

H. Res. 53: Mr. KOLBE.
H. Res. 83: Mr. STEARNS, Mr. GENE GREEN
of Texas, and Mr. GILMAN.

WEDNESDAY, FEBRUARY 24, 1993
(16)

The House was called to order by the
SPEAKER.

¶16.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 23, 1993.

Pursuant to clause 1, rule I, the Journal was approved.

¶16.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

772. A letter from the Secretary of Education, transmitting a copy of final regulations for the Library Services and Construction Act State-Administered Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

773. A letter from the Secretary of Education, transmitting a copy of final regulations for the Endowment Challenge Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

774. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program to be held in Hamburg, Germany; to the Committee on Energy and Commerce.

775. A letter from Director, National Institutes of Health, transmitting the report and plan for medical rehabilitation research, pursuant to Public Law 101-613, section 3(a); to the Committee on Energy and Commerce.

776. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1992 report on implementation of the support for East European Democracy Act [SEED] Program, pursuant to Public Law 101-179, section 704(c) (103 Stat. 1322); to the Committee on Foreign Affairs.

777. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 15th annual report on Americans Incarcerated Aboard, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

778. A letter from Acting Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

779. A letter from Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

780. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

781. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

782. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

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786. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

787. A letter from the Executive Director, Non-Commissioned Officers Association, transmitting the financial report for 1991 and 1992, pursuant to Public Law 100-281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

788. A letter from the Acting Director, Office of Personnel Management, transmitting the report on the Senior Executive Service, pursuant to 5 U.S.C. 3135(a), 4314(d); to the Committee on Post Office and Civil Service.

789. A letter from the Postmaster General, transmitting the annual report for 1992, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

790. A letter from the Secretary, Department of Transportation, transmitting a report relating to revocation and suspension of drivers' licenses for drug-related convictions, pursuant to Public Law 102-240, section 1094(b) (105 Stat. 2025); to the Committee on Public Works and Transportation.

791. A letter from the Secretary, Department of Commerce, transmitting the 1992 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

792. A letter from the Acting Administrator, Agency for International Development, transmitting the annual report on activities under the Denton Amendment Program, pursuant to 10 U.S.C. 402; jointly, to the Committees on Armed Services and Foreign Affairs.

793. A letter from the Chairman, Railroad Retirement Board, transmitting a correspondence regarding the Railroad Retirement Board; jointly, to the Committees on Energy and Commerce and Ways and Means.

¶16.3 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. 1. An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

¶16.4 PROVIDING FOR THE
CONSIDERATION OF H.R. 920

Mr. BONIOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 103):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes. The amendment recommended by the Committee on Ways and Means printed in the bill and the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, and against its consideration are waived. Debate on the bill shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit.

Pending consideration of said resolution,

¶16.5 POINT OF ORDER

Mr. WALKER made a point of order against the resolution, and said:

"Mr. Speaker, I make a point of order against House Resolution 103 on the ground that two amendments self-executed by the resolution are in violation of two different House rules, and I ask to be heard on my point of order.

"Mr. Speaker, first, House Resolution 103 is in violation of clause 5(a) of rule XXI because it proposes to adopt the Ways and Means Committee amendment printed as section 4 in H.R. 920 as reported. That section deals with financing provisions and in effect reappropriates advance account funds to make payments to the States to provide these additional benefits. Clause 5(a) of rule XXI prohibits appropriations provisions in a bill not reported by the appropriations committee.

"Second, Mr. Speaker, House Resolution 103 attempts to adopt an amendment contained in the report to accompany the resolution extending coverage of the bill to railroad employees. That amendment is in violation of clause 7 of rule XVI which prohibits the consideration of germane amendments. The amendment contained in the Rules Committee report is under the jurisdiction of the Energy and Commerce Committee and is therefore not germane to this bill from the Ways and Means Committee.

"Mr. Speaker, since both of those amendments will be considered to be adopted when this rule is adopted, they are currently before us and must be subject to points of order. It is clear from the rule that once the rule is adopted, the bill as amended by them is not subject to points of order. But, prior to the adoption of this resolution, those two amendments are obviously a part of this resolution and subject to the two points of order I have raised."

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

"The Chair is prepared to rule.

“The fact that amendments which if offered separately would be violative of the rules does not prevent the Rules Committee from self-executing the adoption of those amendments together in the rule itself, by providing for their adoption upon the adoption of the rule. The amendments are thus not separately before the House at this time.”

¶16.6 POINT OF ORDER

Mr. WALKER made a further point of order against the resolution, and said:

“Mr. Speaker, I make another point of order against House Resolution 103 on the ground that it is in violation of section 308(a) of the Congressional Budget Act of 1974.

“Mr. Speaker, section 308(a) of the Congressional Budget Act provides that, and I quote, “Whenever a committee of either House reports to its House a bill or resolution, or committee amendment thereto, providing new budget authority * * * new spending authority described in section 401(c)(2), or new credit authority * * * the report accompanying that bill or resolution shall contain a statement, the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statement * * * prepared after consultation with the Director of the Congressional Budget Office” detailing the costs of that provision.

“Mr. Speaker, the amendment contained in the Rules Committee report, which would be adopted upon the adoption of this resolution, extends coverage of this bill to railroad workers. It is my understanding that this may entail a cost of \$20 million, but the Rules Committee has not provided a cost estimate from CBO in its report on this amendment as required by section 308 of the Budget Act. This is an amendment reported by the Rules Committee and therefore is subject to the CBO cost estimate requirements. I therefore urge that my point of order be sustained.”

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

“The Chair is prepared to rule.

“The gentleman from Pennsylvania, [Mr. WALKER] raises an objection based on section 308(a) of the Budget Act on the basis that the report accompanying this resolution coming from the Rules Committee would have to have a CBO estimate of the potential cost involved by virtue of adoption of the amendment. However, the Chair, after consulting precedents and the rules of the House, rules that the cost estimate does not have to be made a part of the report accompanying the rule being brought from the Rules Committee, but rather the point of order might lie against the underlying bill. The resolution itself does not enact budget authority and, therefore, the resolution coming from the Rules Committee does not itself have to have the cost estimate in the accompanying report.

“Therefore, the Chair now would overrule the gentleman’s point of order.”

When said resolution was considered.

After debate,

Mr. BONIOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

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

Mr. DREIER 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 243
Nays 172

¶16.7 [Roll No. 38]
YEAS—243

Andrews (ME) Foglietta Martinez
Andrews (TX) Ford (MI) Matsui
Applegate Frank (MA) Mazzoli
Bacchus (FL) Frost McCloskey
Baesler Furse McCurdy
Barcia Gejdenson McDermott
Barlow Gephardt McHale
Barrett (WI) Geren McKinney
Becerra Gibbons McNulty
Beilenson Glickman Meehan
Berman Gonzalez Meek
Bevill Gordon Menendez
Bilbray Green Mfume
Bishop Gutierrez Mineta
Blackwell Hall (OH) Minge
Bonior Hall (TX) Mink
Borski Hamburg Moakley
Boucher Hamilton Mollohan
Brewster Harman Montgomery
Brooks Hastings Moran
Browder Hayes Murphy
Brown (CA) Hefner Murtha
Brown (FL) Hilliard Nadler
Brown (OH) Hinchey Natcher
Bryant Hoagland Neal (MA)
Byrne Hochbrueckner Neal (NC)
Cantwell Holden Oberstar
Cardin Hoyer Obey
Carr Hughes Olver
Chapman Hutto Ortiz
Clay Insee Orton
Clement Jacobs Owens
Clyburn Jefferson Pallone
Coleman Johnson (GA) Parker
Collins (IL) Johnson (SD) Pastor
Collins (MI) Johnson, E.B. Payne (NJ)
Condit Johnston Payne (VA)
Conyers Kanjorski Pelosi
Coppersmith Kaptur Penny
Costello Kennedy Peterson (FL)
Coyne Kennelly Peterson (MN)
Cramer Kildee Pickett
Danner Kleczka Pickle
Darden Klein Pomeroy
de la Garza Klink Poshard
Deal Kopetski Price (NC)
DeFazio Kreidler Rahall
DeLauro LaFalce Rangel
Dellums Lambert Reed
Derrick Lancaster Reynolds
Deutsch Lantos Richardson
Dicks LaRocco Roemer
Dixon Laughlin Rose
Dooley Lehman Rostenkowski
Durbin Levin Rowland
Edwards (CA) Lewis (GA) Roybal-Allard
Edwards (TX) Lipinski Rush
Engel Lloyd Sabo
English (AZ) Long Sanders
English (OK) Lowey Sangmeister
Eshoo Maloney Sarpalius
Fazio Mann Sawyer
Fields (LA) Manton Schenk
Filner Margolis-Schroeder
Fingerhut Mezvinsky Schumer
Flake Markey Scott

Serrano Swett
Sharp Swift
Shepherd Synar
Sisisky Tanner
Skaggs Tauzin
Skelton Taylor (MS)
Slattery Tejeda
Slaughter Thornton
Smith (IA) Thurman
Spratt Torres
Stark Torricelli
Stenholm Towns
Stokes Traficant
Strickland Tucker
Studds Unsoeld
Stupak Valentine

NAYS—172

Allard Gingrich Morella
Archer Goodlatte Myers
Armye Goodling Nussle
Bachus (AL) Goss Oxley
Baker (CA) Grams Packard
Baker (LA) Grandy Paxon
Ballenger Greenwood Petri
Barrett (NE) Gunderson Pombo
Bartlett Hancock Porter
Barton Hansen Pryce (OH)
Bateman Hastert Quillen
Bentley Hefley Quinn
Bereuter Herger Ramstad
Billirakis Hobson Ravenel
Biiley Hoekstra Regula
Blute Hoke Ridge
Boehlert Horn Roberts
Boehner Houghton Rogers
Bonilla Huffington Rohrabacher
Bunning Hunter Ros-Lehtinen
Burton Hutchinson Roth
Buyer Hyde Roukema
Callahan Inglis Royce
Calvert Inhofe Santorum
Camp Istook Saxton
Canady Johnson (CT) Schaefer
Castle Johnson, Sam Schiff
Clinger Kasich Sensenbrenner
Coble Kim Shaw
Collins (GA) King Shays
Combest Kingston Shuster
Cox Klug Skeen
Crane Knollenberg Smith (MI)
Crapo Kolbe Smith (NJ)
Cunningham Kyl Smith (OR)
DeLay Lazio Smith (TX)
Diaz-Balart Leach Snowe
Dickey Levy Spence
Doolittle Lewis (CA) Stearns
Dornan Lewis (FL) Stump
Dreier Lightfoot Sundquist
Duncan Linder Talent
Dunn Livingston Taylor (NC)
Emerson Machtley Thomas (CA)
Everett Manzullo Thomas (WY)
Ewing McCandless Torkildsen
Fawell McColium Upton
Fields (TX) McCrery Vucanovich
Fish McHugh Walker
Fowler McInnis Walsh
Franks (CT) McMillan Weldon
Franks (NJ) Meyers Wolf
Gallegly Mica Young (AK)
Gallo Michel Young (FL)
Gekas Gilchrist Zeff
Gillmor Molinari Zimmer
Gilman Moorhead

NOT VOTING—15

Abercrombie Dingell Miller (CA)
Ackerman Evans Solomon
Andrews (NJ) Ford (TN) Waters
Clayton Henry Wilson
Cooper McDade Yates

So the previous question on the resolution was ordered.

¶16.8 POINT OF ORDER

Mr. WALKER made a further point of order against the resolution, and said:

“Mr. Speaker, I make a point of order against the amendment printed in the Rules Committee report, which I understand is now before us, based upon the Chair’s previous ruling.

“I make my point of order on the ground that the report in this resolu-