

Taylor (NC)	Visclosky	Weller
Thomas	Walsh	Wexler
Thornberry	Wamp	Weygand
Thune	Waters	White
Tiahrt	Watkins	Whitfield
Tierney	Watt (NC)	Wicker
Traficant	Watts (OK)	Wolf
Turner	Waxman	Wynn
Upton	Weldon (FL)	Yates
Vento	Weldon (PA)	Young (FL)

NOT VOTING—33

Bishop	Forbes	Mink
Bonior	Gephardt	Oxley
Bono	Gonzalez	Paul
Boucher	Hergert	Portman
Carson	Jefferson	Rangel
Collins	Kennedy (MA)	Riley
Crane	Leach	Roybal-Allard
Cubin	Lewis (GA)	Scarborough
Dellums	McCrery	Schiff
Dixon	McKinney	Towns
Foglietta	Mica	Young (AK)

□ 1053

Messrs. WICKER, GREENWOOD, LINDER and ISTOOK changed their vote from "yea" to "nay."

Mrs. TAUSCHER changed her vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 305, WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 305 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before November 10, 1997, providing for consideration or disposition of any of the following:

(1) A bill or joint resolution making general appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making continuing appropriations for fiscal year 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

SEC. 2. It shall be in order at any time before November 10, 1997, for the Speaker, to entertain motions to suspend the rules, provided that the object of any such motion is announced from the floor at least one hour before the motion is offered. In scheduling the consideration of legislation under this authority, the Speaker or his designee shall consult with the minority leader or his designee.

SEC. 3. During the remainder of the first session of the One Hundred Fifth Congress—

(1) notwithstanding clause 2(a)(1) of rule IX, a resolution noticed as a question of the privileges of the House during the period

from November 4, 1997, through the adoption of this resolution shall have precedence of all other questions except motions to adjourn only at a time designated by the Speaker; and

(2) the Speaker may not recognize a Member other than the majority leader or the minority leader to offer from the floor, or to announce an intention to offer, a resolution as a question of the privileges of the House.

MOTION TO ADJOURN

Mr. REYES. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the motion to adjourn offered by the gentleman from Texas [Mr. REYES].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 100, noes 309, not voting 24, as follows:

[Roll No. 586]

AYES—100

Ackerman	Frank (MA)	Miller (CA)
Andrews	Furse	Moakley
Barrett (WI)	Gejdenson	Nadler
Becerra	Gephardt	Neal
Berman	Harman	Oberstar
Berry	Hastings (FL)	Oberly
Bishop	Hefner	Olver
Blumenauer	Hilleary	Owens
Bonior	Hinchev	Pallone
Boucher	Hinojosa	Payne
Brady	Jackson (IL)	Pelosi
Brown (FL)	Jackson-Lee	Peterson (MN)
Brown (OH)	(TX)	Reyes
Chambliss	Jefferson	Sabo
Clayton	Johnson (WI)	Sanchez
Clement	Johnson, E. B.	Sawyer
Clyburn	Kennedy (RI)	Skelton
Conyers	Kennelly	Slaughter
Coyne	Kilpatrick	Snyder
Cummings	LaFalce	Spratt
DeFazio	Lampson	Stabenow
DeGette	Lantos	Stark
DeLahunt	Levin	Strickland
DeLauro	Lowe	Stupak
Dellums	Markey	Thompson
Deutsch	Martinez	Thurman
Dingell	McCarthy (MO)	Tierney
Doggett	McDermott	Torres
Engel	McGovern	Towns
Eshoo	McNulty	Velazquez
Etheridge	Meek	Vento
Evans	Menendez	Waters
Farr	Millender	Wise
Filner	McDonald	Woolsey

NOES—309

Abercrombie	Blunt	Clay
Aderholt	Boehlert	Coble
Allen	Boehner	Coburn
Archer	Bonilla	Collins
Armey	Borski	Combest
Bachus	Boswell	Condit
Baesler	Boyd	Cook
Baker	Brown (CA)	Cooksey
Baldacci	Bryant	Costello
Ballenger	Bunning	Cox
Barcia	Burton	Cramer
Barr	Buyer	Crapo
Barrett (NE)	Callahan	Cunningham
Bartlett	Calvert	Danner
Barton	Camp	Davis (FL)
Bass	Campbell	Davis (IL)
Bateman	Canady	Davis (VA)
Bentsen	Cannon	Deal
Bereuter	Cardin	DeLay
Bilbray	Castle	Diaz-Balart
Bilirakis	Chabot	Dickey
Blagojevich	Chenoweth	Dicks
Bliley	Christensen	Dixon

Dooley	Kingston	Rivers
Doolittle	Klecza	Rodriguez
Doyle	Klink	Roemer
Dreier	Klug	Rogan
Duncan	Knollenberg	Rogers
Dunn	Kolbe	Rohrabacher
Edwards	Kucinich	Ros-Lehtinen
Ehlers	LaHood	Rothman
Ehrlich	Largent	Roukema
Emerson	Latham	Royce
English	LaTourette	Rush
Ensign	Lazio	Ryun
Everett	Lewis (CA)	Salmon
Ewing	Lewis (KY)	Sanders
Fattah	Linder	Sandlin
Fawell	Lipinski	Sanford
Flake	Livingston	Saxton
Foley	LoBiondo	Scarborough
Ford	Lofgren	Schaefer, Dan
Fossella	Lucas	Schaefer, Bob
Fowler	Luther	Schumer
Fox	Maloney (CT)	Scott
Franks (NJ)	Maloney (NY)	Sensenbrenner
Frelinghuysen	Manton	Serrano
Frost	Manzullo	Sessions
Gallegly	Mascara	Shadegg
Ganske	Matsui	Shaw
Gekas	McCarthy (NY)	Shays
Gibbons	McCollum	Sherman
Gilchrest	McCrery	Shimkus
Gillmor	McDade	Shuster
Gilman	McHale	Sisisky
Goode	McHugh	Skaggs
Goodlatte	McInnis	Skeen
Goodling	McIntosh	Smith (MI)
Gordon	McIntyre	Smith (NJ)
Goss	McKeon	Smith (OR)
Graham	Meehan	Smith (TX)
Granger	Metcalfe	Smith, Adam
Green	Miller (FL)	Smith, Linda
Greenwood	Minge	Snowbarger
Gutierrez	Mollohan	Solomon
Moakley	Moran (KS)	Souder
Nadler	Moran (VA)	Spence
Neal	Morella	Stearns
Oberstar	Murtha	Stenholm
Oberly	Myrick	Stokes
Olver	Nethercutt	Stump
Owens	Neumann	Sununu
Pallone	Ney	Talent
Payne	Northup	Tanner
Pelosi	Norwood	Tauscher
Peterson (MN)	Nussle	Tauzin
Reyes	Ortiz	Taylor (MS)
Sabo	Oxley	Taylor (NC)
Sanchez	Packard	Thomas
Sawyer	Pappas	Thune
Skelton	Parker	Tiahrt
Slaughter	Pascrell	Traficant
Snyder	Pastor	Turner
Spratt	Paul	Upton
Stabenow	Paxon	Visclosky
Stark	Pease	Walsh
Strickland	Peterson (PA)	Wamp
Stupak	Pickering	Watkins
Thompson	Pickett	Watt (NC)
Thurman	Pitts	Watts (OK)
Tierney	Pombo	Waxman
Torres	Pomeroy	Weldon (FL)
Towns	Poshard	Weldon (PA)
Velazquez	Price (NC)	Weller
Vento	Pryce (OH)	Wexler
Waters	Quinn	Weygand
Wise	Radanovich	White
Woolsey	Rahall	Whitfield
	Ramstad	Wicker
	Redmond	Wolf
	Regula	Wynn
	Riggs	Young (AK)
		Young (FL)

NOT VOTING—24

Bono	Gonzalez	Porter
Burr	Hunter	Portman
Carson	Kennedy (MA)	Rangel
Crane	Leach	Riley
Cubin	Lewis (GA)	Roybal-Allard
Fazio	McKinney	Schiff
Foglietta	Mica	Thornberry
Forbes	Mink	Yates

□ 1119

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM COMMITTEE ON RULES

The SPEAKER pro tempore (Mr. EWING). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, I would just like to point out to the membership, giving credit to the Democrats that more Democrats voted to stay here and work than voted to go home. I wanted to make that point, and we thank them.

Mr. Speaker, for the purposes of debate only I yield the customary 30 minutes to the gentlewoman from New York, the very distinguished gentlewoman [Ms. SLAUGHTER], pending which I yield myself such time as I might consume. During the consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this rule will allow us to complete our work in a timely and expeditious manner and send us back to our districts this weekend. I would like to quote a very distinguished former Member of this House. His name was Tip O'Neill, and we all revered Tip. He was a great guy. But he said, quote, "If you stay in session, a lot of things can happen, and all of them are bad."

Well, I say to my colleagues, we are rushing to adjournment. We are going to get out of here this Sunday if we all cooperate with each other, and that is why we have this resolution before us today.

House Resolution 305 is a customary rule for considering legislation at the end of the legislative session. The first part of this rule waives provisions of clause 4(b) of rule XI, requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules, and it is waived against certain resolutions reported from the Committee on Rules before November 10, 1997, or rather between today and actually next Monday.

The waiver applies to any special rules providing for consideration of a bill or a joint resolution that makes appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon. This will enable the House to expeditiously conclude the remaining appropriation bills for fiscal year 1998, hopefully by this Sunday, and perhaps even sooner.

The waiver also applies to any special rule providing for consideration of a bill for a joint resolution making continuing appropriations for the fiscal year ending September 30, 1998, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon. As the current continuing resolution is scheduled to expire on Friday, tomorrow, November 7, this will allow the House to consider

any needed short-term extension as efficiently as possible so that the Government does not shut down and all of the agencies and bureaus and departments can continue to serve the American people.

Section 2 of the rule provides that the Speaker may entertain motions to suspend the rules at any time before Monday, November 10, 1997, provided that the object of the motion is announced from the floor at least 1 hour before the motion is offered, and that deals in layman's language for suspensions after the minority is given at least 1 hour's notice.

In order to accommodate the schedule in the interests of all Members, this rule also provides that the Speaker will consult with the minority leader regarding any bills scheduled under the authority to suspend the rules.

The final section of the rule provides that during the remainder of the 1st session of the 105th Congress, the Speaker may not recognize a Member, other than the majority leader or the minority leader, to offer from the floor or to announce an intention to offer a resolution as a question of the privileges of the House.

This section of the rule further provides that the Speaker may postpone the consideration of any noticed resolution as a question of the privileges of the House prior to the adoption of this resolution during the remainder of the first session of the 105th Congress.

Mr. Speaker, the procedures for calling up a rule on the same day that it is reported from the Committee on Rules are familiar to the House. It is customary for the appropriation measures at the end of the session. Also, providing for motions to suspend the rules on days other than Mondays or Tuesdays is very useful so that bipartisan, non-controversial legislation can move rapidly at the end of the session.

We have a particular problem in the borders with Canada where there are problems with people coming back and forth. There is some bipartisan legislation that we hope to move under this kind of a procedure. Adequate provision for notice to the minority are provided, as has been the case in the past.

Mr. Speaker, in the furtherance of our target adjournment date, this rule also addresses the dilatory tactics and abuse of the House rules we have seen in recent weeks on the floor. As the House is well aware, certain Members have utilized the procedure under House rule IX, questions of the privilege of the House, to force debate and votes on the contested election in the 46th Congressional District in California. Under that rule, Members may give notice of their intention to raise a question of privilege of the House and the Speaker then sets an appropriate time within 2 legislative days for the consideration of the question of the privilege. Certain minority Members' repeated and dilatory use of these questions of privilege to filibuster the legislative process I believe creates a privi-

lege in itself, and that is why we are here today with this rule.

The disposal of these near identical notices under rule IX consumes precious hours as well as requiring an astounding number of votes. The use of the rule relating to the questions of the privilege of the House in a frivolous and political manner is unbecoming, I think, to this institution, and that certainly is verified by the literally hundreds of phone calls that I have received because people know that I am chairman of the Committee on Rules, calls from all over the country, wanting to know why we are wasting our time with these repeated repetitious requests for questions of privilege.

Mr. Speaker, for several weeks the majority and the minority leadership have attempted to reach an accommodation regarding these dilatory questions of privilege. On October 23, the distinguished minority leader, who I have great respect for, rose to a question of privilege on this issue. Instead of simply tabling the matter with no debate, the House considered the resolution, debated it for an hour and defeated it, under regular order of this House. The majority leadership allowed it to be debated out of deference to the minority leader and voted on it. The House worked its will and defeated that resolution.

In exchange for allowing this issue to be debated and voted on, the minority provided the following: October 29, one question of privilege tabled. October 30, eight questions of privilege tabled. October 31, 21 questions of privilege noticed. November 4, 7 questions of privilege noticed, and yesterday, November 5, another 13 questions of privilege were noticed, delaying us bringing up very important matters dealing with the United States-China relationship by about an hour and a half, another hour and a half that we were delayed from working the will of this House.

Last night, Mr. Speaker, in efforts to mollify the situation, the gentleman from Texas [Mr. ARMEY], the majority leader, allowed yet another question of privilege on the same subject to be separately debated and voted on. It was a good debate, I think from both sides of the aisle, whether one agrees with it or does not. A unanimous-consent request was then propounded which would have considered the question of privileges as read and would have shortened the voting time on each, again in an effort to try to accommodate the minority. This reasonable request was objected to.

Mr. Speaker, in still another example of good faith, the Committee on Rules reported two rules last night, the rule I have just called up and we are debating now, which contains this limitation on questions of privilege, and another without this provision.

□ 1130

Mr. Speaker, the committee's intention was to empower the very serious legislators on both sides of the aisle and to marginalize the partisan obstructions. This has not happened, and