

H. Res. 53: Mr. KOLBE.  
H. Res. 83: Mr. STEARNS, Mr. GENE GREEN  
of Texas, and Mr. GILMAN.

**WEDNESDAY, FEBRUARY 24, 1993**  
**(16)**

The House was called to order by the  
SPEAKER.

¶16.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, February 23, 1993.

Pursuant to clause 1, rule I, the Journal was approved.

¶16.2 COMMUNICATIONS

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

772. A letter from the Secretary of Education, transmitting a copy of final regulations for the Library Services and Construction Act State-Administered Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

773. A letter from the Secretary of Education, transmitting a copy of final regulations for the Endowment Challenge Grant Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

774. A letter from the Acting Assistant General Counsel, Department of Energy, transmitting a notice of meeting related to the International Energy Program to be held in Hamburg, Germany; to the Committee on Energy and Commerce.

775. A letter from Director, National Institutes of Health, transmitting the report and plan for medical rehabilitation research, pursuant to Public Law 101-613, section 3(a); to the Committee on Energy and Commerce.

776. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the fiscal year 1992 report on implementation of the support for East European Democracy Act [SEED] Program, pursuant to Public Law 101-179, section 704(c) (103 Stat. 1322); to the Committee on Foreign Affairs.

777. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 15th annual report on Americans Incarcerated Aboard, pursuant to 42 U.S.C. 2151n-1; to the Committee on Foreign Affairs.

778. A letter from Acting Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Turkey that may affect its ability to meet its international debt obligations and to stabilize its economy, pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

779. A letter from Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

780. A letter from the Chairman, Securities and Exchange Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

781. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1992, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

782. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

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786. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Natural Resources.

787. A letter from the Executive Director, Non-Commissioned Officers Association, transmitting the financial report for 1991 and 1992, pursuant to Public Law 100-281, section 13 (100 Stat. 75); to the Committee on the Judiciary.

788. A letter from the Acting Director, Office of Personnel Management, transmitting the report on the Senior Executive Service, pursuant to 5 U.S.C. 3135(a), 4314(d); to the Committee on Post Office and Civil Service.

789. A letter from the Postmaster General, transmitting the annual report for 1992, pursuant to 39 U.S.C. 2401(g); to the Committee on Post Office and Civil Service.

790. A letter from the Secretary, Department of Transportation, transmitting a report relating to revocation and suspension of drivers' licenses for drug-related convictions, pursuant to Public Law 102-240, section 1094(b) (105 Stat. 2025); to the Committee on Public Works and Transportation.

791. A letter from the Secretary, Department of Commerce, transmitting the 1992 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; pursuant to Public Law 100-418, section 5131(b) (102 Stat. 1443); to the Committee on Science, Space, and Technology.

792. A letter from the Acting Administrator, Agency for International Development, transmitting the annual report on activities under the Denton Amendment Program, pursuant to 10 U.S.C. 402; jointly, to the Committees on Armed Services and Foreign Affairs.

793. A letter from the Chairman, Railroad Retirement Board, transmitting a correspondence regarding the Railroad Retirement Board; jointly, to the Committees on Energy and Commerce and Ways and Means.

¶16.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1. An Act to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

¶16.4 PROVIDING FOR THE  
CONSIDERATION OF H.R. 920

Mr. BONIOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 103):

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes. The amendment recommended by the Committee on Ways and Means printed in the bill and the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, and against its consideration are waived. Debate on the bill shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit.

Pending consideration of said resolution,

¶16.5 POINT OF ORDER

Mr. WALKER made a point of order against the resolution, and said:

"Mr. Speaker, I make a point of order against House Resolution 103 on the ground that two amendments self-executed by the resolution are in violation of two different House rules, and I ask to be heard on my point of order.

"Mr. Speaker, first, House Resolution 103 is in violation of clause 5(a) of rule XXI because it proposes to adopt the Ways and Means Committee amendment printed as section 4 in H.R. 920 as reported. That section deals with financing provisions and in effect reappropriates advance account funds to make payments to the States to provide these additional benefits. Clause 5(a) of rule XXI prohibits appropriations provisions in a bill not reported by the appropriations committee.

"Second, Mr. Speaker, House Resolution 103 attempts to adopt an amendment contained in the report to accompany the resolution extending coverage of the bill to railroad employees. That amendment is in violation of clause 7 of rule XVI which prohibits the consideration of germane amendments. The amendment contained in the Rules Committee report is under the jurisdiction of the Energy and Commerce Committee and is therefore not germane to this bill from the Ways and Means Committee.

"Mr. Speaker, since both of those amendments will be considered to be adopted when this rule is adopted, they are currently before us and must be subject to points of order. It is clear from the rule that once the rule is adopted, the bill as amended by them is not subject to points of order. But, prior to the adoption of this resolution, those two amendments are obviously a part of this resolution and subject to the two points of order I have raised."

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

"The Chair is prepared to rule.

“The fact that amendments which if offered separately would be violative of the rules does not prevent the Rules Committee from self-executing the adoption of those amendments together in the rule itself, by providing for their adoption upon the adoption of the rule. The amendments are thus not separately before the House at this time.”.

¶16.6 POINT OF ORDER

Mr. WALKER made a further point of order against the resolution, and said:

“Mr. Speaker, I make another point of order against House Resolution 103 on the ground that it is in violation of section 308(a) of the Congressional Budget Act of 1974.

“Mr. Speaker, section 308(a) of the Congressional Budget Act provides that, and I quote, “Whenever a committee of either House reports to its House a bill or resolution, or committee amendment thereto, providing new budget authority \* \* \* new spending authority described in section 401(c)(2), or new credit authority \* \* \* the report accompanying that bill or resolution shall contain a statement, the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statement \* \* \* prepared after consultation with the Director of the Congressional Budget Office” detailing the costs of that provision.

“Mr. Speaker, the amendment contained in the Rules Committee report, which would be adopted upon the adoption of this resolution, extends coverage of this bill to railroad workers. It is my understanding that this may entail a cost of \$20 million, but the Rules Committee has not provided a cost estimate from CBO in its report on this amendment as required by section 308 of the Budget Act. This is an amendment reported by the Rules Committee and therefore is subject to the CBO cost estimate requirements. I therefore urge that my point of order be sustained.”.

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

“The Chair is prepared to rule.

“The gentleman from Pennsylvania, [Mr. WALKER] raises an objection based on section 308(a) of the Budget Act on the basis that the report accompanying this resolution coming from the Rules Committee would have to have a CBO estimate of the potential cost involved by virtue of adoption of the amendment. However, the Chair, after consulting precedents and the rules of the House, rules that the cost estimate does not have to be made a part of the report accompanying the rule being brought from the Rules Committee, but rather the point of order might lie against the underlying bill. The resolution itself does not enact budget authority and, therefore, the resolution coming from the Rules Committee does not itself have to have the cost estimate in the accompanying report.

“Therefore, the Chair now would overrule the gentleman’s point of order.”.

When said resolution was considered.

After debate,

Mr. BONIOR moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. MAZZOLI, 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 ..... 243  
Nays ..... 172

¶16.7 [Roll No. 38]  
YEAS—243

Andrews (ME) Foglietta Martinez  
Andrews (TX) Ford (MI) Matsui  
Applegate Frank (MA) Mazzoli  
Bacchus (FL) Frost McCloskey  
Baesler Furse McCurdy  
Barcia Gejdenson McDermott  
Barlow Gephardt McHale  
Barrett (WI) Geren McKinney  
Becerra Gibbons McNulty  
Beilenson Glickman Meehan  
Berman Gonzalez Meek  
Bevill Gordon Menendez  
Bilbray Green Mfume  
Bishop Gutierrez Mineta  
Blackwell Hall (OH) Minge  
Bonior Hall (TX) Mink  
Borski Hamburg Moakley  
Boucher Hamilton Mollohan  
Brewster Harman Montgomery  
Brooks Hastings Moran  
Browder Hayes Murphy  
Brown (CA) Hefner Murtha  
Brown (FL) Hilliard Nadler  
Brown (OH) Hinchey Natcher  
Bryant Hoagland Neal (MA)  
Byrne Hochbrueckner Neal (NC)  
Cantwell Holden Oberstar  
Cardin Hoyer Obey  
Carr Hughes Olver  
Chapman Hutto Ortiz  
Clay Insee Orton  
Clement Jacobs Owens  
Clyburn Jefferson Pallone  
Coleman Johnson (GA) Parker  
Collins (IL) Johnson (SD) Pastor  
Collins (MI) Johnson, E.B. Payne (NJ)  
Condit Johnston Payne (VA)  
Conyers Kanjorski Pelosi  
Coppersmith Kaptur Penny  
Costello Kennedy Peterson (FL)  
Coyne Kennelly Peterson (MN)  
Cramer Kildee Pickett  
Danner Kleczka Pickle  
Darden Klein Pomeroy  
de la Garza Klink Poshard  
Deal Kopetski Price (NC)  
DeFazio Kreidler Rahall  
DeLauro LaFalce Rangel  
Dellums Lambert Reed  
Derrick Lancaster Reynolds  
Deutsch Lantos Richardson  
Dicks LaRocco Roemer  
Dixon Laughlin Rose  
Dooley Lehman Rostenkowski  
Durbin Levin Rowland  
Edwards (CA) Lewis (GA) Roybal-Allard  
Edwards (TX) Lipinski Rush  
Engel Lloyd Sabo  
English (AZ) Long Sanders  
English (OK) Lowey Sangmeister  
Eshoo Maloney Sarpalius  
Fazio Mann Sawyer  
Fields (LA) Manton Schenk  
Filner Margolies-Schroeder  
Fingerhut Mezvinsky Schumer  
Flake Markey Scott

Serrano Swett  
Sharp Swift  
Shepherd Synar  
Sisisky Tanner  
Skaggs Tauzin  
Skelton Taylor (MS)  
Slattery Tejeda  
Slaughter Thornton  
Smith (IA) Thurman  
Spratt Torres  
Stark Torricelli  
Stenholm Towns  
Stokes Traficant  
Strickland Tucker  
Studds Unsoeld  
Stupak Valentine

NAYS—172

Allard Gingrich Morella  
Archer Goodlatte Myers  
Armye Goodling Nussle  
Bachus (AL) Goss Oxley  
Baker (CA) Grams Packard  
Baker (LA) Grandy Paxon  
Ballenger Greenwood Petri  
Barrett (NE) Gunderson Pombo  
Bartlett Hancock Porter  
Barton Hansen Pryce (OH)  
Bateman Hastert Quillen  
Bentley Hefley Quinn  
Bereuter Herger Ramstad  
Billirakis Hobson Ravenel  
Biiley Hoekstra Regula  
Blute Hoke Ridge  
Boehlert Horn Roberts  
Boehner Houghton Rogers  
Bonilla Huffington Rohrabacher  
Bunning Hunter Ros-Lehtinen  
Burton Hutchinson Roth  
Buyer Hyde Roukema  
Callahan Inglis Royce  
Calvert Inhofe Santorum  
Camp Istook Saxton  
Canady Johnson (CT) Schaefer  
Castle Johnson, Sam Schiff  
Clinger Kasich Sensenbrenner  
Coble Kim Shaw  
Collins (GA) King Shays  
Combust Kingston Shuster  
Cox Klug Skeen  
Crane Knollenberg Smith (MI)  
Crapo Kolbe Smith (NJ)  
Cunningham Kyl Smith (OR)  
DeLay Lazio Smith (TX)  
Diaz-Balart Leach Snowe  
Dickey Levy Spence  
Doolittle Lewis (CA) Stearns  
Dornan Lewis (FL) Stump  
Dreier Lightfoot Sundquist  
Duncan Linder Talent  
Dunn Livingston Taylor (NC)  
Emerson Machtley Thomas (CA)  
Everett Everett Manzanillo Thomas (WY)  
Ewing McCandless Torkildsen  
Fawell McColium Upton  
Fields (TX) McCreery Vucanovich  
Fish McHugh Walker  
Fowler McInnis Walsh  
Franks (CT) McKeon Weldon  
Franks (NJ) McMillan Wolf  
Gallegly Meyers Young (AK)  
Gallo Mica Young (FL)  
Gekas Michel Zeliff  
Gilchrist Miller (FL) Zimmer  
Gillmor Molinari  
Gilman Moorhead

NOT VOTING—15

Abercrombie Dingell Miller (CA)  
Ackerman Evans Solomon  
Andrews (NJ) Ford (TN) Waters  
Clayton Henry Wilson  
Cooper McDade Yates

So the previous question on the resolution was ordered.

¶16.8 POINT OF ORDER

Mr. WALKER made a further point of order against the resolution, and said:

“Mr. Speaker, I make a point of order against the amendment printed in the Rules Committee report, which I understand is now before us, based upon the Chair’s previous ruling.

“I make my point of order on the ground that the report in this resolu-