

“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 Margolies-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
Combust 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) McKeon Weldon
Franks (NJ) McMillan Wolf
Gallegly Meyers Young (AK)
Gallo Mica Young (FL)
Gekas Michel Zeliff
Gilchrist Miller (FL) Zimmer
Gillmor Molinari
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-

tion violates section 308(a) of the Budget Act requiring a cost estimate.

"Section 308(a) of the Budget Act, which requires the CBO cost estimate in the report on any committee bill, resolution or amendment, contains no exemption for the report of the Committee on Rules.

"I quote from the section 308(a) of the Congressional Budget Act:

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 402(c)(2) or new credit authority, 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.

"Mr. Speaker, earlier in the debate on this particular resolution, the gentleman who purports to be the author of the railroad worker amendment admitted costs are involved in his amendment. The quote that I have just read means that the committee then has an obligation to provide to the House a congressional budget statement.

"Section 308(a) clearly applies to the committee amendment, and the amendment contained in the Rules Committee or report is a Rules Committee amendment. It was not reported by the Ways and Means Committee, it was not reported by the Energy and Commerce Committee and so therefore is exclusively in the jurisdiction of the Rules Committee.

"The amendment contained in the Rules Committee report on this resolution will be considered to have been adopted when this resolution is adopted. So there is no question who should provide the CBO cost estimate. It is the Rules Committee. They are not above the rules.

"Mr. Speaker, I ask that my point of order be sustained."

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

"We had this argument a little over an hour ago and it is again timely, as the gentleman from Pennsylvania [Mr. WALKER] has indicated.

"He refers to section 308. Section 308 applies to measures providing new budget authority. The resolution before us does not provide for new budget authority.

"The rule makes in order a bill as amended. The bill as amended provides for the new spending.

"House Resolution 103 waives all points of order against the bill as amended and against its consideration. It waives all points of order against the bill and against its consideration.

"Mr. Speaker, I ask the Chair to rule that the point of order is not in order."

Mr. WALKER was recognized to speak further, and said:

"It is true the Rules Committee has waived all points of order against the bill that would be considered pursuant to this rule. That is the reason why this point of order is timely now.

"When it comes to a question in the bill itself, the point of order with regard to the Budget Act will not be in order because that point of order has been waived. The only time we can get at this particular item is in the self-enacting amendment which is a part of the rule.

"The gentleman [Mr BONIOR] has not referred to the self-enacting amendment. That is the question to which this particular point of order pertains and it is up to the Chair, I think, to sustain the point of order based upon the fact that the self-enacting amendment within this rule does in fact add costs. It is new budget authority and is therefore in violation of the Congressional Budget Act."

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

"Mr. Speaker, it does seem to me that my colleagues are correct in wanting to be informed with regard to the cost effect of that provision which is executed by this rule. That provision has been handled this way three times by previous Congresses. The provision includes, this is what we are executing here, it includes coverage, extended unemployment coverage for America's railroad workers who have their own unemployment fund and therefore would not be covered unless there was a separate amendment or unless we do it this way. Previous Congresses have chosen to do it this way.

"The cost, Mr. Speaker, is estimated by both the Congressional Budget Office as well as the Railroad Retirement Trust Fund System, to be \$2½ million for the coming year, and the coverage would be extended to 1,200 railroad workers.

"I do think my colleagues are correct in asking for that information, and they now have it."

Mr. WALKER was recognized to speak further, and said:

"Mr. Speaker, the gentleman from Montana [Mr. WILLIAMS] has just made the case. While he has informed the House of his estimate of what this costs, the fact is that the rules of the House require that the statement be a Congressional Budget Office statement contained within the report. That is what the House does not have. That is what the House requires.

"The gentleman from Montana has also made the point that his amendment is included in this rule, that it is new budget authority, that it does extend to new people and it does cost at least \$2½ million. That is information that should be contained in the committee report. It is not. It is therefore a violation of the rules of the House. It is a violation of the Budget Act, and my point of order should be sustained."

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

"The Chair is prepared to rule.

"The amendment printed in the bill and the amendment printed in House

Report 103-18 will be considered as adopted by the operation of House Resolution 103, which is the special order now pending before the House.

"After adoption of this special order, House Resolution 103, the bill is called up for consideration as so amended.

"A point of order under section 308 of the Budget Act against consideration of the bill in that form could properly come at that point when the bill is called up for consideration.

"As the Chair indicated previously, the new budget authority at issue would be provided not by the resolution reported by the Committee on Rules, but rather by the bill as amended.

"At this point, the point of order does not lie. That all points of order against the bill as amended will be waived by House Resolution 103, if adopted, does not cause such points of order to lie at some earlier stage.

"The rules of the House authorize the Committee on Rules to report a resolution providing a special order of business, and a point of order under Section 308 of the Budget Act does not lie against such a resolution on the ground that its adoption would have the effect of abrogating clause 2(l)(3) of rule XI, which incorporates the requirement of section 308 in the standing rules.

"Accordingly, the point of order is overruled."

The question being put, viva voce, Will the House agree to said resolution?

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

Mr. DREIER 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

Yeas	237
Nays	178

¶16.9

[Roll No. 39]

YEAS—237

Andrews (ME)	Clay	Engel
Andrews (NJ)	Clayton	English (AZ)
Andrews (TX)	Clement	Eshoo
Applegate	Clyburn	Fazio
Bacchus (FL)	Coleman	Fields (LA)
Baesler	Collins (IL)	Filner
Barcia	Collins (MI)	Fingerhut
Barlow	Condit	Flake
Barrett (WI)	Conyers	Foglietta
Becerra	Coppersmith	Ford (MI)
Berman	Costello	Frank (MA)
Bevill	Coyne	Frost
Bilbray	Cramer	Furse
Bishop	Danner	Gejdenson
Blackwell	Darden	Gephardt
Bonior	de la Garza	Geren
Borski	Deal	Gibbons
Boucher	DeFazio	Glickman
Brewster	DeLauro	Gonzalez
Brooks	Dellums	Gordon
Browder	Derrick	Green
Brown (CA)	Deutsch	Gutierrez
Brown (FL)	Dicks	Hall (OH)
Brown (OH)	Dingell	Hall (TX)
Bryant	Dixon	Hamburg
Byrne	Dooley	Hamilton
Cantwell	Durbin	Harman
Cardin	Edwards (CA)	Hastings
Carr	Edwards (TX)	Hayes