

Fazio Long Rostenkowski
Fields (LA) Lowey Rowland
Filner Machtley Roybal-Allard
Flake Maloney Rush
Foglietta Mann Sabo
Ford (MI) Manton Sanders
Ford (TN) Margolis- Sangmeister
Frank (MA) Mezvinsky Santorum
Frost Markey Sarpalius
Furse Martinez Sawyer
Gejdenson Matsui Schenk
Gephardt Mazzoli Schroeder
Geren McCloskey Schumer
Gillmor McCurdy Scott
Gilman McDade Serrano
Gonzalez McDermott Sharp
Gordon McKinney Shepherd
Green McNulty Skaggs
Gutierrez Meehan Skelton
Hall (OH) Meek Slattery
Hall (TX) Menendez Slaughter
Hamburg Mfume Smith (IA)
Hamilton Miller (CA) Spratt
Harman Mineta Stark
Hastings Minge Stenholm
Hayes Mink Strickland
Hefner Moakley Studds
Hilliard Mollohan Stupak
Hinchey Montgomery Swett
Hoagland Moran Swift
Hochbrueckner Murphy Synar
Hoke Murtha Tanner
Holden Myers Tauzin
Hoyer Neal (MA) Taylor (MS)
Hughes Norton (DC) Tejeda
Hutto Oberstar Thompson
Inslee Obey Thornton
Istook Olver Thurman
Jacobs Ortiz Torres
Jefferson Orton Torricelli
Johnson (GA) Owens Towns
Johnson (SD) Pallone Traficant
Johnson, E. B. Pastor Tucker
Johnston Payne (NJ) Underwood (GU)
Kanjorski Payne (VA) Unsoeld
Kaptur Pelosi Valentine
Kennedy Peterson (FL) Velazquez
Kennelly Peterson (MN) Vento
Kildee Pickett Visclosky
Klecza Pickle Volkmer
Klein Pomeroy Waters
Klink Poshard Watt
Kopetski Price (NC) Waxman
Kreidler Quinn Wheat
LaFalce Rahall Whitten
Lambert Rangel Williams
Lancaster Reed Wilson
Lantos Reynolds Wise
LaRocco Richardson Woolsey
Laughlin Ridge Wyden
Lehman Roemer Wynn
Levin Rogers Yates
Lewis (GA) Romero-Barcelo
Lipinski (PR)
Lloyd Rose

NOT VOTING—11

Blackwell Gibbons Stokes
Dixon Grandy Washington
Emerson Nadler
Faleomavaega Neal (NC)
(AS) Parker

So the amendment was not agreed to.
After some further time,

52.19 RECORDED VOTE

A recorded vote by electronic device
was ordered in the Committee of the
Whole on the following amendment
submitted by Mr. BOEHNER:

Strike section 8 and redesignate sections 9,
10, and 11 as sections 8, 9, and 10, respec-
tively.

It was decided in the { Yeas ..... 166
negative ..... } Nays ..... 258

52.20 [Roll No. 185]
AYES—166

Allard Ballenger Bilirakis
Archer Barrett (NE) Bliley
Armey Bartlett Blute
Bachus (AL) Barton Boehner
Baker (CA) Bateman Bonilla
Baker (LA) Bereuter Bunning

Burton Hoekstra Packard
Buyer Hoke Paxon
Callahan Horn Penny
Calvert Houghton Petri
Camp Huffington Pombo
Canady Hunter Porter
Castle Hutchinson Portman
Clinger Hyde Pryce (OH)
Coble Inglis Quinn
Collins (GA) Inhofe Ramstad
Combust Istook Ravenel
Cox Johnson (CT) Ridge
Crane Johnson, Sam Roberts
Crapo Kasich Rohrabacher
Cunningham Kim Roth
Deal King Roukema
DeLay Kingston Royce
Dickey Klug Santorum
Doolittle Knollenberg Saxton
Dornan Kolbe Schaefer
Dreier Kyl Schiff
Duncan Lazio Sensenbrenner
Dunn Leach Shaw
Ehlers Levy Shays
Everett Lewis (CA) Shuster
Minge Lightfoot Skeeen
Fawell Linder Smith (OR)
Fields (TX) Livingston Smith (TX)
Fish Lucas Snowe
Fowler Machtley Solomon
Franks (CT) Mann Spence
Franks (NJ) Manullo Stearns
Gallegly Margolis- Stenholm
Gallo Mezvinsky Stump
Gekas McCandless Talent
Geren McColium Taylor (NC)
Gilchrist McCrery Thomas (WY)
Gillmor McHugh Torkildsen
Gingrich McInnis Upton
Goodlatte McKeon Valentine
Goss Meyers Vucanovich
Grams Mica Walker
Greenwood Michel Walsh
Gunderson Miller (FL) Weldon
Hancock Wolf Wolf
Hansen Moorhead Young (AK)
Hastert Morella Young (FL)
Hefley Nussle Zeliff
Herger Orton Zimmer
Hobson Oxley

NOES—258

Abercrombie Coyne Harman
Ackerman Cramer Hastings
Andrews (ME) Danner Hayes
Andrews (NJ) Darden Hefner
Andrews (TX) de la Garza Hilliard
Applegate de Lugo (VI) Hinchey
Bacchus (FL) DeFazio Hoagland
Baesler DeLauro Hochbrueckner
Barca Dellums Holden
Barcia Derrick Hoyer
Barlow Deutsch Hughes
Barrett (WI) Diaz-Balart Inslee
Becerra Dicks Jacobs
Beilenson Dingell Jefferson
Bentley Dooley Johnson (GA)
Berman Durbin Johnson (SD)
Bevill Edwards (CA) Johnson, E. B.
Bilbray Edwards (TX) Johnston
Bishop Engel Kanjorski
Blackwell English Kaptur
Boehlert Eshoo Kennedy
Bonior Evans Kennelly
Borski Farr Kildee
Boucher Fazio Klecza
Brewster Fields (LA) Klein
Brooks Filner Klink
Brownder Fingerhut Kopetski
Brown (CA) Flake Kreidler
Brown (FL) Foglietta LaFalce
Brown (OH) Ford (MI) Lambert
Bryant Ford (TN) Lancaster
Byrne Frank (MA) Lantos
Cantwell Frost LaRocco
Cardin Furse Laughlin
Carr Gejdenson Lehman
Chapman Gephardt Levin
Clay Gibbons Lewis (GA)
Clayton Gilman Lipinski
Clement Glickman Lloyd
Clyburn Gonzalez Long
Coleman Goodling Lowey
Collins (IL) Gordon Maloney
Collins (MI) Green Manton
Condit Gutierrez Martinez
Conyers Hall (OH) Matsui
Cooper Hall (TX) Mazzoli
Coopersmith Hamburg McCloskey
Costello Hamilton McCurdy

McDade Quillen Stokes
McDermott Rahall Strickland
McHale Rangel Studds
McKinney Reed Stupak
McNulty Regula Sundquist
Meehan Reynolds Swett
Meek Richardson Swift
Menendez Roemer Synar
Mfume Rogers Tanner
Miller (CA) Romero-Barcelo Tauzin
Mineta (PR) Taylor (MS)
Minge Ros-Lehtinen Tejeda
Mink Rose Thompson
Moakley Rostenkowski Thornton
Mollohan Rowland Thurman
Montgomery Roybal-Allard Torricelli
Moran Rush Towns
Murphy Sabo Traficant
Murtha Sanders Tucker
Myers Sangmeister Underwood (GU)
Neal (MA) Sarpalius Unsoeld
Norton (DC) Sawyer Velazquez
Oberstar Schenk Vento
Obey Schroeder Visclosky
Olver Schumer Volkmer
Ortiz Scott Waters
Owens Serrano Watt
Pallone Sharp Waxman
Pastor Shepherd Wheat
Payne (NJ) Sisisky Whitten
Payne (VA) Skaggs Williams
Pelosi Skelton Wilson
Peterson (FL) Slattery Wise
Peterson (MN) Slaughter Woolsey
Pickett Smith (IA) Wyden
Pickle Smith (MI) Wynn
Pomeroy Smith (NJ) Yates
Poshard Spratt
Price (NC) Stark

NOT VOTING—14

Dixon Hutto Neal (NC)
Emerson Lewis (FL) Parker
Faleomavaega Markey Thomas (CA)
(AS) McMillan Torres
Grandy Nadler Washington

So the amendment was not agreed to.
The SPEAKER pro tempore, Mr. DE
LA GARZA, assumed the Chair.

When Mr. WISE, Chairman, pursuant
to House Resolution 428, reported the
bill back to the House with an amend-
ment adopted by the Committee.

The previous question having been
ordered by said resolution.

The following amendment, reported
from the Committee of the Whole
House on the state of the Union, was
agreed to:

Strike out all after the enacting clause and
insert:

SECTION 1. SHORT TITLE; REFERENCE

(a) SHORT TITLE.—This Act may be cited as
the "Black Lung Benefits Restoration Act of
1994".

(b) REFERENCE.—Whenever in this Act
(other than section 9(a)(1)) an amendment or
repeal is expressed in terms of an amend-
ment to, or repeal of, a section or other pro-
vision, the reference shall be considered to
be made to a section or other provision of
the Black Lung Benefits Act.

SEC. 2. BENEFIT OVERPAYMENT.

Part C is amended by adding at the end the
following:

"SEC. 436 (a) The repayment of benefits
paid on a claim filed under this part before
the final adjudication of the claim shall not
be required if the claim was finally denied,
unless fraud or deception was used to pro-
cure the payment of such benefits.

"(b) The trust fund shall refund any pay-
ments made to it as a reimbursement of ben-
efits paid on a claim filed under this part be-
fore the final adjudication of the claim, un-
less fraud or deception was used to procure
the payment of such benefits.

"(c) The trust fund shall reimburse an op-
erator for any benefits paid on a claim filed
under this part before the final adjudication
of the claim if the claim was finally denied.

“(d) If on a claim for benefits filed under this part—

“(1) the Secretary makes an initial determination—

“(A) of eligibility, or

“(B) that particular medical benefits are payable, or

“(2) an award of benefits is made, the operator found to be the responsible operator under section 422(h) shall, within 30 days of the date of such determination or award, commence the payment of monthly benefits accruing thereafter and of medical benefits that have been found payable. If an operator fails to timely make any payment required by an initial determination or by an award, such determination or award shall be considered final as of the date of its issuance.”

### SEC. 3. EVIDENCE.

Section 422 (30 U.S.C. 932) is amended by adding at the end the following:

“(m)(1)(A) During the course of all proceedings on a claim for benefits under this part, the results of not more than 3 medical examinations offered by the claimant may be received as evidence to support eligibility for benefits.

“(B) During the course of all proceedings on a claim for benefits under this part, the responsible operator and the trust fund—

“(i) may each require, at no expense to the claimant, not more than one medical examination of the miner, and

“(ii) may not each offer as evidence the results of more than one medical examination of the miner.

“(C) An administrative law judge may require the miner to submit to a medical examination by a physician assigned by the District Director if the administrative law judge determines that, at any time, there is good cause for requiring such examination. For purposes of this subparagraph, good cause shall exist only when the administrative law judge is unable to determine from existing evidence whether the claimant is entitled to benefits.

“(D) The complete pulmonary evaluation provided each miner under section 413(b) and any consultative evaluation developed by the District Director shall be received into evidence notwithstanding subparagraph (A) or (B).

“(E) Any record of—

“(i) hospitalization for a pulmonary or related disease,

“(ii) medical treatment for a pulmonary or related disease, and

“(iii) a biopsy or an autopsy, may be received into evidence notwithstanding subparagraph (A) or (B).

“(2) In addition to the medical examinations authorized by paragraph (1), each party may submit one interpretive medical opinion (whether presented as documentary evidence or in oral testimony) reviewing each clinical study or physical examination (including a consultative reading of a chest roentgenogram, an evaluation of a blood gas study, and an evaluation of a pulmonary function study) derived from any medical examination or contained in a record referred to in paragraph (1)(E).

“(3) A request for modification of a denied claim under section 22 of the Longshore and Harbor Workers' Compensation Act, as made applicable to this Act by subsection (a) of this section, shall be considered as if it were a new claim for the purpose of applying the limitations prescribed by paragraphs (1) and (2).

“(4) The opinion of a miner's treating physician, if offered in accordance with paragraph (1)(A), shall be given substantial weight over the opinion of other physicians in determining the claimant's eligibility for benefits if the treating physician is board-

certified in a specialty relevant to the diagnosis of total disability or death due to pneumoconiosis.

“(5) For purposes of this subsection, a medical examination consists of a physical examination and all appropriate clinical studies (not including a biopsy or an autopsy) related to the diagnosis of total disability or death due to pneumoconiosis.”

### SEC. 4. SURVIVOR BENEFITS.

(a) DEATH.—Section 422 (30 U.S.C. 932), as amended by section 3, is amended by adding at the end the following:

“(n) If an eligible survivor files a claim for benefits under this part and if the miner—

“(1) was receiving benefits for pneumoconiosis pursuant to a final adjudication under this part, or

“(2) was totally disabled by pneumoconiosis at the time of the miner's death, the miner's death shall be considered to have occurred as a result of the pneumoconiosis.”

(b) RULES FOR WIDOWS AND WIDOWERS.—Section 422 (30 U.S.C. 932), as amended by subsection (a), is amended by adding at the end the following:

“(o)(1) A widow or widower of a miner who was married to the miner for less than 9 months at any time preceding the miner's death is not qualified to receive survivor benefits under this part unless the widow or widower was the natural or adoptive parent of the miner's child.

“(2) The widow or widower of a miner is disqualified to receive survivor benefits under this part if the widow or widower remarries before attaining the age of 50.

“(3) A widow or widower may not receive an augmentation in survivor benefits on any basis arising out of a remarriage of the widow or widower.”

### SEC. 5. RESPONSIBLE OPERATOR.

Section 422(h) (30 U.S.C. 932(h)) is amended by inserting “(1)” after “(h)” and by adding at the end the following:

“(2)(A) Prior to issuing an initial determination of eligibility, the Secretary shall, after investigation, notice, and a hearing as provided in section 19 of the Longshore and Harbor Workers' Compensation Act, as made applicable to this Act by subsection (a) of this section, determine whether any operator meets the Secretary's criteria for liability as a responsible operator under this Act. If a hearing is timely requested on the liability issue, the decision of the administrative law judge conducting the hearing shall be issued not later than 120 days after such request and shall not be subject to further appellate review.

“(B) If the administrative law judge determines that an operator's request for a hearing on the liability issue was made without reasonable grounds, the administrative law judge may assess the operator for the costs of the proceeding (not to exceed \$750).”

### SEC. 6. ATTORNEY FEES.

Section 422 (30 U.S.C. 932), as amended by section 4(b), is amended by adding at the end the following:

“(p)(1) If in any administrative or judicial proceeding on a claim for benefits a determination is made that a claimant is entitled to such benefits, the claimant shall be entitled to receive all reasonable costs and expenses (including expert witness and attorney's fees) incurred by the claimant in such proceeding and in any other administrative or judicial proceeding on such claim occurring before such proceeding.

“(2) In the case of a proceeding held with respect to such claim—

“(A) the person or Board which made the determination that the claimant is entitled to benefits in an administrative proceeding and any other person or Board which made a prior determination in an administrative proceeding on such claim, or

“(B) the court in the case of a judicial proceeding, shall determine the amount of all costs and expenses (including expert witness and attorney's fees) incurred by the claimant in connection with any such proceeding and shall assess the operator responsible to the claimant for such costs and expenses which are reasonable or if there is not an operator responsible to the claimant, shall assess the fund for such costs and expenses.

“(3) The determination of such costs and expenses shall be made within 60 days of the date the claimant submits a petition for the payment of such costs and expenses to a person, the Board, or court which made a determination on the claimant's claim. The person, Board, or court receiving such petition shall take such action as may be necessary to assure that such costs and expenses are paid within 45 days of the date of the determination of such costs and expenses unless a motion to reconsider—

“(A) the amount of such costs and expenses, or

“(B) the person liable for the payment of such amount, is pending.

“(4) If an operator pays costs and expenses assessed under paragraph (1) and if the claimant for whom such costs and expenses were paid is determined in a later proceeding not to be eligible for benefits under this part, the fund shall pay the operator the amount paid for such costs and expenses.

“(5) Section 28(e) of the Longshore and Harbor Workers' Compensation Act shall apply with respect to any person who receives costs and expenses which are paid under this subsection on account of services rendered a claimant.”

### SEC. 7. ADMINISTRATION.

(a) APPEALS TO THE BENEFITS REVIEW BOARD.—No appeal of an order in a proceeding under the Black Lung Benefits Act may be made by a claimant or respondent to the Benefits Review Board unless such order has been made by an administrative law judge.

(b) ACQUIESCENCE.—The Secretary of Labor may not delegate to the Benefits Review Board the authority to refuse to acquiesce in a decision of a Federal court.

### SEC. 8. REFILEING.

Any claim filed under the Black Lung Benefits Act after January 1, 1982, but before the effective date of this Act prescribed by section 11(a), may be refiled under such Act after such effective date for a de novo review on the merits.

### SEC. 9. DEFINITIONS.

(a) COKE OVENS.—

(1) FEDERAL MINE SAFETY AND HEALTH ACT OF 1977.—Section 3 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 802) is amended—

(A) in paragraph (d), by inserting before the semicolon the following: “or who operates a coke oven or any machine shop or other operation reasonably related to the coke oven”;

(B) in paragraph (g), by inserting before the semicolon the following: “or working at a coke oven or in any other operation reasonably related to the operation of a coke oven”;

(C) in paragraph (h)(2), by inserting before the semicolon the following: “and includes a coke oven and any operation, structure, or area of land reasonably related to the operation of a coke oven”.

(2) BLACK LUNG BENEFITS ACT.—The first sentence of section 402(d) (30 U.S.C. 902(d)) is amended by inserting before the period the following: “or who works or has worked at a coke oven or in any other operation reasonably related to the operation of a coke oven”.

(b) PNEUMOCONIOSIS.—Section 402(b) (30 U.S.C. 902(b)) is amended—

(1) by adding after "sequelae" the following: "which disease or sequelae is restrictive or obstructive or both", and

(2) by striking out "coal mine" and inserting in lieu thereof "coal mine or coke oven".

**SEC. 10. EFFECTIVE DATES.**

(a) GENERAL RULE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect October 1, 1994.

(b) SECTION 5.—The amendment made by section 5 shall apply only with respect to claims which are filed for the first time after October 1, 1994, and shall not apply with respect to any claim which is filed before such date and which is refiled under section 8 of this Act after such date.

(c) COSTS OFFSET.—The amendments made by this Act shall not take effect unless the costs of the amendments are fully offset in each fiscal year through fiscal year 1999 by changes to the Black Lung Benefits Program.

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

Mr. FAWELL moved to recommit the bill to the Committee on Education and Labor.

By unanimous consent, the previous question was ordered on the motion to recommit.

The question being put, *viva voce*,  
Will the House recommit said bill?

The SPEAKER pro tempore, Mr. DE LA GARZA, announced that the nays had it.

So the motion to recommit was not agreed to.

The question being put, *viva voce*,  
Will the House pass said bill?

The SPEAKER pro tempore, Mr. DE LA GARZA, announced that the yeas had it.

Mr. FAWELL demanded a recorded vote on passage of said bill, 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 affirmative .....  

{	Yeas .....	252
	Nays .....	166

52.21 [Roll No. 186]  
AYES—252

Abercrombie	Brown (OH)	Dicks
Ackerman	Bryant	Dingell
Andrews (ME)	Byrne	Durbin
Andrews (NJ)	Cantwell	Edwards (CA)
Andrews (TX)	Cardin	Edwards (TX)
Applegate	Carr	Engel
Bacchus (FL)	Chapman	English
Bacchus (AL)	Clay	Eshoo
Baesler	Clayton	Evans
Barca	Clement	Farr
Barcia	Clinger	Fazio
Barlow	Clyburn	Fields (LA)
Barrett (WI)	Coleman	Filner
Becerra	Collins (IL)	Fingerhut
Beilenson	Collins (MI)	Fish
Bentley	Condit	Flake
Berman	Conyers	Foglietta
Bevill	Cooper	Ford (MI)
Bilbray	Coppersmith	Ford (TN)
Bishop	Costello	Frank (MA)
Blackwell	Coyne	Frost
Blute	Cramer	Furse
Boehlert	Danner	Gejdenson
Bonior	Darden	Gephardt
Borski	de la Garza	Gibbons
Boucher	DeFazio	Gilman
Brewster	DeLauro	Glickman
Brooks	Dellums	Gonzalez
Browder	Derrick	Gordon
Brown (CA)	Deutsch	Green
Brown (FL)	Diaz-Balart	Gutierrez

Hall (OH)	McHugh	Sawyer
Hamburg	McKinney	Schenk
Hamilton	McNulty	Schroeder
Harman	Meehan	Schumer
Hastings	Meek	Schumer
Hefner	Menendez	Scott
Hilliard	Mfume	Serrano
Hinchey	Miller (CA)	Sharp
Hoagland	Mineta	Shepherd
Hochbrueckner	Mink	Sisisky
Holden	Moakley	Skaggs
Hoyer	Mollohan	Skelton
Hughes	Moran	Slaughter
Inslie	Morella	Smith (IA)
Jacobs	Murphy	Smith (NJ)
Jefferson	Murtha	Spratt
Johnson (GA)	Myers	Stark
Johnson (SD)	Neal (MA)	Stokes
Johnson, E. B.	Oberstar	Strickland
Johnston	Obey	Studds
Kanjorski	Olver	Stupak
Kaptur	Ortiz	Sundquist
Kennedy	Owens	Swett
Kennelly	Pallone	Swift
Kildee	Pastor	Synar
Kleczka	Payne (NJ)	Tanner
Klein	Pelosi	Tejeda
Klink	Peterson (FL)	Thompson
Kopetski	Peterson (MN)	Thornton
Kreidler	Pickle	Thurman
LaFalce	Porter	Torricelli
Lancaster	Poshard	Towns
Lantos	Price (NC)	Traficant
LaRocco	Quillen	Tucker
Laughlin	Quinn	Unsoeld
Lehman	Rahall	Velazquez
Levin	Rangel	Vento
Lewis (GA)	Reed	Visclosky
Lipinski	Reynolds	Volkmer
Lloyd	Richardson	Walsh
Long	Ridge	Waters
Lowey	Roemer	Watt
Maloney	Rogers	Waxman
Mann	Ros-Lehtinen	Wheat
Manton	Rose	Whitten
Margolies-	Rostenkowski	Williams
Mezvinsky	Rowland	Wilson
Martinez	Roybal-Allard	Wise
Matsui	Rush	Woolsey
Mazzoli	Sabo	Wyden
McCloskey	Sanders	Wynn
McDade	Sangmeister	Yates
McDermott	Santorum	Young (AK)
McHale	Sarpalius	

NOES—166

Allard	Fowler	Kyl
Archer	Franks (CT)	Lambert
Armey	Franks (NJ)	Lazio
Baker (CA)	Galleghy	Leach
Baker (LA)	Gallo	Levy
Ballenger	Gekas	Lewis (CA)
Barrett (NE)	Geren	Lightfoot
Bartlett	Gilchrest	Linder
Barton	Gillmor	Lucas
Bateman	Gingrich	Machtley
Bereuter	Goodlatte	Manzullo
Bilirakis	Goodling	McCandless
Bileyle	Goss	McCollum
Boehner	Grams	McCrery
Bonilla	Greenwood	McCurdy
Bunning	Gunderson	McInnis
Burton	Hall (TX)	McKeon
Buyer	Hancock	McMillan
Callahan	Hansen	Meyers
Calvert	Hastert	Mica
Camp	Hayes	Michel
Canady	Hefley	Miller (FL)
Castle	Herger	Minge
Coble	Hobson	Molinari
Collins (GA)	Hoekstra	Montgomery
Combest	Horn	Moorhead
Cox	Houghton	Nussle
Crane	Huffington	Orton
Crapo	Hunter	Oxley
Cunningham	Hutchinson	Packard
Deal	Hutto	Paxon
DeLay	Hyde	Payne (VA)
Dickkey	Inglis	Penny
Dooley	Inhofe	Petri
Doollittle	Istook	Pickett
Dornan	Johnson (CT)	Pombo
Dreier	Johnson, Sam	Portman
Duncan	Kasich	Pryce (OH)
Dunn	Kim	Ramstad
Ehlers	King	Ravenel
Everett	Kingston	Regula
Ewing	Klug	Roberts
FAWELL	Knollenberg	Rohrabacher
Fields (TX)	Kolbe	Roth

Roukema	Smith (TX)	Torkildsen
Royce	Snowe	Upton
Saxton	Solomon	Valentine
Schaefer	Spence	Vucanovich
Schiff	Stearns	Walker
Sensenbrenner	Stenholm	Weldon
Shaw	Stump	Wolf
Shays	Talent	Young (FL)
Shuster	Tauzin	Zeliff
Skeen	Taylor (MS)	Zimmer
Smith (MI)	Taylor (NC)	
Smith (OR)	Thomas (WY)	

NOT VOTING—15

Dixon	Livingston	Pomeroy
Emerson	Markey	Slattery
Grandy	Nadler	Thomas (CA)
Hoke	Neal (NC)	Torres
Lewis (FL)	Parker	Washington

So the bill was passed.

A motion to reconsider the vote whereby 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.

52.22 DOD APPROPRIATIONS

Mr. HEFNER submitted a privileged report (Rept. No. 103-516) on the bill (H.R. 4453) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Mrs. VUCANOVICH reserved all points of order against said bill.

52.23 LEGISLATIVE BRANCH APPROPRIATIONS

Mr. HEFNER submitted a privileged report (Rept. No. 103-517) on the bill (H.R. 4454) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1995, and for other purposes.

When said bill and report were referred to the Union Calendar and ordered printed.

Mr. YOUNG of Florida reserved all points of order against said bill.

52.24 NUTRITION LABELING AND EDUCATION

On motion of Mr. WAXMAN, by unanimous consent, the bill of the Senate (S. 2087) to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain food products packaged prior to August 18, 1994; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

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

Ordered, That the Clerk notify the Senate thereof.

52.25 DOD AUTHORIZATION

The SPEAKER pro tempore, Mr. DE LA GARZA, pursuant to House Resolution 429 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 4301) to authorize appropriations for fiscal year 1995 for mili-