

gentleman from New York [Mr. SOLOMON] in the Committee on Rules, and ruled the same way, the chairman of the Committee on Rules did.”

The SPEAKER pro tempore, Mr. MURTHA, overruled the point of order, and said:

“The gentleman from New York makes 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.

“Clause 4 of rule XVI provides for one motion to recommit a bill or joint resolution after the previous question is ordered on final passage, with preference in recognition going to a Member who is opposed to the bill or joint resolution.

“The pending resolution provides that the motion to recommit H.R. 4210 pending the question of its passage may not contain instructions. It does not impair a simple motion to recommit.

“The precedent of October 16, 1990, is precisely on point. On that occasion the Committee on Rules had reported a special order of business that precluded the inclusion of instructions in the motion to recommit a bill pending the question of its passage. The present occupant of the Chair overruled the point of order, relying on precedents of the House—specifically the ruling of Speaker Rainey on January 11, 1934—holding 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.

“Under the precedents a special order that does not preclude a simple motion to recommit does not prevent the motion to recommit from being made as provided in clause 4 of rule XVI.’ Clause 4 of rule XVI does not guarantee that a motion to recommit after the previous question is ordered on passage of a bill or joint resolution may always include instructions.

“The pending resolution does not prevent the motion to recommit from being made as provided in clause 4 of rule XVI.’ The Chair will follow the precedent of October 16, 1990. The point of order is overruled.”

Mr. SOLOMON appealed the ruling of the Chair.

Mr. DERRICK 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 pro tempore, Mr. MURTHA, announced that the yeas had it.

Mr. SOLOMON 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 ..... 157

¶18.7 [Roll No. 23]  
YEAS—256

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

NAYS—157

Allard	Barton	Boehlert
Allen	Bateman	Boehner
Army	Bentley	Broomfield
Baker	Bereuter	Bunning
Ballenger	Bilirakis	Burton
Barrett	Bliley	Callahan

Camp	Houghton	Ravenel
Campbell (CA)	Hunter	Regula
Chandler	Hyde	Rhodes
Clinger	Inhofe	Ridge
Coble	Ireland	Riggs
Coleman (MO)	James	Rinaldo
Combust	Johnson (CT)	Ritter
Coughlin	Johnson (TX)	Roberts
Cox (CA)	Kasich	Rogers
Crane	Klug	Rohrabacher
Cunningham	Kolbe	Ros-Lehtinen
Davis	Kyl	Roth
DeLay	Lagomarsino	Roukema
Doolittle	Leach	Santorum
Dornan (CA)	Lent	Saxton
Dreier	Lewis (CA)	Schiff
Duncan	Lewis (FL)	Schulze
Edwards (OK)	Lightfoot	Sensenbrenner
Emerson	Livingston	Shaw
Ewing	Lowery (CA)	Shays
Fiawell	Machtley	Shuster
Fields	Marlenee	Skeen
Fish	Martin	Smith (NJ)
Franks (CT)	McCandless	Smith (OR)
Galleghy	McCollum	Snowe
Gallo	McCrery	Solomon
Gekas	McDade	Spence
Gilchrist	McEwen	Stearns
Gillmor	McGrath	Stump
Gilman	McMillan (NC)	Sundquist
Goodling	Meyers	Taylor (NC)
Goss	Michel	Thomas (CA)
Gradison	Miller (OH)	Thomas (WY)
Grandy	Miller (WA)	Upton
Green	Molinari	Vucanovich
Gunderson	Moorhead	Walker
Hammerschmidt	Morrison	Walsh
Hancock	Myers	Weber
Hansen	Nichols	Weldon
Hastert	Nussle	Wolf
Hefley	Packard	Wylie
Henry	Paxon	Young (AK)
Herger	Petri	Young (FL)
Hobson	Porter	Zeliff
Holloway	Pursell	Zimmer
Hopkins	Quillen	
Horton	Ramstad	

NOT VOTING—21

Archer	Hoyer	Schaefer
Coleman (TX)	Jones (GA)	Sharp
Dannemeyer	Morella	Smith (TX)
Dickinson	Nowak	Swift
Eckart	Oxley	Tauzin
Gaydos	Ray	Vander Jagt
Gingrich	Savage	Whitten

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.

When said resolution was considered. After debate,

On motion of Mr. DERRICK, the previous question was ordered on the resolution, to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

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

Mr. SOLOMON 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 ..... 244  
Nays ..... 178

¶18.8 [Roll No. 24]  
YEAS—244

Abercrombie	Andrews (TX)	Bacchus
Ackerman	Annunzio	Barnard
Alexander	Anthony	Beilenson
Anderson	Applegate	Bennett
Andrews (ME)	Aspin	Berman
Andrews (NJ)	Atkins	Bevill