

Mr. BONIOR moved to recommit the bill to the Committee on Ways and Means with instructions to report the bill back to the House forthwith with the following amendments:

The amendment made by subsection (a) shall only apply during periods when the minimum wage under section 6(a)(1) of the Fair Labor Standards Act is not less than \$4.70 an hour during the year beginning on July 4, 1996 and not less than \$5.15 an hour after July 3, 1997.

Pending consideration of said motion,

#### ¶37.10 POINT OF ORDER

Mr. ARCHER made a point of order that the motion to recommit was not germane, and said:

"Mr. Speaker, I make, actually, two points of order: a point of order that the motion to recommit with instructions is not germane to the bill; and, second, that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act."

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

"Mr. Speaker, this bill is very broad in its scope. This bill provides that the President be given a line-item veto authority. This bill provides for an increase in the amount Social Security recipients could earn before their Social Security benefits are reduced. Third, it allows small businesses to seek judicial review of regulations.

"Mr. Speaker, this bill has to do with taxpayers. There is nothing more important to taxpayers and citizens in this country than to be able to have revenues in their pockets. What we are offering and what we are suggesting under this motion to recommit is that we be given the chance to vote on the increase in the minimum wage, which has not been raised for the past 5 years. The minimum wage is a very important part of a variety of laws in this country that deal with ability of people to make ends meet.

"The third piece of this bill that was added in the Committee on Rules allows small business to seek judicial review of regulations. In that sense, Mr. Speaker, it seems to me that those people who are affiliated with small business on the employment side ought to have redress to getting a decent wage in this country. You cannot live and raise a family on \$9,000 a year or less.

"Let me just add another point to my argument, Mr. Speaker, subtitle C of the bill requires that the Department of Labor certify whether any of its rules, including rules governing the minimum wage, where a small business could go to court seeking a stay of the Department of Labor's rules governing the minimum wage.

"It seems to me that, because of the addition of that subsection and the broadening of the bill, the minimum wage indeed is in order as a discussion point in a motion to recommit.

"I would further add, Mr. Speaker, that my recommittal motion is logi-

cally relevant to the bill and establishes a condition that is logically relevant to subtitle C. Under the House precedent, my motion, I think, meets this test. If we are meeting the test for seniors, it seems to me we ought to be meeting the test for those women, primarily, millions of them raising kids on their own making less than \$8,000 a year. They ought to be given the chance to have this debated and voted on by the House of Representatives.

"I have difficulty not talking emotionally about this issue because of what I see in the country. But I will confine my remarks to subsection C of the bill that requires that the Department of Labor certify. And I would tell my friend from Texas, the Department of Labor has to certify whether any of its rules, including rules governing the minimum wage. And that, it seems to me, is the direct connection in this bill with the needs of working people in this country who are working for minimum wage and deserve to have the opportunity to have that wage increase."

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

"Mr. Speaker, I make a point of order that the motion to recommit with instructions is not germane to the bill.

"Mr. Speaker, the motion to recommit is not germane because it seeks to introduce material within the jurisdiction of a Committee that is not dealt with in the bill. That is, the subject of the amendment, the Minimum Wage, falls within the jurisdiction of the Committee on Economic and Educational Opportunities, while the subject matter of the bill falls only within the jurisdiction of the Committees on Ways and Means, Budget, Rules, Judiciary, Small Business, and Government Reform and Oversight.

"In addition, the motion to recommit seeks to amend the Fair Labor Standards Act, which is not amended by the bill.

"Finally, there is the gentleman's argument about rulemaking. The rulemaking authority under this bill is general and not agency specific. Therefore, the motion to recommit is not germane to the bill, and it should be ruled out of order on that basis."

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

"Mr. Speaker, it would seem to me, if we are debating this bill on raising the debt ceiling limit, that something to do with the minimum wage is about as germane to the debt ceiling limit lifting as the line-item veto is and as allowing seniors to make more money for Social Security purposes. I cannot see why one would not be germane and why these other things are germane. In fact, we should have a clean lifting of the debt ceiling and then we would not have to worry about germaneness after all.

"So it would seem to me that we cannot on the one hand attach all kinds of extraneous things to the lifting of the debt ceiling and then on the other hand claim that the minimum wage is not at

least as relevant to the lifting of the debt ceiling as the line-item veto and senior citizens are. I just do not think it is fair if we are going to talk about playing by fair rules. I think we ought to be fair. While they may want to stifle free speech on the other side of the aisle, I think we have a right to ask for equity here."

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

"The Chair is prepared to rule on the point of order raised by the gentleman from Texas on germaneness. The gentleman from Texas makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Michigan is not germane to the bill. The test of germaneness in the case of a motion to recommit with instructions is a relationship of those instructions to the bill as a whole.

"The pending bill permanently increases the debt limit. It also comprehensively addresses several other unrelated programs, specifically, the Senior Citizens' Right to Work Act, which amends the Social Security Act, the Line-Item Veto Act, which amends the Congressional Budget and Impoundment Control Act, and the Small Business Growth and Fairness Act of 1996, which amends the Regulatory Flexibility Act and the Small Business Act, and it establishes congressional review of agency rulemaking.

"The motion does not amend the Fair Labor Standards Act. The motion does not directly amend the laws that go directly to the jurisdiction of the Committee on Economic and Educational Opportunities.

"The Chair would cite page 600 of the Manual the following: 'An amendment that conditions the availability of funds covered by a bill by adopting as a measure of their availability the monthly increases in the debt limit may be germane so long as the amendment does not directly affect other provisions of law or impose unrelated contingencies.'

"Therefore, the Chair rules that this motion is germane and overrules that point of order."

#### ¶37.11 POINT OF ORDER

Mr. ARCHER made a point of order against the motion to recommit as violating section 425 of the Congressional Budget Act, and said:

"Mr. Speaker, I make a point of order that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act. Section 425 prohibits consideration of a measure containing unfunded intergovernmental mandates whose total unfunded direct cost exceeds \$50 million annually. The precise language in question is the text of the instruction that amends the Fair Labor Standards Act to increase the minimum wage.

"According to the Congressional Budget Office, an increase in the min-

imum wage from \$4.25 to \$5.15 would exceed the threshold amount under the rule of \$50 million. In fact, CBO estimates that it would impose an unfunded mandate burden of over \$1 billion over 5 years.

"Let me also point out that CBO estimates that this provision would result in a .5 percent to 2 percent reduction in the employment level of teenagers and a smaller percentage reduction for young adults. These would produce employment losses of roughly 100,000 to 500,000 jobs.

"Therefore, I urge the Chair to sustain this point of order, and I urge my colleagues to vote against consideration of this unfunded mandate on State and local governments."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded to the point of order, and said:

"The gentleman from Texas [Mr. ARCHER] makes a point of order that the motion violates section 425 of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the motion having that effect. Under section 426(b)(4) of the Act, the gentleman from Texas ARCHER] and the gentleman from Michigan [Mr. BONIOR] will each control ten minutes of debate on the point of order. Pursuant to section 426(b)(3) of the Act, after debate on the point of order the Chair will put the question of consideration, to wit: 'Will the House now consider the motion?'"

After debate,

37.12 WORDS TAKEN DOWN

Mr. DELAY during debate addressed the House and, during the course of his remarks,

Mr. BONIOR demanded that certain words be taken down.

The Clerk read the words taken down as follows:

The gentleman from New York [Mr. ENGEL], who just spoke before I did, said in his speech that we owe the American workers this vote and we owe the American worker to raise the minimum wage. I submit he got that from the convention that was just held in this town by the AFL-CIO, who said that they would raise over \$35 million to take this majority out. That is what this vote is all about. This group over here on this side of the aisle has been screaming and yelling for the last many weeks.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, held the words taken down to not be unparliamentary, and said:

"The Chair does not believe that anything in those remarks constitutes any personal reference to any other Member of this body."

Mr. BONIOR was recognized to speak to the ruling of the Chair, and said:

"Mr. Speaker, the Clerk needs to go back farther, because there was reference and the use of the word 'hypocrite', and the Clerk has not gone back far enough to pick up the word that I objected to. The word 'hypocrisy' was used, excuse me, Mr. Speaker."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded

to the remarks of the gentleman from Michigan [Mr. BONIOR], and said:

"The Chair would remind the gentleman that on points such as that, the point of order from the gentleman making the point of order has to be timely. The Clerk has gone back several sentences to transcribe what the gentleman had said, and the gentleman's demand certainly was not timely in this instance."

37.13 POINT OF ORDER

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

"Mr. Speaker, that dialogue that I am referring to could not have taken more than 30 seconds, and it seems to me that I was indeed timely when I rose to my feet as the gentleman was completing his idea, which included referring to the gentleman from New York [Mr. ENGEL] with the term 'hypocrisy'."

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded to the point of order, and said:

"Under the precedents set, those points of order raised by the gentleman have to be on a timely basis. This is precedent that has been set in this body for a number of years where there are intervening remarks that you are alluding to. So the Chair rules that the gentleman from Texas [Mr. DELAY] may proceed."

Mr. BONIOR appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. ARCHER moved to lay the appeal on the table.

The question being put, viva voce, Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. HASTING of Washington, announced that the yeas had it.

Mr. BONIOR demanded a recorded vote on the motion to lay the appeal on the table, 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 ..... 232 affirmative ..... } Nays ..... 185

37.14 [Roll No. 99] AYES—232

- Allard Brownback Combest
Archer Bryant (TN) Cooley
Army Bunn Cox
Bachus Bunning Crane
Baker (CA) Burr Crapo
Baker (LA) Burton Cremeans
Ballenger Buyer Cubin
Barr Callahan Cunningham
Barrett (NE) Calvert Davis
Bartlett Camp Deal
Bartton Campbell DeLay
Bass Canady Diaz-Balart
Bateman Castle Dickey
Bereuter Chabot Doolittle
Bilbray Chambliss Dornan
Bilirakis Chenoweth Dreier
Bliley Christensen Duncan
Blute Chrysler Dunn
Boehlert Clinger Ehlers
Boehner Coble Ehrlich
Bonilla Coburn Emerson
Bono Collins (GA) English

- Ensign Klug Roberts
Everett Knollenberg Rogers
Ewing Kolbe Rohrabacher
Fawell LaHood Ros-Lehtinen
Fields (TX) Largent Roth
Flanagan Latham Roukema
Foley LaTourrette Royce
Forbes Laughlin Salmon
Fox Lazio Sanford
Franks (CT) Leach Saxton
Franks (NJ) Lewis (CA) Scarborough
Frelinghuysen Lewis (KY) Schaefer
Frisa Lightfoot Schiff
Funderburk Linder Seastrand
Gallegly Livingston Sensenbrenner
Ganske LoBiondo Shadegg
Gekas Longley Shaw
Gilcrest Lucas Shays
Gillmor Manzullo Shuster
Gilman Martini Skeen
Goodlatte McCollum Smith (MI)
Goodling McCrery Smith (NJ)
Goss McDade Smith (TX)
Graham McHugh Solomon
Greenwood McInnis Souder
Gunderson McIntosh Spence
Gutknecht McKeon Stearns
Hancock Metcalf Stockman
Hansen Meyers Stump
Hastert Mica Talent
Hastings (WA) Miller (FL) Tate
Hayworth Molinari Tauzin
Hefley Moorhead Taylor (NC)
Heineman Morella Thomas
Herger Myers Thornberry
Hilleary Myrick Tiahrt
Hobson Nethercutt Torkildsen
Hoekstra Neumann Upton
Hoke Ney Vucanovich
Horn Norwood Waldholtz
Hostettler Nussle Walker
Houghton Oxley Walsh
Hunter Packard Wamp
Hutchinson Parker Watts (OK)
Hyde Paxon Weldon (FL)
Inglis Petri Weller
Istook Pombo White
Jacobs Porter Whitfield
Johnson (CT) Portman Wicker
Johnson, Sam Pryce Wolf
Jones Quillen Young (AK)
Kasich Kasich Quinn Young (FL)
Kelly Radanovich Zeliff
Kim Ramstad Zimmer
King Regula
Kingston Riggs

NOES—185

- Abercrombie Dixon Kanjorski
Ackerman Doggett Kaptur
Andrews Dooley Kennedy (MA)
Baesler Doyle Kennedy (RI)
Baldacci Durbin Kennelly
Barcia Edwards Kildee
Barrett (WI) Engel Kleczka
Becerra Eshoo Klink
Beilenson Evans LaFalce
Bentsen Farr Lantos
Berman Fattah Levin
Bevill Fazio Lewis (GA)
Bishop Flake Lincoln
Bonior Foglietta Lipinski
Borski Ford Lofgren
Boucher Frank (MA) Lowey
Brewster Furse Luther
Browder Gejdenson Maloney
Brown (CA) Gephardt Manton
Brown (FL) Geren Markey
Brown (OH) Gibbons Mascara
Cardin Gonzalez Matsui
Chapman Gordon McCarthy
Clay Green McDermott
Clayton Gutierrez McHale
Clement Hall (OH) McKinney
Clyburn Hall (TX) Meehan
Coleman Hamilton Meek
Collins (MI) Harman Menendez
Condit Hastings (FL) Miller (CA)
Conyers Hefner Minge
Costello Hilliard Mink
Coyne Hinchey Moakley
Cramer Mollohan Mollahan
Danner Hoyer Montgomery
de la Garza Jackson (IL) Moran
DeFazio Jackson-Lee Murtha
DeLauro (TX) Nadler
Dellums Jefferson Neal
Deutsch Johnson (SD) Oberstar
Dicks Johnson, E. B. Obey
Dingell Johnston Olver