

legislation to amend subtitle IV of title 49, United States Code, to reduce regulation of motor carriers and interstate water carriers, to sunset the Interstate Commerce Commission, and for other purposes; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, and the Judiciary.

134.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2398. An Act to clarify the provisions relating to the construction of additional court space in Brooklyn, New York, and to make a technical correction.

134.4 UNFINISHED BUSINESS—VETO OF H.R. 4210

The SPEAKER pro tempore, Mr. McNULTY, announced the unfinished business to be the consideration of the veto message from the President on the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families.

The question being on the passage of the bill, the objections of the President to the contrary notwithstanding.

After debate,

On motion of Mr. ROSTENKOWSKI, the previous question was ordered on the bill.

The question being put,

Will the House, upon reconsideration, agree to pass the bill, the objections of the President to the contrary notwithstanding?

It was decided in the

}	Yeas	211
	Nays	215

134.5 [Roll No. 55] YEAS—211

Abercrombie	de la Garza	Hayes (IL)
Ackerman	DeFazio	Hefner
Alexander	DeLauro	Hertel
Anderson	Dellums	Hoagland
Andrews (ME)	Derrick	Hochbrueckner
Andrews (TX)	Dicks	Horn
Annunzio	Dingell	Hoyer
Anthony	Dixon	Hubbard
Applegate	Donnelly	Huckaby
Aspin	Dooley	Jacobs
Atkins	Dorgan (ND)	Jefferson
Bacchus	Downey	Jenkins
Bennett	Durbin	Johnson (SD)
Berman	Dymally	Johnston
Bevill	Eckart	Jones (NC)
Bilbray	Edwards (CA)	Jontz
Blackwell	Edwards (TX)	Kanjorski
Bonior	Engel	Kaptur
Borski	Erdreich	Kennedy
Boucher	Espy	Kennelly
Boxer	Evans	Kildee
Brewster	Fascell	Kleczka
Brooks	Fazio	Kolter
Browder	Feighan	Kopetski
Brown	Flake	Kostmayer
Bruce	Foglietta	LaFalce
Bryant	Foley	Lantos
Bustamante	Ford (MI)	LaRocco
Campbell (CO)	Frank (MA)	Laughlin
Cardin	Frost	Lehman (FL)
Chapman	Gaydos	Levin (MI)
Clay	Gejdenson	Lewis (GA)
Clement	Gephardt	Lipinski
Coleman (TX)	Gibbons	Lowey (NY)
Collins (IL)	Glickman	Manton
Collins (MI)	Gonzalez	Markey
Conyers	Gordon	Martinez
Cox (IL)	Guarini	Matsui
Coyne	Hall (OH)	Mavroules
Cramer	Harris	Mazzoli
Darden	Hatcher	McCloskey

McDermott	Perkins
McHugh	Pickle
McNulty	Poshard
Mfume	Price
Miller (CA)	Rahall
Mineta	Rangel
Mink	Reed
Moakley	Richardson
Mollohan	Rose
Moody	Rostenkowski
Moran	Rowland
Murphy	Roybal
Murtha	Sabo
Nagle	Sanders
Natcher	Sangmeister
Neal (MA)	Savage
Neal (NC)	Sawyer
Nowak	Scheuer
Oakar	Schroeder
Oberstar	Schumer
Obey	Serrano
Olver	Sharp
Ortiz	Sikorski
Owens (NY)	Skaggs
Panetta	Slaughter
Pastor	Smith (FL)
Payne (NJ)	Smith (IA)
Payne (VA)	Snowe
Pease	Solarz
Pelosi	Spratt

NAYS—215

Allard	Gunderson
Allen	Hall (TX)
Andrews (NJ)	Hamilton
Archer	Hammerschmidt
Armey	Hancock
Baker	Hansen
Ballenger	Hastert
Barnard	Hayes (LA)
Barrett	Hefley
Barton	Henry
Bateman	Herger
Beilenson	Hobson
Bentley	Holloway
Bereuter	Hopkins
Bilirakis	Horton
Bliley	Houghton
Boehkert	Hughes
Boehner	Hunter
Broomfield	Hutto
Bunning	Hyde
Burton	Inhofe
Byron	Ireland
Callahan	James
Camp	Johnson (CT)
Campbell (CA)	Johnson (TX)
Carper	Jones (GA)
Carr	Kasich
Chandler	Klug
Clinger	Kolbe
Coble	Kyl
Coleman (MO)	Lagomarsino
Combust	Lancaster
Condit	Leach
Cooper	Lehman (CA)
Coughlin	Lent
Cox (CA)	Lewis (CA)
Crane	Lewis (FL)
Cunningham	Lightfoot
Davis	Livingston
DeLay	Lloyd
Dickinson	Long
Doolittle	Lowery (CA)
Dornan (CA)	Luken
Dreier	Machtley
Duncan	Marlenee
Dwyer	Martin
Early	McCandless
Edwards (OK)	McCollum
Emerson	McCrery
English	McCurdy
Ewing	McDade
Fawell	McEwen
Fields	McGrath
Fish	McMillan (NC)
Franks (CT)	McMillen (MD)
Galleghy	Meyers
Gallo	Michel
Gekas	Miller (OH)
Geren	Molinari
Gilchrest	Montgomery
Gillmor	Moorhead
Gilman	Morella
Gingrich	Morrison
Goodling	Mrazek
Goss	Myers
Gradison	Nichols
Grandy	Nussle
Green	Olin

Staggers
Stokes
Studds
Swift
Synar
Tallon
Tanner
Thornton
Torres
Torricelli
Towns
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

Vucanovich	Weldon	Young (FL)
Walker	Wolf	Zeliff
Walsh	Wylie	Zimmer
Weber	Young (AK)	

NOT VOTING—9

AuCoin	Ford (TN)	Peterson (FL)
Costello	Levine (CA)	Weiss
Dannemeyer	Miller (WA)	Whitten

The SPEAKER announced that 211 Members had voted in the affirmative and 215 Members had voted in the negative.

So, two-thirds of the Members present not having voted in favor thereof, the bill was not passed.

The message and bill, were referred to the Committee on Ways and Means.

Ordered, That the Clerk notify the Senate thereof.

134.6 HOUSE CAMPAIGN SPENDING LIMITS AND ELECTION REFORM

On motion of Mr. GEJDENSON, by unanimous consent, the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes; together with the amendments of the House thereto, was taken from the Speaker's table.

When on motion of Mr. GEJDENSON it was,

Resolved, That the House insist upon its amendments and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That the Clerk notify the Senate thereof.

134.7 MOTION TO INSTRUCT CONFEREES—S. 3

Mr. THOMAS of California moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3 be instructed to include provisions in the conference report that would limit the total cost of the bill to the total savings to be derived from the recommended offsets in the Senate bill and House amendments, and specify the account given such costs and offsets under the terms of section 301, Requirement of Budget Neutrality; and to include in the conference report provisions containing the requirement that no taxpayer dollars may be used to finance congressional campaigns, such financing to include (1) any payments to reimburse the postal service for postage discounts provided to congressional campaigns, (2) any payments to congressional campaigns, and (3) any other expenditure or obligation to offset revenue losses created by tax credits or other subsidies for the purpose of financing congressional campaigns.

Pending consideration of said motion,

134.8 POINT OF ORDER

Mr. GEJDENSON made a point of order against the motion, and said:

"Mr. Speaker, I make a point of order that the directions of the gentleman from California [Mr. THOMAS] are beyond the scope."

Mr. THOMAS of California was recognized to speak to the point of order and said:

"It is my understanding that when the amendment to H.R. 3750 was presented to the House, the gentleman from North Carolina, the author of the amendment, indicated in an explanation of the measure that "the requirement that no taxpayer dollars may be used to finance congressional campaigns" was a portion of a substitute amendment.

"In addition, on the floor during debate in the CONGRESSIONAL RECORD, page H11128, the gentlewoman from Ohio [Ms. OAKAR] said, 'No taxpayers' dollars are involved.'

"During the same debate on page 11162 the gentleman from Connecticut said, 'We do not have public financing in this bill.'

The gentleman from North Carolina [Mr. ROSE] on page 11164 said:

Taxpayers are used to making tax contributions to pay for elections in this country, but they did not want their tax dollars at this time going to candidates for Congress.

"What this motion to instruct says is that no taxpayer dollars should be used to finance congressional campaigns. There are three examples of areas that financing should not be allowed, based upon the provisions that were in the bill.

"For example, first, no payments to reimburse the Postal Service for postage discounts; second, no payments to congressional campaigns, either in a matching fund or some other way, they should not go directly to congressional campaigns; or third, that there should not be any other expenditure or obligation to offset revenue losses created by, for example, tax credits in any conference agreement.

"Therefore, Mr. Speaker, based upon all the allegations that were presented during the presentation of this bill, it seems to me that the scope of the conference certainly would find acceptable an explanation which simply delineates more specifically where no taxpayer dollars are to be allowed."

The SPEAKER sustained the point of order, and said:

"The Chair is prepared to rule, if there are no further arguments.

"Neither the House nor the Senate version contains the provision which the second part of the instruction directs the House conferees to include in their report.

"The gentleman from California [Mr. THOMAS] is quoting statements on the floor made by Members supporting the bill, but neither the House nor the Senate version contains such provisions.

"For this reason, the motion exceeds the scope of the matters formally committed to conference and the Chair sustains the point of order."

¶34.9 MOTION TO INSTRUCT CONFEREES—
S. 3

Mr. THOMAS of California moved that the managers on the part of the

House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3 be instructed to include provisions in the conference report that would limit the total cost of the bill to the total savings to be derived from the recommended offsets in the Senate bill and House amendments, and specify the account given such costs and offsets under the terms of section 301, Requirement of Budget Neutrality.

After debate,

By unanimous consent, the previous question on the motion to instruct was ordered.

The question being put, viva voce,

Will the House agree to said motion?

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

So the motion to instruct was agreed to.

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

¶34.10 PROVIDING FOR THE
CONSIDERATION OF H.R. 3553

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 403):

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. 3553) to amend and extend the Higher Education Act of 1965, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of H.R. 4471, as modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of amendment under the five-minute rule. Said substitute, as modified, shall be considered for amendment by title and each title shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. No amendment to said substitute, as modified, shall be in order except: (1) pro forma amendments for purposes of debate and (2) those amendments printed in the "Amendments" portion of the Congressional Record prior to the consideration of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After passage of H.R. 3553, it shall be in order to take from the Speaker's table

the bill S. 1150 and consider said bill in the House. It shall then be in order to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 3553 as passed by the House. All points of order against the motion are hereby waived. It shall then be in order to move to insist on the House amendment to S. 1150 and request a conference with the Senate.

When said resolution was considered.

After debate,

On motion of Mr. GORDON, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

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

¶34.11 HIGHER EDUCATION AID

The SPEAKER pro tempore, Mr. MURTHA, pursuant to House Resolution 403 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3553) to amend and extend the Higher Education Act of 1965.

The SPEAKER pro tempore, Mr. MURTHA, by unanimous consent, designated Mr. PEASE as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mrs. LOWEY, assumed the Chair.

When Mr. PEASE, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶34.12 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2398. An Act to clarify the provisions relating to the construction of additional court space in Brooklyn, New York, and to make a technical correction.

¶34.13 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. COSTELLO, for today.

And then,

¶34.14 ADJOURNMENT

On motion of Mr. NICHOLS, at 8 o'clock and 2 minutes p.m., the House adjourned.

¶34.15 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN (for himself, Mr. SCHEUER, and Mrs. LLOYD):

H.R. 4559. A bill to enhance U.S. energy security, provide for environmental improvement, and encourage U.S. industrial competitiveness, through enhanced research and development, and for other purposes; jointly, to the Committees on Science, Space, and Technology; Interior and Insular Affairs; and Energy and Commerce.

By Mr. ALEXANDER (for himself and Mr. GILMAN):