

considered to have been automatically ordered. We are, therefore, clearly operating instead under House rule XVI which provides that, and I quote, 'After the previous question shall have been ordered on a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.'

"Nowhere in that rule is the Member confined to offering either a straight motion to recommit or one with instructions. It does provide that if a motion to recommit with instructions is offered, there shall be 10 minutes of debate on the motion. All that means is that such debate may not take place on a straight motion or on the motion to recommit with recommendation which I have offered.

"Finally, I would emphasize, Mr. Speaker, that the motion to recommit under rule XVI was intentionally adopted in 1909, to provide the minority an opportunity to express its final position on a bill. While we are precluded by the rule from either amendatory or general instructions, this motion to recommit with recommendation is consistent with the original intent of the rule to give us a last chance to offer our position. I urge the Chair to allow this motion as the right of the minority."

The SPEAKER sustained the point of order, and said:

"The gentleman from Illinois [Mr. ROSTENKOWSKI] makes a point of order against the motion to recommit H.R. 4210 offered by the gentleman from Texas [Mr. ARCHER] on the ground that it includes language recommending that the Committee on Ways and Means 'amend the bill in an open and bipartisan manner with a view toward producing legislation the President can sign.'

"The motion to recommit a bill to a standing committee is addressed in specific and general terms in clause 4 of rule XVI and clause 1 of rule XVII. Both rules contemplate that the motion may in some circumstances include instructions. Clause 4 of rule XVI states that 'with respect to any motion to recommit with instructions * * * it shall always be in order to debate such motion for 10 minutes * * *.' Clause 1 of rule XVII states that pending the motion for the previous question the Speaker may entertain a motion to commit, 'with or without instructions * * *.'

"Neither rule XVI nor rule XVII—nor any other rule of the House—recognizes a form of motion to recommit 'with recommendation.' Rule XVI and the precedents of the House do not admit motions other than those mentioned in and made in order by the rules of the House.

"Moreover, the precedents hold that argument is not in order in a motion to recommit. On this point the Chair is guided by the ruling of Speaker Gillet on November 29, 1922, sustaining a

point of order against a motion to recommit with instructions that included descriptive matter that might be construed as argumentative. That ruling is recorded in volume 8 of Cannon's precedents, at section 2749. Similarly, on June 3, 1882, Speaker Keifer held that a motion to recommit should not contain matter in the nature of debate, by preamble or otherwise. That rule is recorded in volume 5 of Hinds' precedents, at section 5589.

"The cited precedents are consistent with the principle in clause 4 of rule XVI that the motion to recommit a bill or joint resolution after the previous question is ordered on final passage is rendered debatable only by the inclusion of instructions.

"Finally the Chair would refer to the ruling of yesterday, February 26, 1992. The gentleman from New York [Mr. SOLOMON] made a point of order against House Resolution 374 on the ground that it violates clause 4(b) of rule XI, which provides that the Committee on Rules shall not report any rule or order of business that would prevent the motion to recommit from being made as provided in clause 4 of rule XVI. The Chair held that the Committee on Rules does not violate clause 4(b) of rule XI so long as it does not deprive the minority of the right to offer a simple motion to recommit. In making that ruling the Chair expressly stated that House Resolution 374 properly guaranteed a simple motion to recommit.

"The motion to recommit offered by the gentleman from Texas [Mr. ARCHER] includes matter that might properly be construed as argument. As such, it is not a proper motion and is held out of order."

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

Mr. ROSTENKOWSKI 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 { Yeas 221 affirmative } Nays 209

¶19.17 [Roll No. 31] YEAS—221

Abercrombie	Browder	Dingell
Ackerman	Brown	Dixon
Alexander	Bruce	Donnelly
Anderson	Bryant	Dooley
Andrews (ME)	Bustamante	Dorgan (ND)
Andrews (TX)	Byron	Downey
Annunzio	Campbell (CO)	Durbin
Anthony	Cardin	Dymally
Applegate	Chapman	Eckart
Aspin	Clay	Edwards (CA)
Atkins	Clement	Edwards (TX)
AuCoin	Coleman (TX)	Engel
Bacchus	Collins (IL)	Erdreich
Bennett	Collins (MI)	Espy
Berman	Conyers	Evans
Bevill	Costello	Fascell
Bilbray	Cox (IL)	Fazio
Blackwell	Coyne	Feighan
Bonior	Cramer	Flake
Borski	Darden	Foglietta
Boucher	DeFazio	Foley
Boxer	DeLauro	Ford (MI)
Brewster	Derrick	Ford (TN)
Brooks	Dicks	Frank (MA)

Frost	Markey	Roybal
Gaydos	Martinez	Sanders
Gejdenson	Matsui	Sangmeister
Gephardt	Mavroules	Savage
Gibbons	Mazzoli	Sawyer
Glickman	McCloskey	Scheuer
Gonzalez	McDermott	Schumer
Gordon	McHugh	Serrano
Guarini	McNulty	Sharp
Hall (OH)	Mfume	Sikorski
Harris	Miller (CA)	Sisisky
Hatcher	Mineta	Skaggs
Hayes (IL)	Mink	Slattery
Hefner	Moakley	Slaughter
Hertel	Mollohan	Smith (FL)
Hoagland	Moody	Smith (IA)
Hochbrueckner	Moran	Snowe
Horn	Murphy	Solarz
Hoyer	Murtha	Spratt
Hubbard	Nagle	Staggers
Huckaby	Natcher	Stark
Jacobs	Neal (MA)	Stenholm
Jefferson	Neal (NC)	Stokes
Jenkins	Nowak	Studds
Johnson (SD)	Oakar	Swift
Johnston	Oberstar	Synar
Jones (GA)	Olin	Tallon
Jones (NC)	Olver	Tanner
Jontz	Ortiz	Thornton
Kanjorski	Orton	Torres
Kaptur	Owens (NY)	Towns
Kennedy	Owens (UT)	Traxler
Kennelly	Panetta	Unsoeld
Kildee	Pastor	Valentine
Klecza	Payne (NJ)	Vento
Kolter	Payne (VA)	Visclosky
Kopetski	Pease	Volkmer
Kostmayer	Pelosi	Washington
LaFalce	Penny	Waters
Lantos	Perkins	Waxman
LaRocco	Peterson (FL)	Weiss
Laughlin	Pickle	Wheat
Lehman (FL)	Poshard	Williams
Levin (MI)	Price	Wilson
Levine (CA)	Rahall	Wise
Lewis (GA)	Rangel	Wolpe
Lipinski	Reed	Wyden
Lowey (NY)	Richardson	Yates
Luken	Rose	Yatron
Manton	Rostenkowski	

NAYS—209

Allard	English	Lagomarsino
Allen	Ewing	Lancaster
Andrews (NJ)	Fawell	Leach
Archer	Fields	Lehman (CA)
Armev	Fish	Lent
Baker	Franks (CT)	Lewis (CA)
Ballenger	Gallegly	Lewis (FL)
Barnard	Gallo	Lightfoot
Barrett	Gekas	Livingston
Barton	Geren	Lloyd
Bateman	Gilchrest	Long
Beilenson	Gillmor	Lowery (CA)
Bereuter	Gilman	Machtley
Bilirakis	Gingrich	Marlenee
Bliley	Goodling	Martin
Boehler	Goss	McCandless
Boehner	Gradison	McCollum
Broomfield	Grandy	McCrary
Bunning	Green	McCurdy
Burton	Gunderson	McDade
Callahan	Hall (TX)	McEwen
Camp	Hamilton	McGrath
Campbell (CA)	Hammerschmidt	McMillan (NC)
Carper	Hancock	McMillen (MD)
Carr	Hansen	Meyers
Chandler	Hastert	Michel
Clinger	Hayes (LA)	Miller (OH)
Coble	Hefley	Miller (WA)
Coleman (MO)	Henry	Molinari
Combest	Herger	Montgomery
Condit	Hobson	Moorhead
Cooper	Holloway	Morella
Coughlin	Hopkins	Morrison
Cox (CA)	Horton	Mrazek
Crane	Houghton	Myers
Cunningham	Hughes	Nichols
Dannemeyer	Hunter	Nussle
Davis	Hutto	Obey
DeLay	Hyde	Oxley
Dellums	Inhofe	Packard
Doolittle	Ireland	Pallone
Dornan (CA)	James	Parker
Dreier	Johnson (CT)	Patterson
Duncan	Johnson (TX)	Paxon
Dwyer	Kasich	Peterson (MN)
Early	Klug	Petri
Edwards (OK)	Kolbe	Pickett
Emerson	Kyl	Porter

Pursell	Sarpalius	Tauzin
Quillen	Saxton	Taylor (MS)
Ramstad	Schaefer	Taylor (NC)
Ravenel	Schiff	Thomas (CA)
Regula	Schroeder	Thomas (GA)
Rhodes	Schulze	Thomas (WY)
Ridge	Sensenbrenner	Torricelli
Riggs	Shaw	Traficant
Rinaldo	Shays	Upton
Ritter	Shuster	Vander Jagt
Roberts	Skeen	Vucanovich
Roe	Skelton	Walker
Roemer	Smith (NJ)	Walsh
Rogers	Smith (OR)	Weber
Rohrabacher	Smith (TX)	Weldon
Ros-Lehtinen	Solomon	Wolf
Roth	Spence	Wylie
Roukema	Stallings	Young (AK)
Rowland	Stearns	Young (FL)
Russo	Stump	Zeliff
Sabo	Sundquist	Zimmer
Santorum	Swett	

NOT VOTING—5

Bentley	Dickinson	Whitten
de la Garza	Ray	

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 therein.

¶19.18 HAITIAN DEMOCRATIC RULE

The SPEAKER, pursuant to House Resolution 375 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. 3844) to assure the protection of Haitians in the United States or in United States custody pending the resumption of democratic rule in Haiti.

Mr. MFUME, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

¶19.19 RECORDED VOTE

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

Strike section 2.

At the end insert the following:

SEC. . TEMPORARY PROTECTED STATUS FOR HAITIANS.

(a) DESIGNATION.—During the period specified subsection (c) of this section, Haiti is hereby designated under section 244(b)(1) of the Immigration and Nationality Act (relating to temporary protected status).

(b) ELIGIBLE HAITIANS.—Any alien—

(1) who is a national of Haiti who is present in the United States, or who is in the custody or control of the United States (including on United States Government vessels, at Guantanamo Bay, Cuba, or elsewhere outside the United States) at any time during the period described in subsection (c) of this section.

(2) who meets the requirements of section 244A(c)(1)(A)(iii) of the Immigration and Nationality Act, and

(3) who, during the period described in subsection (c) of this section, registers for temporary protected status to the extent and in a manner which the Attorney General establishes,

shall be granted temporary protected status for the duration of that period and section 244(a)(1) of the Immigration and Nationality Act shall apply with respect to such alien.

(c) PERIOD OF DESIGNATION.—The designation pursuant to subsection (a) shall be in effect during the period beginning on the date of enactment of this Act and ending on the

date on which the President certifies to the Congress that democratically elected government has been restored in Haiti consistent with the Haitian Constitution. Subsections (b)(2) and (b)(3) of section 244A of the Immigration and Nationality Act do not apply with respect to the designation pursuant to subsection (a) of this section.

It was decided in the { Yeas 96
negative } Nays 304

¶19.20 [Roll No. 32]

AYES—96

Abercrombie	Hayes (IL)	Owens (UT)
Ackerman	Jacobs	Pallone
Anderson	Jefferson	Pastor
Andrews (ME)	Jones (GA)	Payne (NJ)
Atkins	Jones (NC)	Pelosi
Bennett	Jontz	Penny
Berman	Kennedy	Peterson (MN)
Blackwell	Kennelly	Rangel
Bonior	Kildee	Roe
Boxer	Kopetski	Roybal
Bustamante	Lantos	Sabo
Clay	Lehman (FL)	Sanders
Collins (IL)	Levin (MI)	Savage
Collins (MI)	Lewis (GA)	Scheuer
Conyers	Lowey (NY)	Schroeder
Coyne	Markey	Serrano
DeLums	Martinez	Sikorski
Dixon	Matsui	Smith (IA)
Downey	McDermott	Solarz
Early	McNulty	Stark
Edwards (CA)	Mfume	Stokes
Engel	Mineta	Studds
Espy	Mink	Towns
Evans	Moakley	Traxler
Fazio	Moody	Vento
Flake	Moran	Washington
Foglietta	Nagle	Waters
Ford (TN)	Neal (MA)	Weiss
Frank (MA)	Oaker	Wheat
Gejdenson	Oberstar	Wolpe
Gilman	Olver	Yates
Gonzalez	Owens (NY)	Yatron

NOES—304

Allard	Costello	Grandy
Allen	Coughlin	Green
Andrews (NJ)	Cox (CA)	Guarini
Andrews (TX)	Cox (IL)	Gunderson
Annunzio	Cramer	Hall (OH)
Anthony	Crane	Hall (TX)
Applegate	Cunningham	Hamilton
Archer	Darden	Hammerschmidt
Armey	Davis	Hancock
Aspin	DeFazio	Hansen
Bacchus	DeLauro	Harris
Baker	DeLay	Hastert
Barrett	Derrick	Hayes (LA)
Barton	Dingell	Hefley
Bateman	Donnelly	Hefner
Beilenson	Dooley	Henry
Bentley	Doolittle	Hertel
Bereuter	Dorgan (ND)	Hoagland
Bevill	Dornan (CA)	Hobson
Bilbray	Dreier	Hochbrueckner
Bilirakis	Duncan	Holloway
Billey	Durbin	Hopkins
Boehlert	Dwyer	Horn
Borski	Eckart	Horton
Boucher	Edwards (OK)	Houghton
Brewster	Edwards (TX)	Hoyer
Brooks	Emerson	Hubbard
Broomfield	English	Huckaby
Browder	Erdreich	Hughes
Brown	Ewing	Hunter
Bruce	Fascell	Hutto
Bryant	Fawell	Hyde
Bunning	Feighan	Inhofe
Burton	Fields	Ireland
Byron	Fish	James
Callahan	Franks (CT)	Jenkins
Camp	Frost	Johnson (CT)
Campbell (CA)	Gallegly	Johnson (SD)
Campbell (CO)	Gaydos	Johnson (TX)
Cardin	Gekas	Johnston
Carper	Gephardt	Kanjorski
Carr	Gibbons	Kaptur
Chapman	Gilchrest	Kasich
Clement	Gillmor	Klecicka
Clinger	Gingrich	Klug
Coble	Glickman	Kolbe
Coleman (MO)	Gooding	Kostmayer
Combest	Gordon	Kyl
Condit	Goss	LaFalce
Cooper	Gradison	Lagomarsino

Lancaster	Olin	Skaggs
LaRocco	Oxley	Skeen
Laughlin	Packard	Skelton
Leach	Panetta	Slattery
Lehman (CA)	Parker	Slaughter
Lent	Patterson	Smith (FL)
Lewis (CA)	Paxon	Smith (NJ)
Lewis (FL)	Payne (VA)	Smith (OR)
Lightfoot	Pease	Smith (TX)
Lipinski	Perkins	Snowe
Livingston	Peterson (FL)	Solomon
Lloyd	Petri	Spence
Long	Pickett	Spratt
Lowery (CA)	Pickle	Staggers
Luken	Porter	Stearns
Machtley	Poshard	Stenholm
Manton	Price	Stump
Martin	Pursell	Sundquist
Mavroules	Rahall	Sweet
Mazzoli	Ramstad	Swift
McCandless	Ravenel	Synar
McCloskey	Reed	Tanner
McCollum	Regula	Tauzin
McCrery	Rhodes	Taylor (MS)
McCurdy	Ridge	Thomas (GA)
McDade	Riggs	Thomas (WY)
McEwen	Rinaldo	Torricelli
McGrath	Ritter	Traficant
McHugh	Roberts	Unsoeld
McMillan (NC)	Roemer	Upton
McMillen (MD)	Rogers	Valentine
Meyers	Rohrabacher	Vander Jagt
Michel	Ros-Lehtinen	Visclosky
Miller (CA)	Rose	Volkmer
Miller (OH)	Roth	Vucanovich
Miller (WA)	Roukema	Walker
Molinari	Rowland	Walsh
Mollohan	Sangmeister	Waxman
Montgomery	Santorum	Weber
Moorhead	Sarpalius	Weldon
Morella	Sawyer	Williams
Morrison	Saxton	Wilson
Mrazek	Schaefer	Wise
Murphy	Schiff	Wolf
Murtha	Schulze	Wyden
Myers	Schumer	Wylie
Natcher	Sensenbrenner	Young (AK)
Neal (NC)	Sharp	Young (FL)
Nichols	Shaw	Zeliff
Nowak	Shays	Zimmer
Nussle	Shuster	
Obey	Sisisky	

NOT VOTING—34

Alexander	Ford (MI)	Richardson
AuCoin	Gallo	Rostenkowski
Ballenger	Gerren	Russo
Barnard	Hatcher	Stallings
Boehner	Herger	Tallon
Chandler	Kolter	Taylor (NC)
Coleman (TX)	Levine (CA)	Thomas (CA)
Dannemeyer	Marlenee	Thornton
de la Garza	Ortiz	Torres
Dickinson	Orton	Whitten
Dicks	Quillen	
Dymally	Ray	

So the amendment was not agreed to.

After some further time, The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. SKAGGS, assumed the Chair.

¶19.21 MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

¶19.22 RECORDED VOTE

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

At the end insert the following new section:

SEC. 7. REIMBURSEMENT FOR STATE AND LOCAL GOVERNMENT COSTS.

There are authorized to be appropriated such sums as may be necessary to reimburse