

Wamp Weldon (FL) Wicker
Watkins Weller Wolf
Watts (OK) White Young (FL)

NOES—154

Ackerman	Hamilton	Pallone
Allen	Hefner	Payne
Baldacci	Hilliard	Pelosi
Barrett (WI)	Hinchey	Pickett
Becerra	Hinojosa	Pomeroy
Bentsen	Hooley	Poshard
Berman	Hoyer	Price (NC)
Blagojevich	Jackson (IL)	Rangel
Blumenauer	Jackson-Lee	Rivers
Bonior	(TX)	Rothman
Boswell	Jefferson	Rothbal-Allard
Boyd	Johnson, E. B.	Rush
Brown (FL)	Kaptur	Sabo
Brown (OH)	Kennedy (MA)	Sanchez
Buyer	Kennedy (RI)	Sanders
Capps	Kennelly	Sandlin
Cardin	Kildee	Sawyer
Carson	Kilpatrick	Schaffer, Bob
Clayton	Kind (WI)	Schumer
Clyburn	Kucinich	Scott
Conyers	Lampson	Serrano
Costello	Lantos	Shays
Coyne	Levin	Sherman
Cummings	Lewis (GA)	Skaggs
Davis (FL)	Lofgren	Slaughter
Davis (IL)	Lowe	Snyder
DeFazio	Luther	Spratt
DeGette	Maloney (CT)	Stabenow
DeLauro	Maloney (NY)	Stark
Dellums	Manton	Stokes
Deutsch	Markey	Strickland
Dixon	Martinez	Tauscher
Doggett	Matsui	Thomas
Dooley	McCarthy (NY)	Thompson
Edwards	McDermott	Thurman
Engel	McGovern	Tierney
Eshoo	McHale	Torres
Etheridge	McIntyre	Towns
Evans	McKinney	Turner
Farr	McNulty	Velazquez
Fattah	Meehan	Vento
Fazio	Menendez	Visclosky
Filner	Millender-	Waters
Flake	McDonald	Watt (NC)
Ford	Miller (CA)	Waxman
Frank (MA)	Moakley	Wexler
Franks (NJ)	Moran (VA)	Weygand
Gedjenson	Nadler	Whitfield
Goode	Neal	Wise
Gordon	Obey	Woolsey
Green	Olver	Wynn
Gutierrez	Owens	Yates

ANSWERED "PRESENT"—1

Kim

NOT VOTING—20

Abercrombie	Gonzalez	Oberstar
Baker	Goss	Porter
Bonilla	Hastert	Schiff
Clay	Hastings (FL)	Smith, Adam
Foglietta	Lipinski	Weldon (PA)
Furse	Meek	Young (AK)
Gephardt	Neumann	

□ 1732

So the resolution was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, on rollcall No. 413, I was unavoidably detained at a committee hearing. Had I been present, I would have voted "aye."

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2160, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 105-255) on

the resolution (H. Res. 232) waiving points of order against the conference report to accompany the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 2209, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1998

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, September 18, 1997, to file a conference report on the bill (H.R. 2209) making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PRIVILEGES OF THE HOUSE—RESTRICTING FLOOR PRIVILEGES OF FORMER REPRESENTATIVE ROBERT DORNAN PENDING RESOLUTION OF ELECTION CONTEST IN 46TH DISTRICT OF CALIFORNIA

Mr. MENENDEZ. Pursuant to clause 2 of rule IX and by agreement with the majority leader, Mr. ARMEY, I hereby give notice of my intention to offer a privileged resolution.

The form of the resolution is as follows:

HOUSE RESOLUTION 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a manner that properly dignifies the proceedings of the House; Therefore be it

Resolved, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER. Pursuant to rule IX, the Chair determines that this is the appropriate time to call up the resolution.

Mr. MENENDEZ. Mr. Speaker, I offer a resolution raising a question of the privileges of the House.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution.

The SPEAKER. In the opinion of the Chair, the resolution constitutes a question of the privileges of the House.

PREFERENTIAL MOTION OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Speaker, I have a preferential motion at the desk.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. STEARNS moves to lay the resolution offered by Mr. MENENDEZ on the table.

The SPEAKER. The question is on the motion to table offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEARNS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes 291, answered "present" 3, not voting 53, as follows:

[Roll No. 414]

AYES—86

Aderholt	Hunter	Rohrabacher
Barr	Hyde	Royce
Bartlett	Johnson, Sam	Ryun
Barton	Kim	Salmon
Bliley	Kingston	Saxton
Bono	Largent	Scarborough
Burton	Lewis (CA)	Schaefer, Dan
Buyer	Lewis (KY)	Schaffer, Bob
Calvert	Linder	Sessions
Campbell	Livingston	Shadegg
Chabot	Lucas	Shuster
Chenoweth	McCollum	Smith (MI)
Cox	McIntosh	Smith (NJ)
Crane	McKeon	Smith (OR)
Crapo	Metcalf	Smith, Linda
Cubin	Mica	Snowbarger
Cunningham	Nethercutt	Solomon
Doolittle	Norwood	Spence
Dreier	Packard	Stearns
Duncan	Paul	Stump
Dunn	Paxon	Tauzin
Everett	Pease	Thomas
Ewing	Pickering	Thornberry
Fawell	Pombo	Tiahrt
Foley	Radanovich	Weldon (FL)
Gekas	Redmond	Whitfield
Hefley	Riley	Wicker
Hergert	Rogan	Wolf
Hostettler	Rogers	

NOES—291

Abercrombie	Boehner	Cook
Ackerman	Bonior	Costello
Allen	Borski	Coyne
Andrews	Boswell	Cummings
Armey	Boucher	Danner
Bachus	Boyd	Davis (FL)
Baesler	Brady	Davis (IL)
Baldacci	Brown (CA)	Davis (VA)
Barcia	Brown (FL)	DeFazio
Barrett (NE)	Brown (OH)	DeGette
Barrett (WI)	Camp	Delahunt
Bass	Canady	DeLauro
Bateman	Capps	DeLay
Becerra	Cardin	Dellums
Bentsen	Carson	Deutsch
Bereuter	Castle	Diaz-Balart
Berman	Christensen	Dickey
Bilirakis	Clayton	Dicks
Bishop	Clement	Dingell
Blagojevich	Clyburn	Dixon
Blumenauer	Combest	Doggett
Blunt	Condit	Dooley
Boehlert	Conyers	Doyle

Edwards	Kennedy (RI)	Poshard
Ehrlich	Kennelly	Price (NC)
Emerson	Kildee	Pryce (OH)
Engel	Kilpatrick	Quinn
English	Kind (WI)	Rahall
Ensign	King (NY)	Ramstad
Eshoo	Kleczka	Rangel
Etheridge	Klink	Regula
Evans	Klug	Reyes
Farr	Knollenberg	Riggs
Fattah	Kolbe	Rivers
Fazio	Kucinich	Rodriguez
Filner	LaFalce	Roemer
Flake	LaHood	Ros-Lehtinen
Forbes	Lampson	Rothman
Ford	Lantos	Roukema
Fox	Latham	Roybal-Allard
Frank (MA)	Lazio	Rush
Franks (NJ)	Leach	Sabo
Frelinghuysen	Lewis (GA)	Sanders
Frost	LoBiondo	Sandlin
Gejdenson	Lofgren	Sanford
Gibbons	Lowey	Sawyer
Gilchrest	Maloney (CT)	Schumer
Gillmor	Maloney (NY)	Scott
Gilman	Manzullo	Sensenbrenner
Goode	Markey	Serrano
Goodlatte	Martinez	Shaw
Goodling	Mascara	Shays
Gordon	Matsui	Sherman
Graham	McCarthy (MO)	Shimkus
Granger	McCarthy (NY)	Sisisky
Green	McDade	Skaggs
Greenwood	McDermott	Skeen
Gutierrez	McGovern	Skelton
Gutknecht	McHale	Slaughter
Hall (OH)	McHugh	Smith (TX)
Hall (TX)	McIntyre	Snyder
Hamilton	McKinney	Souder
Hansen	McNulty	Spratt
Harman	Menendez	Stabenow
Hastert	Millender-	Stark
Hastings (WA)	McDonald	Stenholm
Hayworth	Miller (CA)	Stokes
Hefner	Miller (FL)	Strickland
Hill	Minge	Stupak
Hilleary	Mink	Sununu
Hilliard	Mollohan	Talent
Hinojosa	Moran (KS)	Tauscher
Hobson	Moran (VA)	Taylor (MS)
Hoekstra	Morella	Thune
Holden	Murtha	Thurman
Hooley	Nadler	Tierney
Horn	Neal	Torres
Houghton	Northup	Towns
Hoyer	Nussle	Traficant
Hulshof	Obey	Turner
Hutchinson	Olver	Upton
Inglis	Ortiz	Velazquez
Istook	Owens	Vento
Jackson (IL)	Oxley	Visclosky
Jackson-Lee	Pallone	Walsh
(TX)	Pappas	Waters
Jefferson	Parker	Watkins
Jenkins	Pascrell	Watt (NC)
John	Pastor	Watts (OK)
Johnson (CT)	Payne	Waxman
Johnson (WI)	Pelosi	Weller
Johnson, E. B.	Peterson (MN)	Wexler
Jones	Peterson (PA)	Weygand
Kanjorski	Petri	Wise
Kaptur	Pickett	Wynn
Kasich	Pitts	Yates
Kelly	Pomeroy	Young (FL)
Kennedy (MA)	Portman	

□ 1756

Mr. CAMP, Ms. RIVERS, and Mr. FOX of Pennsylvania changed their vote from "aye" to "no."

Messrs. LINDER, CUNNINGHAM, and PAXON changed their vote from "no" to "aye."

So the motion to table was rejected. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 30 minutes.

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to 20 minutes equally divided and controlled by myself and the gentleman from New York [Mr. SOLOMON] for the purposes of debate only.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first thank all of my colleagues on both sides of the aisle who did not permit the motion to table to take place, to pass, so that we could have this opportunity. Failure to do so would have not allowed a Member to be able to pursue the only vehicle that a Member of this body has to enforce the decorum of the House. I want to ask for Members' further support of this resolution so that we make clear for ourselves and to the American people watching us that profanities, insults, and name-calling are not under any circumstance or for any reason accepted in this House or inside this Chamber ever.

□ 1800

Working with the Republican leadership, I changed the resolution I originally introduced in order to depersonalize the language, because when the rules of the House are broken, it is not just personal, it affects the whole institution.

Yesterday, nothing less than the integrity of the House was undermined by former Congressman Dornan. In the course of representing my constituents, exercising my rights as an elected representative of the people and a Member of this House to debate on the House floor, and asking a valid parliamentary inquiry that did not name any individual by name, Mr. Dornan verbally assaulted me. He used profane language, accused me of religious bigotry, called my integrity into question, and, by the tone of his voice and the context of his remarks, clearly attempted to lure me off the floor into a physical altercation.

By doing so, Mr. Dornan abused his privileges as a former Member of the House of Representatives and conducted himself on the floor in a manner which brings discredit to the House.

Now, earlier today some of my colleagues called the event alleged, imply-

ing the facts of the case are in doubt. But I would remind my colleagues that there were several witnesses, and many of you have come over on the Republican side of the aisle to tell me that you not only saw, but heard what I have said. And those included on my side of the aisle the gentlewoman from Connecticut [Ms. DELAUR] and the gentleman from Colorado [Mr. SKAGGS], among others.

Even beyond that, the Los Angeles Times reported today that Mr. Dornan admitted to using a profane term, called me an anti-Catholic and a coward, and that conduct alone, to which Mr. Dornan has publicly admitted, publicly admitted, is enough to constitute a gross violation of the House rules. So the event in question, my colleagues, is not alleged, it is publicly admitted to by Mr. Dornan himself.

Now, if this were not bad enough, Mr. Dornan further admitted to asking me to step outside the Chamber with him. On that last count we have a difference of opinion. He believes he just wanted to have a civil conversation. But if all he wanted was a civil conversation, why would he have used the insults and profanity preceding that request? In that context, with the tone of voice he used, no reasonable person could interpret Mr. Dornan's remarks as anything other than a lure into a physical fight.

Another Member took to the floor earlier today and said we should just realize that "Dornan is Dornan." But that implies that each Member or former Member can set his or her own standard of conduct, depending on their personality or how big a temper they might have. In this House, I believe there is one standard of conduct that applies to all of us.

Others praise Mr. Dornan's record of fighting communism, and I do not dispute that. But I, too, have dedicated much of my public life to fighting communism. Members of my family were persecuted by Communists. They came to this country fleeing persecution, because they knew America was the birthplace of modern democracy. I grew up in awe of this Congress and had no prouder day, save the birth of my children, than when I took my oath of office in this Chamber for the very first time.

I have spent much of my public life fighting oppression and intimidation, at home and abroad, using our great institutions as shining examples of freedom and integrity and democracy in action, and I believe my colleagues who have worked with me on both sides of the aisle on these issues know the depth of my sincerity and commitment. That is why it is hard to think of a sadder moment in my public life than when I was accosted on the House floor in the very exercise of democratic debate on behalf of the people I represent, not sad because of what Bob Dornan said to me but because of what Bob Dornan did to this institution we all care about so deeply and to what it stands for.

ANSWERED "PRESENT"—3

Ehlers	Ney	Sanchez
--------	-----	---------

NOT VOTING—53

Archer	Deal	Meehan
Baker	Foglietta	Meek
Ballenger	Fowler	Moakley
Berry	Furse	Myrick
Bilbray	Gallegly	Neumann
Bonilla	Ganske	Oberstar
Bryant	Gephardt	Porter
Bunning	Gonzalez	Schiff
Burr	Goss	Smith, Adam
Callahan	Hastings (FL)	Tanner
Cannon	Hinche	Taylor (NC)
Chambliss	LaTourette	Thompson
Clay	Levin	Wamp
Coble	Lipinski	Weldon (PA)
Coburn	Luther	White
Collins	Manton	Woolsey
Cooksey	McCrery	Young (AK)
Cramer	McInnis	

An assault against a Member of this body in the practice of his or her democratic duties is an assault against the whole House, the whole institution, not just one Member; and if we allow it to stand, we have lessened the standards of the whole institution. Not just the honor of a single representative is lessened.

In fact, the standards we set here send a message that travels far beyond the halls of this House. How can we talk about family values if we allow this sort of behavior to stand on the House floor? What kind of example does that set for our children, that profanities and threats are the way to solve differences of opinion? I must believe that we are all above that.

For the sake of this House, to preserve our standards and our rules of conduct, to set a worthy example for all of our children, I ask all of my colleagues to stand with me today in support of this resolution; to say that we will never tolerate insults, profanity, name-calling or threats in this Chamber, from anyone of either party, former Member or current Member.

Should there be a vote to once again table this resolution, it would in essence take away a Member's right to have the rules of the House enforced. When I made parliamentary inquiries and ultimately conferred, this is the only way I am told I get to enforce, or Members get to enforce someday if they are unfortunate to have a circumstance, the decorum of the House.

If we table it, no Member can ever get to that point. Our rules only have meaning if we stand behind them and are willing to enforce them.

Our standard of behavior is only as good as our willingness to uphold it. This is a vote to decide where we stand on the integrity of this House. A vote for a motion to table or against the ultimate resolution is a vote to turn our backs on the rules of decorum in the conduct of this institution.

A vote against a motion to table and for the resolution affirms that only the highest standards of conduct and decorum and respect for democracy are allowed in this Chamber. That is what this House should stand for; that is what I expect my colleagues to join with me in voting for.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I would rise to claim the time, and yield myself such time as I may consume, wearing two hats, and they are difficult hats at best.

I rise in one capacity having been on the floor and having witnessed the questionable behavior of my good friend, and he is a good friend, Mr. Dornan, and another good friend the gentleman from New Jersey [Mr. MENENDEZ], who I have worked with on many issues, and because of witnessing that behavior I support the resolution, all except the last two words of the resolution.

First of all, I think that Mr. Dornan should be removed from the Chamber

because his action, his behavior, was not that of a Member of this Congress or a former Member who respects all Members of this body, and if we are going to serve in this body, we must always remember to do that.

However, there is another issue, and I rise as chairman of the Committee on Rules to point it out to Members. This is the concern that I have, because in the last two words of the resolution we are changing the rules of the House.

We are not changing the rules of the House for one Member or one former Member, but we are changing the rules of the House for an individual, who may or may not have been a Member or former Member, but a contestant in an election.

Let me just read to you the resolve clause. It says, "Resolved that the Sergeant at Arms is instructed to remove former Representative Bob Dornan from the Hall of the House and rooms leading thereto," et cetera, et cetera, "until the election contest concerning the 46th District of California is resolved."

Now, we all know when there is a contested election, under rule XXXII of the House, and this has been the rule for as long as I have been here, for 20 years, and for many years before that, the rule states, "The persons herein-after named and none other shall be admitted to the Hall of the House," and it lists various officers of this body. Then it goes on to say, "and contestants in election cases during the pendency of their cases in the House."

Mr. Speaker, in a court of law, and I am not a lawyer, but one has a right to representation, one has a right to be heard; and this resolution, my concern about it is that we are not just removing Mr. Dornan from the floor of this Congress as a former Member, but we go that one big step further and we remove him even on the day that this matter might come before this body and be contested, and that person, whoever that person might be, he may never have been a Member of Congress or a former Member, but that person has the right to be here on the floor to argue for his case.

I do not know what can be done about the resolution at this late date. I want to support the resolution. I support all of the "Whereas's," I support the "Resolved."

As a matter of fact, if I could just take one last minute to read a portion of the letter from Mr. Dornan to the Speaker, Speaker GINGRICH, it says, "To avoid any further opportunity for Members to demagogue my legitimate contest, I will not use my floor privileges until the House Oversight Committee has ruled on my challenge and the case moves to the full House for consideration."

In other words, he already, as Members all saw when I escorted him off the floor after that incident took place, agreed not to come back on this floor until that time.

So, Mr. Speaker, I do not know what can be done about it. I guess I will have

to vote against the resolution, because it contains the clause "is resolved," which means he could not be here as an individual American citizen to argue his case on the floor, should that ever come to pass.

I guess I would just ask the gentleman from New Jersey [Mr. MENENDEZ] if he would consider amending those last two words to instead of saying "is resolved," if he could just say "is taken up on the floor of the House of Representatives."

That means Mr. Dornan could not have the opportunity or the right to come on this floor if and until the matter ever came to the floor to be argued on that particular day.

Mr. MENENDEZ. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. First of all, I appreciate the gentleman's comments as they relate to the overall question of the decorum of the House. I appreciate on that day his assistance, so to speak, to make sure that we did not have a worse set of events.

I read that "resolved" clause in a different way. It does not say anybody else. It specifically refers to Mr. Dornan. Clearly if the Committee on House Oversight determines that there is to be an election contest, in my view that is a resolution, in which case his rights under the statute or under the rules would be preserved.

It is not my intention to prohibit him from an election contest, should the Committee on House Oversight determine in fact that there is an election contest to take place, which it has not determined. It was my intention, and that is why I believe when I say "is resolved," it would be resolved once the committee determines either there is no contest or there is a contest, and then when there is a contest he would, in fact, have the right to be able to pursue his rights as a contestant, not as a former Member. That is the intention and the manner in which we have worded it.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Speaker, if I might not use any more of my time, because I have other Members that want to be heard, but propound a question to the Chair: Is it the Chair's understanding that should a resolution be brought to this floor, where there would be a contested election on the floor of this body, that this individual, this American citizen, then would be allowed to be on the floor to argue his case?

The SPEAKER. The Chair may have the option at that time of relying on the legislative history of the debate as it is occurring. The gentleman who offered the privileged resolution has explained in the RECORD his interpretation of that resolution, that it would not block a contestant in that contest from being on the floor during pendency of a resolution on that day in an appropriate manner. Therefore, the

Chair will certainly take it under advisement at that time and believes it is helpful.

Mr. SOLOMON. I thank the Speaker.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I was going to say something, but I think the Speaker has clarified the interpretation the Chair will make. I will say in terms of a record, though I have not had the opportunity of conferring with the gentleman from Connecticut [Mr. GEJDENSON] and I have conferred with the gentleman from New Jersey [Mr. MENENDEZ], it was clearly not the intent of the resolution, as I understand from Mr. MENENDEZ, to obviate any contestant's right to appear on the floor at the time the contest is considered. We agree with the chairman of the Committee on Rules in that regard.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I certainly appreciate the cooperation, because I just do not believe we ought to be changing the rules of the House for anyone, any contestant, that would have the opportunity to come to this floor.

□ 1815

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I wonder if the gentleman from New Jersey [Mr. MENENDEZ] might consider a slight modification, and that is if, by unanimous consent, we could strike the words "is resolved," and replace those words "is resolved" with the words, "except during the pendency of the contest."

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I presume what the gentleman is talking about is pendency of the contest itself actually on the floor, because obviously the contest is pending now.

I would suggest, as I understand the Speaker's ruling, the Speaker would specifically interpret what the gentleman from Texas [Mr. ARMEY] has suggested, and therefore, the gentleman would suggest that in light of the record as referred to by the Speaker that has been made here on the floor, that the resolution itself need not be changed, when we clearly have agreement that during the contest itself, under the Federal Contest Election Act, and under the Rules of the House, as pointed out by the chairman of the Committee on Rules, Mr. Dornan could in fact have the privilege of his presence.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield in response to his question.

Mr. SOLOMON. Mr. Speaker, I would like to yield to the gentleman from Massachusetts [Mr. FRANK] just briefly.

Mr. FRANK of Massachusetts. Mr. Speaker, I think there is a point that pendency may be broader than was intended, but I think there was agreement that what we are talking about, and let me say I was thinking of those words, "during the consideration of the committee's report," that during consideration of the committee's report on the floor of the House, if that could be redone by unanimous consent, that that would solve it; that there would be a bar except during consideration of the committee report on the floor, while the report is itself the pending matter of business on the floor of the House, and I would think that would be sufficient.

Mr. SOLOMON. Mr. Speaker, I would inquire of the gentleman from New Jersey [Mr. MENENDEZ] if he would support that.

Mr. MENENDEZ. Mr. Speaker, if the gentleman would yield, I think that as the Speaker stated, the legislative history here is clear. It is my clear intention not to have that take place, but I do not want to start amending and worrying about the extent to which we broaden the scope beyond what is intended under the statute, which as the gentleman from Massachusetts [Mr. FRANK] just discussed, I am in complete agreement with what he just discussed, as long as it is during the actual contest on the floor.

Mr. SOLOMON. Would the gentleman then accept that amendment?

Mr. MENENDEZ. At this time I do not know the exact wording.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield.

The SPEAKER. The time of the gentleman from New York [Mr. SOLOMON] has expired.

The gentleman from New Jersey [Mr. MENENDEZ] has 2½ minutes.

Mr. SOLOMON. Mr. Speaker, since we have been involved in a colloquy, and all of our time was used during that colloquy, I would ask that I be allowed an additional 3 minutes to work out this agreement, and 30 seconds additional to the gentleman from New Jersey [Mr. MENENDEZ].

The SPEAKER. The chairman of the Committee on Rules may of course ask unanimous consent for each side to have 3 additional minutes, and then the House will decide whether his unanimous consent request is honored.

Mr. SOLOMON. Mr. Speaker, I would propound such a unanimous consent request.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. I object, Mr. Speaker.

The SPEAKER. The Chair is slightly confused, so the Chair will repeat the question.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. Each side has 3 additional minutes.

The gentleman from New York [Mr. SOLOMON] has 3 minutes remaining, and

the gentleman from New Jersey [Mr. MENENDEZ] has 5½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the distinguished majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I think we are in agreement with respect to intent here, and I should just make the point that should the occasion present itself where there would be a consideration of this matter on the floor, I would, if it was deemed advisable, present to the body a resolution that would protect Mr. Dornan's rights under those circumstances to be present on the floor.

Mr. HOYER. Mr. Speaker, if the gentleman would yield, I think that resolves the matter.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey [Mr. MENENDEZ] is recognized.

Mr. MENENDEZ. Mr. Speaker, I think we have laid out the case. The record is clear as it relates to this one concern. I ask my colleagues to join us in preserving the dignity of the House, I would be happy to yield back my time, if that is the reality of the other side.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are many of us who want to support this resolution, myself included, but the unanimous consent propounded by the gentleman from Massachusetts [Mr. FRANK] was exactly what we have agreed to, and it would make it so much better, I think, for the comity of the House.

Mr. FRANK of Massachusetts. Mr. Speaker, would the gentleman from New Jersey [Mr. MENENDEZ] yield?

Mr. MENENDEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand that, but let me say I think we have reached an agreement in this sense: Everyone is here, just about everybody here now understands that there is agreement in the resolution on the contest, if it ever comes to that, because I hope it does not, ever comes to the floor. If one does, and the Speaker is asked to rule on the presence of Mr. Dornan, I would think the ruling would be that during the actual consideration on the floor there would be no obstacle, and we would all uphold that ruling, and that has clearly been established now.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. Does the gentleman yield for a parliamentary inquiry?

Mr. MENENDEZ. I do not yield for a parliamentary inquiry.

The SPEAKER. The gentleman does not yield, and he controls the time at this point.

Mr. MENENDEZ. I agree with the comments of the majority leader. I think the Speaker has made it very clear, and unless the gentleman seeks to still have speakers, I am ready to

yield back the balance of my time if the gentleman is ready to yield back the balance of his time.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from New York for yielding.

Let me make one real quick point. If we accept this and vote on it right now, and it never comes to the floor, Bob Dornan can never come to the floor again because it will never be resolved.

Let me also point out, there have been between 20,000 and 30,000 Members of this body in the history of the United States of America. In my very brief study of the RECORD, and admittedly it is brief, we have never barred any other former Member from the floor. This is a terrible precedent to set.

It says nothing about the despicable behavior that Mr. Dornan exhibited toward our colleague, but there are other remedies. We could have a Sense of the Congress resolution where we all vote unanimously deploring that.

I have watched the majority leader of the Democratic Party and Congressman Dan Lungren engage in fisticuffs right outside the Chamber. They were not barred. They were not barred.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would say two things. One, it says until the issue is resolved. Once it is resolved, it no longer has standing, as I understand it.

Mr. BARTON of Texas. Mr. Speaker, reclaiming my time, if it is never resolved, we have barred one former Member in the history of the Nation from ever coming back on the floor of the House, and that is wrong.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Let us settle everything down here for a minute. It has been established, it is my understanding that it has been established that we have an understanding that if and when this contested election is brought to this floor, that the affected contestant, in this case Mr. Dornan, would be allowed to come on this floor.

The gentleman from Massachusetts [Mr. FRANK] has verified that, that the understanding is clear on the other side of the aisle. If that is clear with the Speaker, then I would be prepared to yield back the balance of my time.

The SPEAKER. The Chair will render final judgment should the occasion arise. However, the Chair would note that if debate is about to end, the Chair has seen all the debate, and that would strike the Chair in terms of this debate as a reasonable assumption.

PARLIAMENTARY INQUIRY

Mr. MENENDEZ. Mr. Speaker, parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MENENDEZ. Mr. Speaker, does the resolution, as it is worded, bar Mr. Dornan in perpetuity?

The SPEAKER. This resolution is only binding on this Congress, and therefore could not be in perpetuity.

Mr. MENENDEZ. I thank the Speaker.

I ask my colleagues to join us in preserving the dignity of the House, and I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MENENDEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 65, answered "present" 7, not voting 72, as follows:

[Roll No. 415]

AYES—289

Abercrombie	Dicks	Horn
Ackerman	Dingell	Houghton
Aderholt	Dixon	Hoyer
Allen	Doggett	Hulshof
Andrews	Dooley	Hutchinson
Armye	Doyle	Inglis
Bachus	Dunn	Istook
Baesler	Edwards	Jackson (IL)
Baldacci	Ehrlich	Jackson-Lee
Barcia	Emerson	(TX)
Barrett (NE)	Engel	Jefferson
Barrett (WI)	English	Jenkins
Bass	Ensign	John
Bateman	Eshoo	Johnson (CT)
Becerra	Etheridge	Johnson (WI)
Bentsen	Evans	Johnson, E. B.
Bereuter	Ewing	Jones
Bishop	Farr	Kanjorski
Blagojevich	Fattah	Kaptur
Blunt	Fazio	Kasich
Boehlert	Filner	Kelly
Boehner	Flake	Kennedy (MA)
Bonior	Forbes	Kennedy (RI)
Borski	Ford	Kennelly
Boswell	Fox	Kildee
Boucher	Frank (MA)	Kilpatrick
Boyd	Franks (NJ)	Kind (WI)
Brown (CA)	Frelinghuysen	King (NY)
Brown (FL)	Frost	Klecza
Brown (OH)	Gejdenson	Klink
Canady	Gibbons	Knollenberg
Capps	Gilchrest	Kolbe
Cardin	Gillmor	Kucinich
Carson	Gilman	LaFalce
Castle	Goode	LaHood
Christensen	Goodlatte	Lampson
Clayton	Goodling	Lantos
Clyburn	Gordon	Lazio
Combest	Graham	Leach
Condit	Granger	Lewis (GA)
Conyers	Green	Livingston
Cook	Greenwood	LoBiondo
Costello	Gutierrez	Lofgren
Coyne	Hall (OH)	Lowe
Cummings	Hamilton	Lucas
Danner	Hansen	Luther
Davis (FL)	Harman	Maloney (CT)
Davis (IL)	Hastert	Maloney (NY)
Davis (VA)	Hastings (WA)	Manzullo
DeFazio	Hayworth	Markey
DeGette	Hefner	Martinez
Delahunt	Hill	Mascara
DeLauro	Hilleary	Matsui
DeLay	Hilliard	McCarthy (MO)
Dellums	Hinojosa	McCarthy (NY)
Deutsch	Hobson	McDade
Diaz-Balart	Holden	McDermott
Dickey	Hooley	McGovern

McHale	Pitts	Smith (TX)
McHugh	Pomeroy	Snyder
McIntyre	Portman	Souder
McKinney	Poshard	Spratt
McNulty	Price (NC)	Stabenow
Menendez	Quinn	Stark
Metcalfe	Rahall	Stokes
Millender-McDonald	Ramstad	Strickland
Miller (CA)	Rangel	Stupak
Miller (FL)	Regula	Sununu
Minge	Reyes	Talent
Mink	Riley	Tauscher
Mollohan	Rivers	Tauzin
Moran (KS)	Rodriguez	Taylor (MS)
Moran (VA)	Roemer	Thornberry
Morella	Rogers	Thune
Murtha	Ros-Lehtinen	Thurman
Myrick	Rothman	Tierney
Nadler	Roukema	Torres
Neal	Roybal-Allard	Towns
Nethercutt	Rush	Turner
Northup	Sabo	Upton
Nussle	Sanders	Velazquez
Olver	Sandlin	Vento
Ortiz	Sanford	Visclosky
Owens	Sawyer	Walsh
Oxley	Schumer	Waters
Pallone	Scott	Watkins
Pappas	Serrano	Watt (NC)
Parker	Shaw	Watts (OK)
Pascrell	Shays	Waxman
Pastor	Sherman	Weldon (FL)
Payne	Shimkus	Weller
Pease	Sisisky	Wexler
Pelosi	Skaggs	Weygand
Peterson (MN)	Skeen	Wise
Peterson (PA)	Skelton	Woolsey
Petri	Slaughter	Yates
	Smith (OR)	Young (FL)

NOES—65

Ballenger	Everett	Radanovich
Barr	Gekas	Redmond
Bartlett	Hall (TX)	Riggs
Barton	Hefley	Rogan
Bilirakis	Herger	Rohrabacher
Bliley	Hostettler	Royce
Bono	Hunter	Ryun
Brady	Hyde	Saxton
Burton	Johnson, Sam	Scarborough
Buyer	Kim	Schaefer, Dan
Camp	Kingston	Schaffer, Bob
Campbell	Lewis (CA)	Shadegg
Chabot	Lewis (KY)	Smith (NJ)
Chenoweth	McCollum	Snowbarger
Cox	McIntosh	Spence
Crane	McKeon	Stearns
Crapo	Norwood	Stump
Cubin	Packard	Tiahrt
Cunningham	Paul	Whitfield
Doolittle	Paxon	Wicker
Dreier	Pickering	Wolf
Duncan	Pombo	

ANSWERED "PRESENT"—7

Ehlers	Sanchez	Traficant
Mica	Solomon	
Ney	Thomas	

NOT VOTING—72

Archer	Foley	Moakley
Baker	Fowler	Neumann
Berman	Furse	Oberstar
Berry	Gallegly	Obey
Bilbray	Ganske	Pickett
Blumenauer	Gephardt	Porter
Bonilla	Gonzalez	Pryce (OH)
Bryant	Goss	Salmon
Bunning	Gutknecht	Schiff
Burr	Hastings (FL)	Sensenbrenner
Callahan	Hinchee	Sessions
Calvert	Hoekstra	Shuster
Cannon	Klug	Smith (MI)
Chambliss	Largent	Smith, Adam
Clay	Latham	Smith, Linda
Clement	LaTourette	Stenholm
Coble	Levin	Tanner
Coburn	Linder	Taylor (NC)
Collins	Lipinski	Thompson
Cooksey	Manton	Wamp
Cramer	McCrery	Weldon (PA)
Deal	McInnis	White
Fawell	Meehan	Wynn
Foglietta	Meek	Young (AK)

□ 1842

Mr. CUNNINGHAM changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1845

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, on rollcall vote 413 I was unavoidably detained.

Had I been present I would have voted "yes".

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I have asked to address the House in order to enter into a dialog with the majority leader to ascertain the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased, more pleased, Mr. Speaker, than anyone can imagine, to announce that we have concluded our legislative business for the week.

The House will next meet on Monday, September 22, at 12 noon for a pro forma session.

On Tuesday, September 23, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that no recorded votes will be held before 5 p.m.

On Tuesday of next week the House will consider a Corrections Day bill, H.R. 2343, the Thrift Depositor Protection Oversight Act; a number of suspension bills, a list of which will be distributed to Members' offices; the conference report to accompany H.R. 2160, the Agriculture Appropriations Act for Fiscal Year 1998; and motions to go to conference on H.R. 2264, the Labor-HHS Appropriations Act and H.R. 2378, the Treasury-Postal Appropriations Act.

On Wednesday, September 24 and the remainder of the week, the House will consider the following bills, both of which are subject to a rule:

H.R. 2267, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1998; and H.R. 901, the American Land Sovereignty Protection Act.

It is my understanding that the conferences on appropriations are proceeding well, and we may have additional conference reports ready next week.

Mr. Speaker, the meeting times for next week are as follows: On Wednesday, September 24 and Thursday, September 25 the House will meet at 10 a.m., and on Friday, September 26 we will meet at 9 a.m. We will expect to conclude legislative business by 2 p.m. next Friday.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, if I could inquire of the leader, will there be votes on the following Monday?

Mr. ARMEY. If the gentleman will continue to yield, the gentleman is speaking of Monday, as we say it in the South, Monday a week? The following Monday?

Mr. FAZIO of California. Mr. Speaker, that is not the way they say it in North Dakota, but—

Mr. ARMEY. Let me see if we can get this correct, the Monday following September 23, Friday of next week. Yes, I think we do expect votes that week.

Mr. FAZIO of California. After 5?

Mr. ARMEY. After 5.

Mr. CONDIT. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California [Mr. CONDIT], who has some concerns about the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, if I may ask a question of the majority leader. I know we have had a discussion that he has made a commitment to try to change the Suspension Calendar a little bit to work it out so maybe it has a little more balance to it. I would like to ask what kind of progress he understands that we have made.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for that inquiry. As the gentleman from California has suggested, we are receiving information about the record of bills being reported from committee. We want to review that, and we intend to make adjustments to see that all Members have a fair and equitable consideration of their access to the Suspension Calendar.

Mr. CONDIT. Mr. Speaker, I thank the leader.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time, I have no further speakers, and I yield back.

ADJOURNMENT TO MONDAY, SEPTEMBER 22, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, SEPTEMBER 23, 1997

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, September 22, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, September 23, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL PROPERTY ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. HORN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessities to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, after line 8 insert:

(D)(i) The administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term "disability" has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

Page 4, line 9, strike out "(D)" and insert "(E)".

Mr. HORN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. HORN] is recognized for 1 hour.

Mr. HORN. Mr. Speaker, H.R. 680 is a bill to enhance charitable activities by authorizing the transfer of surplus property to organizations that provide assistance to impoverished individuals. This bill offers a helping hand to the neediest in our society at virtually no cost to the taxpayers.