3149. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (transmittal No. 96–48), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3150. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–30–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3151. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on nuclear nonproliferation in South Asia for the period of October 1, 1995, through March 31, 1996, pursuant to 22 U.S.C. 2376(c); to the Committee on International Relations.

3152. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96–49), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3153. A communication from the President of the United States transmitting notification that on May 19, 1996, heavy fighting broke out between government forces and mutinous troops in the capital city of Bangui, Central African Republic, and that on May 20, 1996, the deployment of United States military personnel was ordered to conduct the evacuation from the Central African Republic of private United States citizens and certain United States Government employees (H. Doc. No. 104–220); to the Committee on International Relations and ordered to be printed.

3154. A letter from the Chairwoman, National Mediation Board, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3155. A letter from the Secretary of the Treasury, transmitting the fiscal year 1995 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3156. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (recodification of State law) [IN–132–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3157. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Texas Regulatory Program (road systems and others) [TX–029–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3158. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (remaining and others) [IN–133–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3159. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Hopi Tribe Abandoned Mine Land Reclamation Plan [HO–003–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3160. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (revegetation success guidelines) [MO–025–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3161. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Missouri Regulatory Program (state alternative bonding system and others) [MO–026–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3162. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Oklahoma Abandoned Mine Land Reclamation Plan (eligible lands and waters, and others) [OK–-15–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3163. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Indiana Regulatory Program (subsidence control) [IN–112–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3164. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—New Mexico Regulatory Program (definitions and others) [NM–036–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3165. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Colorado Regulatory Program (definitions and others) [CO–029–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3166. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Virginia Regulatory Program (coal waste) [VA–105] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3167. A letter from the Director, Office of Surface Mining, transmitting the Office's final rule—Illinois Regulatory Program (termination of jurisdiction and others) [IL–089–FOR] received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3168. A letter from the Director, National Legislative Commission, The American Legion, transmitting a copy of the Legion's financial statements as of December 31, 1995, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

3169. A letter from the Director, Federal Emergency Management Agency, transmitting notification that funding under title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, may exceed $5 million for the response to the emergency declared as a result of the extreme fire hazard in the State of Texas dating back to February 23, 1996, pursuant to 42 U.S.C. 5193(b)(3); to the Committee on Transportation and Infrastructure.

3170. A letter from the Secretary of Transportation, transmitting the Department's report entitled ''Report To Congress: Products Used For Airport Pavement Maintenance And Rehabilitation,'' pursuant to the Federal Aviation Administration Authorization Act of 1994; to the Committee on Transportation and Infrastructure.

3171. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans and Dependents Education: Miscellaneous (RIN 2900–AH60) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3172. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate (Revenue Ruling 96–28) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definitions Relating to Corporate Reorganizations (Revenue Ruling 96–29) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Distribution of Stock and Securities of a Controlled Corporation (Revenue Ruling 96–30) received May 22, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3175. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on allocation of funds the executive branch intends to make available from funding levels established in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996; jointly, to the Committees on Appropriations and International Relations.

3176. A letter from the Secretary of Health and Human Services, transmitting the Secretary's evaluation of the Medicare select demonstration, that is, a Medicare supplemental insurance product limited to 15 States for 3 years, effective January 1, 1992, pursuant to section 4358(d) of the Omnibus Budget Reconciliation Act of 1990; jointly, to the Committees on Commerce and Ways and Means.

3177. A letter from the Chair of the Board, Office of Compliance, transmitting notice of proposed rulemaking for publication in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 304(b)(1) (109 Stat. 29); jointly, to the Committees on House Oversight and Economic and Educational Opportunities.

3178. A letter from the Secretary of Health and Human Services, transmitting the Department's report entitled ''Report to Congress: Changes in Physician Participation, Assignment, and Extra Billing in the Medicare Program During 1994—ACTION,'' pursuant to section 1848(g)(6) of the Social Security Act; jointly, to the Committees on Ways and Means and Commerce.

## ¶63.4 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

## ¶63.5 UNFINISHED BUSINESS—H.R. 1227

The SPEAKER pro tempore, Mr. WALKER, announced the unfinished business to be the consideration of the bill (H.R. 1227) to amend the Portal-to-Portal Act of 1947 relating to the payment of wages to employees who use employer owned vehicles.

When said bill was considered pursuant to House Resolution 440 and the order of the House of May 22, 1996.

After debate,

Mr. RIGGS, pursuant to House Resolution 440, offered the following amendment:

Add at the end the following:

**SEC. 3. MINIMUM WAGE INCREASE.**

(a) SHORT TITLE.—This section may be cited as the ''Minimum Wage Increase Act of 1996''.

(b) AMENDMENT.—Paragraph (1) of section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending on June 30, 1996, not less than $4.75 an hour during the year beginning

on July 1, 1996, and not less than $5.15 an hour after the expiration of such year;''.

Pending consideration of said amendment,

¶63.6 POINT OF ORDER

Mr. PORTMAN made a point of order against the amendment as violating section 425(a) of the Congressional Budget Act of 1974, and said:

''Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act, it is not in order for the House to consider any amendment that would increase the direct costs of Federal intergovernmental mandates in excess of $50 million annually. The precise language in the amendment before us on which this is based is 'Paragraph 1 of section 6(a) of the Fair Labor Standards Act of 1938 is amended to read as follows: Not less than $.75 an hour during the year beginning July 1, 1996, and not less than $5.15 an hour after the expiration of such year.'

''It is upon this basis and the impact this amendment would have on State and local government as estimated by the Congressional Budget Office that I raise this point of order, and ask for ruling from the Chair.''.

The SPEAKER pro tempore, Mr. WALKER, responded to the point and said:

''The gentleman from Ohio [Mr. PORTMAN] makes a point of order that the amendment violates section 425(a) 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 in the amendment on which he predicates the point of order. Under section 426(b)(4) of the Act, the gentleman from Ohio and a Member opposed each will control 10 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 amendment?'.''

After debate,

The question being put, viva voce,

Will the House now consider said amendment?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays appeared to have it.

Mr. CLAY 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 ..... 267 / Nays ..... 161 }

¶63.7 [Roll No. 191]

YEAS—267

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moorhead
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solomon
Spratt
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NAYS—161

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fowler
Frelinghuysen
Funderburk
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Radanovich
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Zeliff

NOT VOTING—5

Engel
Franks (CT)
Hancock
Molinari
Ward

So, the question of consideration was resolved in the affirmative.

When said amendment was considered.

After debate,

Pursuant to House Resolution 440, the previous question on the amendment was considered as ordered.

The question being put, viva voce,

Will the House agree to the amendment?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays appeared to have it.

Mr. RIGGS demanded a recorded vote on the amendment, 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 affirmative ..... { Yeas ..... 266 / Nays ..... 162 }

¶63.8 [Roll No. 192]

AYES—266

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
Canady
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cummings
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes