

TUESDAY, JANUARY 23, 1996 (5)**¶5.1 DESIGNATION OF SPEAKER PRO TEMPORE**

The House was called to order at 12:30 o'clock p.m. by the SPEAKER pro tempore, Mr. GOODLING, who laid before the House the following communication:

WASHINGTON, DC,
January 23, 1996.

I hereby designate the Honorable WILLIAM F. GOODLING to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

¶5.2 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 123. Concurrent resolution to provide for the provisional approval of regulations applicable to certain covered employing offices and covered employees and to be issued by the Office of Compliance before January 23, 1996.

Whereupon, pursuant to the order of the House of Friday, May 12, 1995, Members were recognized for "morning hour" debates.

¶5.3 RECESS—1:33 P.M.

The SPEAKER pro tempore, Mr. GOODLING, pursuant to clause 12 of rule I, declared the House in recess until 2 o'clock p.m.

¶5.4 AFTER RECESS—2:00 P.M.

The SPEAKER called the House to order.

¶5.5 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, January 22, 1996.

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

¶5.6 COMMUNICATIONS

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

1942. A letter from the Director, Congressional Budget Office, transmitting CBO's final sequestration report for fiscal year 1996, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-587); to the Committee on Appropriations.

1943. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department of the Navy intends to transfer by sale the ship U.S.S. *Edenton* to the Government of Spain, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1944. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department of the Navy intends to transfer by sale the following ships, the U.S.S. *Affray*, the U.S.S. *Fortify*, and the U.S.S. *Exultant* to the Taiwanese Navy, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1945. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department of the Navy intends to transfer by sale the ship

U.S.S. *James M. Gillis* to the Government of Mexico, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1946. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notification that the Department of the Navy intends to transfer by sale the following ships, the U.S.S. *Beaufort*, and the U.S.S. *Brunswick* to the Government of Korea, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on National Security.

1947. A letter from the Deputy Assistant Secretary (Industrial Affairs), Department of Defense, transmitting the strategic and critical materials report during the period October 1994 through September 1995, pursuant to 50 U.S.C. 98h-2(b); to the Committee on National Security.

1948. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report on credit for small businesses and small farms in 1995, pursuant to section 477 of the Federal Deposit Insurance Corporation Improvement Act of 1991 [FDICIA]; to the Committee on Banking and Financial Services.

1949. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning a cooperative project with Israel on the Arrow Deployability Program [ADP] (Transmittal No. 02-96), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1950. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 96-8: Suspending Restrictions on U.S. Relations with the Palestine Liberation Organization, pursuant to Public Law 103-236, section 583(b)(2) (108 Stat. 489); to the Committee on International Relations.

1951. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-180, "Community Development Corporations Money Lender Licensing Fee and Bonding Exemption Temporary Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1952. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-181, "Budget Support Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1953. A letter from the Manager, Benefits Communications, Ninth Farm Credit District, transmitting the annual report for the plan year ended December 31, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

1954. A letter from the Administrator, Panama Canal Commission, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

1955. A letter from the Administrator, Small Business Administration, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the semiannual report of management on final actions, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

1956. A letter from the Deputy Associate Director for Compliance, 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 Resources.

1957. A letter from the executive director, American Chemical Society, transmitting the society's annual report for the calendar year 1994 and the comprehensive report to the board of directors of the American Chemical Society on the examination of their

books and records for the year ending December 31, 1994, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

1958. A letter from the Under Secretary of Defense, transmitting a report for fiscal year 1995 to identify the contracts that were awarded in excess of the dollar threshold in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)) pursuant to a waiver of the prohibition on contracting with a foreign entity unless that entity certifies that it does not comply with the secondary Arab boycott of Israel, pursuant to 10 U.S.C. 2401i; jointly, to the Committees on National Security and Appropriations.

¶5.7 CORRECTIONS CALENDAR

Pursuant to clause 4, rule XIII, The SPEAKER pro tempore, Mr. WHITE, directed the Corrections Calendar to be called.

When,

¶5.8 CONSTRUCTED WATER CONVEYANCES

The Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 2567) to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances.

When said bill was considered and read twice.

The SPEAKER pro tempore, Mr. WHITE, pursuant to clause 4 of rule XIII, recognized Mr. SHUSTER and Mr. BORSKI, each for 30 minutes.

The following amendment recommended by the Committee on Transportation and Infrastructure, was submitted:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Constructed Water Conveyances Reform Act of 1995".

SEC. 2. CONSTRUCTED WATER CONVEYANCES.

Section 303(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(2)) is amended by adding at the end the following:

"(C) STANDARDS FOR CONSTRUCTED WATER CONVEYANCES.—

"(i) RELEVANT FACTORS.—If a State exercises jurisdiction over constructed water conveyances in establishing standards under this section, the State shall consider any water quality impacts resulting from any return flow from a constructed water conveyance to navigable waters and the need to protect downstream uses and may consider the following:

"(I) The existing and planned uses of water transported in a conveyance system.

"(II) Management practices necessary to maintain the conveyance system.

"(III) Any State or regional water resources management and water conservation plans.

"(IV) The intended purposes for the constructed conveyance.

"(ii) RELEVANT USES.—If a State adopts or reviews water quality standards for constructed water conveyances, it shall not be required to establish recreational, aquatic life, or fish consumption uses for such systems if the uses are not existing or reasonably foreseeable or the uses interfere with the intended purposes of the conveyance system.

"(iii) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to require a State to exercise jurisdiction over constructed water conveyances in establishing standards or to prohibit a State from considering any relevant factor in estab-

lishing standards or from establishing any relevant use.

“(iv) CONSTRUCTED WATER CONVEYANCES DEFINED.—In this subparagraph, the term ‘constructed water conveyance’ means a man-made water transport system constructed for the purpose of transporting water for agricultural purposes or municipal and industrial water supply purposes in a waterway that is not and never was a natural waterway.”.

After debate,

Pursuant to clause 4 of rule XIII, the previous question on the amendment and the bill was considered as ordered.

The question being put, *viva voce*,

Will the House agree to said amendment?

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

So the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. WHITE, announced that three-fifths of the Members present had voted in the affirmative.

So, three-fifths of the Members present having voted in favor thereof, the bill was passed.

A motion to reconsider the vote whereby the bill was passed was, by unanimous consent, laid on the table.

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

¶5.9 REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

“Mr. ARMEY addressed the Chair and said:

Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

The President asked us to report that he will be pleased to deliver his message at 9 p.m. tonight to a joint session of the two Houses.”.

¶5.10 RUTH AND BILLY GRAHAM GOLD MEDAL

Mr. CASTLE moved to suspend the rules and pass the bill (H.R. 2657) to award a congressional gold medal to Ruth and Billy Graham.

The SPEAKER pro tempore, Mr. WHITE, recognized Mr. CASTLE and Mr. FLAKE, 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. WHITE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. CASTLE objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WHITE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

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

Mr. DOGGETT, pursuant to clause 2(a)(1) of rule IX, announced his intention to call up the following resolution, as a question of the privileges of the House:

Whereas, the inability of the House to pass an adjustment in the public debt limit unburdened by the unrelated political agenda of either party, an adjustment to maintain the creditworthiness of the United States and to avoid disruption of interest rates and the financial markets, brings discredit upon the House;

Whereas, the inability of the House to pass a clean resolution to continue normal governmental operations so as to end the abuse of American citizens and their hard-earned dollars, Federal employees, private businesses who perform work for the Federal government, and those who rely upon Federal services as a bargaining tactic to gain political advantage in the budget negotiations, brings discredit upon the House;

Whereas, previous inaction of the House has already cost the American taxpayer about \$1.5 billion in wasteful governmental shutdown costs, reduced the productivity and responsiveness of federal agencies and caused untold human suffering;

Whereas, the failure of the House of Representatives to adjust the federal debt limit and keep the nation from default or to act on legislation to avert another government shutdown impairs the dignity of the House, the integrity of its proceedings and the esteem the public holds for the House;

Resolved, That upon the adoption of this resolution the enrolling clerk of the House of Representatives shall prepare an engrossment of the bill, H.R. 2862, and the joint resolution, H.J. Res. 157. The vote by which this resolution is adopted by the House shall be deemed to have been a vote in favor of such bill and a vote in favor of such joint resolution upon final passage in the House of Representatives. Upon engrossment of the bill and the joint resolution, each shall be deemed to have passed the House of Representatives and been duly certified and examined; the engrossed copies shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the bill and the joint resolution shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolution generally.

The SPEAKER pro tempore, Mr. WHITE, responded to the foregoing notice, and said:

“Under rule IX, a resolution offered from the floor by a member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within two legislative days of its being properly noticed. The Chair will announce the Chair’s designation at a later time.

“The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the

Speaker for consideration of the resolution.”.

¶5.12 SADDLEBACK MOUNTAIN-ARIZONA SETTLEMENT

Mr. GALLEGLY moved to suspend the rules and pass the bill of the Senate (S. 1341) to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

The SPEAKER pro tempore, Mr. WHITE, recognized Mr. GALLEGLY and Mr. FALEOMAVAEGA, 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. WHITE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GALLEGLY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WHITE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶5.13 TECHNICAL CORRECTIONS TO NATIVE AMERICAN LAWS

Mr. GALLEGLY moved to suspend the rules and pass the bill (H.R. 2726) to make certain technical corrections in laws relating to Native Americans, and for other purposes; as amended.

The SPEAKER pro tempore, Mr. WHITE, recognized Mr. GALLEGLY and Mr. FALEOMAVAEGA, 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. WHITE, announced that two-thirds of the Members present had voted in the affirmative.

Mr. GALLEGLY objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. WHITE, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

The point of no quorum was considered as withdrawn.

¶5.14 H.R. 2657—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. WHITE, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2657) to award a congressional gold medal to Ruth and Billy Graham.

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

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

Mr. GALLEGLY objected to the vote on the ground that a quorum was not present and not voting.