Thomas (GA)	Volkmer	Wheat
Thomas (WY)	Walsh	Williams
Torres	Washington	Wilson
Traficant	Waters	Wyden
Valentine	Waxman	Wylie
Vento	Weber	Yates
Visclosky	Weiss	Yatron

NAYS—113

Allard	Goodling	Morella
Allen	Goss	Murphy
Armey	Grandy	Nussle
Baker	Hancock	Oxley
Ballenger	Hansen	Paxon
Barrett	Hastert	Porter
Barton	Hefley	Ramstad
Bentley	Henry	Regula
Bereuter	Herger	Rhodes
Bilirakis	Hobson	Ridge
Bliley	Holloway	Riggs
Boehlert	Hopkins	Roberts
Boehner	Hunter	Rogers
Bunning	Inhofe	Rohrabacher
Burton	Ireland	Ros-Lehtinen
Camp	Jacobs	Roukema
Campbell (CA)	James	Saxton
Chandler	Johnson (CT)	Schroeder
Clay	Klug	Sensenbrenner
Coble	Kolbe	Shays
Coleman (MO)	Kyl	Shuster
Coughlin	Lagomarsino	Sikorski
Crane	Leach	Smith (OR)
Cunningham	Lewis (CA)	Solomon
Dannemeyer	Lewis (FL)	Stearns
Davis	Lightfoot	Stump
DeLay	Machtley	Sundquist
Doolittle	McCandless	Taylor (NC)
Dornan (CA)	McCollum	Thomas (CA)
Edwards (OK)	McCrery	Upton
Emerson	McDade	Vander Jagt
Fawell	McEwen	Vucanovich
Fields	McMillan (NC)	Walker
Franks (CT)	Meyers	Wolf
Gallegly	Miller (OH)	Young (AK)
Gallo	Miller (WA)	Zeliff
Gilchrest	Molinari	Zimmer
Gingrich	Moorhead	

NOT VOTING—45

Alexander	Lloyd	Schumer
Anthony	Lowery (CA)	Smith (TX)
Bonior	Marlenee	Solarz
Boxer	Michel	Spratt
Campbell (CO)	Mollohan	Synar
Conyers	Moran	Thornton
Dickinson	Murtha	Torricelli
Donnelly	Perkins	Towns
Duncan	Quillen	Traxler
Gekas	Rahall	Unsoeld
Hefner	Rangel	Weldon
Hubbard	Ray	Whitten
Jefferson	Santorum	Wise
LaFalce	Savage	Wolpe
Levine (CA)	Schaefer	Young (FL)

So the Journal was approved.

¶71.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3756. A letter from the Chairman, Federal Housing Finance Board, transmitting annual enforcement report of the Federal Housing Finance Board, pursuant to 12 U.S.C. 1422a; to the Committee on Banking, Finance and Urban Affairs.

3757. A letter from the Director, Environmental Protection Agency, transmitting the semiannual report of activities of the inspector general covering the period October 1, 1991 through March 31, 1992, and management report for the same period, pursuant to Public Law 95–452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

3758. A letter from the Secretary, Department of the Interior, transmitting the biological study of the striped bass fishery resources and habitats of the Albermarle Sound-Roanoke River basin area, pursuant to 16 U.S.C. 1851 note; to the Committee on Merchant Marine and Fisheries.

3759. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend title 5, United States Code, to encourage the voluntary separation of civilian employees of the Department of Defense, and for other purposes; to the Committee on Post Office and Civil Service.

3760. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of Albania; also enclosed is the text of the ''Agreement on Trade Relations Between the Government of the United States of America and the Republic of Albania,'' which was signed on May 14, 1992, pursuant to 19 U.S.C. 2437(a) (H. Doc. No. 102–346); to the Committee on Ways and Means and ordered to be printed.

3761. A communication from the President of the United States, transmitting his determination that Syria no longer meets the eligibility requirements set forth in the GSP law (H. Doc. No. 102–345); to the Committee on Ways and Means and ordered to be printed.

3762. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the second and third annual report of the Federated States of Micronesia on the use and expenditure of funds made available under the Compact of Free Association, pursuant to 48 U.S.C. 1681 note; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

¶71.4 COMMITTEE TO SIT

On motion of Mr. SWIFT, by unanimous consent, the Committee on Energy and Commerce was granted permission to sit today during the 5-minute rule.

¶71.5 SELECT COMMITTEE ON CHILDREN, YOUTH AND FAMILIES

The SPEAKER pro tempore, Mr. MCNULTY, announced that pursuant to the provisions of section 203 of House Resolution 51, 102d Congress, the Speaker did appoint to the Select Committee on Children, Youth and Families, Mr. FAWELL, to fill the existing vacancy thereon.

¶71.6 PROVIDING FOR THE CONSIDERATION OF S. 250

Mr. WHEAT, by direction of the Committee on Rules, called up the following resolution (H. Res. 480):

Resolved, That at any time after the 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 the consideration of the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, and the first reading of the bill shall be dispensed with. 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 House Administration, the bill shall be considered as having been read under the five-minute rule. No amendment to the bill shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution. Said amendment shall be considered as having been read, shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a member opposed thereto. Said amendment shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit which may not contain instructions.

Pending consideration of said resolution,

¶71.7 POINT OF ORDER

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

''Mr. Speaker, let me say at the outset that I regret that it is even necessary to raise this point of order. As you will recall, in January of last year I presented you, Mr. Speaker, with a 48-page paper documenting the precedents and history behind the rules which guarantee to the minority the right to offer a motion to recommit a bill of its choosing—including one with instructions.

''Then last June we sat down in your office with the Republican leader, the majority leader, and the Rules Committee chairman, and myself, and it was agreed that the Rules Committee would further look into our complaints about being denied our right to offer recommittal instructions on certain bills.

''The Rules Committee's Subcommittee on Rules of the House finally did hold a hearing on May 6 of this year, but no report has yet been issued as a result of that hearing and study.

''As the Speaker well knows, the whole purpose of the Rules Committee study of this controversy was to attempt to reach some kind of accommodation between the majority and minority over the issue of restricting our right to recommit bills.

''I am certain the Speaker did not have in mind that a hearing alone, without any subsequent effort to solve this problem, would suffice, and I know that. A hearing alone does not constitute a good-faith effort to reach accommodation.

''Having said all that, Mr. Speaker, permit me once again to make the case for this point of order. The rule before us allows for one motion to recommit but goes on to say that the motion 'may not contain instructions.'

''Mr. Speaker, permit me once again to make the case for this point of order. The rule before us allows for one motion to recommit but goes on to say that the motion 'may not contain instructions.'

''Mr. Speaker, again I have to repeat, clause 4(b) of House rule XI provides that the Rules Committee 'shall not report any rule or order * * * which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.'

''And clause 4 of rule XVI, at the relevant part, states 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 shall give preference in recognition to a Member who is opposed to the bill or joint resolution.

''Mr. Speaker, it can hardly be argued that by denying any instructions in a motion to recommit, the right of

the minority Member entitled to offer that motion is being preserved or protected. When the rule issued by the majority's Committee on Rules dictates that the minority Member may only offer a straight motion to recommit, that Member is deprived of the right to offer a motion of his or her choosing.

''Mr. Speaker, it must be remembered that before these two rules were adopted in 1909, the House already had a rule, dating back to 1880, allowing for a motion to recommit, with or without instructions, either before or after the previous question is ordered. That rule is rule XVII, clause 1 and is still a part of our rules today under which we are supposed to be operating here.

''As the Speaker will recall from the paper I presented him in January 1991, in 1909 the new recommit rule was offered by a minority Member of this House, Democrat John Fitzgerald from my State of New York, specifically giving that motion to the minority. And at the same time, a rule was adopted, which we now call clause 4(b) of rule XI, to prevent the Rules Committee from ever denying the minority that right.

''In offering those two rules changes, Representative Fitzgerald said, and I quote once again, and I hate to take the Speaker's time but it has to be said:

> ''Under our present practice, if a Member desires to move to recommit with instructions, the Speaker instead of recognizing a Member desiring to submit a specific proposition by instructions, recognizes the gentleman in charge of the bill.

''In other words, Mr. Speaker, up to that point, the Speaker could recognize the majority manager to offer the motion to recommit and thereby prevent the minority from offering such a motion with instructions in the way of a final amendment.

''And Fitzgerald went on to say, and again I quote:

> Under our practice, the motion to recommit might better by eliminated from the rules altogether.

''In short, Mr. Speaker, the whole purpose for the new rule was to permit the minority to offer a motion to recommit with instructions if it so desired. On May 14, 1912, Speaker Champ Clark, another Democrat, and I used to be one, Mr. Speaker—I have researched all these Democrats.

''Champ Clark, a Democrat from Missouri, upheld a point of order against a rule denying a motion to recommit by pointing to Jefferson's Manual in which Jefferson observed that rules are instituted in parliamentary bodies as a check against action of the majority and a shelter and protection to the minority.

''Clark concluded on this point by ruling that, and I quote, 'it was intended that the right to make the motion to recommit should be preserved inviolate.'

''On October 17, 1919, Speaker Gillett, a Republican from Massachusetts—we had Republicans from Massachusetts in those days—in overruling a point of order against a minority motion to recommit with instructions, said, and I quote:

> The fact is that a motion to recommit is intended to give the minority one chance to fully express their views so long as they are germane.

''Please note, Mr. Speaker, the only condition on that motion was the germaneness rule as found in the standing rules of the House.

And he concluded:

> The whole purpose of this motion to recommit is to have a record vote upon the program of the minority. That is the main purpose of the motion to recommit.

''Mr. Speaker, the recent body of rulings upholding the right of the Rules Committee to deny the minority that right to offer amendatory instructions in the motion to recommit is based on a 1934 ruling by Speaker Rainey, another Democrat from Illinois, in which he overruled a point of order against a special rule that prohibited amendments to one title of the bill during its consideration.

''Speaker Rainey said that the special rule did not mention the motion to recommit which therefore could still be offered under the general rules of the House. And he went on to rely on the principle that one cannot do indirectly by way of a motion to recommit that which cannot be done directly by way of amendment. And since the special rule prohibited amendments to one title, the motion to recommit could not amend that title either.

''In short, Mr. Speaker, he held that a special rule prohibiting certain amendments had the same status as the standing rules of the House, even though the special rule was more restrictive than the standing rules, and in, fact, was a departure from those standing rules.

''Even a germane amendment could not be offered in the motion to recommit.

''Mr. Speaker, I have long maintained that the ruling of Speaker Rainey was wrongly decided. On the one hand, he tried to claim that the right of the motion to recommit was preserved under the general rules. But he then turned around and said the general rules of the House had no standing when it came to an amendment in the motion to recommit—that the special rule from the Rules Committee had precedence.

''Mr. Speaker, you cannot have it both ways. To the extent that the Rules Committee limits or denies the motion to recommit in a way that departs from the general rules of this House that we operate under, it is violating the prohibition on it as contained in clause 4(b) of Rules XI.

''And I ask the Members to read the rules and see for yourselves.

''To paraphrase Speaker Champ Clark, the motion is no longer inviolate as it was intended to be. And that is wrong. Instead, the right has been grossly violated.

''Mr. Speaker, finally I will just point out that I am basing my point of order on House Rule XLII, which states, in part, and I quote:

> The Rules of parliamentary practice comprised in Jefferson's Manual * * * shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House * * *.

''Mr. Speaker, I would maintain that in a case such as this, where there is ambiguity, Jefferson's Manual should be relied on as the final arbiter, just as Speaker Clark relied on it in his ruling in 1912 on this issue. And, to quote from section 1 of Jefferson's Manual, and I wish the Members would listen up because what we are trying to strive for here is fairness. It says:

> 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 opponents being we, the minority, ''the only weapons 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, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check.

''Mr. Speaker, that is terribly, terribly important.

''Jefferson concluded on this point as follows:

> It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the Members. It is very material that order, decency, and regularity be preserved in a dignified public body.

''I repeat, Mr. Speaker, in a dignified and fair body.

''Mr. Speaker, I would submit that Jefferson's Manual, which is incorporated as part of the rules of the House, should be the final authority on this issue. And Jefferson's Manual clearly comes down on the side of minority rights which are protected under the standing rules of the House—the regular order of proceeding, which we defend every day.

''Mr. Speaker, to permit a special rule such as this to take priority is to give way to the caprice of the Speaker's Committee on Rules or the captiousness of the majority Members in abusing, indeed denying, the only protection and weapon which we, the minority have, and that is the standing, not special, the standing rules of this House.

''Mr. Speaker, I cannot make it any clearer. You are a fair man, a man respected by us; but you do represent all of us in this House, the majority and minority. And I know that you feel that way personally. And I would just hope for the good of this House and the future of this House and the future of your party, which may become a minority someday—we hope soon—I would hope that you would rule in my favor.''.

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

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

NAYS—158

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