

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

Ford (TN) Manton  
 Frank (MA) Margolies-  
 Furse Mezvinsky  
 Gejdenson Markey  
 Gephardt Martinez  
 Gibbons Matsui  
 Glickman McCloskey  
 Gonzalez McDermott  
 Gordon McHale  
 Green McKinney  
 Gutierrez McNulty  
 Hall (TX) Meek  
 Hamburg Menendez  
 Hamilton Mfume  
 Harman Miller (CA)  
 Hastings Mineta  
 Hefner Minge  
 Hilliard Mink  
 Hinchey Moakley  
 Hoagland Mollohan  
 Hochbrueckner Montgomery  
 Holden Moran  
 Hoyer Morella  
 Hughes Murtha  
 Insee Nadler  
 Jefferson Natcher  
 Johnson (GA) Neal (MA)  
 Johnson (SD) Neal (NC)  
 Johnson, E. B. Oberstar  
 Johnston Obey  
 Kanjorski Olver  
 Kennedy Ortiz  
 Kennelly Orton  
 Kildee Owens  
 Kleczka Pallone  
 Klein Parker  
 Klink Pastor  
 Kreidler Payne (NJ)  
 LaFalce Payne (VA)  
 Lambert Pelosi  
 Lantos Penny  
 LaRocco Peterson (FL)  
 Laughlin Peterson (MN)  
 Lehman Petri  
 Levin Pickle  
 Lewis (GA) Pomeroy  
 Lipinski Price (NC)  
 Long Rahall  
 Lowey Rangel  
 Maloney Reed  
 Mann Reynolds

NAYS—207

Allard Dunn  
 Andrews (NJ) Emerson  
 Andrews (TX) English (OK)  
 Archer Everett  
 Armev Ewing  
 Bachus (AL) Fawell  
 Baesler Fields (TX)  
 Baker (CA) Fish  
 Baker (LA) Fowler  
 Ballenger Franks (CT)  
 Barrett (NE) Franks (NJ)  
 Bartlett Frost  
 Barton Gallegly  
 Bateman Gallo  
 Bentley Gekas  
 Bereuter Geren  
 Bilirakis Gilchrist  
 Biley Gillmor  
 Blute Gilman  
 Boehner Gingrich  
 Bonilla Goodlatte  
 Boucher Goodling  
 Brewster Goss  
 Burton Grams  
 Buyer Grandy  
 Callahan Greenwood  
 Calvert Gunderson  
 Camp McCurdy  
 Canady Hansen  
 Carr Hastert  
 Castle Hayes  
 Chapman Hefley  
 Coble Herger  
 Collins (GA) Hobson  
 Combust Hoekstra  
 Cox Hoke  
 Crane Horn  
 Crapo Houghton  
 Cunningham Huffington  
 Deal Hunter  
 DeLay Hutchinson  
 Diaz-Balart Hutto  
 Dickey Hyde  
 Doolittle Inglis  
 Dornan Inhofe  
 Dreier Istook  
 Duncan Jacobson

Pombo  
 Porter  
 Portman  
 Poshard  
 Pryce (OH)  
 Quillen  
 Quinn  
 Ramstad  
 Ravenel  
 Regula  
 Ridge  
 Roberts  
 Rogers  
 Rohrabacher  
 Ros-Lehtinen  
 Rostenkowski  
 Roth  
 Roukema  
 Rowland  
 Royce  
 Sangmeister  
 Santorum

NOT VOTING—7

Bunning Hall (OH)  
 Clinger Kyl  
 Ford (MI) Sundquist

So the resolution was agreed to.  
 Mr. DERRICK moved to reconsider the vote whereby the resolution was agreed to.

Mr. MOAKLEY moved to lay on the table the motion to reconsider the vote.

The question being put, viva voce,  
 Will the House lay on the table the motion to reconsider said vote?

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

Mr. THOMAS of California demanded a recorded vote on the motion to lay on the table the motion to reconsider said vote, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative .....  
 Yeas ..... 250  
 Nays ..... 161  
 Answered present 1

139.26 [Roll No. 600]  
 AYES—250

Ackerman Collins (IL)  
 Andrews (ME) Collins (MI)  
 Andrews (NJ) Condit  
 Andrews (TX) Cooper  
 Applegate Coppersmith  
 Bacchus (FL) Costello  
 Baesler Coyne  
 Barca Cramer  
 Barcia Danner  
 Barlow Darden  
 Barrett (WI) de la Garza  
 Becerra Deal  
 Beilenson DeFazio  
 Bevill DeLauro  
 Bilbray Dellums  
 Bishop Derrick  
 Blackwell Deutsch  
 Bonior Dingell  
 Borski Dixon  
 Boucher Dooley  
 Brewster Durbin  
 Brooks Edwards (CA)  
 Browder Edwards (TX)  
 Brown (CA) Engel  
 Brown (FL) English (AZ)  
 Brown (OH) English (OK)  
 Bryant Eshoo  
 Byrne Evans  
 Cantwell Farr  
 Cardin Fazio  
 Carr Fields (LA)  
 Chapman Filner  
 Clay Fingerhut  
 Clayton Flake  
 Clement Foglietta  
 Clyburn Ford (MI)  
 Coleman Ford (TN)

Kennedy  
 Kennelly  
 Kildee  
 Kleczka  
 Klein  
 Klink  
 Kopetski  
 Kreidler  
 LaFalce  
 Lambert  
 Lancaster  
 Lantos  
 LaRocco  
 Laughlin  
 Lehman  
 Levin  
 Lewis (GA)  
 Lipinski  
 Long  
 Lowey  
 Maloney  
 Mann  
 Manton  
 Margolies-  
 Mezvinsky  
 Markey  
 Martinez  
 Matsui  
 Mazzoli  
 McCloskey  
 McCurdy  
 McDermott  
 McHale  
 McKinney  
 McNulty  
 Meehan  
 Meek  
 Menendez  
 Mfume  
 Miller (CA)  
 Mineta  
 Minge  
 Mink  
 Moakley  
 Mollohan  
 Montgomery  
 Moran

NOES—161

Gekas  
 Gilchrist  
 Gillmor  
 Gilman  
 Gingrich  
 Goodlatte  
 Goodling  
 Goss  
 Grams  
 Grandy  
 Greenwood  
 Gunderson  
 Hancock  
 Hansen  
 Hastert  
 Herger  
 Hobson  
 Hoekstra  
 Bonilla  
 Burton  
 Buyer  
 Callahan  
 Calvert  
 Camp  
 Canady  
 Castle  
 Coble  
 Collins (GA)  
 Cox  
 Crane  
 Crapo  
 Cunningham  
 DeLay  
 Diaz-Balart  
 Dickey  
 Doolittle  
 Dornan  
 Dreier  
 Duncan  
 Dunn  
 Emerson  
 Everett  
 Ewing  
 Fawell  
 Fields (TX)  
 Fish  
 Fowler  
 Franks (CT)  
 Franks (NJ)  
 Gallegly  
 Gallo

McMillan  
 Meyers  
 Mica  
 Michel  
 Miller (FL)  
 Molinari  
 Morella  
 Myers  
 Nussle  
 Oxley  
 Packard  
 Paxon  
 Pomo  
 Porter  
 Portman  
 Pryce (OH)  
 Quillen  
 Quinn  
 Ramstad  
 Ravenel  
 Regula  
 Ridge  
 Roberts  
 Rogers  
 Rohrabacher  
 Ros-Lehtinen  
 Roth  
 Roukema  
 Royce  
 Santorum  
 Saxton  
 Schaefer  
 Schiff  
 Sensenbrenner  
 Shaw  
 Shays  
 Skeen  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Snowe  
 Solomon  
 Spence  
 Stearns  
 Stump  
 Talent  
 Taylor (NC)  
 Thomas (CA)  
 Torkildsen  
 Upton  
 Vucanovich