

Hunter	Meyers	Solarz
Johnson (TX)	Miller (WA)	Studds
Jones (GA)	Moody	Synar
Jones (NC)	Morrison	Tallon
Kolter	Mrazek	Thomas (GA)
Lehman (CA)	Nagle	Towns
Levine (CA)	Neal (NC)	Traxler
Lewis (CA)	Pease	Weiss
Lowery (CA)	Pursell	Wilson
Mavroules	Schiff	Young (AK)
McCrery	Skelton	Zeliff
McCurdy	Smith (OR)	

So the Journal was approved.

¶103.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

4210. A letter from the Acting Assistant Secretary (Financial Management), Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter April 1, 1992 through June 30, 1992, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

4211. A letter from the Acting Director, Resolution Trust Corporation, transmitting a report entitled "Progress of Investigations of Professional Conduct through June 30, 1992," pursuant to Public Law 101-647, section 2540 (104 Stat. 4885); to the Committee on Banking, Finance and Urban Affairs.

4212. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of intent to exercise authority under section 506(b)(2) of the Foreign Assistance Act of 1961, as amended, in order to provide military assistance to Mexico, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

4213. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 92-37), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4214. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Departments of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Austria for defense articles and services (Transmittal No. 92-44), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4215. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense equipment sold commercially to Japan (Transmittal No. DTC-28-92), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

4216. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Departments of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Italy for defense articles and services (Transmittal No. 92-38), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

4217. A letter from the Deputy Assistant Secretary (Requirements and Resources), Department of Defense, transmitting the report on the military retirement system as of September 30, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4218. A letter from the Executive Secretary, Federal Reserve Employee Benefits System, transmitting the annual report of the retirement plan for employees of the Federal Reserve System as required by Public Law 95-595 prepared as of December 31, 1991, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4219. A letter from the Administrator, National Aeronautics and Space Administration, transmitting proposed use of R&D

funds in the Spacecraft Systems Development and Integration Facility; to the Committee on Science, Space, and Technology.

4220. A letter from the Chairman, Federal Election Commission, transmitting the Commission's budget request for the fiscal year 1994, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House Administration and Appropriations.

4221. A letter from the Secretary of Energy, transmitting a report entitled "Toms Creek Integrated Gasification Combined Cycle Demonstration Project," proposed by Tampella Power Corp. and Coastal Power Production Co.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

4222. A letter from the Secretary of Energy, transmitting a report entitled "Milliken Clean Coal Technology Demonstration Project," proposed by New York State Electric and Gas Corp.; jointly, to the Committees on Appropriations, Energy and Commerce, and Science, Space, and Technology.

¶103.4 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

¶103.5 INTERIOR APPROPRIATIONS

On motion of Mr. YATES, by unanimous consent, the bill (H.R. 5503) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. YATES, it was,

*Resolved*, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. McNULTY, by unanimous consent, announced the appointment of Messrs. YATES, MURTHA, DICKS, AU COIN, BEVILL, ATKINS, WHITTEN, REGULA, MCDADE, LOWERY, and SKEEN, as managers on the part of the House at said conference.

*Ordered*, That the Clerk notify the Senate thereof.

¶103.6 COMMERCE, JUSTICE, STATE, AND JUDICIARY APPROPRIATIONS

On motion of Mr. SMITH of Iowa, by unanimous consent, the bill (H.R. 5678) making appropriations for the Departments of Commerce, Justice, and State, and the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. SMITH of Iowa, it was,

*Resolved*, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. McNULTY, by unanimous consent, announced the appointment of

Messrs. SMITH of Iowa, ALEXANDER, EARLY, CARR, MOLLOHAN, Ms. PELOSI, Messrs. WHITTEN, ROGERS, REGULA, KOLBE, and McDade, as managers on the part of the House at said conference.

*Ordered*, That the Clerk notify the Senate thereof.

¶103.7 WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON S. 5

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 560):

*Resolved*, That during consideration of the conference report to accompany the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, points of order against the conference report for failure to comply with clause 3 of rule XXVIII are waived. The conference report shall be debatable for ninety minutes, with thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, and thirty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration.

When said resolution was considered. After debate,

On motion of Mr. GORDON, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. McNULTY, 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 ..... 329  
Nays ..... 71

¶103.8 [Roll No. 389] YEAS—329

Abercrombie	Brooks	Coyne
Ackerman	Broomfield	Cramer
Anderson	Browder	Darden
Andrews (ME)	Bruce	Davis
Andrews (NJ)	Bryant	de la Garza
Andrews (TX)	Bustamante	DeFazio
Annunzio	Byron	DeLauro
Anthony	Camp	Dellums
Applegate	Campbell (CA)	Derrick
Archer	Campbell (CO)	Dicks
Aspin	Cardin	Dingell
Bacchus	Carper	Dixon
Ballenger	Carr	Dooley
Barnard	Chapman	Doollittle
Barrett	Clay	Dorgan (ND)
Bateman	Clement	Downey
Beilenson	Clinger	Dreier
Bennett	Coleman (MO)	Durbin
Bentley	Coleman (TX)	Dwyer
Berman	Collins (IL)	Early
Bevill	Collins (MI)	Eckart
Bilbray	Combest	Edwards (CA)
Blackwell	Condit	Edwards (TX)
Boehlert	Conyers	Emerson
Bonior	Cooper	Engel
Borski	Costello	English
Boucher	Coughlin	Erdreich
Boxer	Cox (CA)	Espy
Brewster	Cox (IL)	Evans

Fascell	Lipinski	Rinaldo
Fazio	Livingston	Ritter
Feighan	Long	Roe
Fish	Lowery (CA)	Roemer
Flake	Luken	Rogers
Foglietta	Machtley	Rohrabacher
Ford (MI)	Manton	Ros-Lehtinen
Ford (TN)	Markey	Rose
Frank (MA)	Martin	Rostenkowski
Frost	Martinez	Roth
Gallegly	Matsui	Roukema
Gaydos	Mazzoli	Rowland
Gejdenson	McCloskey	Roybal
Gephardt	McDade	Russo
Geren	McDermott	Sabo
Gibbons	McGrath	Sanders
Gilchrest	McHugh	Sangmeister
Gillmor	McMillan (NC)	Sarpaluis
Gilman	McMillen (MD)	Savage
Gingrich	McNulty	Sawyer
Glickman	Meyers	Saxton
Gonzalez	Mfume	Scheuer
Goodling	Michel	Schroeder
Gordon	Miller (CA)	Schumer
Gradison	Miller (OH)	Serrano
Grandy	Mineta	Sharp
Green	Mink	Shaw
Guarini	Moakley	Shays
Gunderson	Molinari	Shuster
Hall (OH)	Mollohan	Sikorski
Hall (TX)	Montgomery	Sisisky
Hamilton	Moorhead	Skaggs
Harris	Moran	Skeen
Hayes (IL)	Morella	Skelton
Hayes (LA)	Murphy	Slattery
Hefner	Murtha	Slaughter
Hertel	Myers	Smith (FL)
Hoagland	Nagle	Smith (IA)
Hochbrueckner	Natcher	Smith (NJ)
Horn	Neal (MA)	Snowe
Horton	Neal (NC)	Solomon
Houghton	Nowak	Spratt
Hoyer	Nussle	Staggers
Hubbard	Oakar	Stallings
Huckaby	Oberstar	Stark
Hughes	Obey	Stenholm
Hutto	Olin	Stokes
Hyde	Olver	Swett
Jacobs	Ortiz	Swift
James	Orton	Tallon
Jefferson	Owens (NY)	Tanner
Jenkins	Owens (UT)	Tauzin
Johnson (CT)	Pallone	Taylor (MS)
Johnson (SD)	Panetta	Thomas (CA)
Johnson (TX)	Parker	Thornton
Johnston	Pastor	Torres
Jones (GA)	Patterson	Torricelli
Jontz	Paxon	Traficant
Kanjorski	Payne (NJ)	Unsoeld
Kaptur	Payne (VA)	Valentine
Kennedy	Pelosi	Vento
Kennelly	Penny	Visclosky
Kildee	Perkins	Volkmer
Klecicka	Peterson (FL)	Washington
Klug	Peterson (MN)	Waters
Kolbe	Petri	Waxman
Kopetski	Pickett	Weldon
Kostmayer	Pickle	Wheat
LaFalce	Porter	Whitten
Lagomarsino	Poshard	Williams
Lantos	Price	Wise
LaRocco	Quillen	Wolf
Laughlin	Rahall	Wolpe
Leach	Ramstad	Wyden
Lehman (CA)	Rangel	Yates
Lehman (FL)	Ravenel	Yatron
Lent	Ray	Young (AK)
Levin (MI)	Reed	Young (FL)
Lewis (FL)	Regula	Zeliff
Lewis (GA)	Richardson	Zimmer
Lightfoot	Ridge	

## NAYS—71

Allard	Dickinson	Henger
Allen	Dornan (CA)	Hobson
Armey	Duncan	Hopkins
Baker	Edwards (OK)	Hunter
Barton	Ewing	Inhofe
Bereuter	Fawell	Ireland
Bilirakis	Fields	Kasich
Bliley	Franks (CT)	Kyl
Boehner	Gallo	Marlenee
Bunning	Gekas	McCandless
Burton	Goss	McCollum
Callahan	Hammerschmidt	McCrery
Coble	Hancock	McEwen
Crane	Hansen	Nichols
Cunningham	Hastert	Oxley
Dannemeyer	Hefley	Packard
DeLay	Henry	Rhodes

Riggs	Spence	Vander Jagt
Roberts	Stearns	Vucanovich
Santorum	Stump	Walker
Schaefer	Sundquist	Walsh
Schulze	Taylor (NC)	Weber
Sensenbrenner	Thomas (WY)	Wylie
Smith (TX)	Upton	

## NOT VOTING—34

Alexander	Levine (CA)	Schiff
Atkins	Lewis (CA)	Smith (OR)
AuCoin	Lloyd	Solarz
Brown	Lowey (NY)	Studds
Chandler	Mavroules	Synar
Donnelly	McCurdy	Thomas (GA)
Dymally	Miller (WA)	Towns
Hatcher	Moody	Traxler
Holloway	Morrison	Weiss
Jones (NC)	Mrazek	Wilson
Kolter	Pease	
Lancaster	Pursell	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

## ¶103.9 FAMILY AND MEDICAL LEAVE

Mr. CLAY, pursuant to House Resolution 560, called up the following conference report (Rept. No. 102-816):

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5) to grant employees family and temporary medical leave under certain circumstances, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1992".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

**TITLE I—GENERAL REQUIREMENTS FOR LEAVE**

Sec. 101. Definitions.

Sec. 102. Leave requirement.

Sec. 103. Certification.

Sec. 104. Employment and benefits protection.

Sec. 105. Prohibited acts.

Sec. 106. Investigative authority.

Sec. 107. Enforcement.

Sec. 108. Special rules concerning employees of local educational agencies.

Sec. 109. Notice.

Sec. 110. Regulations.

**TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES**

Sec. 201. Leave requirement.

**TITLE III—COMMISSION ON LEAVE**

Sec. 301. Establishment.

Sec. 302. Duties.

Sec. 303. Membership.

Sec. 304. Compensation.

Sec. 305. Powers.

Sec. 306. Termination.

**TITLE IV—MISCELLANEOUS PROVISIONS**

Sec. 401. Effect on other laws.

Sec. 402. Effect on existing employment benefits.

Sec. 403. Encouragement of more generous leave policies.

Sec. 404. Regulations.

Sec. 405. Effective dates.

**TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES**

Sec. 501. Leave for certain Senate employees.

Sec. 502. Leave for certain congressional employees.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;

(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;

(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;

(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;

(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and

(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.

(b) PURPOSES.—It is the purpose of this Act—

(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;

(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;

(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;

(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and

(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.

**TITLE I—GENERAL REQUIREMENTS FOR LEAVE****SEC. 101. DEFINITIONS.**

As used in this title:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) ELIGIBLE EMPLOYEE.—

(A) IN GENERAL.—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed—

(i) for at least 12 months by the employer with respect to whom leave is requested under section 102; and

(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.