

ments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment of such benefits are available (other than pursuant to subsection (b)).

SECTION 201. PAY FOR FEDERAL AND DISTRICT OF COLUMBIA EMPLOYEES DURING LAPSE IN APPROPRIATIONS FOR FISCAL YEAR 1996.

(a) PROVISIONS RELATING TO THOSE WHO ARE PERMITTED OR REQUIRED TO SERVE.—Any officer or employee of the United States Government or of the District of Columbia government who is permitted or required to serve during any period in which there is a lapse in appropriations with respect to the agency in or under which such officer or employee is employed shall be compensated at the standard rate of compensation for such officer or employee for such period.

(b) PROVISIONS RELATING TO THOSE WHO HAVE BEEN FURLOUGHED.—

(1) IN GENERAL.—Any officer or employee of the United States Government or of the District of Columbia government who is furloughed for any period as a result of a lapse in appropriations shall not be entitled to basic pay with respect to any portion of such period, except as provided in paragraph (2)

(2) EXCEPTION.—Notwithstanding any other provision of law, any officer or employee referred to in paragraph (1) who is willing and able to serve during the period of the lapse in appropriations—

(A) shall be permitted to serve; and

(B) shall be compensated for any such service in accordance with subsection (a).

(c) DEFINITION.—For the purpose of this section, the term “agency” includes any employing entity of the United States Government or of the District of Columbia government.

(d) APPLICABILITY.—This section shall apply with respect to any lapse in appropriations for fiscal year 1996 occurring after December 15, 1995.

¶165.21 POINT OF ORDER

Mr. LIVINGSTON made a point of order against the motion to recommit, and said:

“Mr. Speaker, I echo the gentleman’s remarks about the way the Speaker has maintained order throughout this debate.

“Mr. Speaker, I make a point of order against the motion to recommit with instructions because it is not germane to the underlying resolution, and as such is in violation of clause 7, of Rule XVI.

“Mr. Speaker, I quote from the Precedents of the House:

‘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.’

“Mr. Speaker, a specific proposition can not be amended by another proposition broader in scope. The motion to recommit deals with funding and authorizing activities outside the Department of Veterans Affairs, and therefore is not germane to the underlying reso-

lution which deals only with funding for selected activities in this department.

“Mr. Speaker, the gentleman’s motion to instruct is not germane, and I ask for a ruling from the Chair.”

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

“Mr. Speaker, I would simply say that the purpose of this resolution tonight is to open certain functions of the veterans Department so that the public can receive the benefit of the services from that department.

“We are simply saying that since it has already been announced that government workers will be paid afterwards, whether they work or not, that we think they ought to be allowed to work, and I will leave the ruling in the hands of the Chair.”

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

“Using the same reasoning as in the case of the previous point of order, the Chair finds that the amendment proposed in this second motion to recommit exceeds the relatively narrow ambit of the joint resolution by addressing the compensation of Federal employees on government-wide bases. Accordingly, the point of order is sustained, and the motion to recommit is ruled out of order.”

Mr. OBEY moved to recommit the joint resolution to the Committee on Appropriations with instructions to report back said joint resolution to the House forthwith with the following amendment:

Strike all after the resolving clause and insert:

SEC. 101. ENSURED PAYMENT DURING FISCAL YEAR 1996 OF VETERANS’ BENEFITS IN EVENT OF LACK OF APPROPRIATIONS.

(a) PAYMENTS REQUIRED.—In any case during fiscal year 1996 in which appropriations are not otherwise available for programs, projects, and activities of the Department of Veterans Affairs, the Secretary of Veterans Affairs shall nevertheless ensure that—

(1) payments of existing veterans benefits are made in accordance with regular procedures and schedules and in accordance with eligibility requirements for such benefits; and

(2) payments to contractors of the Veterans Health Administration of the Department of Veterans Affairs are made when due in the case of services provided that directly relate to patient health and safety.

“(3) all other authorized activities of the Department of Veterans Affairs including processing of existing and new applications for benefits and pensions, processing of certificates of eligibility for homeownership loans and loan guarantees, and payment of salaries of federal government personnel providing health care for our nation’s veterans, are continued at a rate for operations not to exceed the rate in existence on December 15, 1995.

(b) FUNDING.—There is hereby appropriated such sums as may be necessary for the payments pursuant to subsection (a), including such amounts as may be necessary for the costs of administration of such payments.

(c) CHARGING OF ACCOUNTS WHEN APPROPRIATIONS MADE.—In any case in which the Secretary uses the authority of subsection

(a) to make payments, applicable accounts shall be charged for amounts so paid, and for the costs of administration of such payments, when regular appropriations become available for those purposes.

(d) EXISTING BENEFITS SPECIFIED.—For purposes of this section, existing veterans benefits are benefits under laws administered by the Secretary of Veterans Affairs that have been adjudicated and authorized for payment as of—

(1) December 15, 1995; or

(2) if appropriations for such benefits are available (other than pursuant to subsection (b)) after December 15, 1995, the last day on which appropriations for payment for such benefits are available (other than pursuant to subsection (b)).

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. LAHOOD, announced that the nays had it.

Mr. OBEY demanded a recorded vote on the motion to recommit with instructions, 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 { Yeas 178
negative Nays 234

¶165.22 [Roll No. 873] AYES—178

Abercrombie	Fazio	McDermott
Ackerman	Fields (LA)	McHale
Andrews	Ford	McKinney
Baesler	Frank (MA)	McNulty
Baldacci	Frost	Meehan
Barcia	Furse	Meek
Barrett (WI)	Gejdenson	Menendez
Becerra	Gephardt	Mfume
Bentsen	Gibbons	Miller (CA)
Berman	Gonzalez	Minge
Bevill	Gordon	Mink
Bishop	Green	Moakley
Bonior	Hamilton	Mollohan
Borski	Harman	Moran
Boucher	Hastings (FL)	Murtha
Brewster	Hefner	Nadler
Browder	Hilliard	Neal
Brown (CA)	Hinchey	Oberstar
Brown (FL)	Holden	Obey
Brown (OH)	Hoyer	Ortiz
Bryant (TX)	Jackson (IL)	Orton
Cardin	Jackson-Lee	Owens
Clay	(TX)	Pallone
Clayton	Jacobs	Pastor
Clement	Jefferson	Payne (NJ)
Clyburn	Johnson (SD)	Pelosi
Coleman	Johnson, E. B.	Peterson (FL)
Collins (IL)	Johnston	Peterson (MN)
Collins (MI)	Kanjorski	Pickett
Condit	Kaptur	Pomeroy
Costello	Kennedy (MA)	Poshard
Coyne	Kennedy (RI)	Rahall
Cramer	Kennelly	Rangel
Danner	Kildee	Reed
de la Garza	Klecza	Richardson
DeFazio	Klink	Rivers
DeLauro	LaFalce	Roemer
Dellums	Levin	Roukema
Deutsch	Lewis (GA)	Roybal-Allard
Dicks	Lincoln	Rush
Dingell	Lipinski	Sabo
Dixon	Lofgren	Sanders
Doggett	Lowe	Sawyer
Dooley	Luther	Schroeder
Doyle	Maloney	Schumer
Durbin	Manton	Scott
Engel	Markey	Serrano
Eshoo	Martinez	Sisisky
Evans	Mascara	Skelton
Farr	Matsui	Slughter
Fattah	McCarthy	Spratt