloskey	McCurdy	McDade
McGrath	McHugh	McKernan
McKinney	McMillan	Mica
Mikulski	Miller (CA)	Miller (WA)
Mineta	Mitchell	Moakley

Molinari	Mollohan	Montgomery
Moody	Moore	Morrison (CT)
Morrison (WA)	Mrazek	Murphy
Murtha	Myers	Natcher
Neal	Nelson	Nichols
Nowak	O'Brien	Oakar
Oberstar	Obey	Olin
Ortiz	Owens	Packard
Panetta	Parris	Pease
Penny	Pepper	Perkins
Pickle	Price	Pursell
Quillen	Rahall	Rangel
Ray	Regula	Reid
Richardson	Ridge	Rinaldo
Ritter	Roberts	Robinson
Rodino	Roe	Roemer
Rogers	Rose	Roth
Roukema	Rowland (CT)	Rowland (GA)
Roybal	Russo	Sabo
Saxton	Scheuer	Schneider
Schroeder	Schuette	Schumer
Seiberling	Sharp	Shelby
Sikoraki	Sisisky	Skeen
Skelton	Slattery	Slaughter
Smith (FL)	Smith (NE)	Smith (NJ)
Smith, Robert	Snowe	Snyder
Solarz	Spence	Spratt
St Germain	Staggers	Stallings
Stark	Stenholm	Stokes
Stratton	Studds	Sweeney
Swift	Tauke	Tauzin
Taylor	Thomas (GA)	Torres
Torricelli	Towna	Traficant
Traxler	Udall	Valentine
Vento	Visclosky	Volkmer
Watkins	Waxman	Weaver
Weber	Weiss	Wheat
Whitehurst	Whitley	Whittaker
Whitten	Williams	Wirth
Wise	Wolf	Wolpe
Wright	Wyden	Wyllie
Yatron	Young (AK)	Young (FL)
Young (MO)		

NAYS - 76

Badham	Bateman	Bilirakis
Broomfield	Brown (CO)	Burton (IN)
Carney	Chappie	Cheney
Coughlin	Craig	Dannemeyer
DeLay	DeWine	Dickinson
Dornan (CA)	Dreier	Eckert (NY)
Edwards (OK)	Fawell	Fiedler
Franklin	Frenzel	Gekas
Gingrich	Gradison	Gregg
Gunderson	Hansen	Hiler
Hunter	Hyde	Ireland
Jeffords	Kemp	Lagomarsino
Lewis (CA)	Lewis (FL)	Lott
Lowery (CA)	Lungren	Mack
Marlenee	Martin (IL)	McCandless
McCollum	Meyers	Michel
Miller (OH)	Monson	Moorhead
Nielson	Pashayan	Petri
Rudd	Schaefer	Schulze
Sensenbrenner	Shaw	Shumway
Shuster	Siljander	Smith (IA)
Smith, Robert	Solomon	Stangeland
Strang	Stump	Sundquist
Swindall	Thomas (CA)	Vander Jagt
Vucanovich	Walker	Wortley
Yates		

NOT VOTING - 27

Addabbo	Annunzio	Campbell
Clay	Collins	Derrick
Edgar	Gephardt	Grotberg
Hayes	Holt	Kindness
Latta	Lehman (CA)	Lipinski
Madigan	McEwen	Oxley
Porter	Roetenkowski	Savage
Smith, Denny (OR)	Synar	Tallon
Walgren	Wilson	Zachau

TIME: 1535

Mr. WORTLEY and Mr. DeLAY changed their votes from 'yea' to 'nay.'

Messrs. TORRES, BARTON of Texas, SWEENEY, ARMEY, and Mrs. JOHNSON and Mrs. SCHNEIDER changed their votes from 'nay' to 'yea.'

So the motion was agreed to.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

March 18, 1986: Senate

Congressional Record, p. S 2932

CONSOLIDATED OMNIBUS
BUDGET RECONCILIATION ACT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3128.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House disagree to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate to the bill (H.R. 3128) entitled "An Act to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process."

Mr. DOLE. Mr. President, I move that the Senate insist on its amendment to the amendment of the House to the amendment of the Senate to the amendment of the House to the Senate amendment.

The PRESIDING OFFICER. Is there objection? The motion is agreed to.

Mr. DOLE. Mr. President, I am advised that there may be an opportunity to work out the minor differences with the House on reconciliation. We have been in contact with the Speaker's office. There are really not that many provisions that are in disagreement. Many people believe that we have almost worked out the so-called 8(g) or OCS provisions. There is some concern on a Medicare

provision, one on AFDC, and one on Federal employee benefits. They are about the only three areas in disagreement and none of them are, in my view, major disagreements.

It would seem to me that it is necessary to send this back to the House, and that we are prepared to go to conference. We would rather not have that large gathering. Maybe it can be worked out with the representatives from both sides of the aisle in both the House and the Senate hopefully sometime tomorrow or Thursday.

I thank the distinguished minority leader for clearing this.

Mr. President, there will be no more votes this evening.

We will not be in session much longer.

March 20, 1986: House

Congressional Record, p. H 1518-9
1525-6

DEFICIT REDUCTION
AMENDMENTS OF 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3128) to make changes in spending and revenue provisions for purposes of deficit reduction and program improvement, consistent with the budget process, with the Senate amendment to the House amendment to the Senate amendment thereto, to recede from disagreement to the Senate amendment, and to concur therein with an amendment.

The Clerk read the title of the bill.

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

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the Record.

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

There was no objection.

The text of the amendment is as follows:

On page 1, strike out lines 8, 9, and 10.

On page 3, strike out lines 13 through 17, inclusive, and insert 'which lies wholly within three'.

On page 3, line 19, strike out '(except as provided above for Alaska)'.

On page 5, strike out lines 9 through 12, inclusive, and insert the following: 'shall pay the remaining balance due such State in accordance with section 8006(b) of the Outer Conti-'

On page 6, strike out line 14 and all that follows down through line 7 on page 8 and insert the following:

In section 8004 - (1) strike out 'January 1, 1986' in subsection (a) and insert 'April 15, 1986'; and

(2) insert 'on October 1, 1986' after 'United States Treasury' in subsection (b)(3).

In section 8006 -

(1) insert 'issued after September 18, 1978' after 'any Federal leases' in subsection (a);

(2) insert 'issued after September 18, 1978' after 'derived from any lease' in paragraph (1) of subsection (a);

(3) insert 'and any amount due such State under section 8(g)(5)(A) of the Outer Continental Shelf Lands Act, as amended by this title,' after 'subsection (a) of this section' in the first sentence of subsection (b);

(4) insert 'and such section 8(g)(5)(A)' before the period at the end of subsection (b);

(5) strike out '10 percent' and insert '5 percent' in subsection (c); and (6) insert 'and section 8(g)(5)(A) of such Lands Act' after 'subsection (a) of this section' in subsection (c).

In the second sentence of section 19(c) of the Outer Continental Shelf Lands Act as proposed to be amended by section 8101(a), insert ', to the maximum extent possible,' after 'equally weigh'.

In section 5(j) of the Outer Continental Shelf Lands Act, as proposed to be added by section 8201 -

(1) amend paragraph (2) to read as follows:

(2) The requirements of paragraph (1) shall not apply to any vessel, rig, platform, or other structure which was built, which is being built, or for which a building contract has been executed, on or before October 1, 1985, and shall expire with respect to any vessel, rig, platform, or other structure for which either the bidding or award process has commenced on or after September 30, 1991.;

(2) strike out the quotation mark and the following period at the end of paragraph (3); and

(3) add at the end thereof the following new paragraph:

(4)(A) Notwithstanding the provisions of this subsection, a lessee may petition the Secretary for a waiver of the requirements of this subsection.

(B) The Secretary shall assign an Administrative Law Judge to conduct a hearing on the record on the petition and make a finding for the Secretary.

(C) The Administrative Law Judge shall recommend to the Secretary that the Secretary grant such waiver if the Administrative Law Judge finds that the lessee's exploration or development and production plan cannot be carried out solely because of the additional costs that would be incurred as a result of the requirements of this subsection.

(D) If the Secretary receives the recommendation from the Administrative Law Judge provided in paragraph (C), the Secretary may grant the waiver if the Secretary concurs with the finding of the Administrative Law Judge.'

Page 9, line 7, insert 'and' after the comma.

Page 9, line 9, strike out ', and' and insert in lieu thereof a period.

Page 9, strike out line 10 and all that follows through line 17, on page 10.

Page 11, after line 23, insert the following:

In section 9221(a), strike out 'September 30, 1986' and insert in lieu thereof 'July 31, 1987'.

Page 12, amend lines 1 through 8 to read as follows:

(1) in subsection (a), strike out 'January 31' and 'January 31' and insert in lieu thereof 'May 31' and 'May 31', respectively;

(2)(A) in subsection (b), strike out '11-month', 'February', 'January 31', '4-month', and 'the month of January 1986' and insert

in lieu thereof '7-month', 'June', 'May 31', '8-month', and 'the 31-day period beginning on April 14, 1986', respectively, each place each appears;

(B) in subsection (b)(3), strike out 'before the beginning of the respective period' and insert in lieu thereof 'during the 31-day period beginning on April 14, 1986, or before the beginning of the calendar year involved, respectively'; and Page 12, line 20, strike out '8' and 'May' and insert in lieu thereof '7' and 'June', respectively.

Page 15, strike out line 16 and insert the following:

In section 12302(d), strike out '1988' and insert in lieu thereof '1989'.

Page 31, strike out line 18 and insert in lieu thereof the following:

(1) strike out 'Subsection (c)' and insert in lieu

Page 35, strike out lines 3 and 4, and insert in lieu thereof the following:

In section 15202(b)(2), strike out 'March 1, 1986' and insert in lieu thereof 'June 1, 1986'.

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

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mrs. MARTIN of Illinois. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion and the Senate amendment.

The Clerk read as follows: Mrs. Martin of Illinois moves to take from the Speaker's table the bill, H.R. 3128, with the Senate amendment to the House amendment to the Senate amendment to the House amendment to the Senate amendment thereto, and recede from its disagreement to the Senate amendment and concur in the Senate amendment.

Senate amendment to House amendment to Senate amendment to House amendment to Senate amendment: In lieu of the matter proposed to be inserted by the said amendment, insert:

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois [Mrs. Martin].

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

Mr. GREGG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were yeas 230, nays 154, not voting 50, as follows:

(ROLL NO. 66)
YEAS - 230

Andrews	Archer	Armey
Aspin	AuCoin	Badham
Barnard	Bartlett	Barton
Bateman	Bereuter	Bevill
Bilirakis	Bliley	Boehlert
Boggs	Bonker	Boucher
Boulter	Breaux	Brooks
Broomfield	Brown (CO)	Broyhill
Bruce	Bryant	Burton (IN)
Callahan	Campbell	Carney
Carper	Carr	Chandler
Chapman	Chappell	Chappie
Cheney	Clinger	Coats
Cobey	Coble	Coelho
Coleman (MO)	Coleman (TX)	Combest
Coughlin	Courter	Craig
Crane	Daniel	Dannemeyer
Darden	Daubde	la Garza
DeLay	Derrick	DeWine
Dicks	DioGuardi	Dornan (CA)
Dreier	Duncan	Durbin
Eckert (NY)	Edwards	Emerson
English	Erdreich	Fawell
Fiedler	Fields	Flippo
Franklin	Frenzel	Frost
Fuqua	Gallo	Gekas
Gilman	Gingrich	Glickman
Goodling	Gordon	Green
Gregg	Hall, Ralph	Hamilton
Hammerschmidt	Hansen	Hatcher
Hefner	Hefstel	Hendon
Henry	Hiler	Hopkins
Hubbard	Huckaby	Hunter
Hutto	Hyde	Ireland
Jeffords	Jenkins	Johnson
Jones (NC)	Jones (OK)	Kasich
Kindness	Klecza	Kolbe
Lagomarsino	Latta	Leach (IA)
Leath (TX)	Lent	Lewis (CA)
Lewis (FL)	Lightfoot	Livingston
Lott	Lowery (CA)	Lujan
Luken	Lungren	Mack
Madigan	Markey	Marlenee
Martin (IL)	Martin (NY)	Mazzoli
McCain	McCloskey	McCollum
McCurdy	McKernan	McKinney
McMillan	Meyers	Michel
Miller (WA)	Molinari	Mollohan
Montgomery	Moore	Moorhead
Morrison (WA)	Murtha	Myers
Natcher	Neal	Nelson
Nichols	O'Brien	Olin
Ortiz	Packard	Pashayan
Pease	Penny	Perkins
Pickle	Porter	Quillen
Rahall	Richardson	Ridge
Ritter	Roberts	Roemer

Rogers	Rose	Roth
Roukema	Rowland (CT)	Rowland (GA)
Rudd	Schaefer	Schneider
Schuette	Shaw	Sensenbrenner
Shelby	Shumway	Shuster
Siljander	Sisisky	Skeen
Slattery	Slaughter	Smith (NE)
Smith (NJ)	Smith	Smith, Robert (NH)
Smith	Snowe	Snyder
Solomon	Spence	Spratt
Stallings	Stangeland	Stenholm
Strang	Stratton	Stump
Sundquist	Sweeney	Swindall
Tallon	Tauke	Tauzin
Taylor	Thomas (CA)	Thomas (GA)
Valentine	Vander Jagt	Walker
Watkins	Weber	Whitley
Whittaker	Whitten	Wilson
Wise	Wortley	Wyden
Young (AK)	Zechau	

NAYS - 154

Akaka	Alexander	Anderson
Anthony	Applegate	Barnes
Bates	Bedell	Beilenson
Bennett	Bentley	Berman
Boland	Boner (TN)	Bonior (MI)
Borski	Bosco	Boxer
Burton	Byron	Clay
Collins	Conte	Conyers
Cooper	Coyne	Daschle
Davis	Dellums	Dingell
Dixon	Donnelly	Dorgan (ND)
Dwyer	Dyson	Early
Eckart	Edwards	Evans (IL)
Fazio	Feighan	Florio
Foley	Ford (TN)	Frank
Gaydos	Gejdenson	Gonzalez
Gray (IL)	Gray (PA)	Guarini
Gunderson	Hawkins	Hayes
Hertel	Holt	Horton
Howard	Hoyer	Hughes
Jacobs	Jones (TN)	Kanjorski
Kaptur	Kildee	Kolter
Kramer	LaFalce	Lantos
Lehman	Lehman	Leland
Levin	Levine	Lloyd
Lowry	Lundine	MacKay
Manton	Martinez	Matsui
Mavroules	McCandless	McDade
McEwen	McHugh	Mica
Mikulski	Miller	Miller (OH)
Mineta	Mitchell	Moakley
Moody	Morrison	Mrazek
Murphy	Nowak	Oakar
Oberstar	Obey	Oxley
Panetta	Parris	Pepper
Petri	Price	Rangel
Ray	Regula	Reid
Rinaldo	Robinson	Rodino
Roe	Rostenkowski	Russo
Sabo	Savage	Saxton
Scheuer	Schroeder	Schulze
Seiberling	Sharp	Sikorski
Smith (FL)	Smith (IA)	Solarz
St Germain	Staggers	Stark
Stokes	Studds	Swift
Synar	Torres	Torricelli
Towns	Traficant	Udall
Vento	Visclosky	Volkmer
Vucanovich	Waxman	Weaver

Wheat	Williams	Wolf
Wolpe	Yates	Young (FL)
Young (MO)		

NOT VOTING - 50

Ackerman	Addabbo	Annunzio
Atkins	Biaggi	Brown (CA)
Bustamante	Crockett	Dickinson
Dowdy	Downey	Dymally
Edgar	Evans (IA)	Fascell
Fish	Foglietta	Ford (MI)
Fowler	Garcia	Gephardt
Gibbons	Gradison	Grotberg
Hall (OH)	Hartnett	Hillis
Kastenmeier	Kemp	Kennelly
Koestmayer	Lipinski	Loeffler
Long	McGrath	Monson
Nielson	Owens	Pursell
Roybal	Schumer	Skelton
Traxler	Walgren	Weiss
Whitehurst	Wirth	Wright
Wylie	Yatron	

TIME: 1925

The Clerk announced the following pair:

On this vote:

Mr. Loeffler for, with Mr. Dymally against.

Messrs. STARK, SYNAR, REID, JONES of Tennessee, RINALDO and DYSON changed their votes from 'yea' to 'nay.'

Messrs. HEFTEL of Hawaii, WYDEN, WHITTEN and McCLOSKEY changed their votes from 'nay' to 'yea.'

So the motion was agreed to.

A motion to reconsider was laid on the table.

March 20, 1986: House

Congressional Record, p. H 1587

CORRECTING ENROLLMENT OF
H.R. 3128, DEFICIT REDUCTION
AMENDMENTS OF 1985

Mr. HAYES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 305), to make technical corrections in the enrollment of the bill H.R. 3128.

The Clerk read the title of the concurrent resolution.

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

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I shall not object, but I think it is important to take a minute to explain to the House what these provisions are.

Mr. Speaker, it is necessary to adopt the technical changes at this time because adequate notice was not given for their inclusion when the House last passed H.R. 3128.

The changes have been agreed to by the majority and minority on the two committees of jurisdiction - the Committee on Education and Labor and the Committee on Ways and Means.

March 26, 1986: Senate

Congressional Record, p. S 3385

CONSOLIDATED OMNIBUS
BUDGET RECONCILIATION ACT
TECHNICAL CORRECTIONS

(The following occurred later in the day:)

Mr. STAFFORD. Mr. President, I am happy to yield to the majority leader.

Mr. DOLE. Mr. President, we have another matter that we could dispose of in about 30 seconds if it is all right with the manager of the bill. We have technical corrections to the reconciliation bill which we need to adopt quickly. It has been approved by the House. We need to do this before we can send the enrolled, the reconciliation bill for signature to the President. It has been approved on both sides.

I would, therefore, ask unanimous consent that the pending matter and also the motion to proceed be set aside and we turn to the consideration of House Concurrent Resolution 305, the technical corrections to reconciliation.

Mr. BYRD. Mr. President, reserving the right to object, and I do not object, will the distinguished Senator put a 5-minute, 2-minute, or 3-minute limitation on this matter?

Mr. DOLE. Yes. I ask unanimous consent for 5 minutes debate equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 305), to make technical corrections in the enrollment of the bill H.R. 3128.

The Senate proceeded to consider the concurrent resolution.

Mr. METZENBAUM. I wish to call to the attention of the Senator from Oklahoma section 11008(d) of the Single-Employer Pension Plan Amendments Act of 1986, which is included in the budget reconciliation bill. Under that provision, which applies only to standard terminations, plan administrators of certain plans may not make final distribution of plan assets until they have

received a notice of sufficiency from the Pension Benefit Guaranty Corporation. By its terms, this provision applies to plans that, among other conditions, 'filed a notice of intent to terminate with the Pension Benefit Guaranty Corporation' either before January 1, 1986, and no notice of sufficiency was issued prior to the date of enactment of SEPPAA, or after January 1, 1986, and before 60 days after enactment and no notice of sufficiency was issued before enactment.

After the date of enactment, plan administrators will be required to file 'notices of intent to terminate' with parties affected by the termination but not with the PBGC. Nevertheless, it is my understanding that section 11008(d) applies to plans that file notices of intent to terminate after the date of enactment and otherwise satisfy the requirements of that section, notwithstanding the fact that the notice is filed only with parties other than the PBGC. I would ask my friend from Oklahoma whether this is also his understanding.

Mr. NICKLES. Yes. After the enactment date, the operative requirement will be the filing of a notice of intent to terminate with affected parties. I understand that the PBGC will administer section 11008(d) in the manner described by the Senator from Ohio.

Mr. DOLE. Mr. President, I yield back my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BYRD. Yes. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 305) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. STAFFORD. Mr. President. I move to lay that motion on the table.

The motion to lay on the table was agreed to.