

the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

“(3) CAPITAL REQUIREMENTS.—

“(A) FULLY PHASED IN CAPITAL STANDARDS.—If, after receipt of funds pursuant to paragraph (1), a qualified savings association meets all fully phased in capital standards, then such standards shall apply to the association, notwithstanding any other provision of law.

“(B) ADDITIONAL REQUIREMENTS.—The Office of Thrift Supervision may set additional capital requirements for qualified savings associations to ensure that such associations will progressively prepare to meet all applicable capital requirements.

“(4) OTHER REQUIREMENTS.—The Office of Thrift Supervision may establish any other requirements needed to ensure the safe and sound operation of qualified savings associations.

“(5) FUNDING PROVIDED BY RTC.—The Resolution Trust Corporation shall provide such funds as may be necessary to carry out this subsection to the Director of the Office of Thrift Supervision from amounts made available to the corporation under this section.”.

Pending consideration of said motion,

¶38.10 POINT OF ORDER

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

“Mr. Speaker, with respect to clause 7 of rule XVI of the Rules of the House, amendments of this nature must be germane. H.R. 4704 is an extremely narrow bill. As we said before, all it did was change the date, that is, lift the date cap on the limitation for the expenditures of previously appropriated funds.

“Mr. Speaker, the motion to recommit goes far beyond this and the extremely narrow scope of this bill. On top of that, this would provide funds for OTS, whereas our lifting of the caps would merely release the already appropriated funds to RTC. The cash for goodwill contained in this misdirected amendment directly benefits stockholders, raises the value of stock, and, therefore, has no effect on the insured depositors, which our bill is strictly limited to, and that is to resolve the rightful interest of the depositors in these insured institutions. So I must insist on my point of order.”.

Mr. MCCOLLUM was recognized to speak to the point of order, and said:

“Mr. Speaker, the proposed motion to recommit should be held in order in my judgment because we do deal with the money that is in this bill. We deal with the fact that it instructs in my motion to recommit that a certain portion of that money that would be otherwise allocable and freed by this bill, be utilized for the sole purpose of forcing the Resolution Trust Corporation and the Office of Thrift Supervision to buy back about \$2.5 billion worth of supervisory goodwill from some 53 or so savings and loans that qualify with good core earnings, they are in the black and so forth, but which fail to meet tangible capital standards and otherwise would be closed simply because they have this \$2.5 billion of supervisory goodwill on the books.

“Mr. Speaker, this would be in lieu of the money being spent to close these institutions, which, if they were closed with the money in this bill as it now reads, would cost the taxpayers \$25 billion.

“Mr. Speaker, I am seeking a monetary relief in this bill by the motion to instruct. I am attempting to direct the usage of the money in this bill for the least cost effective method of resolving the difficulties with these 53 or so savings and loans. That would save the taxpayers the \$25 billion and do the same job for only \$2.5 billion, and also save about 25,000 jobs.

“So I believe it is perfectly germane since it deals strictly with money and how it is spent under this bill when we remove the date on this bill and free up money, which is what the bill is all about.

“Mr. Speaker, I would urge that the Chair rule that this be allowed and that we be allowed to vote on saving the \$25 billion of taxpayer money that we otherwise will lose if this is not made in order and this bill were to pass.”.

The SPEAKER pro tempore, Mr. MCNULTY, sustained the point of order, and said:

“The Chair is prepared to rule on the motion offered by the gentleman from Florida [Mr. MCCOLLUM].

“The gentleman from Texas [Mr. GONZALEZ] makes the point of order that the amendment proposed in the motion to recommit offered by the gentleman from Florida [Mr. MCCOLLUM] is not germane to the bill.

“The test of germaneness in the case of a motion to recommit with instructions is the relationship of the instructions to the bill. The pending bill narrowly amends existing law.

“Under the Federal Home Loan Bank Act, \$25 billion is available until April 1, 1992, for the Resolution Trust Corporation to carry out its thrift resolution responsibilities. H.R. 4704 removes the temporal limitation on that funding to continue the availability of the \$25 billion after April 1, 1992. The bill does not alter the entity to which the funds are available or the purposes for which they are available.

“The amendment proposed in the motion offered by the gentleman from Florida [Mr. MCCOLLUM] also continues the availability of the \$25 billion to the RTC for its statutory responsibilities after April 1, 1992. The amendment goes further, however, to devote a portion of the \$25 billion in existing law to newly specified activities of the Office of Thrift Supervision, an entity that otherwise operates under the aegis of a different law, the Home Owners Loan Act.

“To a bill amending existing law only to continue the availability of funds to a previously specified entity for previously established purposes, an amendment extending the availability of those funds also to a newly specified entity for a newly established program is not germane.

“Accordingly, the Chair finds that the motion to recommit offered by the

gentleman from Florida [Mr. MCCOLLUM] is not in order.”.

Mr. JOHNSON of Texas moved to recommit the bill to the Committee on Banking, Finance and Urban Affairs.

Pending consideration of said motion,

¶38.11 POINT OF ORDER

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

“Mr. Speaker, I believe that under the rule granted by the Committee on Rules, House Resolution 412, the resolution from the Committee on Rules provides that the previous question ‘shall be considered as having been ordered on the bill to final passage without intervening motions except one motion to recommit,’ that is one motion to recommit.

“I say that under that language, this is out of order, and I insist on regular order.”.

The SPEAKER pro tempore, Mr. MCNULTY, overruled the point of order, and said:

“The rule and the precedent provide that one proper motion to recommit is in order. The Chair rules that the pending motion to recommit is in order.”.

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

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. JOHNSON of Texas objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 173
Nays 247

¶38.12 [Roll No. 68] YEAS—173

| | | |
|---------------|---------------|--------------|
| Allard | Dickinson | Hyde |
| Allen | Doolittle | Inhofe |
| Andrews (ME) | Dornan (CA) | Jacobs |
| Applegate | Dreier | James |
| Archer | Duncan | Johnson (TX) |
| Armey | Edwards (OK) | Jontz |
| Atkins | Emerson | Kasich |
| Bacchus | English | Kildee |
| Baker | Evans | Klug |
| Ballenger | Ewing | Kolbe |
| Barton | Fields | Kostmayer |
| Bateman | Fish | Lagomarsino |
| Bennett | Flake | Lent |
| Bentley | Ford (MI) | Lewis (CA) |
| Bilirakis | Ford (TN) | Lewis (FL) |
| Bliley | Frank (MA) | Lightfoot |
| Boehner | Galleghy | Livingston |
| Broomfield | Gekas | Lloyd |
| Bruce | Gilman | Lowery (CA) |
| Bunning | Gingrich | Marlenee |
| Burton | Glickman | Martin |
| Callahan | Goodling | McCandless |
| Camp | Goss | McCollum |
| Campbell (CA) | Gunderson | McCrary |
| Chandler | Hall (TX) | McEwen |
| Clinger | Hammerschmidt | McGrath |
| Coble | Hancock | Mfume |
| Coleman (MO) | Hansen | Miller (OH) |
| Collins (MI) | Hefley | Miller (WA) |
| Combest | Henry | Mink |
| Costello | Herger | Molinari |
| Cox (CA) | Hobson | Moody |
| Crane | Holloway | Moorhead |
| Cunningham | Hopkins | Moran |
| Davis | Hughes | Morrison |
| DeFazio | Hunter | Murphy |
| DeLay | Hutto | Nichols |

Nussle
Olver
Oxley
Packard
Paxon
Penny
Peterson (FL)
Poshard
Pursell
Quillen
Rahall
Ramstad
Ravenel
Ray
Regula
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Russo
Santorum
Schaefer
Schiff
Schulze
Sensenbrenner
Sharp
Shaw
Shuster
Skeen
Slattery
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Stearns

Visclosky
Volkmer
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wylie
Yates
Yatron
Young (AK)

Cunningham
Darden
Kaptur
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Dickinson
Donnelly
Dooley
Doolittle
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edwards (OK)
Edwards (TX)
Emerson
Engel
English
Erdreich
Espy
Evans
Ewing
Fields
Fish
Flake
Foglietta
Ford (TN)
Frank (MA)
Frost
Gallegly
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Glickman
Goodling
Gordon
Goss
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kennedy
Kleczka
Kyl
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Manton
Markey
Marky
Matsui
Mavroules
McCrery
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Mineta
Moakley
Montgomery
Moran
Morella
Morrison
Murtha

NOT VOTING—14

Dannemeyer
Dingell
Dixon
Dymally
Espy
Ireland
Kennelly
Levine (CA)
Machtley
Mrazek
Perkins
Saxton
Smith (NJ)
Valentine

So the motion to recommit was not agreed to.

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

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

Mr. MCCOLLUM demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the Yeas 125 negative Nays 298

NAYS—247

Abercrombie
Ackerman
Alexander
Anderson
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
AuCoin
Barnard
Barrett
Beilenson
Bereuter
Berman
Bevill
Billbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (IL)
Condit
Conyers
Cooper
Coughlin
Cox (IL)
Coyne
Cramer
Darden
de la Garza
DeLauro
Dellums
Derrick
Dicks
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
Engel
Erdreich
Fascell
Fawell
Fazio
Feighan
Foglietta
Franks (CT)
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gonzalez
Gordon
Gradison
Grandy
Green
Guarini
Hall (OH)
Hamilton
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Huckaby
Jefferson
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kennedy
Kleczka
Kyl
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Manton
Markey
Marky
Matsui
Mavroules
McCrery
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Mineta
Moakley
Montgomery
Moran
Morella
Morrison
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pickle
Porter
Price
Rangel
Reed
Rhodes
Richardson
Roe
Rose
Rostenkowski
Roukema
Rowland
Roybal
Sabo
Sanders
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Thomas (CA)
Thomas (GA)
Thornton
Torres
Traxler
Towns
Traficant
Traxler
Unsoeld
Vento

38.13 [Roll No. 69] AYES—125

Ackerman
Alexander
Anderson
Annunzio
Anthony
Aspin
Baker
Barnard
Barrett
Bateman
Beilenson
Bereuter
Berman
Biley
Boehlert
Bonior
Brooks
Brown
Cardin
Carper
Chandler
Clinger
Coleman (TX)
Coughlin
Coyne
Derrick
Dicks
Edwards (CA)
Fascell
Fawell
Fazio
Feighan
Ford (MI)
Franks (CT)
Gallo
Gephardt
Geren
Gilchrest
Gillmor
Gingrich
Gonzalez
Gradison
Grandy
Green
Hammerschmidt
Hansen
Hoagland
Houghton
Hoyer
Ireland
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (NC)
Kennedy
Kleczka
Kyl
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (GA)
Manton
Markey
Marky
Matsui
Mavroules
McCrery
McCurdy
McDade
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Mineta
Moakley
Montgomery
Moran
Morella
Morrison
Murtha
Neal (NC)
Oberstar
Obey
Olin
Panetta
Parker
Payne (VA)
Pickett
Pickle
Porter
Price
Rhodes
Rose
Roukema
Roybal
Sabo
Sarpalius
Schumer
Shaw
Shays
Sisisky
Skaggs
Skeen
Smith (FL)
Solarz
Spratt
Stenholm
Swift
Synar
Thomas (CA)
Thomas (WY)
Torres
Traxler
Vento
Walsh
Weiss
Whitten
Wolf
Wylie
Yates

NOES—298

Abercrombie
Allard
Allen
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Atkins
AuCoin
Bacchus
Ballenger
Barton
Bennett
Bentley
Bevill
Billbray
Bilirakis
Blackwell
Boehner
Borski
Boucher
Boxer
Brewster
Broomfield
Browder
Bruce
Bryant
Bunning
Burton
Bustamante
Bennett
Callahan
Camp
Campbell (CA)
Campbell (CO)
Carr
Chapman
Clay
Clement
Coble
Coleman (MO)
Collins (IL)
Collins (MI)
Combust
Condit
Conyers
Cooper
Costello
Cox (CA)
Cox (IL)
Cramer
Crane

Kanjorski
Kaptur
Kasich
Kennelly
Kildee
Klug
Kolbe
Kolter
Kopetski
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Lehman (CA)
Lent
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowe (NY)
Luken
Machtley
Marlenee
Martin
Martinez
Mazzoli
McCandless
McCloskey
McCollum
McDermott
McEwen
McGrath
McNulty
Mfume
Miller (CA)
Miller (OH)
Mink
Molinaro
Mollohan
Moody
Moorhead
Murphy
Myers
Nagle
Natcher
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Olver
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Pastor
Patterson
Paxon
Payne (NJ)
Pelosi
Penny
Peterson (FL)
Peterson (MN)
Petri
Poshard
Quillen
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Rowland
Russo
Sanders
Sangmeister
Santorum
Savage
Sawyer
Schaefer
Scheuer
Schiff
Schroeder
Schulze
Sensenbrenner
Serrano
Sharp
Shuster
Sikorski
Skelton
Slattery
Slaughter
Smith (IA)
Smith (OR)
Smith (TX)
Snowe
Solomon
Spence
Staggers
Stallings
Stark
Stearns
Stokes
Studds
Stump
Sundquist
Swett
Tallon
Tanner
Tausin
Taylor (MS)
Taylor (NC)
Thomas (GA)
Thornton
Torricelli
Towns
Traficant
Unsoeld
Upton
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walker
Washington
Waters
Waxman
Weber
Weldon
Wheat
Williams
Wilson
Penny
Wise
Wolpe
Wyden
Yatron
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Dannemeyer
Dingell
Dixon
Dymally
Levine (CA)
Mrazek
Perkins
Pursell
Saxton
Smith (NJ)
Valentine

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.