

150.5 AMERICAN FOLKLIFE CENTER

The SPEAKER, pursuant to the provisions of section 4(b) of Public Law 94-201, reappointed to the Board of Trustees of the American Folklife Center in the Library of Congress, Mrs. Nina M. Archabal of St. Paul, Minnesota, and Mrs. Judith McCulloh of Champaign, Illinois, from private life, on the part of the House.

Ordered, That the Clerk notify the Senate of the foregoing appointments.

150.6 PROVIDING FOR THE CONSIDERATION OF H.R. 4990

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 447):

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. No amendment to the bill shall be in order except the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report of the Committee on Rules, and shall be considered as having been read. Each shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report of the Committee on Rules are hereby waived. If both amendments in part 2 of the report of the Committee on Rules are adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which shall not contain instructions.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on March 10, 1992, March 20, 1992, or April 8, 1992.

Pending consideration of said resolution,

150.7 POINT OF ORDER

Mr. SOLOMON made a point of order against the resolution, and said:

"Mr. Speaker, House Resolution 447 provides in the last sentence of section 1:

and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which—

"And this is the point I wish to make—

which shall not contain instructions.

"Mr. Speaker, the language prohibiting any instructions in the motion to recommit clearly violates clause 4(b) of House rule XI which prohibits the Rules Committee from reporting "any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI" of the rules that we live under in this House.

"And clause 4 of rule XVI provides at the relevant part that—

After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker—you—shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

"Mr. Speaker, I will not take your time or the time of this House to recount the detailed history of these two rules and the precedents behind them. I have previously given that to you and to the Members of this House in the form of a 48-page, documented historical report, which you have, so I will not bother repeating it.

"Suffice to say, prior to 1909, the House already had a motion to recommit, with or without instructions, contained in at that time rule XVII. Clauses 4 of rule XI and XVI were added to the rules by a minority party member, a Democrat from New York, my State, to give the minority a right to get a last vote on its proposition through recommittal instructions.

"That is clear from the author of that amendment to the rules and numerous Speakers upholding that right in the following years.

"The key phrase in clause 4(b) of rule XI is 'as provided in clause 4 of rule XVI,' since what was being provided for in that new rule was the right of the minority to offer a final amendment in the form of instructions.

"If the Speaker will consider logic alone, for the majority to dictate in a rule such as this what form the motion to recommit should take—in this case only a straight motion to recommit—is to truly deny the opponent of the bill recognized under the rule, a motion of his or her choosing. This now becomes a majority motion, and not a minority motion.

"And that is what is happening here today.

"When I previously raised similar points of order, the Chair has referred to a 1934 ruling of Speaker Rainey that the Rules Committee need only allow for a straight motion to recommit to satisfy that rule.

"And as I previously argued, Mr. Speaker, and argue again today, that ruling, and all subsequent rulings of this and previous Speakers which relied on it, were wrongly decided.

"And any logical person would come to that conclusion.

"To limit the minority to a straight motion to recommit, to deny it the original intent of the rule, guts that right and nullifies the original intent of the rule. There is no longer a need for two motions to recommit under our rules.

"It was my understanding that the Speaker was at least willing to consider that ruling and had agreed to have the Rules Committee—that I serve on—look into the matter further. Ironically, that long-promised hearing was held just yesterday, the very same day that this rule, this unfair rule depriving the minority, was reported. The Rules Committee has not yet issued a final report on its study, and yet here we are again today being denied our traditional right to offer instructions. We are being disenfranchised.

"Mr. Speaker, instead of quoting Speaker Gillett or any number of other Speakers who have upheld our rights, or your rights if you were in the minority, to offer instructions in the past, let me close by quoting to you from Thomas Jefferson in his Manual, which is still a part of our rules. He said: 'So far the maxim is certainly true and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House,' the law of the House, 'by a strict adherence to which the weaker party can only be protected from those irregularities and abuses,' and I will repeat those words, 'be protected from those irregularities and abuses which these forms were intended to check,' and have been intended to check for over 200 years in this House, 'and which the wantonness of power is but too often apt to suggest to large and successful majorities,' which you have the privilege of having 101 more Members than we have on this side.

"Mr. Speaker, the rule before us strips the minority of all of its rights and does not allow us to offer even one amendment which we had requested—not in the Committee of the Whole and not in the motion to recommit. This is exactly the kind of example against which Jefferson warned us in which the minority has been stripped of the only weapon and protections we have to defend against attempts by those in power, and I will repeat again, 'irregularities and abuses,' which in recent years seems to be the norm around here and is one of the reasons I am ashamed to say that this House is held in such low esteem by the American people. Ten percent approval or something like that in the latest polls.

"If you take away this last ounce of protection that the minority has under