

Budget notifies the President and the Congress that any requirement under subsection (b) is not met, no agency may hire any employee for any position in such agency until the Office of Management and Budget notifies the President and the Congress that the total number of full-time equivalent positions for all agencies equals or is less than the applicable number required under subsection (b).

(e) WAIVER.—

(1) EMERGENCIES.—Any provision of this section may be waived upon a determination by the President that—

(A) the existence of a state of war or other national security concern so requires; or

(B) the existence of an extraordinary emergency threatening life, health, safety, property, or the environment so requires.

(2) AGENCY EFFICIENCY OR CRITICAL MISSION.—

(A) Subsection (d) may be waived, in the case of a particular position or category of positions in an agency, upon a determination of the President that the efficiency of the agency or the performance of a critical agency mission so requires.

(B) Whenever the President grants a waiver pursuant to subparagraph (A), the President shall take all necessary actions to ensure that the overall limitations set forth in subsection (b) are not exceeded.

(f) EMPLOYMENT BACKFILL PREVENTION.—

(1) IN GENERAL.—The total number of funded employee positions in all agencies (excluding the Department of Defense and the Central Intelligence Agency) shall be reduced by one position for each vacancy created by the separation of any employee who has received, or is due to receive, a voluntary separation incentive payment under section 2 (a)–(e). For purposes of this subsection, positions and vacancies shall be counted on a full-time-equivalent basis.

(2) RELATED RESTRICTION.—No funds budgeted for and appropriated by any Act for salaries or expenses of positions eliminated under this subsection may be used for any purpose other than authorized separation costs.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*, Will the House pass said bill?

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

Mr. MYERS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative

| | |
|------------|-----|
| Yeas | 391 |
| Nays | 17 |

¶9.23 [Roll No. 25]
YEAS—391

| | | |
|--------------|-----------|------------|
| Abercrombie | Bartlett | Boucher |
| Ackerman | Bateman | Brewster |
| Allard | Becerra | Browder |
| Andrews (ME) | Beilenson | Brown (CA) |
| Andrews (NJ) | Bentley | Brown (FL) |
| Applegate | Bereuter | Brown (OH) |
| Bacchus (FL) | Berman | Bryant |
| Bachus (AL) | Bevill | Bunning |
| Baessler | Billbray | Burton |
| Baker (CA) | Bishop | Buyer |
| Baker (LA) | Blackwell | Byrne |
| Ballenger | Bliley | Callahan |
| Barca | Blute | Calvert |
| Barcia | Boehrlert | Cantwell |
| Barlow | Bonilla | Cardin |
| Barrett (NE) | Bonior | Carr |
| Barrett (WI) | Borski | Castle |

| | | |
|--------------|----------------|---------------|
| Chapman | Hochbrueckner | Moran |
| Clay | Hoekstra | Morella |
| Clayton | Hoke | Murphy |
| Clement | Holden | Murtha |
| Clinger | Horn | Myers |
| Clyburn | Houghton | Nadler |
| Coble | Hoyer | Natcher |
| Collins (GA) | Huffington | Neal (MA) |
| Collins (IL) | Hughes | Nussle |
| Collins (MI) | Hunter | Oberstar |
| Combest | Hutchinson | Obey |
| Condit | Hutto | Olver |
| Conyers | Hyde | Orton |
| Cooper | Inglis | Oxley |
| Coppersmith | Inhofe | Packard |
| Costello | Inslee | Pallone |
| Cox | Istook | Parker |
| Coyne | Jacobs | Pastor |
| Cramer | Jefferson | Paxon |
| Crapo | Johnson (CT) | Payne (NJ) |
| Cunningham | Johnson (GA) | Payne (VA) |
| Danner | Johnson (SD) | Pelosi |
| Darden | Johnson, E. B. | Penny |
| Deal | Johnston | Peterson (FL) |
| DeFazio | Kanjorski | Peterson (MN) |
| DeLauro | Kaptur | Petri |
| Dellums | Kennedy | Pickett |
| Derrick | Kennelly | Pickle |
| Deutsch | Kildee | Pombo |
| Diaz-Balart | Kim | Pomeroy |
| Dickey | King | Portman |
| Dicks | Kingston | Poshard |
| Dixon | Klecza | Price (NC) |
| Dooley | Klein | Pryce (OH) |
| Doolittle | Klink | Quillen |
| Dornan | Klug | Quinn |
| Dreier | Knollenberg | Rahall |
| Dunn | Kolbe | Ramstad |
| Durbin | Kopetski | Rangel |
| Edwards (CA) | Kreidler | Ravenel |
| Edwards (TX) | Kyl | Reed |
| Emerson | LaFalce | Regula |
| Engel | Lambert | Reynolds |
| English | Lancaster | Richardson |
| Eshoo | Lantos | Roberts |
| Evans | LaRocco | Roemer |
| Everett | Lazio | Rohrabacher |
| Farr | Leach | Ros-Lehtinen |
| Fawell | Lehman | Rose |
| Fazio | Levin | Rostenkowski |
| Fields (LA) | Levy | Roukema |
| Filner | Lewis (CA) | Rowland |
| Fingerhut | Lewis (GA) | Roybal-Allard |
| Fish | Lightfoot | Royce |
| Flake | Linder | Rush |
| Foglietta | Lipinski | Sabo |
| Ford (MI) | Livingston | Sanders |
| Ford (TN) | Lloyd | Sangmeister |
| Fowler | Long | Santorum |
| Frank (MA) | Lowey | Sarpalius |
| Franks (CT) | Maloney | Sawyer |
| Franks (NJ) | Mann | Saxton |
| Frost | Manton | Schaefer |
| Furse | Manzullo | Schenk |
| Gallegly | Margolies- | Schiff |
| Gallo | Mezvinsky | Schroeder |
| Gejdenson | Markey | Schumer |
| Gekas | Martinez | Scott |
| Gephardt | Matsui | Serrano |
| Geren | Mazzoli | Sharp |
| Gibbons | McCandless | Shaw |
| Gilchrest | McCloskey | Shays |
| Gillmor | McCollum | Shepherd |
| Gilman | McCrery | Shuster |
| Gingrich | McCurdy | Sisisky |
| Glickman | McDade | Skaggs |
| Gonzalez | McDermott | Skeen |
| Goodlatte | McHale | Skelton |
| Goodling | McHugh | Slaughter |
| Gordon | McInnis | Smith (IA) |
| Goss | McKeon | Smith (NJ) |
| Grams | McKinney | Smith (OR) |
| Grandy | McMillan | Smith (TX) |
| Green | McNulty | Snowe |
| Greenwood | Meehan | Solomon |
| Gunderson | Meek | Spence |
| Gutierrez | Menendez | Spratt |
| Hall (TX) | Meyers | Stark |
| Hamburg | Mfume | Stearns |
| Hamilton | Mica | Stenholm |
| Hansen | Miller (CA) | Stokes |
| Harman | Miller (FL) | Strickland |
| Hayes | Mineta | Studds |
| Hefley | Minge | Stupak |
| Hefner | Mink | Sundquist |
| Herger | Moakley | Swett |
| Hillhard | Molinari | Swift |
| Hinchey | Mollohan | Synar |
| Hoagland | Montgomery | Talent |
| Hobson | Moorhead | Tanner |

| | | |
|-------------|------------|------------|
| Tauzin | Unsoeld | Wheat |
| Upton | Upton | Whitten |
| Taylor (NC) | Valentine | Williams |
| Tejeda | Velazquez | Wilson |
| Thomas (CA) | Vento | Wise |
| Thomas (WY) | Visclosky | Wolf |
| Thompson | Volkmer | Woolsey |
| Thornton | Vucanovich | Wyden |
| Thurman | Walker | Wynn |
| Torkildsen | Walsh | Yates |
| Torres | Waters | Young (FL) |
| Torricelli | Watt | Zeliff |
| Traficant | Waxman | Zimmer |
| Tucker | Weldon | |

NAYS—17

| | | |
|--------|--------------|---------------|
| Archer | DeLay | Porter |
| Armey | Duncan | Rogers |
| Barton | Ehlers | Sensenbrenner |
| Camp | Hancock | Smith (MI) |
| Canady | Johnson, Sam | Stump |
| Crane | Kasich | |

NOT VOTING—25

| | | |
|--------------|------------|------------|
| Andrews (TX) | Hall (OH) | Owens |
| Bilirakis | Hastert | Ridge |
| Boehner | Hastings | Roth |
| Brooks | Laughlin | Slattery |
| Coleman | Lewis (FL) | Towns |
| de la Garza | Machtley | Washington |
| Dingell | Michel | Young (AK) |
| Ewing | Neal (NC) | |
| Fields (TX) | Ortiz | |

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

By unanimous consent, the title was amended so as to read: "An Act to provide temporary authority to Government agencies relating to voluntary separation incentive payments, and for other purposes."

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶9.24 ORDER OF BUSINESS—CONFERENCE
ON H.R. 3759

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That, if and when the Clerk receives a message from the Senate indicating that that body has passed the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, with amendments, insisted on said amendments and requested a conference with the House, the House be deemed to have disagreed to the amendments of the Senate and agreed to the conference asked by the Senate, and that the Speaker be deemed to have appointed conferees.

¶9.25 MESSAGE FROM THE PRESIDENT

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

¶9.26 MOTION TO INSTRUCT CONFEREES—
H.R. 3759

Mr. MCDADE submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the disagreeing votes of the two Houses on the bill (H.R. 3759) making emergency supplemental appropriations for the fiscal year ending September 30, 1994, and for other purposes, to agree to the D'Amato amendment numbered 1442, as modified, adopted by the Senate on vote number 36, as follows: