The SPEAKER pro tempore, Mr. CAMP, directed the Corrections Calendar to be called.

When,

¶26.7 MEDICARE AND MEDICAID COVERAGE DATE BANK REPEAL

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2685) to repeal the Medicare and Medicaid Coverage Date Bank.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. CAMP, pursuant to clause 4 of rule XIII, recognized Mr. THOMAS and Mr. STARK, each for 30 minutes.

During debate,

¶26.8 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''QMB's, who are qualified Medicare-Medicaid beneficiaries, are seniors. We are dealing with legislation that deals with people who are employed by employers to collect data for purposes of determining primary and secondary payers, and I believe the gentleman's statements are not germane.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The gentleman from California [Mr. STARK] must confine his remarks to the subject of the bill.''.

After some further time,

¶26.9 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''Mr. Speaker, is the question propounded by the gentleman from Texas [Mr. DOGGETT] germane to this legislation and therefore a question that should be answered?''.

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

''Mr. Speaker, surely it is permissible in the course of one of these debates, and I can understand the gentleman's [Mr. THOMAS] desire not to get into this destruction to the health care of our seniors across the country by raising this issue, but surely it is appropriate under the rules of the House to make an inquiry of someone who is opposed to this legislation as to what the legislation affects. That is all I have asked, is whether or not the seniors in American are going to be affected by changing this data bank to seniors who would lose out if there are no standards to protect them in nursing homes.''.

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

''The gentleman from Texas [Mr. DOGGETT] is at a disadvantage. He arrived on the floor not hearing the gentleman from California's [Mr. STARK] opening statement, in which he said he was not opposed to this legislation. There is no opposition to this legislation. ...

''The purpose of this debate under the rules is to discuss the matter in front of us, and all this gentleman from California is trying to do is to maintain decorum and order in the House and request that the Speaker enforce the Rules of the House so that we may have an orderly debate and not traverse the countryside in any and all directions by any individual who may have an honest and earnest attempt to discuss this issue or may be motivated by other reasons.''.

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

''The gentleman has made his point of order. The Chair is prepared to rule.

''The question is relevant to the extent of coverage of the data bank under this bill, and the gentleman from Texas [Mr. DOGGETT] may inquire in order.''.

After some further time,

¶26.10 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''Mr. Speaker, the items that the gentleman [Mr. PALLONE] is ticking off on his finger have no relationship to the information to be collected in this data bank, or any other data bank.''.

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

''Mr. Speaker, I am concerned that that in fact is not the case. The fact of the matter is when you talk about the data bank, which I understand for this specific purpose is linked to how many employees receive private health insurance as opposed to Medicare and what the impact of that is going to be, we have the same thing now with the proposal by Senator Kassenbaum and Senator Kennedy and the gentlewoman from New Jersey [Mrs. ROUKEMA], where we are trying to get passed on the House floor health care insurance reform that will eliminate preexisting conditions and that will allow for portability. The Republican leadership, from what I can see, will not allow it to come to the floor.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The Chair will again rule that the gentleman from New Jersey's [Mr. PALLONE] remarks be confined to the bill at hand.''.

After some further time,

¶26.11 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''Mr. Speaker, I rise to this point of order with the understanding that apparently Members are no longer held to the rule of germaneness. The correct dialogue is nowhere near the intersection of nexus with the legislation, in this gentleman's opinion. I would ask a ruling of the Chair.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The Chair would remind the Members that on November 14th, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant connection or nexus between the subject of the bill and his remarks on health care generally. The Chair would ask the Members to proceed with that in mind.''.

After some further time,

¶26.12 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''Mr. Speaker, this gentleman is constrained once again to request that the Speaker, in this gentleman's opinion, understand that the simple mention of a data bank does not make the discussion germane to this bill in front of us, to the extent that it would allow the gentleman from California [Mr. STARK], who quite rightly is pushing the envelope as he is trying to do, to discuss the sales of Medigap policies and potential unscrupulous salesmen who might sell these products.''.

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

''Mr. Speaker, I certainly (like to respond to the point of order), only to suggest to the Chair that in whichever way the Chair sees fit to rule, the Chair certainly understands the issues and has been extremely fair, and I would have no quarrel with him in any event.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The notion of data banks generally and the notion of data banks as contained in the bill are not necessarily the same issue. Again, the Chair would ask the gentleman from California [Mr. STARK] to confine his remarks to the legislation at hand.''.

After some further time,

¶26.13 POINT OF ORDER

Mr. THOMAS made a point of order, and said:

''Mr. Speaker, the Speaker knows well my point of order. It is the subject matter and the content of the bill and the question propounded by the gentleman from Texas [Mr. DOGGETT], which has no relevance or germaneness, as we say in our rules, to the subject matter before us.''.

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

''Mr. Speaker, innoculation is germane to this because many of these employers kept records or were to keep records of who was paying for the innoculations in the Repulbican Medicare plan, so many people will be denied innoculations. It is, in fact, very important that we point out that the innoculations they are talking about are not the same innoculations that little children are not going to get when the Medicaid cuts come down from the Republicans.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''In response to the point of order, the Chair cannot respond to the rhetorical nature of the question stated by the gentleman from Texas [Mr. DOGGETT] by necessarily ruling it irrelevant.''.

After some further time,