QUESTIONS OF ORDER

DECIDED IN THE HOUSE OF REPRESENTATIVES AT THE FIRST SESSION OF THE ONE HUNDRED THIRD CONGRESS

HON. THOMAS S. FOLEY, OF WASHINGTON, SPEAKER;
DONNALD K. ANDERSON, OF CALIFORNIA, CLERK

PRIVILEGES OF THE HOUSE

(¶9.7)

A RESOLUTION COLLATERALLY CHALLENGING A STANDING RULE OF THE HOUSE BY DELAYING ITS IMPLEMENTATION PENDING A SEPARATE DETERMINATION OF ITS CONSTITUTIONALITY CONSTITUTES A PROPOSAL TO CHANGE THE RULES AND, AS SUCH, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER.

UNDER RULE IX AS ADOPTED IN THE 103D CONGRESS, A RESOLUTION OFFERED FROM THE FLOOR BY A MEMBER OTHER THAN THE MAJORITY LEADER OR THE MINORITY LEADER AS A QUESTION OF THE PRIVILEGES OF THE HOUSE HAS IMMEDIATE PRECEDENCE ONLY AT A TIME OR PLACE DESIGNATED BY THE SPEAKER IN THE LEGISLATIVE SCHEDULE WITHIN TWO LEGISLATIVE DAYS OF ITS BEING PROPERLY NOTICED, BUT THE SPEAKER MAY IN HIS DISCRETION RECOGNIZE A MEMBER TO PROCEED IMMEDIATELY.

On February 3, 1993, Mr. SOLOMON rose to a question of the privileges of the House and, pursuant to rule IX, was recognized for the purpose of submitting the following resolution:

Whereas Article I, section 1, of the Constitution provides that, ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives;'' and

Whereas Article I, section 2, of the Constitution provides that, ''The House of Representatives shall be composed of Members chosen every second year by the people of the several States;'' and

Whereas the Committee of the Whole is a device used by the House under which all House members act together to debate and amend bills raising revenues or directly or indirectly appropriating money; and

Whereas the Committee of the Whole is an integral part of the legislative process and the means by which the House of Representatives exercises its legislative powers and prerogatives under the Constitution; and

Whereas on January 5, 1993, the House, in the resolution adopting the Rules of the House for the 103rd Congress (H. Res. 5), included provisions authorizing the Resident Commissioner from Puerto Rico and the delegates from the District of Columbia, Guam, American Samoa and the Virgin Islands to vote in and preside over the Committee of the Whole; and

Whereas attempts to refer the proposal to a select committee to study its constitutionality and to separately vote on such proposal were prevented by procedural votes, and the House was thereby precluded from making a separate determination as to whether such provisions are in conformance with constitutional requirements and Members' sworn duty to uphold the Constitution; and

Whereas such proposal affects the representational rights of duly elected Members of the House under the Constitution and could result in a derogation or denial of such rights; and

Whereas such proposal affects the constitutional lawmaking prerogatives of the House and its Members and the integrity of the process by which bills are considered, and thus raises a question of the privileges of the House; and

Whereas the House has just adopted a resolution making it in order for the Speaker to declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of legislation, and this represents the first instance in the 103rd Congress in which the House is resolving into the Committee of the Whole under the provisions of the new rule allowing non-Members of the House to vote in and Chair the Committee of the Whole; and

Whereas the inability and failure of the House to make a separate determination as to the constitutionality of the proposal prior to this first use of the new rule presents the House with an ''extraordinary question'' under the Constitution requiring a separate determination and thus raises a question of the privileges of the House; Now, therefore, be it

Resolved, That, as a matter of the constitutional privileges of the House to make all laws and to preserve the integrity of its proceedings and the representational rights of its Members, the implementation of those provisions of House Rules as adopted on January 5, 1993, authorizing the Resident Commissioner from Puerto Rico and the Delegates from the District of Columbia, American Samoa, the Virgin Islands and Guam to vote in and preside over the Committee of the Whole, shall be delayed until such time that the House has made a separate determination as to whether such provisions can and should be implemented by a Rule of the House, consistent with Article I, sections 1 and 2, of the Constitution.

The SPEAKER made the following statement:

''Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within two legislative days from its being properly noticed. In the current circumstances, however, the Chair is inclined to entertain the matter raised by the gentleman from New York [Mr. SOLOMON] at this point.''.

Accordingly,

Mr. SOLOMON was recognized for one hour, and said:

''Mr. Speaker, the resolution that has been presented calls for a delay in the implementation of those provisions of House rules which would permit non-Member Delegates to vote in and chair the Committee of the Whole until the House has made a separate determination as to whether the House can and should implement such a rule under the existing provisions of the Constitution.

''It clearly raises a question of the privileges of the House for a variety of reasons stated in the precedents of the House under which we operate. It is being offered in a timely manner since the House is about to resolve into the Committee of the Whole for the first time in this 103d Congress under the provision of this new rule.

''In support of this question of privilege, I wish to cite section 662 of the House Rules and Manual, which states that questions of privilege of the House are those which affect 'the integrity of the processes by which bills are considered,' especially when a process is of questionable constitutionality.

''In such instances, the precedents made clear that the issue raises an extraordinary question under the Constitution which is eligible for separate consideration and determination by the House.

''In this regard, the section cites a question of privilege resolution offered on August 15, 1978, involving 'the constitutional question of the vote required to pass a joint resolution extending the State ratification period of a proposed Constitutional amendment.'

''The manual, at section 664 elaborates that this involved 'an extraordinary question * * * where the House had not otherwise made a separate determination on that procedural question' as to whether a majority or two-thirds vote was required to pass a joint resolution extending the ratification period for a constitutional amendment, 'and where consideration of the joint resolution had been made in order.'

''In that instance, after the special order for the joint resolution had been adopted, a question of privilege resolution was offered which would have required a two-thirds rather than majority vote to pass the joint resolution. After the Chair ruled as to its legitimacy, the question of privilege resolution was subsequently tabled by the House.

''By the same token, the pending question of privilege resolution raises an extraordinary question under the Constitution, on which the House has not made a separate determination. And that extraordinary question is whether delegates can be granted voting privileges in the Committee of the Whole by a rule of the House, or whether a constitutional amendment would be required.

''The resolution specifically requires the House, before implementing the

Delegate voting rule, to make a separate determination as to whether the rule can and should be implemented consistent with the provisions of sections 1 and 2 of article I of the Constitution.

''Numerous Supreme Court decisions have held that while the right of the House to determine its own rules of proceeding under the Constitution is nearly absolute, it may not by its rules violate constitutional rights or ignore constitutional mandates.

''In this instance, not only are the representational rights of House Members involved, but the rights of their constituents to equal representation as well.

''In the present instance, as with the 1978 precedent I have cited, the House has never made a separate determination as to whether Delegate voting in the Committee of the Whole can be authorized by rule or whether it requires a constitutional amendment.

''The adoption of House Resolution 5 on January 5 of this year cannot be construed as a separate determination of that issue since the Delegate voting provisions constituted only three of over 20 changes in House rules made by that resolution, all of which were adopted by a single vote.

''Moreover, on three occasions when that House rules resolution was called up or under consideration, attempts to separate the Delegate voting issue were rebuffed by rulings or procedures:

''First on the refusal of the Speaker to recognize a Member to offer a question of privilege resolution that would have required a separate vote;

''Second, on a motion to refer the resolution to a select committee to study and report on the constitutionality of the Delegate voting provisions; and

''Third, on a motion to commit with instructions to delete the Delegate voting provisions. In all three instances, opportunities to separately determine the efficacy and constitutionality of the delegate voting provisions were blocked by procedural moves.

''For the House to protect itself against overreaching its constitutional rulemaking powers, the extraordinary-question doctrine enunciated in the 1978 precedent must be applied to such a serious constitutional issue as this.

''The second precedent I will cite in support of this resolution is found at section 664 of the manual, 'a question of privileges of the House is raised' when there is an alleged 'denial of representational rights.'

''While the precedent cited in that incident involved inequitable party ratios at the subcommittee level, the same principle should apply to the possible derogation or denial of representational rights of House Members in the Committee of the Whole where the votes of non-Members could make the difference on important questions.

''Mr. Speaker, I realize that it might be argued that this resolution does not constitute a question of privilege because it might be interpreted as changing the rules of the House.

''However, that is not the case because the resolution only calls for a delay in the implementation of the rule until the House has made a separate dtermination as to whether it should be implemented in light of the requirements of article I of the Constitution.

''In 1978 precedent, a question of privilege resolution was ruled proper even though it sought to alter the number of Members required to approve the extension from a majority to two-thirds.

''If anything, the 1978 precedent was more farreaching than the pending question since it would have changed rules already adopted which required onl a majority vote for passing legislation brought under a special rule.

''No pretense was made that the joint resolution was framed as an amendment to the Constitution requiring a two-thirds vote of both Houses, let alone ratification by three-fourths of the States.

''And yet the Chair's holding in that 1978 precedent makes clear that it involved extraordinary question under the Constitution, and the resolution therefore constituted a legitimate question of privilege.

''The pending question of privilege resolution does not attempt to force a two-thirds vote of the House to permit implementation of the delegate voting rule. It simply requires the House, by simple majority vote, to make a determination that implementation of the rule is permissible under the Constitution.

''Such a determination could be made immediately after the question of privilege resolution is adopted, and the House could then proceed with the consideration of the pending legislation based on the determination made by the House.

''In conclusion, Mr. Speaker, the issues raised by this resolution clearly involve a question of the privileges of the House and should therefore be allowed for consideration and determination by the House.

''Let us do it the right way. The Chair can do it right now by letting us pass this resolution and then bringing up a resolution which would speak to the admissibility, speak to the constitutionality, and then go ahead with the vote, but we are entitled to that, and so are the people we represent, Mr. Speaker. I would hope that the Chair would rule in my favor.''.

The SPEAKER ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

''The gentleman from New York [Mr. SOLOMON] was kind enough to furnish the Chair a copy of his resolution and his supporting arguments citing certain precedents.

''On August 15, 1978, Speaker O'Neill ruled that a question of the privileges of the House may be based on an assertion that the immediate determination of an extraordinary procedural question is indispensable to the integrity of its impending proceedings, where that procedural question was not otherwise addressed in the rules of the House.

''In that case, the question of the vote required to pass a joint resolution proposing an extension of the ratification deadline for a constitutional amendment already passed by Congress and submitted to the State legislatures was not directly addressed in the rules of the House. Indeed, on that occasion the House had not otherwise made a separate determination on that procedural question either in the context of the adoption of its rules for that Congress or any specific rule.

''In that case, there was no prior House determination of the procedural question being challenged. The uncertainty of the very nature of the extension joint resolution on that occasion—that is, whether it represented legislation passable by a majority or was more tantamount to a constitutional amendment, and whether it required presentation to the President—belied the argument that the rules of the House clearly addressed the procedure.

''In the instant case, the provisions of clause 2 of rule XII and Clauses 1(a) and 2(d) of rule XXIII adopted as part of House Resolution 5 on January 5, 1993, specifically addressed the procedures complained of and sought to be delayed in the pending resolution. A delay in the implementation of a rule is in essence a change in that rule.

''The precedents are clear that the validity of an existing rule of the House may not be challenged under the guise of a question of privilege, whether or not that existing rule was separately adopted by a vote of the House or as part of a package of rules adopted by the House.

''As cited in section 664 of the House rules and manual, the Speaker ruled on January 23, 1984, that a resolution directing that the party ratios of all standing committees, subcommittees, and staffs of the House be changed within a time certain to reflect overall party ratios in the House was held to constitute a change in the rules of the House and not to constitute a proper question of the privileges of the House, since House rules already provided mechanisms for changing the selection of committee members and staff. The Speaker ruled that because the rules complained of could be properly addressed by proposed rules changes which could be presented to the House in a privileged manner, that is, by resolution reported from the Committee on Rules or discharged therefrom, or in that case by privileged resolutions from the respective party caucases relating to committee membership, it was not in order to collaterally challenge the fairness of an adopted rule under the guise of a question of privilege.

''By contrast, the ruling of October 2, 1984, cited by the gentleman from New York, involved a situation where the rules of the House did not address the alleged unfairness complained of—subcommittee ratios—and where the reso-

lution offered as a question of privilege only admonished the House to respect the representational rights of minority committee members and did not constitute a directive or admonition to change any rule. That precedent does not support the proposition that the House may as a question of privilege collaterally challenge the fairness or validity of an adopted rule.

''The Chair rules that the resolution does not state a question of privilege under rule IX.''.

Mr. SOLOMON appealed the ruling of the Chair.

Mr. GEPHARDT 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 yeas had it.

Mr. SOLOMON demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	251
	Nays	174

So the motion to lay the appeal on the table was agreed to.

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

POINT OF ORDER

(¶10.21)

THE COMMITTEE ON RULES MAY RECOMMEND A SPECIAL ORDER OF BUSINESS PROVIDING THAT A SENATE AMENDMENT PENDING AT THE SPEAKER'S TABLE AND OTHERWISE REQUIRING CONSIDERATION IN COMMITTEE OF THE WHOLE UNDER CLAUSE 1 OF RULE XX BE ''HEREBY'' CONSIDERED AS ADOPTED.

PENDING A PRIVILEGED RESOLUTION FROM THE COMMITTEE ON RULES PROVIDING THAT UPON ITS ADOPTION A HOUSE BILL BE TAKEN FROM THE SPEAKER'S TABLE TO THE END THAT THE SENATE AMENDMENT THERETO BE AGREED TO, A POINT OF ORDER AGAINST THE CONSIDERATION OF THE SENATE AMENDMENT IS NOT WELL TAKEN, AS ONLY THE ''HEREBY'' RESOLUTION IS THEN BEFORE THE HOUSE.

On February 4, 1993, Mr. GORDON, by direction of the Committee on Rules, called up the following resolution (H. Res. 71):

Resolved, That upon the adoption of this resolution the bill (H.R. 1) to grant family and temporary medical leave under certain circumstances be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment thereto be, and the same is hereby, agreed to.

Pending consideration of said resolution,

POINT OF ORDER

(¶10.22)

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

''Mr. Speaker, House rule XX provides that, and I quote:

Any amendment of the Senate to any House bill——

''And I repeat:

Any amendment of the Senate * * * shall be subject to a point of order that it shall first be considered in the Committee of the Whole on the state of the Union, if, originating in the House, it would be subject to that point.

''And the rule goes on to provide just one exception to this requirement is possible, and that is if a motion to disagree to the Senate amendment and request a conference is made.

''Mr. Speaker, House Resolution 71 contains the Senate amendment by virtue of being a self-executing rule. As such, my point of order must be sustained and the resolution must be considered in the Committee of the Whole.''.

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

''The Chair is prepared to rule on the gentleman's point of order.

''Before the House at this time is not the Senate amendment itself, but a rule properly reported from the Rules Committee to the House of Representatives, against which a rule XX point of order is not well taken. If we were considering the Senate amendment itself, the gentleman's point of order would be well-grounded, but the Chair will rule the point of order out of order.''.

POINT OF ORDER

(¶16.4)

A SPECIAL ORDER FOR CONSIDERATION OF A BILL REPORTED BY A COMMITTEE NOT HAVING JURISDICTION TO REPORT APPROPRIATIONS MAY, WITHOUT ITSELF VIOLATING CLAUSE 5(A) OF RULE XXI, PROVIDE THAT AN AMENDMENT CONTAINING AN APPROPRIATION BE CONSIDERED AS ADOPTED WHEN THE BILL IS CALLED UP.

A SPECIAL ORDER FOR CONSIDERATION OF A BILL MAY, WITHOUT VIOLATING CLAUSE 7 OF RULE XVI, PROVIDE THAT A NONGERMANE AMENDMENT BE CONSIDERED AS ADOPTED WHEN THE BILL IS CALLED UP.

A SPECIAL ORDER FOR CONSIDERATION OF A BILL MAY, WITHOUT TRIGGERING THE REPORTING REQUIREMENTS OF SECTION 308(A)(1) OF THE BUDGET ACT, PROVIDE THAT AN AMENDMENT PROVIDING NEW BUDGET AUTHORITY BE CONSIDERED AS ADOPTED WHEN THE BILL IS CALLED UP.

THE ADOPTION OF A SPECIAL ORDER FOR CONSIDERATION OF A BILL THAT ''SELF-EXECUTES'' THE ADOPTION OF AN AMENDMENT PROVIDING NEW BUDGET AUTHORITY DOES NOT, ITSELF, PROVIDE NEW BUDGET AUTHORITY WITHIN THE MEANING OF SECTION 308 OF THE BUDGET ACT.

On February 24, 1993, Mr. BONIOR, by direction of the Committee on Rules, called up the following resolution (H. Res. 103):

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 920) to extend the emergency unemployment compensation program, and for other purposes. The amendment recommended by the Committee on Ways and Means printed in the bill and the amendment printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. All points of order against the bill, as amended, and against its consideration are waived. Debate on the bill shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit.

Pending consideration of said resolution,

POINT OF ORDER

(¶16.5)

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

''Mr. Speaker, I make a point of order against House Resolution 103 on the ground that two amendments self-executed by the resolution are in violation of two different House rules.

''Mr. Speaker, first, House Resolution 103 is in violation of clause 5(a) of rule XXI because it proposes to adopt the Ways and Means Committee amendment printed as section 4 in H.R. 920 as reported. That section deals with financing provisions and in effect reappropriates advance account funds to make payments to the States to provide these additional benefits. Clause 5(a) of rule XXI prohibits appropriations provisions in a bill not reported by the appropriations committee.

''Second, Mr. Speaker, House Resolution 103 attempts to adopt an amendment contained in the report to accompany the resolution extending coverage of the bill to railroad employees. That amendment is in violation of clause 7 of rule XVI which prohibits the consideration of germane amendments. The amendment contained in the Rules Committee report is under the jurisdiction of the Energy and Commerce Committee and is therefore not germane to this bill from the Ways and Means Committee.

''Mr. Speaker, since both of those amendments will be considered to be adopted when this rule is adopted, they are currently before us and must be subject to points of order. It is clear from the rule that once the rule is adopted, the bill as amended by them is not subject to points of order. But, prior to the adoption of this resolution, those two amendments are obviously a part of this resolution and subject to the two points of order I have raised.''.

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

''The Chair is prepared to rule.

''The fact that amendments which if offered separately would be violative of the rules does not prevent the Rules Committee from self-executing the adoption of those amendments together in the rule itself, by providing for their adoption upon the adoption of the rule. The amendments are thus not separately before the House at this time.''.

POINT OF ORDER

(¶16.6)

Mr. WALKER made a further point of order against the resolution, and said:

''Mr. Speaker, I make another point of order against House Resolution 103 on the ground that it is in violation of section 308(a) of the Congressional Budget Act of 1974.

''Mr. Speaker, section 308(a) of the Congressional Budget Act provides that, and I quote, 'Whenever a committee of either House reports to its House a bill or resolution, or committee amendment thereto, providing new budget authority * * * new spending authority described in section 401(c)(2), or new credit authority * * * the report accompanying that bill or resolution shall contain a statement, or the committee shall make available such a statement * * * prepared after consultation with the Director of the Congressional Budget Office' detailing the costs of that provision.

''Mr. Speaker, the amendment contained in the Rules Committee report, which would be adopted upon the adoption of this resolution, extends coverage of this bill to railroad workers. It is my understanding that this may entail a cost of $20 million, but the Rules Committee has not provided a cost estimate from CBO in its report on this amendment as required by section 308 of the Budget Act. This is an amendment reported by the Rules Committee and therefore is subject to the CBO cost estimate requirements. I therefore urge that my point of order be sustained.''.

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

''The Chair is prepared to rule.

''The gentleman from Pennsylvania [Mr. WALKER] raises an objection based on section 308(a) of the Budget Act on the basis that the report accompanying this resolution coming from the Rules Committee would have to have a CBO estimate of the potential cost involved by virtue of adoption of the amendment. However, the Chair, after consulting precedents and the rules of the House, rules that the cost estimate does not have to be made a part of the report accompanying the rule being brought from the Rules Committee, but rather the point of order might lie against the underlying bill. The resolution itself does not enact budget authority and, therefore, the resolution coming from the Rules Committee does not itself have to have the cost estimate in the accompany report.

''Therefore, the Chair now would overrule the gentleman's point of order.''.

POINT OF ORDER

(¶16.8)

Mr. WALKER made a further point of order against the resolution, and said:

''Mr. Speaker, I make a point of order against the amendment printed in the Rules Committee report, which I understand is now before us, based upon the Chair's previous ruling.

''I make my point of order on the ground that the report in this resolution violates section 308(a) of the Budget Act requiring a cost estimate.

''Section 308(a) of the Budget Act, which requires the CBO cost estimate in the report on any committee bill, resolution or amendment, contains no exemption for the report of the Committee on Rules.

''I quote from the section 308(a) of the Congressional Budget Act:

> Whenever a committee of either house reports to its house a bill or resolution or committee amendment thereto providing new budget authority, new spending authority described in section 402(c)(2) or new credit authority, the report accompanying that bill or resolution shall contain a statement or the committee shall make available such a statement prepared after consultation with the director of the Congressional Budget Office.

''Mr. Speaker, earlier in the debate on this particular resolution, the gentleman who purports to be the author of the railroad worker amendment admitted costs are involved in his amendment. The quote that I have just read means that the committee then has an obligation to provide to the House a congressional budget statement.

''Section 308(a) clearly applies to the committee amendment, and the amendment contained in the Rules Committee report is a Rules Committee amendment. It was not reported by the Ways and Means Committee, it was not reported by the Energy and Commerce Committee and so therefore is exclusively in the jurisdiction of the Rules Committee.

''The amendment contained in the Rules Committee report on this resolution will be considered to have been adopted when this resolution is adopted. So there is no question who should provide the CBO cost estimate. It is the Rules Committee. They are not above the rules.

''Mr. Speaker, I ask that my point of order be sustained.''.

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

''We had this argument a little over an hour ago and it is again timely, as the gentleman from Pennsylvania [Mr. WALKER] has indicated.

''He refers to section 308. Section 308 applies to measures providing new budget authority. The resolution before us does not provide for new budget authority.

''The rule makes in order a bill as amended. The bill as amended provides for the new spending.

''House Resolution 103 waives all points of order against the bill as amended and against its consideration. It waives all point of order against the bill and against its consideration.

''Mr. Speaker, I ask the Chair to rule that the point of order is not in order.''.

Mr. WALKER was recognized to speak further, and said:

''It is true the Rules Committee has waived all points of order against the bill that would be considered pursuant to this rule. That is the reason why this point of order is timely now.

''When it comes to a question in the bill itself, the point of order with regard to the Budget Act will not be in order because that point of order has been waived. The only time we can get at this particular item is in the self-enacting amendment which is a part of the rule.

''The gentleman [Mr. BONIOR] has not referred to the self-enacting amendment. That is the question to which this particular point of order pertains and it is up to the Chair, I think, to sustain the point of order based upon the fact that the self-enacting amendment within this rule does in fact add costs. It is new budget authority and is therefore in violation of the Congressional Budget Act.''.

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

''Mr. Speaker, it does seem to me that my colleagues are correct in wanting to be informed with regard to the cost effect of that provision which is executed by this rule. That provision has been handled this way three times by previous Congresses. The provision includes, this is what we are executing here, it includes coverage, extended unemployment coverage for America's railroad workers who have their own unemployment fund and therefore would not be covered unless there was a separate amendment or unless we do it this way. Previous Congresses have chosen to do it this way.

''The cost, Mr. Speaker, is estimated by both the Congressional Budget Office as well as the Railroad Retirement Trust Fund System, to be $2 ½ million for the coming year, and the coverage would be extended to 1,200 railroad workers.

''I do think my colleagues are correct in asking for that information, and they now have it.''.

Mr. WALKER was recognized to speak further, and said:

''Mr. Speaker, the gentleman from Montana [Mr. WILLIAMS] has just made the case. While he has informed the House of his estimate of what this costs, the fact is that the rules of the House require that the statement be a Congressional Budget Office statement contained within the report. That is what the House does not have. That is what the House requires.

''The gentleman from Montana has also made the point that the amendment is included in this rule, that it is new budget authority, that it does extend to new people and it does cost at least $2 ½ million. That is information that should be contained in the committee report. It is not. It is therefore a violation of the rules of the House. It is a violation of the Budget Act, and my point of order should be sustained.''.

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

''The Chair is prepared to rule.

''The amendment printed in the bill and the amendment printed in House Report 103–18 will be considered as adopted by the operation of House Resolution 103, which is the special order now pending before the House.

''After adoption of this special order, House Resolution 103, the bill is called up for consideration as so amended.

''A point of order under section 308 of the Budget Act against consideration of the bill in that form could properly come at that point when the bill is called up for consideration.

''As the Chair indicated previously, the new budget authority at issue would be provided not by the resolution reported by the Committee on Rules, but rather by the bill as amended.

''At this point, the point of order does not lie. That all points of order against the bill as amended will be waived by House Resolution 103, if adopted, does not cause such points of order to lie at some earlier stage.

''The rules of the House authorize the Committee on Rules to report a resolution providing a special order of business, and a point of order under Section 308 of the Budget Act does not lie against such a resolution on the ground that its adoption would have the effect of abrogating clause 2(l)(3) of rule XI, which incorporates the requirement of section 308 in the standing rules.

''Accordingly, the point of order is overruled.''.

WORDS TAKEN DOWN

(¶55.3)

REMARKS IN DEBATE IN THE COMMITTEE OF THE WHOLE THAT CHARACTERIZE A PENDING AMENDMENT AS ''DEMEANING'' TO A SPECIFIED PUBLIC POLICY ARE NOT UNPARLIAMENTARY SINCE DIRECTED ONLY AT THE AMENDMENT AND NOT AT THE MOTIVE OR THE CHARACTER OF ITS PROPONENT.

On May 13, 1993, the SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 164 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 820) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance manufacturing technology development and transfer, to authorize appropriations for the Technology Administration of the Department of Commerce, including the National Institute of Standards and Technology, and for other purposes.

Mr. OBEY, Acting Chairman, assumed the chair; and after some time spent therein,

WORDS TAKEN DOWN

(¶55.4)

The SPEAKER pro tempore, Mr. SHARP, assumed the Chair.

When Mr. OBEY, Acting Chairman, reported that during the consideration of said bill in Committee, certain words of the gentleman from North Carolina [Mr. VALENTINE] used in debate were objected to and upon request, were read at the Clerk's desk.

The Clerk read the words taken down as follows:

The Walker amendment, so-called middle class amendment set-aside, in our opinion, demeans, demeans the well-established policy to bring minorities and women into the economic mainstream and should be strenuously opposed. And I ask my colleagues to again support the committee in opposing Mr. WALKER'S demeaning amendment.

The SPEAKER pro tempore, Mr. SHARP, said:

''The Chair rules that the use of the language 'demeaning' has, as its descriptive objective, the amendment itself and the policy therein and does not go to the motive or the character of the individual who is offering the amendment.

''Members may take issue with the description of the amendment, but it is certainly, in this instance, not used to describe the character of the Member or his motives. The words are not unparliamentary.

''The Committee will resume its sitting.''.

The Committee resumed its sitting.

POINT OF ORDER

(¶63.6)

A SPECIAL ORDER FOR THE CONSIDERATION OF A BILL MAY, WITHOUT TRIGGERING THE ''RULES RAMSEYER'' REQUIREMENTS OF CLAUSE 4(D) OF RULE XI, PROVIDE THAT THE TEXT OF THE BILL BE MODIFIED TO INCLUDE CERTAIN CHANGES IN THE RULES OF THE HOUSE, SINCE ONLY THE BILL (IF ENACTED INTO LAW), AND NOT THE SPECIAL ORDER, WOULD REPEAL OR AMEND ANY RULE OF THE HOUSE.

A SPECIAL ORDER FOR THE CONSIDERATION OF A BILL THAT WOULD ''SELF-EXECUTE'' CERTAIN AMENDMENTS, INCLUDING RULES CHANGES, BUT WHICH WOULD NOT ITSELF REPEAL OR AMEND ANY RULE OF THE HOUSE—THAT END BEING ACHIEVED ONLY BY ENACTMENT OF THE BILL—IS NOT ''A RESOLUTION REPEALING OR AMENDING ANY OF THE RULES OF THE HOUSE'' WITHIN THE MEANING OF CLAUSE 4(D) OF RULE XI.

On May 27, 1993, Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 186):

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. 2264) to provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994. The first reading of the bill shall be dispensed with. All points of 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 two hours equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The modifications to the bill printed 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. All points of order against the bill, as modified, are waived. No amendment to the bill, as modified, shall be in order except the amendment in the nature of a substitute printed in part 2 of the report. The amendment in the nature of a substitute may be offered only by Representative Kasich of Ohio or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against the amendment in the nature of a substitute are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as modified, to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit, which may not include instructions.

Pending consideration of said resolution,

POINT OF ORDER

(¶63.7)

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

''Mr. Speaker, respectfully, I make a point of order against House Resolution 186 on the grounds that it is in violation of House rule XI, clause 4(d).

''Mr. Speaker, House rule XI, clause 4(d) provides that, and I quote,

Whenever the Committee on Rules reports a resolution repealing or amending any of the rules of the House of Representatives or part thereof it shall include in its report or in an accompanying document, number one, the text of any part of the rules of the House of Representatives which is proposed to be repealed and, number two, a comparative print of any part of the resolution making such an amendment, and any part of the rules of the House of Representatives to be amended, showing by an appropriate typographical device the omissions and insertions proposed to be made.

''Mr. Speaker, House Resolution 186 provides that upon its adoption 'Modifications to H.R. 2264, printed 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.'

''One of those modifications, Mr. Speaker, contained in the Committee on Rules report, adds a totally new title XV to the bill entitled 'Budget Process.'

''Subtitle B of that title in the report is entitled 'Amendment to the Congressional Budget and Impoundment Control Act of 1974; Conforming Amendments.'

''Section 15211 of that subtitle is entitled 'Conforming Amendments to the rules of the House of Representatives.' The section includes six separate, permanent, not temporary but permanent, amendments to the House Rules which amend: rule X, clause 4(g); rule XI, clause 2(L)(3)(B); rule XI, clause 2(L)(6); rule XI, clause 7; rule XXIII, clause 8; and rule XLIX, clause 2.

''And yet, despite the fact that this resolution, upon its adoption, amends House rules in those six different parts, nowhere in the report of the Committee on Rules for this resolution is there any kind of comparative print showing the changes being made from the existing rules as is required in House rule XI, clause 4(d), which I cited earlier today.

"Mr. Speaker, it will not do to argue that this change is being made in an order of business resolution. House rule XI does not differentiate between special rules and other resolutions reported from the Committee on Rules. It only refers to 'a resolution repealing or amending any rule of the House' whenever it is reported by the Committee on Rules.

"Mr. Speaker, the resolution clearly makes such changes, and the report must, therefore, include a comparative print showing those changes. Otherwise, I can assure my colleagues, Mr. Speaker, as I look at all of these changes, which I have here now, 90 percent of the Members of this House have never seen this document that I have in my hand here. I know almost 100 percent on our side, and I am sure only those who might have been active last night between the hours of 2 a.m. and 4 a.m. have any idea what is in here.

"So it just is not right. If we had these comparatives showing the differences of what is being changed or repealed or added, at least we could make some kind of a fair judgment.

"I, therefore, urge that my point of order be sustained.".

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

"The gentleman from New York [Mrs. SOLOMON] makes the point of order that the rule violates clause 4(D) of rule XI. This clause requires the Rules Committee to include a comparative print displaying changes to the rules of the House when the committee reports a resolution repealing or amending any rule.

"House Resolution 186 modifies the text of the reconciliation bill. The bill as modified amends House rules. But the resolution under consideration does not, in itself, repeal or amend any rule of the House.

"Mr. Speaker, I urge you to overrule the point of order.".

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

"Mr. Speaker, it seems to me what I hear the gentleman from South Carolina saying is that the resolution does not so state these rules changes and so, therefore, they will not really take place. And the House should not have to fear them.

"Understand, what he is suggesting is that the self-enacting amendments that the resolution makes in order are not directly spelled out in the resolution and so, therefore, should not have to be considered in all of this, because two of the self-enacting amendments are what the gentleman refers to in the changes in text.

"We now have this rather strange situation on the floor where the Committee on Rules can come down, violate the fundamental rules of the House with self-enacting provisions, and claim that somehow these are not a part of their rule. They can go up and make deals in the dead of night behind closed doors, come out into the Committee on Rules, effect those deals, make them into self-enacting amendments where nobody has seen the text of them, and then come to the floor later on and claim that somehow these do not have any real effect. That simply is not the way in which the House should proceed.

"Mr. Speaker, I would suggest that the gentleman from New York [Mr. SOLOMON] is absolutely correct. They are coming to the floor with an intention to change the rules of the House of Representatives. When we adopt this rule, we will adopt self-enacting provisions which, if finally adopted, will change the rules of the House and we will have no comparison between the two.

"This would be an appalling precedent to set in the House, that what we are doing is trampling on the rules of the House without the proper procedures. It would certainly go along with how this budget resolution has been brought forward. The Chair, in all fairness, should sustain the point of order and should not simply take the majority party's opinion on this that is trying to ram through something extralegally.".

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

"Clause 4(d) of rule XI requires the Committee on Rules to provide a comparative print of proposals to change the rules whenever it reports 'a resolution repealing or amending any of the Rules of the House.'

"The jurisdiction of the Committee on Rules is not confined to the rules, however. It extends also to the order of business of the House. Thus, the committee is authorized to report a resolution providing a special order of business.

"House Resolution 186 provides a special order of business. Its adoption would modify the text of H.R. 2264 to include certain changes in the rules, and would provide for the consideration of the bill, as modified, by the House. But House Resolution 186 does not, itself, repeal or amend any rule of the House. Only the bill—H.R. 2264—would, if enacted into law, amend House rules. Consequently, the requirement of clause 4(d) of rule XI is not applicable.

"Consistent with the precedent of February 24, 1993, the point of order is overruled.".

POINT OF ORDER

(¶86.10)

A RESOLUTION RECITING THE REQUEST OF A UNITED STATES ATTORNEY THAT THE HOUSE REFRAIN FROM RELEASING TO THE PUBLIC CERTAIN INFORMATION DEVELOPED DURING ITS INTERNAL INVESTIGATION OF THE OPERATION AND MANAGEMENT OF THE OFFICE OF THE POSTMASTER, LEST IT COMPROMISE AN ONGOING CRIMINAL PROCEEDING, AND RESOLVING AS THE SENSE OF THE HOUSE THAT IT WOULD VOTE ON THE QUESTION OF RELEASING SUCH INFORMATION WHEN THE UNITED STATES ATTORNEY DETERMINED THAT HE HAD NO OBJECTION, GIVES RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1993, Mr. GEPHARDT rose to a question of the privileges of the House and submitted the following resolution (H. Res. 223):

Whereas the U.S. Attorney for the District of Columbia on July 19, 1993 announced that the former Postmaster of the House of Representatives was pleading guilty to criminal counts of conspiracy and aiding and abetting the embezzlement of public funds,

Whereas the operation of the House Post Office during the tenure of the former Postmaster was the subject of a bipartisan Task Force to Investigate the Operation and Management of the House Post Office of the Committee on House Administration,

Whereas the former Task Force published a public report on July 24, 1992 in which were included portions of transcripts of its proceedings,

Whereas the House on July 22, 1992, voted to provide both the public report and all the records of the former Task Force to the Committee on Standards of Official Conduct and to the Department of Justice, but declined to make the transcripts of the former Task Force's proceedings public,

Whereas one of the reasons the House declined to make the transcripts of proceedings of the former Task Force public at that time was a concern that such release not compromise an ongoing criminal proceeding conducted by the U.S. Attorney for the District of Columbia,

Whereas the U.S. Attorney for the District of Columbia on July 21, 1993 communicated to the Speaker and the Republican Leader his strong objection to the public release of the records of the former Task Force as follows:

U.S. DEPARTMENT OF JUSTICE,
U.S. ATTORNEY,
Washington, DC, July 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: We have been advised that the House of Representatives may be considering the public release of previously confidential materials generated during the inquiry conducted last year by the Task Force to Investigate the Operation and Management of the House Post Office. I am writing to express this Office's serious concern that the release of such materials could have a significant adverse effect on the ongoing criminal investigation being conducted by this Office into matters associated with the House Post Office. Accordingly, I ask you not to authorize the release of such materials.

Last year, this Office endeavored to work cooperatively with the Task Force, so as to enable the Task Force to conduct its mandated operations-and-management review of the Post Office, without invading the integrity of the criminal investigation. After completing its review in July of last year, the Task Force prudently concluded that many of the materials that it had collected or generated—including deposition and interview transcripts and tapes—ought to remain confidential, in part because the publication of such materials posed a significant potential to compromise the ongoing grand jury investigation. That potential remains today. The investigation is continuing, and inevitably involves many of the same witnesses and transactions that the Task Force inquiry included.

For these reasons, I strongly request that the House refrain from releasing additional

materials generated by the Task Force inquiry.

Sincerely,

J. RAMSEY JOHNSON,
U.S. Attorney.

Now, therefore, be it

Resolved, That it is the sense of the House that, when the United States Attorney for the District of Columbia at any time informs the House that he has no objection to the public release of the transcripts of proceedings of the former Task Force, then the House immediately shall take up and bring to vote the question of the release of the transcripts of proceedings of the former Task Force;

Resolved further, That the Speaker is directed to communicate to the United States Attorney for the District of Columbia the request of the House that he promptly advise the House when he determines that he has no objection to the public release of the transcripts of proceedings of the former Task Force; and

Resolved further, That the Clerk is directed to transmit promptly such communication of the Speaker and a copy of this Resolution to the United States Attorney for the District of Columbia.

Pending consideration of said resolution,

POINT OF ORDER

(¶86.11)

Mr. WALKER made a point of order against consideration of said resolution as not constituting a question of privilege, and said:

''Mr. Speaker, the resolution as presented to the House does not constitute a question of privilege. There is no violation of rule IX where questions of privilege have to relate to particular items of the House, primarily the saftety, dignity, and integrity of its proceedings. There is no allegation in this resolution that any such matter has taken place, nor is there any disciplinary action that is in the resolution.

''So, therefore, this does not constitute an appropriate question of privilege to bring before the House.''.

The SPEAKER overruled the point of order, and said:

''The Chair believes that the resolution meets the requirements of rule IX which involves the question of integrity of the House and involves papers of the House, and accordingly the Chair overrules the point of order, and states that the resolution of the gentleman from Missouri [Mr. GEPHARDT] states a question of privilege.''.

PRIVILEGES OF THE HOUSE

(¶86.13)

A RESOLUTION ALLEGING MALFEASANCE IN THE OFFICE OF THE POSTMASTER EVIDENCED BY THE FORMER POSTMASTER'S PLEAS OF GUILTY IN A CRIMINAL PROCEEDING, AND DIRECTING THE COMMITTEE ON HOUSE ADMINISTRATION TO RELEASE TO THE PUBLIC COMPLETE TRANSCRIPTS OF ITS INVESTIGATORY TASK FORCE THEREON, GIVES RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1993, Mr. MICHEL rose to a question of the privileges of the House and sumbitted the following resolution (H. Res. 222):

Whereas on July 22, 1992, the House of Representatives voted to transmit to the Committee on Standards of Official Conduct the Committee Report and all records obtained by the Task Force to Investigate the Operation and Management of the House Post Office.

Whereas the Report of the Committee on House Administration selectively included portions of the transcript of the proceedings of the Task Force in the Appendix of their Report;

Whereas efforts in the 102d Congress to release the full transcript of the Task Force were defeated in the House on July 22, 1992 and July 23, 1992;

Whereas the former Postmaster of the House of Representatives, Robert V. Rota, from 1978 continuing until April 1992 conspired, confederated and agreed with other persons, including Members of Congress, to commit offenses against the United States.

Whereas the former Postmaster has pled guilty to making false statements to the Task Force and discussed with his Supervisor of Accounts the need to withhold information during interviews with United States Postal Inspectors and the Congressional Committee investigating the House post office;

Whereas the former Postmaster engaged in a cover up of the exchange of vouchers and postage stamps for cash beginning in May of 1980 and continued throughout the House investigation of the post office;

Whereas the integrity of the House of Representatives has been impugned by the actions of Mr. Rota and others: Now, therefore, be it

Resolved, That the Committee on House Administration is directed to immediately make public complete transcripts of all proceedings of the Task Force, including depositions and statements of witnesses and any tapes of such proceedings.

When said resolution was considered.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and said:

''The Chair finds that the proposed resolution does present a question of privileges of the House.''.

POINT OF ORDER

(¶89.6)

A SPECIAL ORDER OF BUSINESS NEARLY IDENTICAL TO ONE PREVIOUSLY REJECTED BY THE HOUSE, BUT PROVIDING A DIFFERENT SCHEME FOR GENERAL DEBATE, DOES NOT CONSTITUTE ''ANOTHER OF THE SAME SUBSTANCE'' WITHIN THE MEANING OF SECTION XLIII OF JEFFERSON'S MANUAL (RELATING TO RECONSIDERATION).

A SPECIAL ORDER FOR CONSIDERATION OF A BILL MAY, WITHOUT VIOLATING CLAUSE 7 OF RULE XVI, PROVIDE THAT A NONGERMANE AMENDMENT BE CONSIDERED AS ADOPTED WHEN THE BILL IS CALLED UP.

A SPECIAL ORDER FOR CONSIDERATION OF A GENERAL APPROPRIATION BILL MAY, WITHOUT ITSELF VIOLATING CLAUSE 2 OF RULE XXI, PROVIDE THAT AN AMENDMENT CHANGING EXISTING LAW BE CONSIDERED AS ADOPTED WHEN THE BILL IS CALLED UP.

On July 27, 1993, Mr. WHEAT, by direction of the Committee on Rules, called up the following resolution (H. Res. 226):

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. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes. The first reading of the bill shall be dispensed with. All points of 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 ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. The modification to the bill printed 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. All points of order against the bill, as modified, are waived. No amendment to the bill, as modified, shall be in order except the amendment printed in part 2 of the report. The amendment printed in part 2 of the report may be offered only by the named proponent or a designee, 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, as modified, to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

Pending consideration of said resolution,

POINT OF ORDER

(¶89.7)

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

''Mr. Speaker, it is a longstanding practice of parliamentary law in this House that an amendment once rejected cannot be considered in identical form to the same bill.

''I cite Cannon's Precedents, volume 8, section 2834, and I quote: 'It is not in order to offer an amendment identical with one previously disagreed to.'

''And, quoting from Deschler's Precedents, volume 9, section 35, 'It is not in order to offer an amendment identical to one previously rejected.'

''And finally, from Procedure in the House, 97th Congress, section 33.1, and again I quote: 'It is not in order to offer an amendment identical to one previously rejected. An amendment once rejected cannot be re-offered in identical form.'

''Mr. Speaker, the pending resolution, House Resolution 226, provides, and I quote: 'The modification to the bill printed 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 so-called modification printed in part 1 of the Rules Committee report on House Resolution 226 proposes to insert at the appropriate place a new section entitled, 'Youth Fair Chance Program.'

''On Thursday, July 22, 1993, the House rejected House Resolution 220, which provided on page 2, beginning at line 10, the following: 'The modification to the bill printed 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.'

''And part 1 of the report to accompany that resolution contains an identical modification to that contained in the report on this resolution.

''The report on House Resolution 220 proposed to insert at the appropriate place a new section entitled, 'Youth Fair Chance Program.'

''A careful examination of both reports will reveal that the modifications considered to be adopted in both the House and in the Committee of the Whole are identical—word-for-word.

''This device of having an amendment considered as adopted upon the adoption of the rule is called a self-execution provision. At what point is the modification considered to be adopted? The rule makes clear that it is considered to be adopted in the House and in the Committee of the Whole, and not the reverse.

''We are now in the House, and the adoption of the so-called modification takes place first in the House when we adopt this rule. Then it is considered as adopted in the Committee of the Whole, when the House resolves into Committee. And finally, the language of the rule presumably also extends to the final adoption of the modification when the bill is reported back to the House when it is reported from the Committee of the Whole.

''But the Chair can hardly argue that this rule does not first adopt the modification in the House when the rule is adopted, since the order of adoption is quite clear—first in the House, then in the Committee of the Whole.

''Mr. Speaker, in further support of this, I would cite the ruling of the Chair of February 24, 1993, on a similar point of order brought against the rule on the unemployment compensation bill.

''At page H807, the Chair indicated that, and I quote, 'the amendments are not adopted until such time as the rule is adopted.' In other words, Mr. Speaker, the amendments are considered as adopted in the House upon adoption of the rule.

''By the same token, when House Resolution 220 was rejected by the House last Thursday, the identical amendment to that being offered in this rule, was considered as rejected in the House. And the point of order lies against considering the same amendment once rejected.

''I therefore urge the Chair to follow the logic of its previous ruling regarding the effect of the adoption of a rule by the House by upholding my point of order that this amendment has been previously rejected by the rejection of the prior rule on this bill.''.

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

''Mr. Speaker, the gentleman from New York [Mr. SOLOMON] makes a point of order that it would be inappropriate to consider legislation identical to that previously rejected by the House, and I have to congratulate the gentleman. He makes a clever argument when he suggests that because H. Res. 220, last week in its entirety, included a self-executing provision that would have considered the Youth Fair Chance Act provision adopted had that rule passed. However, Mr. Speaker, that amendment was not, in fact, rejected by this House of Representatives. What failed to pass was H. Res. 220 in its entirety, and in fact H. Res. 220 included many other provisions besides the Youth Fair Chance Opportunity Act. The legislation that is being considered here today is not identical to the resolution previously reported from the Committee on Rules.

''It is, in fact, true that some of the provisions are similar, however, Mr. Speaker, it is important to note that the general debate time, for instance, has been extended from 60 to 90 minutes, and it this is a substantially different proposition. Therefore, Mr. Speaker, I would urge you to, in fact, be consistent with previous rulings and to reject this point of order.''.

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

''Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] is a good friend, and we respect him, but what he just said is that the only difference between this resolution before us now, this rule and the previous one, is the fact that they have extended debate by 30 minutes. That is the only difference between these two rules.

''Therefore, Mr. Speaker, it stands to reason there is no significant difference. It is the identical amendment, the identical rule, that was before this body before, and the Chair should uphold my point of order.''.

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

''Mr. Speaker, one of the major purposes of the Committee on Rules is to award time, of course time that has to be approved by this entire body, and it is, in fact, what we consider to be a significant difference, to differentiate significantly in the amount of time that is to be awarded on the floor of the House of Representatives. So, the addition of 30 additional minutes for debate on what we consider to be a very significant and substantive matter is, in fact, a significant difference from one rule to the next.

''Mr. Speaker, this is not an identical rule to what was considered last week.''.

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

''Mr. Speaker, there is a longstanding parliamentary tradition and practice in the House that one cannot do indirectly that which they were not permitted to do directly. That is precisely what the majority is attempting to do in this particular rule.

''In this instance, if they were attempting to do this directly, there is no doubt that the Chair would have to rule that this amendment was not in order, having been previously rejected from the House. The indirect nature of this amendment should not preclude the Chair from ruling that this amendment is not eligible for consideration on the House floor.''.

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

''The resolution under consideration involves more than the self-executing adoption of the modification printed in the accompanying report. The pending resolution waives all points of order against provisions in the bill as modified and provides a different parameter of general debate from that contained in House Resolution 220. Thus House Resolution 226 constitutes a different proposition from House Resolution 220 as a special order of business.

''The rule is more than the self-executing provision within it. It is the entire resolution, and the entire resolution, by virtue of having a different parameter of debate, is sufficiently different.

''Therefore, the gentleman's point of order is overruled.''.

POINT OF ORDER

(¶89.9)

Mr. SOLOMON made a point of order against the modification to the bill (H.R. 2667) making emergency supplemental appropriations for relief from the major, widespread flooding in the Midwest for the fiscal year ending September 30, 1993, and for other purposes, as printed in Part 1 of House Report 103–189 and provided for by House Resolution 226, and said:

''Mr. Speaker, I renew my point of order against the modification printed in part 1 of the Committee on Rules report on the grounds that it is not germane and in violation of clause 7, rule XVI, and constitutes legislating in an appropriations bill in violation of clause 2, rule XXI.

''Mr. Speaker, a point of order was reserved prior to adoption of the rule, since, apparently, that is the point at which the modification was first to be in the House. I have offered this before the bill is called up, since I am aware that all points of order are waived against the bill, as modified, but no points of order are waived in the rule against the modification.

''I would insist on my point of order.''.

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

''Mr. Speaker, the bill is, obviously, protected by the rule just adopted. For instance, on page 3, Mr. Speaker, it provides in part as follows:

'All points of order against consideration of the bill are waived.'

''In addition, further, 'All points of order against the bill, as modified, are waived.'

''Mr. Speaker, the point raised by my friend, the gentleman from New York, is not a valid point of order.''.

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

''The point of order on a recommittal motion would have to be made when that motion if offered.

''Referring to the gentleman's point of order, the gentleman from New York [Mr. SOLOMON] makes a point of order that a certain provision in the bill, as modified, constitutes, as the chairman understands it, a nongermane amendment and is legislation on a general appropriations bill.

''The provision in question is the new section inserted in the bill by operation of House Resolution 226, the special order providing for its consideration. Thus, the bill is now pending consideration in that modified form. Moreover, House Resolution 226 waives all points of order against the bill, as modified. Consequently, the point of order made by the gentleman from New York [Mr. SOLOMON] has been waived.

''Once again, the Chair would refer the gentleman in this question and others that have been raised to the decision on February 24, 1993, by Speaker pro tempore MAZZOLI.

''In response to a parliamentary inquiry regarding the effect of adoption of a special order of business self-executing the adoption of an amendment which, if separately considered, might constitute a violation of a rule of the House, Speaker pro tempore MAZZOLI responded that 'Once the bill—as so modified—is called up * * * because the rule which has by that time been adopted has in it waivers of points of order, that point of order could not be raised.'

''Therefore, the gentleman's point of order is not sustained.''.

POINT OF ORDER

(¶137.12)

TO A BILL PROPOSING TO CHANGE ONE EXISTING LAW TO FUND THE DEVELOPMENT OF ALTERNATIVES TO INCARCERATION AND PROBATION FOR YOUTHFUL OFFENDERS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT PROPOSING TO CHANGE A VARIETY OF LAWS TO ESTABLISH NEW CRIMES, ENHANCE BORDER CONTROLS, AND REFORM *habeas corpus* PROCEDURES IS NOT GERMANE.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER *pro tempore*.

WHERE A SPECIAL ORDER ALLOWS ''ONE MOTION TO RECOMMIT'' A BILL WITH THE PREVIOUS QUESTION ORDERED ON ITS PASSAGE, AND ONE MOTION TO RECOMMIT IS RULED OUT AS PROPOSING A NONGERMANE AMENDMENT, A PROPER MOTION TO RECOMMIT REMAINS ADMISSIBLE.

TO A BILL PROPOSING TO FUND THE DEVELOPMENT OF ALTERNATIVES TO INCARCERATION AND PROBATION FOR YOUTHFUL OFFENDERS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT PROPOSING TO ESTABLISH FEDERAL-STATE PARTNERSHIPS FOR THE CONSTRUCTION OF REGIONAL PRISONS IS NOT GERMANE.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER *pro tempore*.

TO A BILL PROPOSING TO FUND THE DEVELOPMENT OF ALTERNATIVES TO INCARCERATION AND PROBATION FOR YOUTHFUL OFFENDERS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT PROPOSING TO ESTABLISH A NATIONAL TASK FORCE TO STUDY AND REPORT ON EFFORTS TO COUNTER TERRORISM IS NOT GERMANE.

THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER *pro tempore*.

On November 19, 1993, the bill (H.R. 3351) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing alternative methods of punishment for young offenders to traditional forms of incarceration and probation; was ordered to be engrossed and read a third time, was read a third time by title.

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Crime Control Act of 1993''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Section 1. Short title and table of contents.

TITLE I—PROTECTION OF NEIGHBORHOODS, FAMILIES, AND CHILDREN

Subtitle A—Safe Schools

Sec. 101. Increased penalties for drug trafficking near schools.
Sec. 102. Federal safe school districts.
Sec. 103. Enhanced penalty for violation of the Gun-Free School Zones Act.

Subtitle B—Secure Neighborhoods

Sec. 111. Enhanced local law enforcement.
Sec. 112. Authorization of appropriations.
Sec. 113. Community policing grants.
Sec. 114. Criminal street gangs offenses.
Sec. 115. Drive-by shootings.
Sec. 116. Addition of anti-gang Byrne grant funding objective.
Sec. 117. Increased penalties for drug trafficking near public housing.

Subtitle C—Crimes Against Children

Sec. 131. Death penalty for murder during the sexual exploitation of children.
Sec. 132. Increased penalties for sex offenses against victims below the age of 16.
Sec. 133. Penalties for international trafficking in child pornography.
Sec. 134. State legislation regarding child pornography.
Sec. 135. National registration of convicted child abusers.
Sec. 136. Increased penalties for assaults against children.
Sec. 137. Offense of inducing minors or other persons to use steroids.
Sec. 138. Increased penalties for drug distribution to pregnant women.
Sec. 139. Interstate enforcement of child support orders.
Sec. 140. Crimes involving the use of minors as RICO predicates.
Sec. 141. Increased penalties for using minors in drug trafficking and drug distribution to minors.
Sec. 142. Increased penalties for using a minor in commission of a Federal offense.
Sec. 143. International parental kidnapping.
Sec. 144. State court programs regarding international parental child abduction.

Subtitle D—Punishment of Serious Juvenile Offenders

Sec. 151. Serious juvenile drug offenses as armed career criminal act predicates.
Sec. 152. Adult prosecution of serious juvenile offenders.
Sec. 153. Amendments concerning records of crimes committed by juveniles.

TITLE II—EQUAL PROTECTION FOR VICTIMS

Subtitle A—Victims' Rights

Sec. 201. Right of the victim to fair treatment in legal proceedings.
Sec. 202. Right of the victim to an impartial jury.
Sec. 203. Victim's right of allocution in sentencing.
Sec. 204. Enforcement of restitution orders through suspension of Federal benefits.
Sec. 205. Prohibition of retaliatory killings of witnesses, victims and informants.

Subtitle B—Admissibility of Evidence

Sec. 211. Admissibility of evidence of similar crimes in sex offense cases.
Sec. 212. Extension and strengthening of rape victim shield law.
Sec. 213. Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
Sec. 214. Admissibility of certain evidence.

Subtitle C—Protecting the Integrity of the Judicial Process

Sec. 221. General safeguards against racial prejudice or bias in the tribunal.
Sec. 222. Protection of jurors and witnesses in capital cases.
Sec. 223. Protection of court officers and jurors.
Sec. 224. Death penalty for murder of Federal witnesses.

TITLE III—PROTECTION OF WOMEN

Subtitle A—Spouse Abuse and Stalking

Sec. 301. Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.
Sec. 302. Full faith and credit for protective orders.

Subtitle B—Victims of Sexual Violence

Sec. 311. Civil remedy for victims of sexual violence.
Sec. 312. Extension and strengthening of restitution.
Sec. 313. Pre-trial detention in sex offense cases.

Subtitle C—Punishment of Sex Offenders

Sec. 321. Death penalty for rape and child molestation murders.
Sec. 322. Increased penalties for recidivist sex offenders.
Sec. 323. Sentencing guidelines increase for sex offenses.
Sec. 324. HIV testing and penalty enhancement in sexual offense cases.

TITLE IV—PREVENTION OF TERRORISM

Subtitle A—Enhanced Controls on Entry into the United States

Sec. 401. Exclusion based on membership in terrorist organization advocacy of terrorism.
Sec. 402. Admissions fraud.
Sec. 403. Inspection and exclusion by immigration officers.
Sec. 404. Judicial review.

Sec. 405. Conforming amendments.
Sec. 406. Effective date.

Subtitle B—Deportation of Alien Terrorists

Sec. 411. Removal of alien terrorists.

Subtitle C—Penalties for Engaging in Terrorism

Sec. 421. Providing material support to terrorism.
Sec. 422. Sentencing guidelines increase for terrorist crimes.
Sec. 423. Extension of the statute of limitations for certain terrorism offenses.
Sec. 424. Enhanced penalties for certain offenses.
Sec. 425. Implementation of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation.
Sec. 426. Amendment to Federal Aviation Act.
Sec. 427. Offenses of violence against maritime navigation or fixed platforms.
Sec. 428. Weapons of mass destruction.
Sec. 429. National task force on counterterrorism.
Sec. 430. Death penalty for death caused by the use of a bomb or other destructive device.

TITLE V—CRIMINAL ALIENS AND ALIEN SMUGGLING

Subtitle A—Deportation of Criminal Aliens

Sec. 501. Expediting criminal alien deportation and exclusion.
Sec. 502. Authorizing registration of aliens on criminal probation or criminal parole.
Sec. 503. Expansion in definition of ''aggravated felony''.
Sec. 504. Deportation procedures for certain criminal aliens who are not permanent residents.
Sec. 505. Judicial deportation.
Sec. 506. Restricting defenses to deportation for certain criminal aliens.
Sec. 507. Enhancing penalties for failing to depart, or reentering, after final order of deportation.
Sec. 508. Miscellaneous and technical changes.
Sec. 509. Authorization of appropriations for criminal alien information system.

Subtitle B—Prevention and Punishment of Alien Smuggling

Sec. 511. Border patrol agents.
Sec. 512. Border patrol investigators.
Sec. 513. Including alien smuggling as a racketeering activity for purposes of racketeering influenced and corrupt organizations (RICO) enforcement authority.
Sec. 514. Enhanced penalties for employers who knowingly employ smuggled aliens.
Sec. 515. Enhanced penalties for certain alien smuggling.
Sec. 516. Expanded forfeiture for smuggling or harboring illegal aliens.

TITLE VI—TAKING CRIMINALS OFF THE STREET

Subtitle A—Expanding Prison Capacity

Sec. 601. Use of private activity bonds.
Sec. 602. Federal-State partnerships for regional prisons.
Sec. 603. Non-applicability of Davis-Bacon to prison construction.

Subtitle B—Miscellaneous

Sec. 611. Restricted Federal court jurisdiction in imposing remedies on State and Federal prison systems.

TITLE VII—PUNISHMENT AND DETERRENCE

Subtitle A—Capital Offenses

Sec. 701. Procedures for enforcing death penalty.
Sec. 702. Equal Justice Act.
Sec. 703. Prohibition of racially discriminatory policies concerning capital punishment or other penalties.
Sec. 704. Federal capital cases.
Sec. 705. Extension of protection of civil rights statutes.
Sec. 706. Federal death penalties.
Sec. 707. Conforming and technical amendments.

Subtitle B—Violent Felonies and Drug Offenses

Sec. 711. Drug testing of Federal offenders on post-conviction release.
Sec. 712. Life imprisonment or death penalty for third Federal violent felony conviction.
Sec. 713. Strengthening the Armed Career Criminals Act.
Sec. 714. Enhanced penalty for use of semiautomatic firearm during a crime of violence or drug trafficking offense.
Sec. 715. Mandatory penalties for firearms possession by violent felons and serious drug offenders.
Sec. 716. Mandatory minimum sentence for unlawful possession of a firearm by convicted felon, fugitive from justice, or transferor or receiver of stolen firearm.
Sec. 717. Increase in general penalty for violation of Federal firearms laws.
Sec. 718. Increase in enhanced penalties for possession of firearm in connection with crime of violence or drug trafficking crime.
Sec. 719. Smuggling firearms in aid of drug trafficking or violent crime.
Sec. 720. Definition of conviction under chapter 44.
Sec. 721. Definition of serious drug offense under the Armed Career Criminal Act.
Sec. 722. Definition of burglary under the Armed Career Criminal Act.
Sec. 723. Temporary prohibition against possession of a firearm by, or transfer of a firearm to, persons convicted of a drug crime.

Subtitle C—Enhanced Penalties for Criminal Use of Firearms and Explosives

Chapter 1—Instant Check System for Handgun Purchases

Sec. 731. Definitions.
Sec. 732. State instant criminal check systems for handgun purchases.
Sec. 733. Amendment of chapter 44 of title 18, United States Code.
Sec. 734. Establishment and operation of criminal history system.
Sec. 735. Operation of system for purpose of screening handgun purchasers.
Sec. 736. Improvement of criminal justice records.
Sec. 737. Access to State criminal records.
Sec. 738. Improvements in State records.
Sec. 739. Funding of State criminal records systems and dedication of funds.
Sec. 740. Authorization of appropriations.

Chapter 2—Other Firearms Provisions

Sec. 741. Increased penalty for interstate gun trafficking.
Sec. 742. Prohibition against transactions involving stolen firearms which have moved in interstate or foreign commerce.
Sec. 743. Enhanced penalties for use of firearms in connection with counterfeiting or forgery.
Sec. 744. Increased penalty for knowingly false, material Statement in firearm purchase from licensed dealer.
Sec. 745. Revocation of supervised release for possession of a firearm in violation of release condition.
Sec. 746. Receipt of firearms by nonresident.
Sec. 747. Disposition of forfeited firearms.
Sec. 748. Conspiracy to violate Federal firearms or explosives laws.
Sec. 749. Theft of firearms or explosives from licensee.
Sec. 750. Penalties for theft of firearms or explosives.
Sec. 751. Prohibition against disposing of explosives to prohibited persons.
Sec. 752. Prohibition against theft of firearms or explosives.
Sec. 753. Increased penalty for second offense of using an explosive to commit a felony.
Sec. 754. Possession of explosives by felons and others.
Sec. 755. Possession of explosives during the commission of a felony.
Sec. 756. Summary destruction of explosives subject to forfeiture.
Sec. 757. Elimination of outmoded parole language.

Subtitle D—Miscellaneous

Sec. 761. Increased penalties for travel act crimes involving violence and conspiracy to commit contract killings.
Sec. 762. Criminal offense for failing to obey an order to land a private aircraft.
Sec. 763. Amendment to the Mansfield amendment to permit maritime law enforcement operations in archipelagic waters.
Sec. 764. Enhancement of penalties for drug trafficking in prisons.
Sec. 765. Removal of tv broadcast license contingent on broadcast of public service announcements regarding drug abuse.

TITLE VIII—ELIMINATION OF DELAYS IN CARRYING OUT SENTENCES.

Subtitle A—Post Conviction Petitions: General Habeas Corpus Reform.

Sec. 801. Period of limitation for filing writ of habeas corpus following final judgment of a State court.
Sec. 802. Authority of appellate judges to issue certificates of probable cause for appeal in habeas corpus and Federal collateral relief proceedings.
Sec. 803. Conforming amendment to the rules of appellate procedure.
Sec. 804. Discretion to deny habeas corpus application despite failure to exhaust State remedies.
Sec. 805. Period of limitation for Federal prisoners filing for collateral remedy.

Subtitle B—Special Procedures for Collateral Proceedings in Capital Cases.

Sec. 811. Death penalty litigation procedures.

Subtitle C—Funding for Litigation of Federal Habeas Corpus Petitions in Capital Cases.

Sec. 821. Funding for death penalty prosecutions.

TITLE IX—PUBLIC CORRUPTION

Sec. 901. Offenses.
Sec. 902. Interstate commerce.
Sec. 903. Narcotics-related public corruption.

TITLE X—FUNDING

Sec. 1001. Reduction in overhead costs incurred in federally sponsored research.
Sec. 1002. Overhead expense reduction.

TITLE XI—PUNISHMENT FOR YOUNG OFFENDERS

Sec. 1101. Certainty of punishment for young offenders.
Sec. 1102. Authorization of Appropriation. . .

Pending consideration of said motion to recommit with instructions,

POINT OF ORDER

(¶137.15)

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order that the motion is non germane.

''Mr. Speaker, it is the entire Republican crime bill tacked onto this bill, which is not pertinent to all of those programs and is well beyond the scope of the bill that is before us.''.

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

''I do wish to be heard, Mr. Speaker, on the point of order. This bill on the motion to recommit involves a number of provisions that are very vital to this House and that we have not had a chance to vote on today, including measures that are very definitely related to the high rate of juvenile crime we have in this country. In fact, the juvenile crime rate, which is what we are talking about—the juvenile crime rate in this country is where the big problem is today, sadly. It is there we have the violent crimes that are causing a great deal of concern among our American citizenry.

''We have such an enormous growth in violent crime in this country among juveniles that it is a sad story that the Wall Street Journal reports that the district attorneys around this Nation say the single most important issue facing them is revising the laws of this Nation to solve that problem.

''So I propose today in this motion to recommit one simple thing, something that has not been out here on the floor before that should have been long ago, something that addresses the violent crime problem among the youth of this country and the violent crime problem generally in the only way we can get at it. It addresses the problem of the revolving door.

''This proposed motion to recommit is in order it is the comprehensive Republican crime proposal. It is in order, I would submit to the Speaker, because it is indeed the root cause of the problems being addressed in this bill. It is the only way to get at it. We have all kinds of ways of getting at that. And the scope of the bill before us today is indeed broad enough to encompass this entire problem.

''The crux of this matter is that we have not faced the issue squarely. We need to face the fact we do not have enough prisons to house these folks in. We have a revolving door that basically the motion to recommit would establish that. We need to mend the law of the endless appeals of habeas corpus appeals by death row inmates, restore the death penalty at the Federal level. We have not had a vote on any of that in this session of Congress out on the floor, and this is one opportunity to have that vote today on this motion to recommit. It should be made in order, it should be put out. I tried to get it before the Rules Committee. We do not have it out here, and I submit this is the only way that this body can really address the violent crime problem facing our country today, Mr. Speaker.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The Chair is prepared to rule.

''The gentleman from Texas makes the point of order that the amendment proposed in the motion to recommit offered by the gentleman from Florida [Mr. McCOLLUM] is not germane to the bill.

''The test of germaneness in the case of a motion to recommit with instructions is the relationship of those instructions to the bill as perfected in the House.

''In order to be germane, an amendment must related to the subject matter under consideration. The bill as perfected narrowly amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a program of grants to States and local governments to develop alternatives to traditional incarceration of and unsupervised probation for youthful offenders.

''On the other hand, the amendment proposed in the motion offered by the gentleman from Florida [Mr. McCOLLUM] goes beyond the subject of alternative punishments for youthful offenders and proposes an omnibus crime bill.

''Accordingly, the Chair finds that the amendment is not germane and, therefore, that the motion to recommit is not in order.''.

Mr. McCOLLUM appealed the ruling of the Chair.

Mr. BROOKS 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 pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. McCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, 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	251
	Nays	172

So the motion to lay the appeal on the table was agreed to.

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

Mr. McCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

Page 10, after line 3, insert the following:

SEC. 3. FEDERAL-STATE PARTNERSHIPS FOR REGIONAL PRISONS.

(a) PLAN CREATED BY ATTORNEY GENERAL.—The Attorney General shall—

(1) establish a Regional Prison Task Force comprised of—

(A) the Director of the Federal Bureau of Prisons; and

(B) a senior correctional officer of each State wishing to participate, who is designated for this purpose by the Governor of the State; and

(2) create a plan, in consultation with the Regional Prison Task Force for the establishment of a nationwide regional prison system, and report that plan to the Committees on the Judiciary and Appropriations of the House of Representatives and the Senate not later than 180 days after the date of the enactment of this Act.

(b) SCOPE OF PLAN.—The plan shall—

(1) define the boundaries and number of regions in which regional prisons will be placed;

(2) establish the terms of the partnership agreements that States must enter into with the Attorney General in order to participate in the regional prison system;

(3) set forth the extent of the role of the Federal Bureau of Prisons in administering the prisons;

(4) determine the way 2 or more States in a region will share responsibility for the activities associated with the regional prisons; and

(5) specify both the Federal responsibility and the State responsibility (which shall not be less than 50 percent) for construction costs and operating costs of the regional prisons.

(c) STATE ELIGIBILITY.—No State may send any prisoner to be held at a regional prison established under this section unless such State, as determined by the Attorney General—

(1) enters into a partnership agreement under this section and abides substantially by its terms;

(2) establishes minimum mandatory sentences of 10 years for persons who are convicted of a serious felony and are subsequently convicted of a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault;

(3) establishes a truth in sentencing policy under which offenders will serve no less than 85 percent of the term of imprisonment to which they are sentenced—

(A) after the date the State enters into the partnership agreement, with respect to

crimes of violence involving the use of a firearm or a crime of violence involving a sexual assault; and

(B) after a date set by the State which is not later than 2 years after that State enters into such agreement, with respect to all other crimes of violence and serious drug trafficking offenses;

(4) provides pretrial detention similar to that provided in the Federal system under section 3142 of title 18, United States Code;

(5) takes steps to eliminate court imposed limitations on its prison capacity resulting from consent decrees or statutory provisions; and

(6) provides adequate assurances that—

(A) such State will not use the regional prison system to supplant any part of its own system; and

(B) funds provided by the State for the construction of regional prisons under this section will be in addition to what would otherwise have been made available for the construction and operation of prisons by the State.

(d) PRISONER ELIGIBILITY.—A State which is eligible under this section may send prisoners convicted of State crimes to serve their prison sentence in the regional prison established under this section if—

(1) the prisoner has been convicted of not less than 2 crimes of violence or serious drug trafficking offenses and then commits a crime of violence involving the use of a firearm or a crime of violence involving a sexual assault; or

(2) the prisoner is an illegal alien convicted of a felony offense punishable by more than 1 year's imprisonment.

(e) DEFINITIONS.—As used in this section—

(1) the term ''crime of violence'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) a crime of violence as defined in section 16 of title 18, United States Code;

(2) the term ''serious drug trafficking offense'' is a felony offense that is—

(A) punishable by imprisonment for a term exceeding one year; and

(B) defined in section 924(e)(2)(A) of title 18, United States Code;

(3) the term ''serious felony'' means a felony punishable by imprisonment for a term exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by imprisonment for such term if committed by an adult, that—

(A) has as an element the use, attempted use, or threatened use of physical force against the person of another;

(B) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; or

(C) involves conduct in violation of section 401 of the Controlled Substances Act that consists of illegal distribution of a controlled substance;

(4) the term ''crime of violence involving a sexual assault'' is a crime of violence that is an offense as defined in chapter 109A of title 18, United States Code; and

(5) the term ''State'' includes the District of Columbia, Puerto Rico, and any other territory or possession of the United States.

(f) REGIONAL PRISON FUND.—There is established in the Treasury the Regional Prison Fund. The Regional Prison Fund shall consist of—

(1) sums appropriated to it by Act of Congress;

(2) notwithstanding section 1401 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) or any other provision of law, the total of criminal fines deposited in the Crime Victims Fund during each fiscal year (beginning after the date of the enactment of this Act) that exceeds $150,000,000;

(3) notwithstanding any other provision of law, any portion of the Department of Justice Asset Forfeiture Fund that the Attorney General determines is remaining after distributions of—

(A) funds to be shared with State and local law enforcement;

(B) funds to pay warehouse and appraisal fees and innocent lien holders; and

(C) funds for Federal law enforcement.

(g) TRANSFERS.—The Secretary of the Treasury shall from time to time make appropriate transfers between funds to implement subsection (f).

(h) USE OF REGIONAL PRISON FUND.—The Attorney General may use any sums in the Regional Prison Fund to carry out this section.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Regional Prison Fund—

(1) $1,000,000,000 for each of fiscal years 1994 through 1996; and

(2) such sums as may be necessary thereafter through fiscal year 2004.

SEC. 4. OVERHEAD EXPENSE REDUCTION.

(a) CBO SCORING.—The Congressional Budget Office estimates that the reduction in administrative costs required by this section will produce savings of $6,000,000,000 over 5 years ($1,200,000,000 in each of fiscal years 1994, 1995, 1996, 1997, and 1998).

(b) REDUCTION.—The overhead expenses identified and reduced by the President in Executive Order 12837 are hereby reduced by an additional 5 percent. The reduction required by this section shall be taken from the total of such expenses before the reduction by the President.

Pending consideration of said motion to recommit with instructions,

POINT OF ORDER

(¶137.17)

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make the point of order that the motion to recommit is not germane.''.

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

''Mr. Speaker, the motion to recommit that I have offered would require that the Committee on the Judiciary take this bill back and report back to us an amendment to the bill, and addition to the bill, which would encompass a regional prison system being a partnership with the States would pay 50 percent of the cost of building these regional prisons and the States would pay 50 percent to house violent criminals and sexual abusers who qualify in those States where the States have adopted truth in sentencing by requiring that all of those who are convicted who are eligible for these prisons serve at least 85 percent of their sentences, and it would require that they adopt minimum mandatory sentences for those individuals that would be sent to these regional prisons.

''This amendment, this provision that would be adopted by my motion to recommit, Mr. Speaker, is the only way we are going to get at the real problem here that is facing the country today of the revolving door, and it is germane to this bill today because this bill addresses crime and youthful offenders, and the only way to effectively stop youthful offenders who commit violent crimes, and this is the crisis today most Americans see, is by building the prisons that we need in America, going into a cost-sharing partnership with the States and taking these violent youthful offenders off the streets, locking them up, and throwing away the keys. We are not doing that today, Mr. Speaker.

''If this is ruled out of order, which would be the second one today which we have tried to put out here, we will not be effectively dealing with the violent crime problem facing this Nation in this session of Congress. The American public demands that we have that opportunity, and that is why I am offering this motion to recommit today in the hopes that this body, with my colleagues' blessing, today will address the really critical problem of the revolving door of violent criminals and especially the violent crime among the youth today. We need the prisons. That is all this does is establish that which we have not brought out here.

''Let me point out to my colleagues in closing that in 6 months from now, by the statistics we have, because it is violent crimes that are being committed in this country at a rate of 160,000 a month, it takes 6 months to get this out here, this kind of a bill, if we do not do it tonight, we do not address this crime problem tonight with the bill I propose here, there will be over 966,000 more violent crimes committed in that 6 month period.

''It is shameful that we do not address it, Mr. Speaker. That is why I am offering it. That is what it is. I believe it is very germane to this crime bill today, because this crime bill, as it is tonight, really only addresses a very minor part of the problem.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The point of order the gentleman from Texas [Mr. BROOKS] has been heard. For the reasons stated on the prior point of order, the Chair rules that this point of order is well-taken, and that the motion is not germane. A program to establish a regional prison system to be used by States that establish certain standards for incarceration of prisoners generally goes beyond the subject of alternative punishments for youthful offenders.''.

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS 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 pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, 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 .... 251 / Nays 171

So the motion to lay the appeal on the table was agreed to.

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

Mr. MCCOLLUM moved to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Page 9, strike lines 13 and 14, and insert the following:

''(24) The term 'young offender' means an individual, convicted of a crime, less than 18 years of age—

''(A) who has not been convicted of—

''(i) a crime of sexual assault; or

''(ii) a crime involving the use of a firearm in the commission of the crime; and

''(B) who has no prior convictions for a crime of violence (as defined by section 16 of title 18, United States Code) punishable by a period of 1 or more years of imprisonment.''.

Page 10, after line 3, insert the following:

SEC. 3. NATIONAL TASK FORCE ON COUNTERTERRORISM.

(a) ESTABLISHMENT.—(1) The President should establish a National Task Force on Counterterrorism comprised of the following nine members: the Deputy Attorney General of the United States, the Deputy Director of Central Intelligence, the Coordinator for Terrorism of the Department of State, an Assistant Secretary of Commerce as designated by the Secretary of Commerce, the National Security Advisory or the Deputy National Security Advisory for Special Operations Low Intensity Conflict, the Assistant Secretary of the Treasury for Enforcement, the Director of the Federal Bureau of Investigation, the Vice Chairman of the Joint Chiefs of Staff, and an Assistant Secretary of Transportation appointed by the Secretary of Transportation.

(2) The Deputy Attorney General and the Deputy Director of Central Intelligence shall serve as the Co-Chairs of the Task Force which shall coordinate all counterterrorism activities of the intelligence community of the United States Government.

(b) DUTIES.—The National Task Force on Counterterrorism shall prepare a report to the Congress which shall—

(1) define terrorism, both domestic and international;

(2) identify Federal Government activities, programs, and assets, which may be utilized to counter terrorism;

(3) assess the processing, analysis, and distribution of intelligence on terrorism and make recommendations for improvement;

(4) make recommendations on appropriate national policies, both preventive and reactive, to counter terrorism;

(5) assess the coordination among law enforcement, intelligence and defense agencies involved in counterterrorism activities and make recommendations concerning how coordination can be improved; and

(6) assess whether there should be more centralized operational control over Federal Government activities, programs, and assets utilized to counter terrorism, and if so, make recommendations concerning how that should be achieved

(c) SUPPORT.—(1) The National Task Force on Counterterrorism shall have a Chief of Staff appointed by the Director of Central Intelligence and a Vice Chief of Staff appointed by the Attorney General. The Chief of Staff and the Vice Chief of Staff shall be paid at a rate not to exceed the rate of basic pay for the highest rate payable for the Senior Executive Service.

(2) The Task Force shall hire or have detailed to it from other agencies such staff as necessary to carry out its functions.

(3) The staff of the National Task Force on Counterterrorism shall coordinate all activities of the Task Force and act as the liaison for all agencies involved.

(d) REPORT.—The Task Force shall—

(1) report to Congress no later than 6 months after the date of enactment of this Act as to the review and recommendations outlined in subsection (b) and how the Task Force will implement those recommendations,

(2) beginning 60 days after the date on which the report is submitted under paragraph (1), implement the recommendations outlined in subsection (b) in accordance with the report, and

(3) beginning 180 days after the date on which the report is submitted under paragraph (1), report to Congress every 120 days on the progress of Task Force in implementing its recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the National Task Force on Counterterrorism for fiscal year 1995 $5,000,000, which shall remain available until expended.

Pending consideration of said motion to recommit with instructions,

POINT OF ORDER

(¶137.19)

Mr. BROOKS made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make a point of order that the motion to recommit is not germane.''.

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

''What this proposed motion would do today will be to send this back to the Committee on the Judiciary to report it back with a very straightforward amendment to it that is one which would address the problem of terrorism at the World Trade Center. It would set up an inter agency task force, among other things, to coordinate efforts so we do not have something like what happened at the World Trade Center.

''You are probably going to rule it out of order, like you have ruled the other two out of order, Mr. Speaker, and I respect that, but the fact is that the people who were involved with that World Trade Center and a lot of other Americans would like to see that issue addressed. We should be addressing the real crime issues tonight and not the issues that are out here.

''I have nothing else to say on it. I am sorry I have to do that, but that is the only effort we have got we can make. I respectfully suggest this ought to be ruled in order. It is a tough violent crime question.''.

The SPEAKER pro tempore, Mr. GEPHARDT, sustained the point of order, and said:

''The Chair has heard the argument on the point of order. The Chair rules that the motion to recommit is not germane for the similar reasons that were given on the other two points of order.

''The amendment proposed in the motion to recommit offered by the gentleman from Florida [Mr. MCCOLLUM] goes beyond the subject of alternative punishments for youthful offenders and establishes a National Task Force on Counter-Terrorism to study and report to Congress its assessment of existing Federal counter terrorism efforts and to make recommendations for improvements to those efforts.

''Accordingly, the Chair finds that the amendment is not germane, and therefore, that the motion to recommit is not in order.''.

Mr. MCCOLLUM appealed the ruling of the Chair.

Mr. BROOKS 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 pro tempore, Mr. GEPHARDT, announced that the yeas had it.

Mr. MCCOLLUM demanded a recorded vote on the motion to lay the appeal on the table, 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 .... 246 / Nays 172

So the motion to lay the appeal on the table was agreed to.

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

POINT OF ORDER

(¶138.36)

THE REPORT OF A COMMITTEE ON A PUBLIC BILL MAY COMPLY WITH THE REQUIREMENTS IN CLAUSE 7 OF RULE XIII AND SECTION 308(A) OF THE CONGRESSIONAL BUDGET ACT OF 1974 TO ESTIMATE COSTS FOR FIVE ENSUING YEARS BY INCLUDING A PERTINENT ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE PROJECTING COSTS ON INDEFINITE BASES.

On November 20, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, pursuant to House Resolution 316 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 51) to provide for the admission of the State of New Columbia into the Union.

Pending which,

POINT OF ORDER

(¶138.37)

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

''Mr. Speaker, at this point I would make a point of order against the consideration of H.R. 51 on the grounds that it is in violation of House rule XIII, clause 7, as well as section 308(a) of the Budget Act.

''Mr. Speaker, House Rule XIII, clause 7(a) requires that the committee report to accompany any bill and I quote—

Shall contain an estimate made by such committee of the costs which would be incurred in carrying out such bill or joint reso-

lution in the fiscal year in which it is reported and in each of the 5 fiscal years following such fiscal year.

''And clause 7(b) of that rule says, and I quote,

It shall not be in order to consider any such bill or joint resolution in the House if the report of the committee which reported that bill or joint resolution does not comply with paragraph (a) of this clause.

''Mr. Speaker, the report to accompany H.R. 51, House Report 103–371, at page 22, notes that a CBO cost estimate, and I quote, 'was not received by the Committee from the Director of the Congressional Budget Office prior to the filing of this report.'

''The report goes on to state that, 'pursuant to clause 7 of rule XIII, the Committee notes that the provisions of H.R. 51 impacting on revenues and expenditures do not differ markedly from those of H.R. 4718 in the 102nd Congress.'

''And the report goes on to incorporate that 1992 cost estimate as the committee cost estimate at page 22 through page 26.

''However, Mr. Speaker, this does not satisfy the requirements of clause 7(a) of rule XIII since the CBO cost estimate does not contain the required cost of the bill for the fiscal year in which it has been reported—fiscal year 1994—and in each of the 5 fiscal years following such fiscal year. . . .

''For the report to be in compliance with the requirements of clause 7(a) of rule XIII, there must be a clearly delineated breakdown of the estimated costs for each of the fiscal years 1994 through 1999.

''No where in this report is there such a breakdown.

''Mr. Speaker, since the rule providing for the consideration of the bill does not waive points of order anywhere in this rule, in its consideration, this point of order is in order pursuant to clause 7(b) of rule XIII; and, Mr. Speaker, I also make a point of order that the report violates section 306(a), as I mentioned earlier, of the Budget Act, which requires certain cost estimates, including section 402 to be direct spending costs. The CBO report, at page 26, only contains the PAYGO estimates through fiscal year 1996. But this year we extended the requirements of PAYGO through fiscal year 2002.

''I therefore urge that my point of order be sustained, Mr. Speaker.''.

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

''Mr. Speaker, I rise in opposition to the point of order.

''A review of the full text of the CBO estimate on pages 22 to 26 of House Report 103–371 clearly indicates that it covers the five years required by the rule, and much beyond.

''For example, on page 22, the cost to the Federal Government of administering the federal enclave is $40 million annually; that is an indefinite period extending beyond the five years of the rule.

''Similarly, Mr. Speaker, other estimates are recurring, as follows:

''Congressional representation is $3 million a year, page 23.

''Justice services, $45 million a year.

''Finally, Mr. Speaker, if you look at the chart on page 26 of the report, you will note that the net cost to the government for every year is zero—costs are offset by savings.

''Thus, the committee report complies fully with the rule.''.

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

''The Chair is prepared to rule.

''Clause 7 of rule XIII requires that the report of the Committee on the District of Columbia on H.R. 51 contain the committee's estimate of the costs which would be incurred in carrying out the bill in the fiscal year in which it is reported and in each of the 5 ensuing fiscal years.

''On page 22 of House Report 103–371, the Committee on the District of Columbia notes, pursuant to clause 7 of rule XIII, that the provisions of the bill affecting revenues and expenditures are similar to those in an earlier bill, and includes the full text of the Congressional Budget Office cost estimated, dated April 30, 1992, on that earlier form of the bill.

''The CBO cost estimate estimates costs and savings as recurring annually and indefinitely.

''For example, it estimates the costs of providing services, within and administering the National Capital Service Area as being at least $40 million annually.

''It estimates the costs of additional congressional representation as being '$3 million a year', it estimates the cost for the Statehood Transition Commission at less than '$1 million', and it estimates the savings from the discontinuation of Federal support for local administration of justice and resulting court services as $45 million a year.

''In addition, clause 7(d) of rule XIII expressly acknowledges the fundamental accuracy of the CBO cost estimates.

''The Chair also notes in response to the point of order under section 308 of the Budget Act that the cost of the new Senators salary as stated in the CBO report would result in a direct Federal spending of $0.3 million annually. Thus the CBO report identifies new spending authority provided in the bill.

''The Chair hold that the committee cost estimate on the bill is not deficient for its being based on the CBO cost estimate where the latter estimate has examined the same subject on an indefinite basis.

''The Chair overrules the point of order.''.

The House then resolved itself into the Committee of the Whole House on the state of the Union.

POINT OF ORDER

(¶139.23)

THE COMMITTEE ON RULES MAY, WITHOUT VIOLATING CLAUSE 4(B) OF RULE XI, RECOMMEND A SPECIAL ORDER THAT LIMITS BUT DOES NOT WHOLLY PRECLUDE A MOTION TO RECOMMIT AFTER THE PREVIOUS QUESTION IS ORDERED ON PASSAGE OF A BILL OR JOINT RESOLUTION, SUCH AS ONE PROVIDING THAT THE MOTION MAY NOT CONTAIN INSTRUCTIONS.

CLAUSE 4 OF RULE XVI DOES NOT GUARANTEE THAT A MOTION TO RECOMMIT AFTER THE PREVIOUS QUESTION IS ORDERED ON PASSAGE OF A BILL OR JOINT RESOLUTION ALWAYS MAY INCLUDE INSTRUCTIONS.

A SPECIAL ORDER THAT DOES NOT PRECLUDE ALTOGETHER THE MOTION TO RECOMMIT DOES NOT ''PREVENT THE MOTION TO RECOMMIT FROM BEING MADE AS PROVIDED IN CLAUSE 4 OF RULE XVI.''

On November 21, 1993, 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,

POINT OF ORDER

(¶139.24)

Mr. SOLOMON made a point of order against the 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 renege 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 on 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 2757 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 recommittal 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 provided 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 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 requires 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 las 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.''.

POINT OF ORDER

(¶140.16)

THE COMMITTEE ON RULES MAY, WITHOUT VIOLATING CLAUSE 4(B) OF RULE XI, RECOMMEND A SPECIAL ORDER THAT LIMITS BUT DOES NOT WHOLLY PRECLUDE A MOTION TO RECOMMIT AFTER THE PREVIOUS QUESTION IS ORDERED ON PASSAGE OF A BILL OR JOINT RESOLUTION, SUCH AS ONE PROVIDING THAT THE MOTION MAY NOT CONTAIN INSTRUCTIONS.

CLAUSE 4 OF RULE XVI DOES NOT GUARANTEE THAT A MOTION TO RECOMMIT AFTER THE PREVIOUS QUESTION IS ORDERED ON PASSAGE OF A BILL OR JOINT RESOLUTION ALWAYS MAY INCLUDE INSTRUCTIONS.

A SPECIAL ORDER THAT DOES NOT PRECLUDE ALTOGETHER THE MOTION TO RECOMMIT DOES NOT ''PREVENT THE MOTION TO RECOMMIT FROM BEING MADE AS PROVIDED IN CLAUSE 4 OF RULE XVI.''

On November 22, 1993, 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,

POINT OF ORDER

(¶140.17)

Mr. GOSS made a point of order against the consideration of the 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 guarantee minority rights, so too can this Speaker overturn a bad precedent and restore the minority rights that were originally established back in 1909.

''I strongly urge the Chair to sustain my point of order and thereby restore the rights that are rightfully ours according to the legislative history and intent behind this rule.''.

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

''Mr. Speaker, I do wish to be heard on this point of order.

''Mr. Speaker, the gentleman from Florida [Mr. GOSS] 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 requires 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 respect the precedents and history of this point. Suffice it to say that Speaker Rainey, on January 11, 1924, so ruled and was 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. ANDREWS of Maine, overruled the point of order, and said:

''The Chair is prepared to rule. Under the precedents cited in section 729(C) of the House Rules and Manual, and as reiterated as recently as yesterday afternoon, the Chair overrules the point of order.''.

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 21, 1993, the SPEAKER pro tempore, Mrs. KENNELLY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 5, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

On February 16, 1993, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 1993.
Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the House that a member of the staff of the Committee on Ways and Means has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely yours,
DAN ROSTENKOWSKI,
Chairman.

On February 16, 1993, the SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE DOORKEEPER,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 9, 1993.
Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
JAMES T. MALLOY.

On February 22, 1993, the SPEAKER pro tempore, Mr. BONIOR, laid before the House a communication, which was read as follows:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, February 17, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to rule L (50) of the rules of the House that the Committee on Standards of Official Conduct has been served with a subpoena issued by the U.S. District Court for the District of Massachusetts.

Sincerely,
JIM MCDERMOTT,
Chairman.

On February 22, 1993, the SPEAKER pro tempore, Mr. BONIOR, laid before the House a communication, which was read as follows:

see attached copy marked S-5
Congressional Record, Feb. 22, 1993
p. H746
Journal, Feb. 22, 1993, 14.6

WASHINGTON, DC,
February 22, 1993.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Massachusetts.

After consultation with my General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

On February 24, 1993, the SPEAKER pro tempore, Mr. RAHALL, laid before the House a communication, which was read as follows:

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, February 24, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER, this is to formally inform you pursuant to Rule L (50) of the Rules of the U.S. House of Representatives that two employees of the Subcommittee on Oversight and Investigations have been served with subpoenas issued by the United States District Court for the District of Columbia.

Sincerely,
JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations.

On March 3, 1993, the SPEAKER pro tempore, Mr. MOLLOHAN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 26, 1993.
Hon. THOMAS FOLEY,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Illinois for materials related to a civil lawsuit involving a constituent.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,
GLENN POSHARD,
Member of Congress.

On March 11, 1993 the SPEAKER pro tempore, Mr. LANCASTER, laid before the House a communication, which was read as follows:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 11, 1992.
Hon. TOM S. FOLEY,
Speaker of the House, H–204, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that the Custodian of Records of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
CHARLIE ROSE,
Chairman.

On March 11, 1993, the SPEAKER pro tempore, Mr. LANCASTER, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 22, 1993.
Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

On March 30, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
March 29, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

On March 30, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
March 29, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
WASHINGTON, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to rule L (50) of the Rules of the House that an employee on my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

On March 31, 1993, the SPEAKER pro tempore, Mr. MFUME, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, March 30, 1993.

Hon. THOMAS C. FOLEY,
Speaker, House of Representatives, H–204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the Rules of the House that my office has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

On April 2, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

APRIL 2, 1993

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H–209, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House, that my Committee has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges of the House.

Sincrerely yours,
DAN ROSTENKOWSKI.

On April 2, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

APRIL 2, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H–209, The Capitol, Washington, DC.

DEAR MR. SPEAKER.: This is to inform you, pursuant to Rule L (50) of the Rules of the House that the Custodian of Records of my office has been served with two subpoenas issued by the United States District Court for the District of Columbia.

Sincerely yours,
DAN ROSTENKOWSKI.

On April 20, 1993, the SPEAKER pro tempore, Mr. MFUME, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, April 7, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

On April 22, 1993, the SPEAKER pro tempore, Mr. KOPETSKI, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
April 21, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House a member of my staff has been served with a subpoena issued by the General District Court of Fairfax County, Virginia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am
Sincerely yours,
DONALD K. ANDERSON,
Clerk, House of Representatives.

On April 22, 1993, the SPEAKER pro tempore, Mr. KOPETSKI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 1993.

Hon. THOMAS FOLEY,
Capitol Building,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena in a civil suit issued by the Circuit Court, Pinellas County, Florida.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and procedures of the House.

Sincerely,
CURT WELDON,
Member of Congress.

On May 19, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, May 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that the Office of the Postmaster has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

On May 25, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 24, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have received subpoenas for grand juries issued to an employee of the Office of the Sergeant at Arms by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely,
WERNER W. BRANDT,
Sergeant at Arms.

On May 26, 1993, the SPEAKER pro tempore, Ms. EDDIE BERNICE JOHNSON of Texas, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 22, 1993.

Hon. THOMAS S. FOLEY,
House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Superior Court of California.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
GARY A. CONDIT,
Member of Congress.

On June 18, 1993, the SPEAKER pro tempore, Mr. MORAN, laid before the House a communication, which was read as follows:

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, June 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally inform you pursuant to Rule L (50) of the Rules of the U.S. House of Representatives that a staff member of the Subcommittee on Oversight and Investigations has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena would be inconsistent with the privileges and precedents of the House.

Sincerely,

JOHN D. DINGELL,
Chairman.

On June 22, 1993, the SPEAKER pro tempore, Mr. BAESLER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the ''Rules of the House of Representatives,'' that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia. This subpoena is related to the former employment of the staff member.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely,

LESLIE L. BYRNE,
Member of Congress.

On June 29, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

OFFICE OF THE DIRECTOR, NON-LEGISLATIVE AND FINANCIAL SERVICES,
Washington, DC, June 25, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

On July 20, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, July 19, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that two employees of the Committee on House Administration have been served with deposition subpoenas issued as part of a civil case pending in the Court of the Common Pleas of Cuyahoga County, Ohio.

After consultation with the General Council I will make the consultations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

On July 28, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Court of Common Pleas of Coshocton County, Ohio related to a civil lawsuit involving a constituent.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

With best regards, I remain.

Sincerely yours,

DOUGLAS APPLEGATE,
U.S. Congressman.

On September 8, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

see attached copy marked S-26
Congressional Record, Sept. 8, 1993
p. H6386
Journal, September 8, 1993, 98.8

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court, District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

On September 8, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, August 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a staff person of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

On September 8, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 31, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

On September 8, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with House Rule 50, I respectfully notify you of the receipt by the office of Representative Newt Gingrich of a witness subpoena from the Magistrate Court of Henry County, Georgia. The office of Representative Dan Rostenkowski, and your own office, have also received witness subpoenas from the Magistrate Court of Henry County, Georgia, in the same matter.

After consultation with me as Acting General Counsel, Representative Gingrich, Representative Rostenkowski and yourself have determined that compliance is not consistent with the privileges and precedents of the House.

Sincerely,

CHARLES TIEFER,
Acting General Counsel.

On September 9, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Municipal Court, Monmouth County, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK PALLONE, Jr.

On September 9, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid be-

fore the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 9, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the rules of the House that a member of my Committee staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

On September 9, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 8, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, The Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

JAMES T. MOLLOY,
Doorkeeper.

On September 14, 1993, the SPEAKER pro tempore, Mr. SANGMEISTER, laid before the House a communication, which was read as follows:

COMMITTEE ON PUBLIC WORKS
AND TRANSPORTATION
Washington, DC, September 10, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, consistent with Rule L (50) of the Rules of the House, that a former employee of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation has been served with a subpoena issued in a criminal case pending in the United States District Court for the Eastern District of Pennsylvania.

After consultation with the General Counsel, I will make determinations consistent with those required by the Rule.

Sincerely,

ROBERT A. BORSKI,
Chairman, Subcommittee on Investigations and Oversight.

On September 14, 1993, the SPEAKER pro tempore, Mr. SANGMEISTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES
Washington, DC, September 13, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the New Philadelphia, Ohio Municipal Court of New Philadelphia, Ohio.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With best regards, I remain

Sincerely yours,

DOUGLAS APPLEGATE.

On September 14, 1993, the SPEAKER pro tempore, Mr. SANGMEISTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 14, 1993.

Hon. TOM FOLEY
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the 28th Judicial Circuit Court of Michigan.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PETE HOEKSTRA.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 21, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H–209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rules of the House, that the Custodian of Records of my office has been served with a subpoena issued by the United States Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges of the House.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that an employee of the Committee on House Administration has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 17, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L (50) of the Rules of the House that I was served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, it was determined that compliance was consistent with the privileges and precedents of the House.

Sincerely,

DAVID L. ANDRUKITIS.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H–204, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court, District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 15, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determination required by the rule.

Cordially,

TOM LANTOS,
Member of Congress.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
September 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House my office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

On September 21, 1993, the SPEAKER pro tempore, Mr. FIELDS of Louisiana, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
September 14, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Superior Court for the Judicial District of Waterbury, Connecticut.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

On September 28, 1993, the SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a criminal case pending in the United States District Court for the Central District of California.

After consultation with the General Counsel, I will make the determinations required by the Rule.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

On September 28, 1993, the SPEAKER pro tempore, Mr. MAZZOLI, laid before the House communications, which were read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that one former and four current members of my staff have been served with subpoenas issued in a criminal case pending in the United States District Court for the General District of California.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges and precedents of the House.

Sincerely yours,

STEPHEN HORN,
Member of Congress.

On October 6, 1993, the SPEAKER pro tempore, Ms. CANTWELL, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 1, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H–204, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that an employee of the Committee on House Administration has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

On October 6, 1993, the SPEAKER pro tempore, Ms. CANTWELL, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC., September 29, 1993.

Hon. THOMAS S. FOLEY,
The Speaker, House of Representatives, H–209, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L of the Rules of the House that a staff member of the Joint Committee on Taxation has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House

Sincerely,

DAN ROSTENKOWSKI.

On October 7, 1993, the SPEAKER pro tempore, Mr. BARLOW, laid before the House a communication, which was read as follows:

NON-LEGISLATIVE AND
FINANCIAL SERVICES,
Washington, DC, October 6, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III, *Director.*

On October 7, 1993, the SPEAKER pro tempore, Mr. BARLOW, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 4, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Juvenile and Domestic Relations District Court, Virginia Beach, Virginia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

With kindest regards, I am

Sincerely yours,

OWEN PICKETT,
Member of Congress.

On October 14, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 1993.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the County Court of the City and County of Denver, Colorado.

After consultation with the General Counsel, I will notify you of my determinations as required by the Rule.

Sincerely,

PAT SCHROEDER,
Congresswoman.

On October 14, 1993, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

NON-LEGISLATIVE AND FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 13, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

On October 18, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

NON-LEGISLATIVE AND
FINANCIAL SERVICES,
Washington, DC, October 14, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

On October 18, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 14, 1993.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is not incon-

sistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

On October 18, 1993, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1993.

Hon. THOMAS FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L of the Rules of the House that I have been served with a subpoena issued by the Municipal Court of the City of Fort Smith, Arkansas.

After consultation with the General Counsel, I will notify you of my determinations as required by the Rule.

Sincerely,

TIM HUTCHINSON,
Member of Congress.

On October 28, 1993, the SPEAKER tempore, Mr. ANDREWS of Maine, laid before the House a communication, which was read as follows:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 26, 1993.

Hon. TOM S. FOLEY,
Speaker of the House, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that an employee of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

On October 28, 1993, the SPEAKER tempore, Mr. ANDREWS of Maine, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a civil case pending in the Superior Court of Torrance, California.

After consultation with the General Counsel, I will make the determinations required by the rule.

Regards,

JANE HARMAN,
Member of Congress.

On November 9, 1993, the SPEAKER pro tempore, Mr. GREEN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 5, 1993.

Hon. TOM FOLEY,
Speaker of the House, Washington, DC.

MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLES H. TAYLOR,
Member of Congress.

On November 16, 1993, the SPEAKER pro tempore, Ms. MARGOLIES-MEZVINSKY, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

PAT ROBERTS.

On November 17, 1993, the SPEAKER pro tempore, Mr. JOHNSON of Georgia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that an employee of the Committee on House Administration has been served with a subpoena issued by the U.S. District Court for the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by the Rule.

With my very best wishes,

Sincerely,

CHARLIE ROSE,
Chairman.

On November 17, 1993, the SPEAKER pro tempore, Mr. JOHNSON of Georgia, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel of the House, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON, *Clerk,*
U.S. House of Representatives.

The following communications were received by the SPEAKER following the sine die adjournment of the First Session of the One Hundred Third Congress:

DECEMBER 4, 1993.

Hon. THOMAS S. FOLEY,,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena by the Superior Court of New Jersey in connection with a civil case.

After consultation with the General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK PALLONE, Jr.,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 23, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of the staff of the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1994.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for employment and salary records of a House employee. The subpoena was issued by the Circuit Court of Cook County, Illinois in connection with a civil case on a personal injury claim.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

LEONARD P. WISHART III,
Director.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 6, 1994.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.

House of Representatives,
Washington, DC, January 12, 1994.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Circuit Court for the State of Maryland.

After consultation with the General Counsel to the House, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
LEONARD P. WISHART III,
Director.