

“Mr. Speaker, the gentleman from New York makes the point of order that the rule limits the motion to recommit and therefore, according to the minority, the rules violates clause 4(b) of rule XI.

“Mr. Speaker, I respectfully disagree. Rule XI prohibits the Rules Committee from reporting a rule that: ‘would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.’

“Clause 4 of rule XVI only addresses the simple motion to recommit. Nowhere are instructions mentioned.

“Mr. Speaker, the Rules Committee may report a rule limiting the motion to recommit. So long as the rule allows a simple motion to recommit, it does not violate clause 4(b) of rule XI.

“Mr. Speaker, this is a well-established parliamentary point. Speaker Rainey, on January 11, 1934, so ruled and was sustained on appeal.

“The point was reaffirmed five times in the last 2 years: October 16, 1990; June 4, 1991; on November 25, 1991; February 26, 1992, and again 1 month ago, on May 7, 1992. Several times, the minority moved to appeal the ruling of the Chair. On each occasion the House voted to table the motion, sustaining the ruling.

“Mr. Speaker, the precedents were strengthened by the votes of the House. The House consistently supported our interpretation of the rule. Absent an intervening change in the rule, the chair would be constrained, in my opinion, to heed this interpretation.

“Finally, Mr. Speaker, the minority’s position on the motion to recommit was seriously compromised, to my mind, by its support for House Resolution 450. House Resolution 450 was the rule providing for consideration of the balanced budget constitutional amendment.

“House Resolution 450 severely restricted the motion to recommit with instructions. Yet every member of the minority voting on the rule—except two—voted ‘aye.’

“In summary, Mr. Speaker, the precedents are clear, consistent, and unequivocal.

“Since 1934 there is not a single instance in which Speaker Rainey’s interpretation was overturned. Not one rule limiting the motion to recommit was successfully challenged on a point of order.

“Moreover, the House spoke several times in the last 2 years to reaffirm and strengthen this position. And finally, Mr. Speaker, the House overwhelmingly supported—just last week—a rule limiting the motion to recommit.

“Search the RECORD and you will not find a single word of protest from the minority last week.

“Mr. Speaker, I urge you not to sustain the point of order.”

Mr. WALKER was recognized to speak to the point of order and said:

“Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] cited as the prin-

cipal evidence of the willingness of the House to abandon its minority right a series of votes that have taken place in recent years. Obviously, what we have there is the majority party muscling the minority party with its voting majority, and it has nothing to with the rules of the House or the kind of precedents that protect minority rights.

“If in fact what we have decided is that the minority is always at the mercy of the majority’s ability to change the rules, then the Chair, it seems to me, does rule against the gentleman from New York, and that would be a travesty. If what the Chair is concerned about doing is protecting the minority, as it is supposed to be protected under the rules, then the Chair, I think, has no other duty than to rule in favor of the point of order of the gentleman from New York, because it is clear in this particular instance that to rule against the point of order of the gentleman from New York is to really rule that the minority has no real position under the rules, and that any position the minority has under the rules is conveniently stripped by a majority vote of the majority party. That would be a travesty that goes against everything the House is supposed to stand for in debate, and I would hope that the Chair would rule in favor of the point of order raised by the gentleman from New York [Mr. SOLOMON].”

The SPEAKER overruled the point of order, and said:

“The gentleman from New York [Mr. SOLOMON] has made a point of order against consideration of House Resolution 480 and, based on arguments made previously by the gentleman from New York, has insisted that in denying the motion to recommit with instructions and providing authority only for a motion to recommit, the committee has violated House rules and a point of order should be sustained against the resolution.

“Under the precedents of October 16, 1990, February 26, 1992, and May 7, 1992, all of which, as the gentleman correctly points out, stem from the precedent of January 11, 1934, the Chair is constrained to overrule the point of order.”

Mr. SOLOMON appealed the ruling of the Chair.

Mr. WHEAT moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER announced that the nays had it.

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

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 250
Nays 158

¶71.8

[Roll No. 189]

YEAS—250

Abercrombie	Gephardt	Orton
Ackerman	Geren	Owens (NY)
Alexander	Gibbons	Owens (UT)
Anderson	Glickman	Pallone
Andrews (ME)	Gonzalez	Panetta
Andrews (NJ)	Gordon	Parker
Andrews (TX)	Guarini	Pastor
Annunzio	Hall (OH)	Patterson
Anthony	Hall (TX)	Payne (NJ)
Applegate	Hamilton	Payne (VA)
Aspin	Harris	Pease
Atkins	Hatcher	Pelosi
AuCoin	Hayes (IL)	Penny
Bacchus	Hayes (LA)	Peterson (FL)
Barnard	Hertel	Peterson (MN)
Beilenson	Hoagland	Pickette
Bennett	Hochbrueckner	Pickle
Berman	Horn	Poshard
Bevill	Hoyer	Price
Bilbray	Huckaby	Rahall
Blackwell	Hughes	Rangel
Borski	Hutto	Reed
Boucher	Jacobs	Richardson
Boxer	Jefferson	Roe
Brewster	Jenkins	Roemer
Brooks	Johnson (SD)	Rose
Browder	Johnston	Rostenkowski
Brown	Jones (NC)	Rowland
Bruce	Jontz	Roybal
Bryant	Kanjorski	Russo
Bustamante	Kaptur	Sabo
Byron	Kennedy	Sanders
Campbell (CO)	Kennelly	Sangmeister
Cardin	Kildee	Sarpalius
Carper	Kleczka	Sawyer
Carr	Kolter	Scheuer
Chapman	Kopetski	Schroeder
Clay	Kostmayer	Schumer
Clement	LaFalce	Serrano
Coleman (TX)	Lancaster	Sikorski
Collins (IL)	Lantos	Sisisky
Collins (MI)	LaRocco	Skaggs
Condit	Laughlin	Skelton
Cooper	Lehman (CA)	Slattery
Costello	Lehman (FL)	Slaughter
Cox (IL)	Levin (MI)	Smith (FL)
Coyne	Lewis (GA)	Smith (IA)
Cramer	Lipinski	Solarz
Darden	Long	Staggers
de la Garza	Lowe (NY)	Stallings
DeFazio	Luken	Stark
DeLauro	Manton	Stenholm
Dellums	Markey	Stokes
Derrick	Martinez	Studds
Dicks	Matsui	Swett
Dingell	Mavroules	Swift
Dixon	Mazzoli	Synar
Donnelly	McCloskey	Tallon
Dooley	McCurdy	Tanner
Dorgan (ND)	McDermott	Tauzin
Downey	McHugh	Taylor (MS)
Durbin	McMillen (MD)	Thomas (GA)
Dwyer	McNulty	Thornton
Dymally	Mfume	Torres
Early	Miller (CA)	Trafficant
Eckart	Mineta	Unsoeld
Edwards (CA)	Mink	Valentine
Edwards (TX)	Moakley	Vento
Engel	Montgomery	Visclosky
English	Moody	Volkmer
Erdreich	Moran	Washington
Espy	Mrazek	Waters
Evans	Murphy	Waxman
Fascell	Murtha	Weiss
Fazio	Nagle	Wheat
Feighan	Natcher	Whitten
Flake	Neal (MA)	Williams
Foglietta	Neal (NC)	Wilson
Ford (MI)	Nowak	Wise
Ford (TN)	Oakar	Wyden
Frank (MA)	Oberstar	Yates
Frost	Obey	Yatron
Gaydos	Olin	
Gejdenson	Olver	

NAYS—158

Allard	Bilirakis	Clinger
Allen	Bliley	Coble
Archer	Boehlert	Coleman (MO)
Army	Boehner	Combest
Baker	Broomfield	Coughlin
Ballenger	Bunning	Cox (CA)
Barrett	Burton	Cunningham
Barton	Callahan	Dannemeyer
Bateman	Camp	Davis
Bentley	Campbell (CA)	DeLay
Bereuter	Chandler	Doolittle

Dornan (CA)	Kasich	Rinaldo	Brewster	Horn	Patterson	Hansen	McEwen	Schaefer
Dreier	Klug	Ritter	Brooks	Hoyer	Payne (NJ)	Hastert	McGrath	Schiff
Duncan	Kolbe	Roberts	Browder	Huckabay	Payne (VA)	Hefley	McMillan (NC)	Schulze
Edwards (OK)	Kyl	Rogers	Brown	Hughes	Pease	Henry	Meyers	Sensenbrenner
Emerson	Lagomarsino	Rohrabacher	Bruce	Hutto	Pelosi	Herger	Michel	Shaw
Ewing	Leach	Ros-Lehtinen	Bryant	Jefferson	Penny	Hobson	Miller (OH)	Shays
Fawell	Lent	Roth	Bustamante	Jenkins	Perkins	Holloway	Miller (WA)	Shuster
Fields	Lewis (CA)	Roukema	Byron	Johnson (SD)	Peterson (FL)	Hopkins	Molinari	Skeen
Fish	Lewis (FL)	Santorum	Campbell (CO)	Johnston	Peterson (MN)	Horton	Moorhead	Smith (NJ)
Franks (CT)	Lightfoot	Saxton	Cardin	Jones (GA)	Pickett	Houghton	Morella	Smith (OR)
Gallegly	Livingston	Schaefer	Carper	Jones (NC)	Pickle	Hunter	Myers	Smith (TX)
Gallo	Machtley	Schiff	Carr	Jontz	Poshard	Hyde	Nichols	Snowe
Gekas	Martin	Schulze	Chapman	Kanjorski	Price	Inhofe	Nussle	Solomon
Gilchrest	McCandless	Sensenbrenner	Clay	Kaptur	Rahall	Ireland	Oxley	Spence
Gillmor	McColum	Shaw	Clement	Kennedy	Rangel	Jacobs	Packard	Stearns
Gilman	McCrery	Shays	Coleman (TX)	Kennelly	Reed	James	Paxon	Stump
Gingrich	McDade	Shuster	Collins (IL)	Kildee	Richardson	Johnson (CT)	Petri	Sundquist
Goodling	McEwen	Skeen	Collins (MI)	Klecza	Roe	Johnson (TX)	Porter	Taylor (NC)
Goss	McMillan (NC)	Smith (NJ)	Condit	Kolter	Roemer	Kasich	Pursell	Thomas (CA)
Gradison	Meyers	Smith (OR)	Conyers	Kopetski	Rose	Klug	Ramstad	Thomas (WY)
Grandy	Michel	Snowe	Cooper	Kostmayer	Rostenkowski	Kolbe	Ravenel	Upton
Green	Miller (OH)	Solomon	Costello	LaFalce	Rowland	Kyl	Regula	Vander Jagt
Gunderson	Miller (WA)	Spence	Cox (IL)	Lancaster	Roybal	Lagomarsino	Rhodes	Vucanovich
Hammerschmidt	Molinari	Stearns	Coyne	Lanusso	Russo	Leach	Ridge	Walker
Hancock	Moorhead	Stump	Cramer	LaRocco	Sabo	Lent	Riggs	Walsh
Hansen	Morella	Sundquist	Darden	Laughlin	Sanders	Lewis (CA)	Rinaldo	Weber
Hastert	Morrison	Taylor (NC)	de la Garza	Lehman (CA)	Sangmeister	Lewis (FL)	Ritter	Weldon
Hefley	Myers	Thomas (WY)	DeFazio	Lehman (FL)	Sarpalius	Lightfoot	Roberts	Wolf
Henry	Nichols	Upton	DeLauro	Levin (MI)	Sawyer	Livingston	Rogers	Wylie
Herger	Nussle	Vander Jagt	Dellums	Lewis (GA)	Scheuer	Machtley	Rohrabacher	Young (AK)
Hobson	Oxley	Vucanovich	Derrick	Lipinski	Schroeder	Martin	Ros-Lehtinen	Young (FL)
Holloway	Packard	Walker	Dicks	Lloyd	Schumer	McCandless	Roth	Zeliff
Hopkins	Paxon	Walsh	Dingell	Long	Serrano	McColum	Roukema	Zimmer
Horton	Petri	Weber	Dixon	Lowey (NY)	Sikorski	McCrery	Santorum	
Houghton	Porter	Weldon	Donnelly	Luken	Sisisky	McDade	Saxton	
Hunter	Pursell	Wolf	Dooley	Manton	Skaggs			
Hyde	Ramstad	Wylie	Dorgan (ND)	Markey	Skelton			
Inhofe	Ravenel	Young (AK)	Downey	Martinez	Slattery			
Ireland	Regula	Young (FL)	Durbin	Matsui	Slaughter			
James	Rhodes	Zeliff	Dwyer	Mavroules	Smith (FL)			
Johnson (CT)	Ridge	Zimmer	Dymally	Mazzoli	Smith (IA)			
Johnson (TX)	Riggs		Early	McCloskey	Solarz			

NOT VOTING—26

Bonior	Lowery (CA)	Sharp
Conyers	Marlenee	Smith (TX)
Crane	McGrath	Spratt
Dickinson	Mollohan	Thomas (CA)
Hefner	Ortiz	Torricelli
Hubbard	Perkins	Towns
Jones (GA)	Quillen	Traxler
Levine (CA)	Ray	Wolpe
Lloyd	Savage	

So the motion to lay the appeal on the table was agreed to.

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

Accordingly, House Resolution 480 was considered.

After debate,

Mr. WHEAT moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

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

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

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	256
Nays	163

¶71.9 [Roll No. 190] YEAS—256

Abercrombie	Anthony	Bennett
Applegate	Ackerman	Berman
Alexander	Aspin	Bevill
Anderson	Atkins	Bilbray
Andrews (ME)	AuCoin	Blackwell
Andrews (NJ)	Bacchus	Borski
Andrews (TX)	Barnard	Boucher
Annunzio	Beilenson	Boxer

NAYS—163

Allard	Campbell (CA)
Allen	Chandler
Archer	Clinger
Army	Coble
Baker	Coleman (MO)
Ballenger	Combest
Barrett	Coughlin
Barton	Cox (CA)
Bateman	Crane
Bentley	Cunningham
Bereuter	Dannemeyer
Bilirakis	DeLay
Biley	Dickinson
Boehlert	Doolittle
Boehner	Dornan (CA)
Broomfield	Dreier
Bunning	Duncan
Burton	Edwards (OK)
Callahan	Emerson
Camp	

Ewing	Fawell
Fields	Fish
Franks (CT)	Galleghy
Gallo	Gekas
Gilchrest	Gillmor
Gilman	Gingrich
Goodling	Goss
Gradison	Green
Gunderson	Hammerschmidt
Hancock	

¶71.10 [Roll No. 191] AYES—264

Abercrombie	Byron	Dwyer
Ackerman	Campbell (CO)	Dymally
Alexander	Cardin	Early
Anderson	Carper	Eckart
Andrews (ME)	Carr	Edwards (CA)
Andrews (NJ)	Chapman	Edwards (TX)
Andrews (TX)	Clay	Engel
Annunzio	Clement	English
Anthony	Coleman (TX)	Erdreich
Applegate	Collins (IL)	Espy
Aspin	Collins (MI)	Evans
Atkins	Condit	Fascell
AuCoin	Conyers	Fazio
Bacchus	Cooper	Feighan
Barnard	Costello	Flake
Beilenson	Cox (IL)	Foglietta
Bennett	Coyne	Ford (MI)
Berman	Cramer	Ford (TN)
Bevill	Darden	Frank (MA)
Bilbray	de la Garza	Frost
Blackwell	DeFazio	Gaydos
Boehlert	DeLauro	Gejdenson
Borski	Dellums	Gephardt
Boucher	Derrick	Geren
Boxer	Dicks	Gibbons
Brewster	Dingell	Gilman
Brooks	Dixon	Glickman
Browder	Donnelly	Gonzalez
Brown	Dooley	Gordon
Bruce	Dorgan (ND)	Guarini
Bryant	Downey	Hall (OH)
Bustamante	Durbin	Hall (TX)

NOT VOTING—15

Bonior	Marlenee	Traxler
Hefner	Quillen	Williams
Hubbard	Ray	Wilson
Levine (CA)	Savage	Wise
Lowery (CA)	Sharp	Wolpe

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. DREIER demanded a recorded vote on agreeing to said resolution, 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	264
Nays	157