

Rush	Spratt	Vento
Sabo	Stark	Visclosky
Sangmeister	Stokes	Walsh
Sawyer	Studds	Washington
Saxton	Swett	Waters
Schenk	Swift	Watt
Schroeder	Synar	Waxman
Schumer	Thompson	Weldon
Scott	Thornton	Wheat
Sensenbrenner	Torkildsen	Whitten
Serrano	Torres	Wolf
Sharp	Torricelli	Woolsey
Shaw	Towns	Wyden
Shays	Traficant	Wynn
Shepherd	Tucker	Yates
Skaggs	Unsoeld	Young (FL)
Slattery	Upton	Zimmer
Slaughter	Valentine	
Smith (NJ)	Velazquez	

## NAYS—178

Allard	Gunderson	Paxon
Archer	Hall (TX)	Payne (VA)
Armey	Hancock	Penny
Bachus (AL)	Hansen	Peterson (MN)
Baker (CA)	Hastert	Petri
Baker (LA)	Hayes	Pickett
Ballenger	Hefley	Pombo
Barcia	Herger	Pomeroy
Barlow	Hilliard	Portman
Barrett (NE)	Hobson	Poshard
Bartlett	Hoekstra	Pryce (OH)
Barton	Hoke	Quillen
Bilirakis	Holden	Rahall
Bishop	Houghton	Ravenel
Bliley	Hunter	Richardson
Boehner	Hutchinson	Roberts
Bonilla	Inglis	Rogers
Boucher	Inhofe	Rohrabacher
Brewster	Inslee	Roth
Bunning	Istook	Royce
Burton	Johnson (GA)	Sanders
Buyer	Johnson, Sam	Santorum
Callahan	Kanjorski	Sarpalius
Calvert	Kasich	Schaefer
Camp	Kim	Schiff
Canady	King	Shuster
Coble	Kingston	Sisisky
Coleman	Klink	Skeen
Collins (GA)	Knollenberg	Skelton
Combest	Kolbe	Smith (IA)
Costello	Kopetski	Smith (MI)
Cox	Kyl	Smith (OR)
Crane	LaRocco	Smith (TX)
Crapo	Laughlin	Snowe
Cunningham	Levy	Solomon
Danner	Lewis (CA)	Spence
de la Garza	Lewis (FL)	Stearns
Deal	Lightfoot	Stenholm
DeLay	Linder	Strickland
Dickey	Livingston	Stump
Dingell	Manzullo	Stupak
Doolittle	McCandless	Sundquist
Dornan	McCollum	Talent
Dreier	McCreery	Tanner
Duncan	McHugh	Tauzin
Edwards (TX)	McInnis	Taylor (MS)
Emerson	McKeon	Taylor (NC)
Everett	Mica	Tejeda
Ewing	Mollohan	Thomas (CA)
Fields (TX)	Montgomery	Thomas (WY)
Franks (CT)	Moorhead	Thurman
Galleghy	Myers	Volkmer
Gekas	Natcher	Walker
Geran	Nussle	Williams
Gillmor	Oberstar	Wilson
Gingrich	Ortiz	Wise
Goodlatte	Orton	Young (AK)
Grams	Oxley	Zeliff
Grandy	Packard	
Green	Parker	

## NOT VOTING—6

Chapman	Dooley	McCurdy
Clinger	Hall (OH)	Vucanovich

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

## ¶140.14 MOTION TO INSTRUCT CONFEREES—H.R. 1025

Mr. SENSENBRENNER submitted the privileged motion to instruct the managers on the part of the House at the conference with the Senate on the

disagreeing votes of the two Houses on the bill (H.R. 1025) to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearms, to accept section 302(d) of the Senate amendment, and subsection (i)(1)(A) of the matter proposed to be added by section 302(e) of the Senate amendment.

After debate,

On motion of Mr. SENSENBRENNER, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, *viva voce*,

Will the House agree to said motion?

The SPEAKER pro tempore, Mr. ANDREWS of Maine, announced that the yeas had it.

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

## ¶140.15 APPOINTMENT OF CONFEREES—H.R. 1025

Thereupon, the SPEAKER pro tempore, Mr. ANDREWS of Maine, by unanimous consent, announced the appointment of Messrs. BROOKS, HUGHES, SCHUMER, SENSENBRENNER, and GEKAS as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

## ¶140.16 PROVIDING FOR THE CONSIDERATION OF H.R. 3400

Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 320):

*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. 3400) to provide a more effective, efficient, and responsive government. The first reading of the bill shall be dispensed with. All points or order against consideration of the bill are waived. 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 Majority Leader and the Minority Leader. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the committee amendments now printed in the bill, the amendment in the nature of a substitute specified in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as so amended, shall be considered as the original bill for the purpose of further amendment. All points of order against the bill, as so amended, are waived. The bill, as so amended, shall be considered as read. No amendment to the bill, as so amended, shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered and shall be disposed of only in the order printed in the report, may be offered only by a Member designated in the report,

shall be considered as read, shall be debatable under the terms specified in the report, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as so amended, to the House with such further 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, as so amended, or to any further amendment in the nature of a substitute adopted in the Committee of the Whole. The previous question shall be considered as ordered on the bill, as so amended, and any amendment thereto to final passage without intervening motion except one motion to recommit, which may not include instructions.

Pending consideration of said resolution,

## ¶140.17 POINT OF ORDER

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

"Mr. Speaker, I make a point of order against the consideration of House Resolution 320 on grounds that it is in violation of clause 4(b) of House rule XI, and ask to be heard on my point of order.

"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.

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

"Mr. Speaker, as was said last night, those two clauses were adopted as amendments to House rules on March 15, 1909, when the minority party Democrats joined with a group of insurgent Republicans to guarantee greater minority rights.

"Mr. Speaker, I will not repeat all the arguments I made on the preceding rule which contained the same wording which denied any instructions on the motion to recommit.

"Nor will I quote all the Speakers I previously cited who affirmed that this motion was designed in 1909 to permit the minority to offer its final amendment to a bill.

"Nor will I explain again why the one Speaker who misruled on this point in 1934 was wrong and should be overturned.

"All this has been amply documented. All that remains to be done is for the present occupant of the Chair to admit that the single ruling in 1934 on which all the recent rulings have been based was erroneous and should be overturned.

"Just as the Supreme Court overturned a bad precedent in 1954 to guar-