

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	Slaughter
Fattah	McCarthy	Spratt

Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton

Thurman
Torres
Torrice
Townes
Traficant
Velazquez
Vento
Visclosky
Volkmer

Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce, Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. LAHOOD, announced that the yeas had it.

Mr. LIVINGSTON 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 vote was taken by electronic device.

It was decided in the affirmative { Yeas 411 Nays 1

Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowe
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz

Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter

Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torrice
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Billbray
Bilirakis
Bliley
Blute
Boehert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Creameans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)

Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari

Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

¶165.23

[Roll No. 874]

YEAS—411

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Billbray
Bilirakis
Bishop
Bliley
Blute
Boehert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest

Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gonzalez
Goodlatte

Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinche
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin

NAYS—1

Obey

NOT VOTING—21

Beilenson
Chapman
Conyers
Edwards
Filner
Flake
Foglietta

Gibbons
Gilchrest
Gutierrez
Hall (OH)
Lantos
Myers
Payne (VA)

Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates

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

Ordered, That the Clerk request the concurrence of the Senate in said joint resolution.

¶165.24 NOTICE REQUIREMENT— CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGES

Mr. TAYLOR, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the bill (H.R. 2530) entitled "Common Sense Balanced Budget Act of 1995", as a question of the privileges of the House.

NOT VOTING—21

Beilenson
Chapman
Conyers
Edwards
Filner
Flake
Foglietta

Gilchrest
Gutierrez
Hall (OH)
Lantos
Myers
Olver
Payne (VA)

Rose
Skaggs
Stark
Weldon (PA)
Williams
Wilson
Yates