

¶110.44 DELAWARE RIVER PORT  
AUTHORITY COMPACT

Mr. FRANK moved to suspend the rules and pass the bill (H.R. 5452) granting the consent of the Congress to a supplemental compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey concerning the Delaware River Port Authority.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. FRANK and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶110.45 NEW HAMPSHIRE-MAINE  
INTERSTATE SCHOOL COMPACT

Mr. FRANK moved to suspend the rules and pass the bill (H.R. 4841) granting the consent of the Congress to the New Hampshire-Maine Interstate School Compact.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. FRANK and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶110.46 CRIME CONTROL PROGRAMS

Mr. HUGHES moved to suspend the rules and pass the bill (H.R. 5716) to extend for two years the authorizations of appropriations for certain programs under title I of the Omnibus Crime Control and Safe Streets Act of 1968; as amended.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. HUGHES and Mr. SENSENBRENNER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. SENSENBRENNER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HUBBARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 23, 1992, pursuant to the prior announcement of the Chair.

¶110.47 CUBAN DEMOCRACY

Mr. TORRICELLI moved to suspend the rules and pass the bill (H.R. 5323) to promote a peaceful transition to democracy in Cuba through the application of appropriate pressures on the Cuban Government and support for the Cuban people; as amended.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. TORRICELLI and Mr. RANGEL, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. RANGEL demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HUBBARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 23, 1992, pursuant to the prior announcement of the Chair.

¶110.48 PRESCRIPTION DRUG USER FEES

Mr. WAXMAN moved to suspend the rules and pass the bill (H.R. 5952) to amend the Federal Food, Drug, and Cosmetic Act to authorize prescription drug application, establishment, and product fees, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. WAXMAN and Mr. DANNEMEYER, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

¶110.49 MAMMOGRAPHY QUALITY  
STANDARDS

Mr. WAXMAN moved to suspend the rules and pass the bill (H.R. 5938) to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; as amended.

Pending consideration of said motion,

¶110.50 POINT OF ORDER

Mr. DANNEMEYER made a point of order against the motion to suspend the rules and pass the bill, and said:

"Mr. Speaker, my point of order is basically this: When this legislation was taken up in the Committee on Energy and Commerce, this Member from California objected that there was not a quorum present in order to reach the requisite minimum of 23 to vote it out of the committee.

"Before the vote was taken to move it out of committee, the chairman of the committee, the gentleman from Michigan [Mr. DINGELL], unilaterally declared the presence of a quorum, when in fact there were no more than 16 or 17 members present. That unilateral declaration of existence of a quorum, in my judgment, is a violation of the rules, because he did not count at all. He just sat there and said, like creating a fiction out of the air, 'There is a quorum here.'

"When the vote was taken, at least when it was asked to be taken, I objected on the grounds that there was no quorum present. He said, 'I already declared that there is a quorum.'

"I believe it is a violation of the rules of the House and the rules of the committee for a bill to come out of a committee without a quorum being present.

"That is my point of order."

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

"Mr. Speaker, first of all, the presence or absence of a quorum during committee proceedings is entirely irrelevant to the matter before the House, which is consideration of a bill under the suspension of the rules. Even if it were relevant, the gentleman from California is dead wrong in asserting that regular order was not followed during committee proceedings.

"The transcript of the committee September 17, 1992, markup clearly indicates a quorum was present at the time the committee voted to report this bill. In fact, prior to the vote, the Chair noted the presence of a quorum.

"Mr. Speaker, I assert that the point of order is not well taken and should not be sustained by the Chair for those two reasons."

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

"The suspension of the rules would suspend all rules inconsistent with the

passage of the bill. The point or order, therefore, is overruled.”

Thereupon,

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. WAXMAN and Mr. DANNEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DANNEMEYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HUBBARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 23, 1992, pursuant to the prior announcement of the Chair.

#### ¶110.51 HEALTH CARE POLICY AND RESEARCH

Mr. WAXMAN moved to suspend the rules and pass the bill (H.R. 5673) to amend the Public Health Service Act to revise and extend the programs of the Agency for Health Care Policy and Research; as amended.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. WAXMAN and Mr. DANNEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DANNEMEYER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. HUBBARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 23, 1992, pursuant to the prior announcement of the Chair.

#### ¶110.52 MEDICAID WAIVER FOR D.C. HMO

Mr. WAXMAN moved to suspend the rules and pass the bill (H.R. 4252) to provide for a 3-year extension of a certain medicaid health maintenance organization waiver; as amended.

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. WAXMAN and Mr. DANNEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce, Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed.

By unanimous consent, the title was amended so as to read: “An Act to direct the Secretary of Health and Human Services to waive the application to the D.C. Chartered Health Plan, Inc., of the requirement under title XIX of the Social Security Act that limits the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the Medicare or Medicaid Programs.”

A motion to reconsider the votes whereby the rules were suspended and said bill, as amended, was passed and the title was amended was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶110.53 SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2528. An Act to amend chapter 37 of title 38, United States Code, to establish a pilot program for furnishing housing loans to Native American veterans, and for other purposes; to the Committee on Veterans' Affairs.

S. 2707. An Act to authorize the minting and issuance of coins in commemoration of the Year of the Vietnam Veteran and the 10th anniversary of the dedication of the Vietnam Veterans Memorial, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

#### ¶110.54 ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5318. An Act regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes.

#### ¶110.55 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 12. An Act to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes.

#### ¶110.56 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. BARNARD, for today and the balance of the week; and

To Mr. PENNY, for today and September 23.

And then,

#### ¶110.57 ADJOURNMENT

On motion of Mr. MCEWEN, at 12 o'clock and 8 minutes a.m., September 23 (Legislative Day of September 22), 1992, the House adjourned.

#### ¶110.58 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 289. A bill to establish limits on the prices of drugs procured by the Department of Veterans Affairs, and for other purposes; with amendments (Rept. No. 102-384, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4542. A bill to prevent and deter auto theft; with an amendment (Rept. No. 102-851, Pt. 2). Ordered to be printed.

Mr. FORD of Michigan: Committee on Education and Labor. H.R. 5730. A bill to amend the Toxic Substances Control Act to reduce the levels of lead in the environment, and for other purposes; with amendments (Rept. No. 102-852, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5726. A bill to amend the Investment Advisers Act of 1940 to improve the supervision of investment advisers, to provide additional investor protections, and for other purposes; with an amendment (Rept. No. 102-883). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 5716. A bill to extend for 2 years the authorizations of appropriations for certain programs under title I of the Omnibus Crime Control and Safe Streets Act of 1968. (Rept. No. 102-884). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUDDS: Committee on Merchant Marine and Fisheries. H.R. 2919. A bill to amend the Magnuson Fishery Conservation and Management Act to provide for the restoration of New England stocks of groundfish, and for other purposes; with an amendment (Rept. No. 102-885, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee of Conference. Conference Report on H.R. 2194 (Rept. No. 102-886). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4252. A bill to provide for a 3-year extension of a certain Medicaid health maintenance organization waiver; with amendments (Rept. No. 102-887). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFNER: Committee of Conference. Conference Report on H.R. 5428. (Rept. No. 102-888). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5938. A bill to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; with an amendment (Rept. No. 102-889). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4313. A bill to amend the Securities Exchange Act of 1934 to impose additional fraud detection and disclosure obligations on auditors of public companies; with an amendment (Rept. No. 102-890). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSEN: Committee on Rules. House Resolution 576. Resolution waiving points of order against the conference report on the bill (H.R. 2194) to amend the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities, and against consideration of such conference report. (Rept. No. 102-891). Referred to the House Calendar.