

Hayes	McHale	Sarpalius
Hefley	McHugh	Sawyer
Hefner	McInnis	Saxton
Herger	McKeon	Schaefer
Hilliard	McKinney	Schenk
Hinchey	McMillan	Schiff
Hoagland	McNulty	Schroeder
Hobson	Meehan	Schumer
Hochbrueckner	Meek	Scott
Hoekstra	Menendez	Sensenbrenner
Hoke	Meyers	Serrano
Holden	Mfume	Sharp
Horn	Mica	Shaw
Houghton	Michel	Shays
Hoyer	Miller (CA)	Shepherd
Huffington	Miller (FL)	Shuster
Hughes	Mineta	Sisisky
Hunter	Minge	Skaggs
Hutchinson	Mink	Skeen
Hutto	Moakley	Skelton
Hyde	Molinari	Slattery
Inglis	Mollohan	Slaughter
Inhofe	Montgomery	Smith (IA)
Inslee	Moorhead	Smith (MI)
Istook	Moran	Smith (NJ)
Jacobs	Morella	Smith (OR)
Jefferson	Murphy	Smith (TX)
Johnson (CT)	Murtha	Snowe
Johnson (GA)	Myers	Solomon
Johnson (SD)	Nadler	Spence
Johnson, E. B.	Natcher	Spratt
Johnson, Sam	Neal (MA)	Stark
Johnston	Neal (NC)	Stearns
Kanjorski	Nussle	Stenholm
Kaptur	Oberstar	Stokes
Kasich	Obey	Strickland
Kennedy	Olver	Studds
Kennelly	Ortiz	Stump
Kildee	Orton	Stupak
Kim	Owens	Sweet
King	Oxley	Swift
Kingston	Packard	Synar
Klecza	Pallone	Talent
Klein	Parker	Tanner
Klink	Pastor	Tauzin
Klug	Paxon	Taylor (MS)
Knollenberg	Payne (NJ)	Taylor (NC)
Kolbe	Payne (VA)	Tejeda
Kopetski	Pelosi	Thomas (CA)
Kreidler	Penny	Thomas (WY)
LaFalce	Peterson (FL)	Thompson
Lambert	Peterson (MN)	Thornton
Lancaster	Petri	Thurman
Lantos	Pickett	Torkildsen
LaRocco	Pickle	Torres
Laughlin	Pombo	Torricelli
Lazio	Pomeroy	Towns
Leach	Porter	Traficant
Lehman	Portman	Tucker
Levin	Poshard	Unsoeld
Levy	Price (NC)	Upton
Lewis (CA)	Pryce (OH)	Valentine
Lewis (FL)	Quillen	Velazquez
Lewis (GA)	Quinn	Vento
Lightfoot	Rahall	Visclosky
Linder	Ramstad	Volkmer
Lipinski	Rangel	Vucanovich
Livingston	Ravenel	Walker
Lloyd	Reed	Walsh
Long	Regula	Waters
Lowey	Reynolds	Watt
Machtley	Ridge	Waxman
Maloney	Roberts	Weldon
Mann	Roemer	Wheat
Manton	Rogers	Whitten
Manzullo	Rohrabacher	Williams
Margolies-	Ros-Lehtinen	Wilson
Mezvinsky	Rose	Wise
Markey	Rostenkowski	Wolf
Martinez	Roth	Woolsey
Matsui	Roukema	Wyden
Mazzoli	Rowland	Wynn
McCandless	Roybal-Allard	Yates
McCloskey	Royce	Young (AK)
McCollum	Rush	Young (FL)
McCrery	Sabo	Zeliff
McCurdy	Sanders	Zimmer
McDade	Sangmeister	
McDermott	Santorum	

NOT VOTING—13

Bateman	Foglietta	Richardson
Brown (CA)	Ford (MI)	Sundquist
Clinger	Hall (OH)	Washington
Dingell	Harman	
Edwards (CA)	Kyl	

So, two-thirds of the Members present having voted in favor thereof,

the rules were suspended and said conference report was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said conference report was agreed to was, by unanimous consent, laid on the table.

Ordered, That the Clerk notify the Senate thereof.

¶139.23 PROVIDING FOR THE CONSIDERATION OF H.R. 3

Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 319):

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 consideration of the bill (H.R. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on House Administration now printed in the bill, modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The committee amendment in the nature of a substitute, as modified, shall be considered as read. No amendment to the committee amendment in the nature of a substitute, as modified, shall be in order except the amendment printed in part 2 of the report of the Committee on Rules, which may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit, which may not include instructions. After passage of H.R. 3, it shall be in order to take from the Speaker's table the bill S. 3 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu hereof the provisions of H.R. 3 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move the House insist on its amendments to S. 3 and request a conference with the Senate thereon.

Pending consideration of said resolution,

¶139.24 POINT OF ORDER

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

"Mr. Speaker, I make a point of order against consideration of this rule on the ground that it is in violation of clause 4(b) of House rule XI.

"Clause 4(b) of House rule XI provides that, and I quote:

The Committee on Rules shall not report any rule or order of business which * * * would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.

"If anyone wants to look at clause 4 of rule XVI, you are welcome to.

"And clause 4 of rule XVI provides, and again I quote:

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,—

"Not may, but shall be in order—

and the Speaker shall give preference in recognition for such purposes to a Member who is opposed to the bill or joint resolution.

"Mr. Speaker, those two clauses were adopted as amendments to House rules on March 15, 1909, when the minority party Democrats—let me repeat that, the minority party Democrats—joined with a group of insurgent Republicans to guarantee greater minority rights.

"Did you hear that, Mr. Speaker? I said Republicans who were in the majority—it does not happen very often around here—joined with minority Democrats to guarantee greater rights for the Democrats, when they were in the minority. What has happened since then?

"Prior to this rules revision, the motion to recommit was controlled by the majority party. This change was instituted for the specific purpose of giving the minority a final vote on its alternative legislative proposal through a motion to recommit with instructions.

"House Resolution 319, that we are considering right now, on the other hand, provides that the motion to recommit, and I quote: 'may not contain instructions.'

"That is a renegade on the promises of the Democrat leadership. It is therefore in direct violation of this rule which was purposely designed to guarantee the minority a vote on its alternative by way of instructions.

"Mr. Speaker, in support of this argument—I hate to take up the time of the body, but you know, you have got to be fair—I quote first from the author of clause 4(b) of rule XI and clause 4 of rule XVI on the day he offered the amendment.

"It is a very famous name, John Fitzgerald Kennedy, a Democrat from New York. He is a good man. I knew John Fitzgerald Kennedy.

"In his words:

Under our present practice, if a Member desires to move to recommit with instructions, the Speaker, instead of recognizing the Member desiring to submit a specific proposition by instructions, recognizes the gentleman in charge of the bill and he moves to recommit, and upon that motion demands

the previous question is ordered, the motion to recommit is voted down.

“And he went on: ‘Under our practice the motion to recommit might better be eliminated from the rules altogether.’

“The subsequent rulings of Speakers confirm that the whole purpose of the new rule was to permit the minority a chance to offer a final amendment in a motion to recommit with instructions.

“Speaker Champ Clark ruled on May 14, 1912, 3 years later, and I quote:

It is not necessary to go into the history of how this particular rule came to be adopted, but that it was intended that the right to make the motion to recommit should be preserved inviolate the chair has no doubt whatever.

“That was Champ Clark back in 1912, Mr. Speaker.

“That is from a precedent found in volume 8 of Cannon’s Precedents at section 2757. From that same volume at section 2727 is found a precedent from October 7, 1919. Former Speaker Crisp is quoted as follows:

The object of the motion to recommit is clearly to give the minority of the House * * * a chance affirmatively to go on record as to what they think this legislation should be, and if a motion to recommit does not permit that, then the motion is futile.

“Speaker Gillett, in deciding the point of order on that occasion 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. * * * The whole purpose of this motion to recommit is to have a record vote on the program of the minority. That is the main purpose of the motion to recommit. * * *

“And it goes on, and on, and on, and on. I could cite these precedents for hours standing here.

“Speaker Bankhead, in a 1939 ruling, found in volume 7 of Deschler’s Precedents, chapter 23, section 26.1, said of this rule and I quote:

The purpose of the motion to recommit * * * is to give Members opposed to the bill an opportunity to have an expression of opinion by the House upon their proposition.

“Republican or Democrat, if they are in opposition, they ought to have that chance, he is saying.

“Mr. Speaker, the whole key to this point of order and the underlying rules at issue here is what is meant in clause 4(b) of rule XI when it prohibits the Rules Committee from reporting a rule which denies the motion to recommit ‘as provided in clause 4 of rule XVI.’

“It is not sufficient for the Rules Committee simply to permit a straight motion to recommit, as they are doing in this rule, which prohibits instructions, since the authors of the 1909 rule provided for more than that. They have to be fair. What they clearly had in mind was to provide the minority an opportunity to get a final vote on their position if they wished, through amendatory recommitment instructions.

“Indeed, in Deschler’s Precedents, volume 7, chapter 23, section 25, this is made abundantly clear, and I quote:

There are in the rules of the House four motions to refer: the ordinary motion pro-

vided for in the first sentence of clause 4, rule XVI when a question is “under debate;” the motion to recommit with or without instructions after the previous question has been ordered on a bill or joint resolution to final passage provided in the second sentence of clause 4, rule XVI * * * .

“Mr. Speaker, that second sentence of clause 4 of rule XVI is the 1909 rule that is at issue in this point of order, and while it does not specifically mention instructions, it is clear from the legislative history behind the rule as well as this recent interpretation from Deschler’s that the right of the minority to offer instructions in a motion to recommit is not only implied by the rule but is the whole reason for the adoption of the rule in the first place.

“Mr. Speaker, the only precedent contradicting this interpretation was a 1934 ruling by the chair that a rule prohibition certain amendments during consideration of a bill did not violate rule XI, clause 4(b) even though it restricted the minority’s right to offer amendatory instructions.

“Mr. Speaker, I say, only during your tenure; not you because you’re the acting Speaker, but only during the present Speaker’s tenure here has the Chair relied on that one precedent alone to uphold the rule which has completely blocked all instructions in a motion to recommit.

“Mr. Speaker, it should be obvious that the 1934 precedent allowing for restricting amendatory instructions was wrongly decided because it led to the situation which allows for denying any motion to recommit which contains amendments and that is clearly violative of the intent behind the 1909 rule that is currently the law and the rule of this House. To allow that precedent to stand is to render the rule and the minority right it was intended to guarantee back in those days, the Democrat minority, to render it null and void. It is not only a violation of the spirit of this rule, but it is a violation of the literal essence of the rule as well, and my colleagues all know it.

“I therefore urge that the Chair reverse the 1934 precedent and recent rulings based on it by sustaining my point of order for the sake of upholding the tradition, the spirit, and the letter of the rule in question.

“Mr. Speaker, I will ask for a ruling.”

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

“Mr. Speaker, I wish to be heard on the point of order.

“The gentleman from New York [Mr. SOLOMON] makes the point of order that the rule limits the motion to recommit and therefore, according to the minority, the rule 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 addresses only the simple motion to recommit and re-

quires the Speaker to give preference in recognition to a Member of the minority who is opposed to the measure.

“Nowhere are instructions mentioned. Mr. Speaker, so long as the minority’s right to offer a simple motion to recommit is protected, a rule does not “prevent the motion to recommit from being made as provided in clause 4 of rule XVI.” This is a well-established parliamentary point.

“I will not rehearse the precedents and history of this point. Suffice it to say that Speaker Rainey, on January 11, 1934, so ruled and was sustained on appeal.

“The parliamentary point has been reaffirmed several times in the last few years, by ruling of the Chair, and when the ruling was challenged, it has been sustained on appeal.

“The precedents are clear and unequivocal. If the rule does not deprive the minority of the right to offer a simple motion to recommit, then the rule does not violate the spirit or the letter of clause 4(b) of rule XI. Mr. Speaker, I urge that the point of order be overruled.”

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

“Based upon the precedents cited in section 729c of the House Rules and Manual, the point of order is overruled.”

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. LAROCCO, 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 220
Nays 207

¶139.25	[Roll No. 599]	
	YEAS—220	
Abercrombie	Brown (OH)	DeLauro
Ackerman	Bryant	Dellums
Andrews (ME)	Byrne	Derrick
Applegate	Cantwell	Deutsch
Bacchus (FL)	Cardin	Dicks
Barca	Clay	Dingell
Barcia	Clayton	Dixon
Barlow	Clement	Dooley
Barrett (WI)	Clyburn	Durbin
Becerra	Coleman	Edwards (CA)
Beilenson	Collins (IL)	Edwards (TX)
Berman	Collins (MI)	Engel
Bevill	Condit	English (AZ)
Bilbray	Conyers	Eshoo
Bishop	Cooper	Evans
Blackwell	Coppersmith	Farr
Boehlert	Costello	Fazio
Bonior	Coyne	Fields (LA)
Borski	Cramer	Filner
Brooks	Danner	Fingerhut
Browder	Darden	Flake
Brown (CA)	de la Garza	Foglietta
Brown (FL)	DeFazio	Foley