

be agreed to and that the bill, as amended, do pass.

By unanimous consent, the previous question was ordered on the bill and amendments.

The following amendments, reported from the Committee of the Whole House on the state of the Union, were agreed to:

Page 2, line 23, strike "\$71,950,000" and insert "\$68,238,000".

Page 3, line 13, strike "\$33,902,000" and insert "\$33,325,000".

Page 11, line 19, strike "\$53,808,000" and insert "\$52,450,000".

Page 12, line 4, strike "\$198,233,000" and insert "\$189,000,000".

Page 22, line 20, strike "\$35,584,000" and insert "\$34,885,000".

Page 23, line 11, strike "\$332,000" and insert "\$324,000".

Page 23, line 23, strike "\$3,014,000" and insert "\$2,932,000".

Page 24, line 5, strike "\$3,403,000" and insert "\$3,345,000".

Page 24, line 10, strike "\$3,842,000" and insert "\$3,701,000".

Page 24, line 20, strike "\$53,188,000" and insert "\$51,934,000".

Page 26, line 8, strike "\$3,108,000" and insert "\$3,058,000".

Page 26, line 19, strike "\$67,348,000" and insert "\$66,348,000".

Page 42, line 18, strike "\$35,346,000" and insert "\$31,155,000".

Page 51, line 5, strike "\$121,269,000" and insert "\$117,593,000".

At the end of title III relating to "Executive Office of the President", insert the following paragraph:

REDUCTION IN AMOUNTS UNDER TITLE

Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this title that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5.7 percent.

Page 64, strike out lines 8 through 15 and insert: "Any Federal agency which leases commercial space in the Omaha, Nebraska—Council Bluffs, Iowa, geographical area, when entering into new leases, shall give preference to space available meeting standard government lease criteria, provided the space also meets the occupying agency's mission requirement. The agency shall give priority consideration to space offered at the lowest cost per square foot within the geographical area, provided that the space under consideration also affords accessibility to the greatest number of members of the public served by the Federal agency, and to other factors set out in the applicable statutes and regulations."

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . SENSE OF THE HOUSE.—

Whereas the United States Postal Service will spend \$440,000 to send 171 of their "customers" to Barcelona, Spain for the 1992 Summer Olympics;

Whereas the Postal Service will pay for travel expenses, hotel costs, daily tickets to events, ground transportation, receptions, and meals for 171 individuals;

Whereas the Postal Service expects to spend \$122,000,000 for its sponsorship of the Olympics;

Whereas in 1991 the Postal Service raised first-class postal rates 16 percent from 25 cents to 29 cents when the inflation rate was under four percent; and

Whereas the Postal Service recorded a \$1.5 billion debt in 1991 and has been in debt for the past five years: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the funding by the United States Postal Office of trips to the Olympics for high volume mailers is an excessive and inappropriate expense to American taxpayers who partially support such service financially; and

(2) the United States Postal Service should limit expenditures to improve delivery of the mail.

Page 95, after line 8, insert the following new section:

"None of the funds made available by this Act shall be available for approval of any certificate of label approval which authorizes the use of the name Crazy Horse on any distilled spirit, wine or malt beverage product."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MYERS moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

None of the funds appropriated or otherwise made available in this Act shall be made available to an entity when it shall be made known to the Secretary that such entity has an announced policy of denying funds to the Boy Scouts of America and the activities of the Boy Scouts of America.

Pending consideration of said motion,

81.31 POINT OF ORDER

Mr. ROYBAL made a point of order against said motion, and said:

"Mr. Speaker, I make a point of order against the motion to recommit with instructions because it includes a limitation and is not in order under clause 2, rule XXI. Under the precedents of the House, it is not competent for the House to amend the bill in the manner proposed because it is not in order for the House to instruct the committee to do what the House itself could not do.

"Mr. Speaker, I quote from the 'Precedents of the House of Representatives':

It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment. (Hinds': Vol. 5, paragraph 5529)

"Also, Mr. Speaker, a point of order was sustained on a motion to recommit with instructions because, and I quote:

It is clear that the amendment offered by way of matter contained in the motion to recommit * * * would not have been in order if offered as an amendment * * * (Cannon's: Vol. VIII, paragraph 2705)

"Mr. Speaker, the gentleman's motion to instruct includes a limitation not specifically contained or authorized in existing law and not considered in the Committee of the Whole pursuant to clause 2(d) of rule XXI.

"I ask for a ruling from the Chair."

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

"Mr. Speaker, it is clear that instructions may not propose legislation or unauthorized appropriations by way of an amendment. This is strictly a limiting period. On that issue, on August 1, 1989, Speaker FOLEY ruled that in the opinion of the Chair, ruling on this matter of first impression, that the clear language of clause 2(c), cited

by the Chairman here, of rule XXI, prohibits limiting amendments from being contained in a motion to recommit since no limitation amendment was permitted by the Committee of the Whole under clause 2(d) of that rule.

"Here a number of limitation amendments have been considered and were passed and become part of the law. So clearly limitations have already become part of this law. Likewise, that consideration is past, we have already considered limitations, and this is just one more limitation which the rules clearly understand.

"Further, the Chair has ruled in the past, on January 11, 1934, that rules prohibiting certain amendments during consideration of a general appropriation bill would not distinguish them.

"But here limitations have already been passed. It is clear that this Chair has ruled on them. The Committee has accepted one or two. So the ruling on limitations has already been considered by this House and passed."

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

"Mr. Speaker, as the gentleman from Indiana [Mr. MYERS] has cited, the precedents on this will not hold in this instance where the Committee has in fact adopted funds limitation amendments.

"The gentleman from Virginia [Mr. WOLF] offered a funds limitation amendment. It was accepted by the House. It was exactly the same kind of fund limitation that the gentleman from Indiana [Mr. MYERS] now seeks to offer in the motion to recommit. It was a none of these funds amendment may be made available by this act.

"That is precisely what the gentleman from Indiana [Mr. MYERS] has in his motion to recommit. The Committee has decided to take such amendments in this particular bill. So, therefore, it is entirely in order for the gentleman from Indiana to offer such an amendment as a part of his motion to recommit."

The SPEAKER pro tempore, Mr. McNULTY, sustained the point of order, and said:

"The Chair is prepared to rule. The gentleman from California [Mr. ROYBAL] correctly cites the ruling on page 600 of the manual as held by Speaker FOLEY on August 1 and 3, 1989. The point of order is sustained. The motion of the gentleman from Indiana [Mr. MYERS] is not in order."

Mr. MYERS moved to recommit the bill to the Committee on Appropriations with instructions to report the bill back to the House forthwith with the following amendment:

On page 76, line 20, strike "or any successor organization".

After debate, By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. McNULTY, announced that the nays had it.

