QUESTIONS OF ORDER

DECIDED IN THE HOUSE OF REPRESENTATIVES AT THE SECOND SESSION OF THE ONE HUNDRED SECOND CONGRESS

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

PRIVILEGES OF THE HOUSE

(¶9.5)

A RESOLUTION AVERRING THAT RECENT PRESS ACCOUNTS RECITED ALLEGATIONS INVOLVING THE OFFICE OF THE POSTMASTER AND RESOLVING THAT THE COMMITTEE ON HOUSE ADMINISTRATION INVESTIGATE THE MATTER AND REPORT TO THE HOUSE THEREON BY A DAY CERTAIN GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On February 5, 1992, Mr. GEPHARDT rose to a question of the privileges of the House and submitted the following resolution (H. Res. 340):

Whereas recent press accounts have recited allegations involving the Office of the Postmaster: Now, therefore, be it

Resolved, That the Committee on House Administration shall conduct a thorough investigation of the operation and management of the Office of the Postmaster and report its findings and recommendations back to the House as soon as may be practicable, but in no event later than May 30, 1992.

The SPEAKER pro tempore, Mr. HOYER, said:

''The resolution states a question of privilege.''.

When said resolution was considered.

After debate,

Mr. GEPHARDT moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

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

Mr. LEWIS of California objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 253 / Nays ..... 162 }

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. GEPHARDT 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 ..... 254 / Nays ..... 160 }

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶9.8)

A RESOLUTION TO CREATE A SELECT COMMITTEE TO INVESTIGATE ALLEGATIONS OF MISCONDUCT IN THE OFFICE OF THE POSTMASTER AND REPORT TO THE HOUSE THEREON GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On February 5, 1992, Mr. LEWIS of California rose to a question of the privileges of the House and sumbitted the following resolution (H. Res. 341):

Resolved, That (a)(1) there is created a Select Committee to Investigate Allegations Concerning the House Post Office (hereinafter referred to as the ''select committee''), to be composed of 10 members, 5 to be appointed by the Speaker and 5 by the minority leader, with each designating a cochairman from his 5 appointments. Any reference in this resolution to action taken by the cochairmen shall require the agreement of both cochairmen. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

(2) The select committee shall conduct a full and complete investigation and study, and make such findings as are warranted, respecting the following allegations and matters;

(A) Theft of Post Office moneys or property by Post Office employees.

(B) Use or distribution of illegal drugs by Post Office employees.

(C) Coverup of improper or illegal conduct of Post Office employees by their supervisors or other superiors.

(D) Conduct of Members of the House in their dealings with the Post Office.

(E) Oversight of Post Office accounts and activities by existing committees of the House or entities responsible for the same.

(F) All matters related, directly or indirectly, to subparagraphs (A) through (E).

(3) The select committee shall make recommendations to the Speaker and minority leader regarding the implementation of an improved system of oversight to prevent the repetition of improper or illegal conduct in finds.

(4) The select committee shall report to the Committee on Standards of Official Conduct evidence of improper or illegal conduct it finds by any Member, officer, or employee of the House.

(b) One-third of the members of the select committee shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the select committee to be actually present, except that the select committee may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony. The select committee may sit while the House is reading a measure for amendment under the five-minute rule. The rules of the House shall govern the select committee where not inconsistent with this resolution. The select committee shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the rules of the House. Such rules may govern the conduct of the depositions, interviews, and hearings of the select committee, including the persons present. Such rules shall provide for the protection of classified information from unauthorized disclosure.

(c) The select committee is authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned; and to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, vouchers, audit reports, calendars, recordings, data compilations from which information can be obtained, tangible objects, and other things and information of any kind as it deems necessary. Unless otherwise determined by the select committee, the cochairmen, or the select committee shall authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any person designated by the cochairmen or any member. The select committee may request investigations, reports, and other assistance from any agency of the legislative branch of the Federal Government.

(d) The select committee shall determine a method whereby each cochairman shall preside at alternate meetings and hearings of the select committee. All meetings and hearings of the select committee shall be conducted in open session, unless a majority of members of the select committee voting, there being in attendance a majority of select committee members, vote to close a meeting or hearing.

(e) The cochairmen, may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as they consider necessary to carry out the purposes of this resolution. The select committee shall be deemed a committee of the House for all purposes of law. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee held in the District of Columbia.

(f) Unless otherwise determined by the select committee, the cochairmen may authorize the taking of affidavits and of depositions pursuant to notice or subpoena by at least 2 Members, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Depositions shall be deemed to be taken in executive session.

(g) The select committee shall be authorized to respond to any judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(h) The select committee shall provide other committees and Members of the House with access to information and proceedings, consistent with rule XLVIII(7)(c). However, the select committee may direct that particular matters or classes of matter shall not be made available to any person by its members, staff, or others, or may impose any other restriction.

(i) By July 1, 1992, the select committee shall report to the House the status of its investigation. With respect to this and any other report of the select committee, including its final report, which shall be reported to the House by September 1, 1992, the report may be accompanied by supplemental, additional, or minority views.

(j) The select committee shall take no action that would impede any criminal investigation or proceeding instituted by the United States Attorney General or other Federal agency or entity.

(k) At the conclusion of the existence of the select committee all records of the select committee shall become the records of the Clerk.

Mr. GEPHARDT moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. LEWIS of California demanded a recorded vote on agreeing to the motion to lay said resolution 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 ..... 250 / Nays 161

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶9.10)

A RESOLUTION ALLEGING UNAUTHORIZED INTERVENTION IN JUDICIAL PROCEEDINGS BY A COMMITTEE EMPLOYEE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On February 5, 1992, Mr. McEWEN rose to a question of the privileges of the House and sumbitted the following resolution (H. Res. 342):

Whereas on January 10, 1992, the chief counsel of the House Committee on Foreign Affairs wrote to the U.S. District Court for the Eastern District of New York requesting leniency in the sentencing of Mr. Dirk Stoffberg, a convicted arms dealer, on grounds that he had provided the committee with evidence regarding the so-called ''October Surprise;''

Whereas the chief counsel's letter was sent on committee letterhead purporting to be on behalf of the ''House Committee on Foreign Affairs . . . in an ongoing investigation;''

Whereas the U.S. District Court consequently granted the request for a reduced sentence on grounds that, ''Comity between independent branches of government suggests the desirability of assisting Congress in its important work where there is no strong conflict with a court's other sentencing responsibilities;''

Whereas the Federal District judge further indicated in his sentencing ''Memorandum and Order'' that, ''were it not for the intervention of Congress,'' the defendant would have been sentenced to a longer term of imprisonment ''because he threatened violence during the course of his criminal activity;''

Whereas neither the House, the Committee on Foreign Affairs nor any subcommittee thereof has ever authorized an investigation into the ''October Surprise'' allegations;

Whereas the House Bipartisan Legal Advisory Group has not authorized any intervention in the sentencing proceeding on behalf of the House or any of its committees;

Whereas at the time the chief counsel's letter was submitted to the U.S. District Court a resolution authorizing a special task force investigation into the ''October Surprise'' allegations was still pending in the House and had not yet been acted upon;

Whereas the misrepresentations of the position of the House and it committees in a judicial proceeding by an employee affects the rights of the House collectively, its dignity, and the integrity of its proceedings, and thereby raised a question of the privileges of the House under Rule IX: Now, therefore, be it

Resolved, That the House Bipartisan Legal Advisory Group (consisting of the Speaker, the majority and minority leaders, and the majority and minority whips) is hereby authorized and directed to inquire fully into the facts and circumstances surrounding the intervention by the chief counsel of the House Committee on Foreign Affairs in the sentencing of Mr. Dirk Stoffberg by the U.S. District Court for the Eastern District of New York and to submit to the House at the earliest practicable date, but not later than 45 legislative days after the adoption of this resolution, its findings thereon together with any actions taken or recommendations made in response to such incident or to prevent the recurrence of such unauthorized interventions in judicial proceedings by House Members, officers, or employees.

The SPEAKER pro tempore, Mr. MURTHA, said:

''The resolution states a question of privilege.''.

When said resolution was considered.

During debate,

WORDS TAKEN DOWN

(¶9.11)

IN THE CONTEXT OF DEBATE ON A RESOLUTION ALLEGING AN UNAUTHORIZED INTERVENTION WITH A FEDERAL DISTRICT COURT CONCERNING THE SENTENCING OF A CRIMINAL DEFENDANT, REMARKS ALLUDING TO TAMPERING WITH THE JUDICIAL SYSTEM BY ELECTED OFFICIALS WITHOUT ATTRIBUTION TO A PARTICULAR MEMBER ARE NOT UNPARLIAMENTARY.

Mr. LIVINGSTON addressed the House and, during the course of his remarks,

Mr. FASCELL demanded that certain words be taken down.

The Clerk read the words taken down as follows:

The criminal justice of this country is in danger when elected officials can tamper with the judicial system. And in this case, that is exactly what happened.

The SPEAKER pro tempore, Mr. MURTHA, held the words taken down were in order, and said:

''The Chair will rule that since the gentleman from Louisiana [Mr. LIVINGSTON] is generically speaking and not specifically alleging improper conduct by any individual Member, the words are in order, in the context of this resolution.''.

Mr. LIVINGSTON, by unanimous consent, requested that the word ''elected'' be stricken from the Congressional Record.

After further debate,

Mr. GEPHARDT moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

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

On a division demanded by Mr. WALKER, there appeared, yeas—13, nays—8.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 249 / Nays 160

So the motion to lay the resolution 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

(¶9.18)

A RESOLUTION ESTABLISHING A TASK FORCE OF MEMBERS OF A STANDING COMMITTEE AND PROVIDING FOR THE PAYMENT OF ITS EXPENSES FROM THE CONTINGENT FUND OF THE HOUSE IS NOT SUBJECT TO A POINT OF ORDER UNDER CLAUSE 5(A) OF RULE XI FOR LACK OF REPORT LANGUAGE DETAILING THE AMOUNT TO BE PROVIDED BECAUSE THE EXCEPTION IN CLAUSE 5(C) OF THAT RULE FOR INTERIM FUNDING OF ENTITIES APPLIES FROM THE BEGINNING OF A CALENDAR YEAR UNTIL ADOPTION OF A PRIMARY EXPENSE RESOLUTION FOR SUCH ENTITIES FOR THAT CALENDAR YEAR.

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

On February 5, 1992, Mr. DERRICK, pursuant to House Resolution 303, called up the following resolution (H. Res. 258):

Resolved, That (1) There is hereby created a Task Force of Members of the House Committee on Foreign Affairs to Investigate Certain Allegations Concerning the Holding of Americans as Hostages by Iran in 1980, to be composed of thirteen Members of the House Committee on Foreign Affairs to be appointed by the Speaker, one of whom he shall designate as chairman. The Speaker shall, with respect to the Republican Members of the Task Force, make such appointments upon consultation with the Republican Leader. Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made. The Task Force is, with respect to the matters described below, authorized and directed to conduct a full and complete investigation and study, and to make such findings as are warranted, includ-

ing, where appropriate, a finding that no credible evidence can be found to support particular allegations. The Task Force is further authorized and directed to make such recommendations to the Committee on Foreign Affairs as the Task Force deems appropriate, including those concerning the amendment of existing legislation or the enactment of new legislation. The Task Force shall fulfill these functions with respect to the following matters:

(a) Communications by or on behalf of the 1980 Reagan Presidential Campaign, or individuals representing or associated with that campaign, with any person or persons representing or associated with the Iranian Government or those persons with Iran holding Americans as Hostages during 1979 and 1980;

(b) Any attempt or proposal to attempt, by the 1980 Reagan Presidential Campaign or persons representing or associated with that campaign, to delay the release of the Americans held as hostages in Iran;

(c) Any activity by the 1980 Reagan Presidential Campaign to acquire or disseminate any information relating to actions being taken or considered by the United States Government in an effort to obtain the release of the Americans being held as hostages in Iran;

(d) Any sale or other transmittal of arms, spare parts or other assistance to Iran, in 1980 or thereafter, by any person or nation, intended to delay the release of the American held as Hostages by Iran, and any approval, acquiescence or knowledge of such sales or transmittals by the 1980 Reagan Presidential Campaign or persons representing or associated with that campaign; and

(e) Any actions taken to keep any communications or actions as described above, if any such communications or actions took place, from being revealed to the Government of the United States or the American people.

(2) One-third of the members of the Task Force shall constitute a quorum for the transaction of business other than the reporting of a matter, which shall require a majority of the Task Force to be actually present, except that the Task Force may designate a lesser number, but not less than two, as a quorum for the purpose of holding hearings to take testimony. When a quorum for any particular purpose is present, general proxies may be counted for that purpose. The Task Force may sit while the House is reading a measure for amendment under the five-minute rule. The rules of the House shall govern the Task Force where not inconsistent with this resolution. The Task Force shall adopt additional written rules, which shall be public, to govern its procedures, which shall not be inconsistent with this resolution or the rules of the House. Such rules may govern the conduct of the depositions, interviews, and hearings of the Task Force, including the persons present. Such rules shall provide for the protection of classified information from unauthorized disclosure.

(3) The Task Force is authorized to sit and act during the present Congress at such times and places within the United States, including any Commonwealth or possession thereof, or in any other country, whether the House is in session, or has adjourned; to require, by subpoena or otherwise, the attendance and testimony of such witnesses, the furnishing of information by interrogatory, and the production of such books, records, correspondence, memoranda, papers, documents, calendars, recordings, data compilations from which information can be obtained, tangible objects, and other things and information of any kind as it deems necessary, including all intelligence materials however classified, White House materials, campaign materials, materials of present and former government officials and materials pertaining to unvouchered expenditures or concerning communications interceptions or surveillance; and to obtain evidence in other appropriate countries with the cooperation of their governments and by letters rogatory, commissions, field depositions and other appropriate mechanisms. Unless otherwise determined by the Task Force the chairman, upon consultation with the ranking Republican member, on the Task Force, shall authorize and issue subpoenas. Subpoenas shall be issued under the seal of the House and attested by the Clerk, and may be served by any person designated by the chairman or any member. The Task Force may request investigations, reports, and other assistance from any agency of the executive, legislative, and judicial branches of the Federal Government.

(4) The chairman, or in his absence a member designated by the chairman, shall preside at all meetings and hearings of the Task Force. All meetings and hearings of the Task Force shall be conducted in open session, unless a majority of members of the Task Force voting, there being in attendance the requisite number required for the purpose of hearings to take testimony, vote to close a meeting or hearing.

(5) The Chairman, upon consultation with the ranking Republican member, may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. The Task Force shall be deemed a committee of the House for all purposes of law, including House Rule XI (2)(n), and sections 6005, 1505, and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code. The Task Force may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Task Force, other than expenses in connection with meetings of the Task Force held in the District of Columbia.

(6) Unless otherwise determined by the Task Force the chairman, upon consultation with the ranking Republican member, or the Task Force, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member or a person otherwise authorized by law to administer oaths. Disposition and affidavit testimony shall be deemed to have been taken in Washington, DC, before the Task Force once filed there with the clerk of the Task Force for the Task Force's use. Depositions shall be deemed to be taken in Executive Session.

(7) The Task Force shall be authorized to respond to any judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(8) The Task Force shall provide other committees and Members of the House with access to information and proceedings, consistent with rule XLVIII(7)(c): Provided, That the Task Force may direct that particular matters or classes of matter shall not be made available to any person by its members, staff, or others, or may impose any other restriction. The Task Force may require its staff to enter nondisclosure agreements and its chairman, in consultation with the ranking Republican member, may require others, such as counsel for witnesses, to do so: Provided further, That the Task Force shall, as appropriate, provide access to information and proceedings to the Speaker, the Majority Leader, the Republican Leader, and their appropriately cleared and designated staff.

(9) Authorized expenses of the Task Force for investigations and studies, including for the procurement of the services of individual consultants or organizations thereof, and for training of staff, shall be paid from the contingent fund of the House upon vouchers signed by the chairman and approved by the Chairman of the Committee on House Administration.

(10) By July 1, 1992, the Task Force shall report to the House the status of its investigation. With respect to this and any other report of the Task Force, including its final report, the report shall be accompanied by supplemental or additional minority views.

(11) At the conclusion of the existence of the Task Force all records of the Task Force shall become the records of the Committee on Foreign Affairs except for those records relating to intelligence matters which shall, upon the Task Force's designation, become the records of the House Permanent Select Committee on Intelligence.

Pursuant to House Resolution 303, the amendment recommended by the Committee on Rules, as modified by the amendment recommended by the Committee on House Administration was considered as adopted.

Pending consideration of said resolution,

POINT OF ORDER

(¶9.19)

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

''Mr. Speaker, House rule XI, clause 5(a) provides that whenever a committee, commission or other entity is to be granted authorization for the payment from the contingent fund of the House of its expenses in any year, 'such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity.'

''The rule goes on to require that 'any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution' shall 'state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs * * *.'

''Mr. Speaker, it is my assumption that this resolution, which was reported by the House Administration and authorizes the payment of expenses from the contingent fund, is the primary expense resolution for the task force. And yet the committee report on this resolution, House Report 102–296, part II, does not 'state the total amount of funds to be provided' as required by rule XI, clause 5(a).

''If, on the other hand, it is argued that House Resolution 258 is not a primary expense resolution, then it is not in order since House rule XI, clause 5(a) requires that whenever any entity such as this task force is to be granted authorization for the payment of expenses from the contingent fund, and I quote, 'such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity.' In other words, this resolution is not in order

until after a primary expense resolution has be adopted by this House.

''I urge that my point of order be sustained.''.

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

''Mr. Speaker, under clause 5(c), the funds will be provided to the Committee on Foreign Affairs and they will, in turn, provide the funds to the subcommittee, I mean to the committee that we are establishing.

''Mr. Speaker, the House Administration Committee, in its forthcoming resolution, will provide funds to the Committee on Foreign Affairs and they will provide it to the committee that is being estabished. And this authority is provided under 5(c).''.

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

''The gentleman from Ohio [Mr. MCEWEN], in a point of order, suggests to the House that under rule XI, clause 5(a), there needs to be a total amount stated in the report of the Committee on House Administration for funding of the task force, and the Chair would simply point out that the primary expense resolution for the ecommittee on Foreign Affairs and all other committees will be reported to the House later this year.

''As the gentleman from South Carolina [Mr. DERRICK] has attempted to point out to the House, clause 5(c) of rule XI reads as follows:

The preceding provisions of this clause do not apply to—

(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing funds to pay the expenses of that committee, commission or other entity for that year.

''It is the ruling of the Chair at this time that the task force comes under that exception. The task force is a subunit of the Committee on Foreign Affairs and not a separate entity.

''The point of order is, therefore, overruled.''.

Mr. WALKER appealed the ruling of the Chair.

Mr. DERRICK 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. OBEY, announced that the yeas had it.

On a division demanded by Mr. WALKER, there appeared, yeas—19, nays—21.

Mr. DERRICK objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 227 / Nays 150

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.

When said resolution was considered.

After debate,

Mr. MICHEL submitted the following amendment in the nature of a substitute:

Strike all after the resolving clause and insert in lieu thereof the following:

That there is hereby established in the House of Representatives a Task Force of members of the Committee on Foreign Affairs to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980 (hereinafter referred to as the ''task force'').

FUNCTIONS

SEC. 2. The task force is authorized and directed to conduct a full and complete investigation of—

(a) Any attempt, or proposal to attempt, by the 1980 presidential campaign of then Governor Reagan, and/or the 1980 presidential campaign of then President Carter, or persons representing or associated with those campaigns, or the United States Government, to affect the timing of the release of the Americans held as hostages in Iran;

(b) Any attempt by then President Carter, or his Administration, to affect the timing of the release of the Americans held as hostages in Iran;

(c) Any actions taken to keep any attempt, or proposal to attempt, to affect the timing of the release of the Americans held as hostages in Iran, as described in (a) or (b) above, if any such attempts or proposed attempts took place, from being revealed to the Government of the United States or to the American people.

APPOINTMENT AND MEMBERSHIP

SEC. 3. (a) The task force shall be composed of 13 Members of the House who shall be appointed by the Speaker from the membership of the Committee on Foreign Affairs, one of whom he shall designate as chairman, and the minority members of which shall be appointed upon the recommendation of the minority leader.

(b) Any vacancy occurring in the membership of the task force shall be filled in the same manner in which the original appointment was made.

AUTHORITY AND PROCEDURES

SEC. 4. (a) For purposes of carrying out this resolution the task force is authorized to sit and act during the present congress at such times and places within the United States, including any commonwealth or possession thereof, or in any other country, whether the House is in session (including while the House is sitting for amendment under the five-minute rule), has recessed, or has adjourned, and to hold hearings as it deems necessary.

(b) The provisions of clauses 1, 2, and 3 of rule XI of the rules of the House of Representatives, shall apply to the task force, except that—

(1) no vote by any member of the task force may be cast by proxy; and

(2) the task force shall not delegate to the chairman the power to authorize subpoenas.

(c)(1) the chairman, upon consultation with the ranking minority members, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena, by a Member or by designated staff, under oath administered by a Member there being at least two members of the task force present including at least one member and one staff person from the minority.

(2) Affidavit and deposition testimony shall be deemed to have been taken in Washington, D.C. before the task force once filed with the clerk of the task force for the task force's use, and shall be deemed to have been taken in executive session.

(3) The provisions of clause 2(g)(2) of rule XI requiring a committee vote to close hearings to the public shall not apply with respect to the taking of affidavit and deposition testimony in executive session.

(d) Pursuant to its authority under House Rules to require by subpoena or otherwise the testimony of witnesses and the production of certain materials, the task force my use such authority to obtain any relevant intelligence materials, however, classified, White House materials of President Carter and President Reagan, campaign materials, materials of present and former government officals and materials pertaining to unvouchered expenditures or concerning communications interceptions or surveillance; and to obtain evidence in other appropriate countries with the cooperation of their governments.

(e) The task force shall be authorized to respond to judicial or other process, or to make any applications to court, upon consultation with the Speaker consistent with rule L.

(f)(1) The task force shall provide in its written rules procedures for the protection of classified information from unauthorized disclosure.

(2) The task force shall provide other committees and Members of the House with access to information and proceedings, consistent with rule XLVIII, clause 7(c)(2); *Provided*, That the task force may direct that particular matters of classes of matter shall not be make available to any person by its members, staff, or others, and may impose any other restriction.

(3) The task force may require its staff to enter nondisclosure agreements, and its chairman, in consultation with the ranking minority member, may require others, such as counsel for witnesses, to do so.

(4) The Committee on Standards of Official Conduct may investigate any unauthorized disclosure of such classified information by a Member, officer or employee of the House or other covered person upon request of the task force.

(5) If, at the conclusion of its investigation, the Committee on Standards of Official Conduct determines that there has been a significant unauthorized disclosure, it shall report its findings to the House and recommend appropriate sanctions for the Member, officer, employee, or other covered person consistent with rule XLVIII, clause 7(e), and any committee restriction, including nondisclosure agreements.

(6) Classified information received by the task force shall not be disclosed publicly by any Member, officer, or employee of the House, except pursuant to the porcedure specified in rule XLVIII, clause 7(b) for which purpose the task force shall be the select committee to which the rule refers.

ADMINISTRATIVE PROVISIONS

SEC. 5. (a) Authorized expenses of the task force for investigations and studies, including for the procurement of the services of individual consultants or organizations thereof, and for the training of staff, shall be paid from the contingent fund of the the House upon vouchers signed by the chairman and approved by the Chairman of the Committee on House Administration, except such payments may not exceed $300,000.

(b) In carrying out its functions under this resolution, the task force is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, such staff as the task force considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the compensation of such staff;

(4) to terminate the employment of any such staff as the task force deems appropriate; and

(5) to reimburse members of the task force and its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the task force, other than expenses in connection with any meeting of the task force held in the District of Columbia.

(c) The task force and all authority granted in this resolution shall expire thirty days after the filing of the report of the task force.

(d) The task force shall be deemed a committee of the House for all purposes of law, including sections 6005, 1505, and 1621 of title 18, section 192 of title 2, 1754(b)(1)(B)(ii) of title 22, and section 734(a) of title 31, United States Code.

(e) The task force may request investigations, reports, and other assistance from any agency of the executive, legislative and judicial branches of the Federal government.

REPORT AND RECORDS

SEC. 6. (a)(1) The task force shall report to the House as soon as practicable during the present Congress but not later than six months after the date of adoption of this resolution, the results of its investigation and study, together with such recommendations as it deems advisable.

(2) Not more than 45 days prior to the expiration of the six-month period referred to paragraph (1), but prior to the expiration of such period, the task force may file an interim report detailing the progress made to date, the costs incurred by the inquiry, and the need for extending the inquiry.

(3) At any time after the filing of such interim report it shall be in order in the House to consider as privileged a resolution introduced and offered by the chairman of the task force, or his designee, extending the period of the inquiry to a date certain which shall be specified in the resolution. If the resolution is adopted the task force shall have until the date specified in the resolution to file its final report. If the resolution is not adopted, the task force shall file its final report as soon as practicable therafter but in no event later than 15 calendar days after such vote.

(b) Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

(c) Any such report shall be referred to the committee or committees which have jurisdiction over the subject matter thereof.

(d) The records, files and materials of the task force shall become the records of the Committee on Foreign Affairs except for those records relating to intellignece matters which shall become the records of the House Permanent Select Committee on Intelligence.

After debate,

The question being put, viva voce,

Will the House agree to said amendment?

The SPEAKER pro tempore, Mr. OBEY, announced that the nays had it.

Mr. MICHEL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 158 / Nays 249

So the amendment in the nature of a subsitute was not agreed to.

The question being put, viva voce,

Will the House agree to said resolution, as amended?

The SPEAKER pro tempore, Mr. OBEY, 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 ..... 217 / Nays 192

So the resolution, as amended, was agreed to.

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

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶17.21)

A RESOLUTION ASSERTING THAT A SENATE-PASSED BILL CONTAINS PROVISIONS RAISING REVENUE IN DEROGATION OF THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE SUCH BILLS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX. THE HOUSE RETURNED TO THE SENATE A SENATE-PASSED BILL REQUIRING THE PRESIDENT TO IMPOSE ECONOMIC SANCTIONS INCLUDING IMPORT RESTRICTIONS AGAINST COUNTRIES THAT FAIL TO ELIMINATE LARGESCALE DRIFTNET FISHING.

On February 25, 1992, Mr. ROSTENKOWSKI rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 373):

Resolved, That the bill of the Senate (S. 884) to require the President to impose economic sanctions against countries that fail to eliminate large-scale driftnet fishing, in the opinion of this House, contravenes the 1st clause of the 7th section of the 1st article of the Constitution of the United States and is an infringement of the privileges of this House and that such a bill be respectfully returned to the Senate with a message communicating this resolution.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. ROSTENKOWSKI for one hour.

When said resolution was considered.

After debate,

On motion of Mr. ROSTENKOWSKI, the previous question was ordered on the resolution to its adoption or rejection, and under the operation thereof, the resolution was agreed to.

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

POINT OF ORDER

(¶18.5)

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.''

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

On February 26, 1992, Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 374):

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 the consideration of the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. Immediately upon the conclusion of the general debate and notwithstanding any rule of the House, the Chair shall put the question, without further debate, on adopting an amendment in the nature of substitute consisting of the text of the bill H.R. 4210. No further amendment to the bill shall be in order except the following amendments in this order: (1) an amendment in the nature of a substitute consisting of the text of the bill H.R. 4200 as modified by the amendment in section 2 of this resolution, to be offered by Representative Michel of Illinois or Representative Archer of Texas or their designee; and (2) an amendment in the nature of a substitute consisting of the text of the bill H.R. 4287, to be offered by Representative Rostenkowski of Illinois or his designee. Both amendments shall be considered as having been read and shall not be subject to amendment. Each amendment shall be debatable for not to exceed one hour, to be equally divided and controlled by the proponent and a Member opposed thereto. All points of order against each amendment in the nature of a substitute are hereby waived. If more than one amendment in the nature of a substitute is adopted, only the last such amendment which is adopted shall be considered as finally adopted in the Committee of the Whole and reported back to the House. At the conclusion of the 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, and the previous question shall be considered as having been ordered on the bill and amendment thereto final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. At the end of line 25, page 14 of H.R. 4200, insert the following new sentence: ''Notwithstanding any other provision of this chapter, in the case of a taxpayer other than a corporation, any amount treated as ordinary income under this subsection shall be subject to tax at a rate not in excess of 28 percent.''.

Pending consideration of said resolution,

POINT OF ORDER

(¶18.6)

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

''Mr. Speaker, I make a point of order against the consideration of House Resolution 374 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.

''Mr. Speaker, I regret that I must again rise to make this point of order that the minority's right to offer a motion to recommit of its choosing is being violated. I thought I had assurances from your leadership that this right would not be further abridged pending a promised Rules Committee inquiry into the legislative history behind this rule.

''Mr. Speaker, as you will recall, on January 3, 1991, I transmitted to you, the majority leader, and the chairman and other members of the Rules Committee a 48-page report prepared by our Rules Committee minority staff entitled, 'The Motion to Recommit in the U.S. House of Representatives: The Rape of a Minority Right.'

''That paper traces the legislative history and the intent behind the two rules at issue here, which were adopted by the House back in 1909.

''In essence, Mr. Speaker, that report documents that the two rules were specifically adopted to permit the minority the right to offer a motion to recommit of its own choosing, including one with instructions, so that it could go get a final vote on its position.

''Mr. Speaker, that report goes on to conclude that a 1934 precedent that has been relied on to deny the minority a right to offer recommittal instructions of its choosing was strongly decided and should be reversed.

''In my letter to the Speaker, I urged that the majority reconsider its policy of denying instructions in motions to recommit, and I quote:

> Thereby avoid future confrontations and points of order over such a fundamental guarantee of fairness.

''It was my hope that on the basis of the clear historic record behind this rule and guarantee that the Committee on Rules would not deny us our immutable right in this 102d Congress. We were promised that. Unfortunately, that was not the case here today.

''Mr. Speaker, clause (b) of House rule XI provides, 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.

''That is the rule of this House. That is the rule that we live by and we have lived by for 80 years, 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,' and I am quoting, 'shall be in order, and the Speaker,' Mr. Speaker, listen, 'the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or the joint resolution.'

''Mr. Speaker, those two clauses were adopted as amendments to House rules on March 15, 1909, when the minority party, Democrat, that is right, they were in the minority, it may have been the last time they were in the minority, joined with a group of insurgent Republicans, can Members imagine, to guarantee greater minority rights. And yes, would it not be nice if Democrats and Republicans were joining together today on this economic growth package? God forbid, I guess.

''Mr. Speaker, prior to this rule's revision, the motion to recommit was controlled by the majority party and the minority had no rights. 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.

''That is so every Member, 435 Members, can have some say, some input into legislation.

''The rule before us right now, on the other hand, provides that the motion to recommit, and I quote, 'may not contain instructions.' That means we cannot have a motion to recommit with or without instructions.

''It is, therefore, in direct violation of this rule, which was purposely designed to guarantee the minority a vote on its final proposition by way of instructions.

''Mr. Speaker, I will not again take your time and the time of this House to quote speaker after speaker after speaker over the last 80 years who have ruled that the House, that this whole purpose of this rule was to protect the right of the minority to offer its final proposition to a bill.

''Mr. Speaker, that is just a plain fact that cannot be denied or ruled away by the way of the Speaker's gavel.

''Mr. Speaker, if the Chair overrules my point of order today, not only is the minority being denied the right to offer a final amendment to the bill, it is even being denied the right to offer general instructions that the Committee on Ways and Means, and listen to this, reconsider this bill with a view to developing a bipartisan compromise.

''Mr. Speaker, that completely flies in the face not only of the legislative history behind this rule but of common sense and common decency.

''Mr. Speaker, the motion to recommit may be the last opportunity to salvage an economic growth program in this Congress this year. Without instructions, a straight motion to recommit by implication kills the bill. I hope my colleagues are listening over there. It kills the bill.

''But with instructions, the House would have an opportunity to tell the Committee on Ways and Means to get back to work.

''Mr. Speaker, I strongly urge that the Chair not render this important minority right completely null and void by overruling my point of order. Leave this institution with some measure of dignity and respect for the rights of the minority.

''Mr. Speaker, as Speaker of this House you are required by the rules of this House and by the tradition of this body and, above all else, out of fairness to represent all of the Members of this House, and it is on behalf of all 435 Members of this House on both sides of the aisle that I respectfully ask to have my point of order sustained.''.

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

''Mr. Speaker, the gentleman makes the point of order that the resolution is not in order because it limits the motion to recommit in violation of clause 4(b) of rule XI.

''Mr. Speaker, I respectfully disagree and ask the Chair to overrule the point of order.

''Clause 4(b) of rule XI prohibits the Committee on Rules from reporting a rule 'which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.'

''Mr. Speaker, House Resolution 374 does not propose to prevent the minority from offering a motion to recommit, so it does not violate clause 4(b) of rule XI.

''It is now very well established under the precedents that the Committee on Rules may recommend special orders of business limiting instructions on the motion to recommit.

''This point was reaffirmed as recently as November 25, 1991, on June 4, 1991, and also on October 16, 1990, when the House tabled by a vote of 251 to 171 an appeal of the Speaker pro tempore MURTHA's overruling of a point identical to that raised by my Republican friend today.

''In a ruling on January 11, 1934, the Speaker Mr. Rainey stated that:

> The Committee on Rules may, without violating this clause, recommend a special order which limits but does not totally prohibit a motion to recommit pending passage of a bill or joint resolution such as precluding a motion containing instructions relative to certain amendments.

''Mr. Speaker, the precedents are clear and unequivocal. If a special order of business does not deprive the minority of its right to offer a simple motion to recommit the bill or joint resolution under consideration, then it does not violate clause 4(b) of rule XI. As the Speaker pro tempore noted on October 16, 1990, clause 4 of rule XVI does not guarantee that a motion to recommit a bill may always include instructions.

''I urge the point of order be overruled.''.

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

''Mr. Speaker, the gentleman from South Carolina [Mr. DERRICK] has cited specific instances from the last few minutes as precedents for suggesting how the Chair should rule today. The gentleman from New York [Mr. SOLOMON] makes an absolutely valid point the Chair ought to take into consideration.

''At the time those rulings were made there was real question expressed about whether or not this was an appropriate course to be taken. The leadership of this House felt it was so questionable that they agreed to study it. The gentleman from New York received assurances that we would not proceed along this path until we had studied this matter and found out what the rights of the minority should be in these kinds of instances.

''Now what we have happening is that the very items that were considered questionable enough to call for that kind of study in the past are being cited as precedents for the Chair today.

''If the Chair ever wants to know why the minority feels at times that there is a dictatorial sense about the direction in which we are moving, this is a perfect example of where we have outrageous rulings which are questionable, which even the leadership questions, and then have those later on cited as precedents for action.

''That is precisely what is taking place here. I would hope that the Chair would not continue to rule in a manner which undermines minority rights.''.

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

''The Chair is prepared to rule.

''The gentleman from New York makes a point of order against House Resolution 374 on the ground that it violates clause 4(b) of rule XI, which provides that the Committee on Rules shall not report any rule or order of business that would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.

''Clause 4 of rule XVI provides for one motion to recommit a bill or joint resolution after the previous question is ordered on final passage, with preference in recognition going to a Member who is opposed to the bill or joint resolution.

''The pending resolution provides that the motion to recommit H.R. 4210 pending the question of its passage may not contain instructions. It does not impair a simple motion to recommit.

''The precedent of October 16, 1990, is precisely on point. On that occasion the Committee on Rules had reported a special order of business that precluded the inclusion of instructions in the motion to recommit a bill pending the question of its passage. The present occupant of the Chair overruled the point of order, relying on precedents of the House—specifically the ruling of Speaker Rainey on January 11, 1934—holding that the Committee on Rules does not violate clause 4(b) of rule XI so long as it does not deprive the minority of the right to offer a simple motion to recommit.

''Under the precedents a special order that does not preclude a simple motion to recommit does not 'prevent the motion to recommit from being made as provided in clause 4 of rule XVI.' 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 may always include instructions.

''The pending resolution does not 'prevent the motion to recommit from being made as provided in clause 4 of rule XVI.' The Chair will follow the precedent of October 16, 1990. The point of order is overruled.''.

Mr. SOLOMON appealed the ruling of the Chair.

Mr. DERRICK 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. MURTHA, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 256 / Nays 157

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.

When said resolution was considered.

After debate,

On motion of Mr. DERRICK, the previous question was ordered on the resolution, to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 244 / Nays 178

So the resolution was agreed to.

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

POINT OF ORDER

(¶19.5)

UNDER CLAUSE 2 OF RULE XIV RECOGNITION IS WHOLLY WITHIN THE DISCRETION OF THE CHAIR, WHO MAY DECLINE TO RECOGNIZE A MEMBER TO PROPOUND A UNANIMOUS-CONSENT REQUEST RELATING TO AN ORDER OF BUSINESS.

On February 27, 1992, Mr. TRAFICANT rose to a point of order resulting from the Chair's denial of recognition, and said:

''I would like to know under what rule of the House such action by the Chair is taken.''.

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

''Clause 2, rule XIV.''.

POINT OF ORDER

(¶19.7)

A MOTION TO RECOMMIT A BILL TO A STANDING COMMITTEE WITH THE RECOMMENDATION THAT IT AMEND THE BILL IN AN OPEN AND BIPARTISAN MANNER WITH A VIEW TOWARD PRODUCING LEGISLATION THE PRESIDENT COULD SIGN IS IMPERMISSIBLE IN BOTH FORM AND CONTENT.

NEITHER RULE XVI NOR RULE XVII (NOR ANY OTHER RULE OR PRECEDENT OF THE HOUSE) RECOGNIZES A FORM OF MOTION TO RECOMMIT ''WITH RECOMMENDATION.''

A MOTION TO RECOMMIT MAY NOT INCLUDE MATTER THAT MIGHT BE CONSTRUED AS ARGUMENT.

A MOTION TO RECOMMIT MAY NOT INCLUDE, BY PREAMBLE OR OTHERWISE, MATTER IN THE NATURE OF DEBATE.

UNDER CLAUSE 4 OF RULE XVI THE MOTION TO RECOMMIT A BILL OR JOINT RESOLUTION AFTER THE PREVIOUS QUESTION IS ORDERED ON FINAL PASSAGE IS RENDERED DEBATABLE ONLY BY THE INCLUSION OF INSTRUCTIONS.

A SPECIAL RULE PROVIDING THAT THE MOTION TO RECOMMIT A BILL AFTER THE PREVIOUS QUESTION IS ORDERED ON ITS PASSAGE ''MAY NOT CONTAIN INSTRUCTIONS'' IS INTERPRETED TO GUARANTEE A SIMPLE MOTION TO RECOMMIT.

On February 27, 1992, the bill (H.R. 4210) to amend the Internal Revenue Code of 1986 to provide incentives for increased economic growth and to provide tax relief for families; was ordered to be engrossed and read a third time and was read a third time by title.

Mr. ARCHER moved to recommit the bill to the Committee on Ways and Means with the recommendation that it amend the bill in an open and bipartisan manner with a view to producing legislation the President can sign that will provide economic stimulus and job creation incentives without increasing taxes or the deficit.

Pending consideration of said motion,

POINT OF ORDER

(¶19.16)

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

''Mr. Speaker, I make point of order against the motion to recommit because it is a motion that is allowed neither under the rule, now under the rules of the House.''.

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

''Mr. Speaker, under House Resolution 374, the rule providing for the consideration of H.R. 4210, one motion to recommit is allowed which may not contain instructions.

''The motion to recommit which I have offered is in compliance with that proviso: I have offered a motion to recommit which does not contain instructions. It simply contains a recommendation that the Ways and Means Committee do certain things. The committee is under no mandate to do so as it would be if it were subject to instructions from the House.

''And let me make very clear that there is a distinct difference between an instruction and a recommendation. According to Webster's New World Dictionary, an instruction is, and I quote, 'a command or order,' and in the plural, 'details of procedure; directions.'

''A recommendation, on the other hand, is 'the act * * * of calling attention to a person or thing as suited for some purpose; advice or counsel.' In summary, Mr. Speaker, an instruction is a mandatory command, while a recommendation is a discretionary giving of advice.

''Mr. Speaker, the Chair ruled yesterday that there is nothing in House rule XVI, clause 4, that guarantees the right of the minority to offer instructions in a motion to recommit. Using that same logic, there is nothing in that clause which prohibits the minority from offering a recommendation in the motion to recommit.

''It is true that House rule XVII does provide that pending the motion for the previous question or after it is ordered on the passage of a measure, it is in order for the Speaker, and I quote, 'to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.' That rule clearly allows for only one of two types of motions to recommit: a straight motion and one with instructions.

''However, we are not operating under rule XVII today since the rule does not allow for a previous question motion on the passage of this bill. Under the rule for this bill, House Resolution 374, the previous question is considered to have been automatically ordered. We are, therefore, clearly operating instead under House rule XVI which provides that, and I quote, 'After the previous question shall have been ordered on 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.'

''Nowhere in that rule is the Member confined to offering either a straight motion to recommit or one with instructions. It does provide that if a motion to recommit with instructions is offered, there shall be 10 minutes of debate on the motion. All that means is that such debate may not take place on a straight motion or on the motion to recommit with recommendation which I have offered.

''Finally, I would emphasize, Mr. Speaker, that the motion to recommit under rule XVI was intentionally adopted in 1909, to provide the minority an opportunity to express its final position on a bill. While we are precluded by the rule from either amendatory or general instructions, this motion to recommit with recommendation is consistent with the original intent of the rule to give us a last chance to offer our position. I urge the Chair to allow this motion as the right of the minority.''.

The SPEAKER sustained the point of order, and said:

''The gentleman from Illinois [Mr. ROSTENKOWSKI] makes a point of order against the motion to recommit H.R. 4210 offered by the gentleman from Texas [Mr. ARCHER] on the ground that it includes language recommending that the Committee on Ways and Means 'amend the bill in an open and bipartisan manner with a view toward producing legislation the President can sign.'

''The motion to recommit a bill to a standing committee is addressed in specific and general terms in clause 4 of rule XVI and clause 1 of rule XVII. Both rules contemplate that the motion may in some circumstances include instructions. Clause 4 of rule XVI states that 'with respect to any motion to recommit with instructions * * * it shall always be in order to debate such motion for 10 minutes * * *.' Clause 1 of rule XVII states that pending the motion for the previous question the Speaker may entertain a motion to commit, 'with or without instructions * * *.'

''Neither rule XVI nor rule XVII—nor any other rule of the House—recognizes a form of motion to recommit 'with recommendation.' Rule XVI and the precedents of the House do not admit motions other than those mentioned in and made in order by the rules of the House.

''Moreover, the precedents hold that argument is not in order in a motion to recommit. On this point the Chair is guided by the ruling of Speaker Gillet on November 29, 1922, substaining a point of order against a motion to recommit with instructions that included descriptive matter that might be construed as agrumentative. That ruling is recorded in volume 8 of Cannon's precedents, at section 2749. Similarly, on June 3, 1882, Speaker Keifer held that a motion to recommit should not contain matter in the nature of debate, by preamble or otherwise. That rules is recorded in volume 5 of Hinds' precedents, at section 5589.

''The cited precedents are consistent with the principle in clause 4 of rule XVI that the motion to recommit a bill or joint resolution after the previous question is ordered on final passage is rendered debatable only by the inclusion of instructions.

''Finally the Chair would refer to the ruling of yesterday, February 26, 1992. The gentleman from New York [Mr. SOLOMON] made a point of order against House Resolution 374 on the ground that it violates clause 4(b) of rule XI, which provides that the Committee on Rules shall not report any rule or order of business that would prevent the motion to recommit from being made as provided in clause 4 of rule XVI. The Chair held that the Committee on Rules does not violate clause 4(b) of rule XI so long as it does not deprive the minority of the right to offer a simple motion to recommit. In making that ruling the Chair expressly stated that House Resolution 374 properly guaranteed a simple motion to recommit.

''The motion to recommit offered by the gentleman from Texas [Mr. ARCHER] includes matter that might properly be construed as argument. As such, it is not a proper motion and is held out of order.''.

The question being put, viva voce,

Will the House pass said bill?

Mr. ROSTENKOWSKI 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 ..... 221 / Nays 209

So the bill was passed.

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

PRIVILEGES OF THE HOUSE

(¶27.14)

A RESOLUTION REPORTED AS PRIVILEGED BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT AND RESOLVING THAT THE COMMITTEE BE AUTHORIZED TO DISCLOSE NAMES AND PERTINENT ACCOUNT INFORMATION OF MEMBERS AND FORMER MEMBERS FOUND BY THAT COMMITTEE TO HAVE ABUSED THE PRIVILEGES OF THE BANK OPERATED BY THE OFFICE OF THE SERGEANT-AT-ARMS (AFTER AFFORDING EACH AN OPPORTUNITY TO BE HEARD BEFORE ITS SUBCOMMITTEE OF INQUIRY) GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On March 12, 1992, Mr. McHUGH, by direction of the Committee on Standards of Official Conduct and the order of the House agreed to earlier that day, called up the following privileged resolution (H. Res. 393):

Whereas House Resolution 236 directed the Committee on Standards of Official Conduct to review the use and management of the Bank of the Sergeant-at-Arms of the House of Representatives for the period July 1, 1988 to October 3, 1991;

Whereas, after reviewing the operations of the House Bank and account information of Members, the Committee on Standards of Official Conduct has reported to the House that it has identified the accounts of Members and former Members who, on the basis of such review, abused the banking privileges during such period by routinely and repeatedly writing checks for which their accounts did not have, by a significant amount, sufficient funds on deposit to cover; and

Whereas that Committee has recommended that, after such Members and former Members have had the opportunity to be heard by the Subcommittee which conducted the inquiry, the names and pertinent account information of those Members and former Members who the Committee finds have abused the banking privileges be publicly disclosed: Now, therefore, be it

Resolved, That, after the expiration of ten days following adoption of this Resolution by the House, and after giving such individuals an opportunity to be heard by the Subcommittee which conducted the inquiry, the Committee on Standards of Official Conduct is authorized to publicly disclose the name and pertinent account information of any Member or former Member who the Committee finds, pursuant to House Resolution 236, has abused the banking privileges during the period July 1, 1988 to October 3, 1991; and be it further

Resolved, That the pertinent account information to be publicly disclosed for such period shall be the following: the number of insufficient funds checks written; the particular timeframe during which those checks were written; the number of such checks that the House Bank returned to the Member; the number of nonaccount checks that were cashed or caused to be deposited to the Member's account with insufficient funds to cover them; and the number of months that the negative balance in the Member's account exceeded the next month's net salary deposit; and be it further

Resolved, That the Committee on Standards of Official Conduct is directed to provide to any Member or former Member who so requests it in writing on or before December 31, 1992, the following information regarding the account of such Member or former Member at the House Bank during the period July 1, 1988 to October 3, 1991; the number of insufficient funds checks written; the particular time-frame during which those checks were written; and, where the information is available to the Committee, the number of months that the negative balance in the account exceeded the next month's net salary deposit.

When said resolution was considered.

After debate,

Pursuant to said order of the House, the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. McHUGH 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 ..... 391 Nays 36

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶27.18)

A RESOLUTION DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO MAKE PUBLIC NOT SOONER THAN 10 DAYS AFTER COMPLETION OF ANOTHER DISCLOSURE MANDATED BY A PREVIOUS ORDER OF THE HOUSE THE NAME OF EACH MEMBER OR FORMER MEMBER WHO DREW CHECKS AGAINST INSUFFICIENT FUNDS IN THE BANK OPERATED BY THE OFFICE OF THE SERGEANT-AT-ARMS DURING A SPECIFIED PERIOD, TOGETHER WITH THE NUMBER OF SUCH CHECKS DRAWN BY EACH, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On March 12, 1992, Mr. GEPHARDT, pursuant to the special order agreed to earlier that day, submitted the following privileged resolution (H. Res. 396):

Whereas House Resolution 236 directed the Committee on Standards of Official Conduct to review the use and management of the Bank of the Sergeant-at-Arms of the House of Representatives for the period July 1, 1988 to October 3, 1991;

Whereas the House has adopted H. Res. 393 relating to the release of account information for certain Members and former members: Now, therefore, be it

Resolved, That not less than ten days after the Committee completes the public disclosure ordered by the House in H. Res. 393, the Committee is directed to make public the following information regarding the account of each Member or former Member at the House Bank during the period July 1, 1988 to October 3, 1991: the name of any such Member or former Member and the number of insufficient fund checks written.

When said resolution was considered.

After debate,

Pursuant to said order of the House, the previous question was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. HANSEN of Utah 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 ..... 426 Nays 0

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶27.20)

A RESOLUTION INSTRUCTING THE SPEAKER, THE SERGEANT-AT-ARMS, THE GENERAL ACCOUNTING OFFICE (AND OTHER BODIES UNDER HIS CONTROL), AND THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO EFFECT FULL AND ACCURATE DISCLOSURE OF PERTINENT INFORMATION CONCERNING THE OPERATION OF A BANK BY THE OFFICE OF THE SERGEANT-AT-ARMS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On March 12, 1992, Mr. EDWARDS of Oklahoma, rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 397):

Whereas, disclosure of the banking activities of House Members who held accounts in the House Bank during the period under investigation by the Committee on Standards of Official Conduct should be full and complete; and

Whereas, full disclosure is not possible now because not all accounts have been adequately reconstructed to reflect action taken by the account holder and by Bank officials and tellers; and

Whereas, the Report of the Committee on Standards of Official Conduct to accompany H. Res. 393 cited irregular and unprofessional practices by House Bank employees that may have contributed to the frequency of overdrafts; and

Whereas, a full accounting is needed of official House Bank policies, routine informal practices of House Bank employees that deviated from or were not covered by official rules, and each case in which employees failed to follow official or informal procedures, and the effect of such failures on Members' balances; and

Whereas, Members of Congress are now being denied access to their own personal bank records: Now, therefore, be it

Resolved, That (1) immediately upon passage of this resolution, the Speaker shall direct the House Sergeant at Arms, the General Accounting Office, and any other body under his control with information relevant to Members' House Bank account histories, to reconstruct the complete account histories of all Members and former Members who had accounts for the 39 month period beginning July 1, 1988 and ending October 3, 1991 that have not already been reconstructed in coordination with the Committee on Standards of Official Conduct, and

(2) that, after giving each Member an opportunity to be heard by the subcommittee which conducted the inquiry and 20 days after passage of this resolution, the Committee on Standards of Official Conduct is authorized to publicly disclose the reconstructed account history of every Member of the House, and

(3) that, within 20 days of passage of this resolution, the Speaker of the House shall direct the House Sergeant at Arms, the General Accounting Office, and any other body under his control with information relevant to Members' House Bank account histories or House Bank practices, to provide a full and complete report of the official policies of the House Bank over the 39 month period in question; a full and complete account of the procedures that were not official but were informally and routinely followed by bank employees (including instances where informal practices deviated from official policies), and a full and complete account of every instance in which the Bank failed to follow either its own official procedures or routine and regular informal procedures, and a case by case report of the effect that such deviations have had on Members' account balances, and.

(4) that, within 48 hours of the passage of this resolution, the Speaker of the House, through the House Sergeant at Arms, the GAO, and any other body under his control with information relevant to Members account histories, provide to each Member of the House a full disclosure of that Member's account history with the House Bank.

Mr. GEPHARDT moved to refer the resolution to the Committee on Standards of Official Conduct.

After debate,

On motion of Mr. GEPHARDT, the previous question was ordered.

The question being put, viva voce,

Will the House refer said resolution?

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

Mr. EDWARDS of Oklahoma demanded a recorded vote on agreeing to said motion, 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 negative ..... { Yeas ..... 150 Nays 275

So said motion to refer the resolution to the Committee on Standards of Official Conduct was not agreed to.

Mr. EDWARDS of Oklahoma was recognized for one hour.

After debate,

On motion of Mr. EDWARDS, the previous question was ordered on the resolution.

Mr. GEPHARDT moved to commit the resolution to the Committee on the Standards of Official Conduct.

The question being put, viva voce,

Will the House commit said resolution?

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

Mr. EDWARDS of Oklahoma demanded a recorded vote on the motion to commit said resolution, 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 ..... 244 Nays 133

So the motion to commit said resolution 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 PERSONAL PRIVILEGE

(¶31.8)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF NEWS ACCOUNTS OF THE HISTORY OF HIS ACCOUNT WITH THE BANK OPERATED BY THE OFFICE OF THE SERGEANT-AT-ARMS.

On March 19, 1992, Mr. LIGHTFOOT rose to a question of personal privilege.

The SPEAKER, pursuant to clause 1 of rule IX, recognized Mr. LIGHTFOOT for one hour.

Mr. LIGHTFOOT made the following statement:

''Mr. Speaker, I will warn my colleagues I am not going to take the full hour. I also apologize for the gravelly voice this morning, as I have been fighting somewhat of a cold lately.

''If I appear to be a bit distracted at this hour, my father-in-law is undergoing open heart surgery at Baylor Hospital in Texas. He is a pretty special person in my life, so excuse me if I bumble a word or two here today. If anyone is so disposed to say a prayer in his behalf, it would certainly be appreciated.

''Mr. Speaker. I rise today because I, like a number of my colleagues, feel that my reputation as a Member of Congress has been damaged by the actions of the House bank and the office of the Sergeant at Arms.

''This weekend, after going through and reviewing my canceled checks from the House bank, I discovered at least 60 that had been held by the bank without their ever notifying me.

''The key word is 'held.' They were not bounced. My monthly statements have been juggled by the House bank, so I never knew the actions they had taken.

''For whatever reason, as most of you know, we are paid by the Sergeant at Arms. Our checks are issued on the 30th of the month. they are to be deposited to our account the following day, which is the 1st of the next month. But for whatever reason, many times those paychecks were not credited to my account for 4 or 5 or 6 days after the 1st of the month. I assumed that my paycheck was where it was supposed to be, in my account, under my name.

''Specifically, the House bank frequently held checks for 4 to 6 days. In one instance the House bank held my tax refund check. Now, this is a check from the U.S. Treasury, which we assume is good. They held it for 5 days, or 6 days, actually, before they credited it to my account.

''Assuming that my refund was in my bank account, I continued to write checks against the account. As those came in the House bank held them. They did not bounce them, they held them.

''As an old ex-police officer, a few flags started to fly as things started to unfold. First of all, as more and more Members are talking about their personal experiences, we find that there is a common theme that has developed through much of what is being said.

''That is, that deposits, for whatever reason, were not credited at the time they were put in the House bank.

''I have had colleagues tell me of 15 days since the time they went down and made the deposit to the time it was credited to their account, 15 days expired. Had this been a real bank, I am sure that the Federal examiners would have closed it down. But the big question, I guess, that comes to my mind, and the one that I think has to be answered, what or who was doing what with our money when it was not credited to our accounts?

''Where did my paycheck go on the first of July, when I did not get credit for it until the fifth? Was it credited to somebody else's account? Was it used to cover the deficits of those known abusers that we have here which have been uncovered through the Committee on Standards of Official Conduct, where we reconstructed some 66 accounts and found abusers, that there is proof that they did in fact abuse the bank and deliberately wrote overdrafts month after month after month? Were they using my money to cover those overdrafts and then holding my check until enough of them came in the bank that decided, well, we better pay up on this guy? So they paid my checks and then reached over to this gentleman's or this gentleman's account and took some more money out? What were they doing with that money?

''To me that is the key question that needs to be answered at this point in time. I tried to explain this to the media back home. I have a tape recording of the news conference that we held, and I certainly did not say what the headline says.

''It says, 'I Bounced 60, But It Wasn't My Fault.'

''I never said that, but that is what the news media chose to write. Also in the roughly 7 years that we have been in this House, we have, I think, done a few decent things for our State. We saved a major highway that was going into another State. We have got a lot of improvements going on roads and airports and waterways and sewer systems and rural water districts and so on. Never made the front page of this newspaper. But with this little cartoon, wherever it went, we finally got on the front page for something that we did not do.

''The irony of it is that there is a feeding fest going on because for some reason the whole judicial system has been turned around, as it pertains to Members of Congress. We are all guilty until we prove ourselves innocent, and then every time we try to explain it, we are just trying to cover up and blame it on somebody else. I think there is a way that we can get to this central question and we can do it very quickly.

''Today I am going to send a letter around to the entire House membership. In that letter I am going to ask them to join me in requesting the U.S. Attorney's Office to undertake a criminal investigation of the House bank. Yes, I said criminal investigation of the House bank. Because for one, I want to know where were my deposits when they were not in my account. What was that money used for?

''It is my understanding that there is something in the neighborhood of a $2 million a day float. Where did the interest off of that money go? These are the questions that the folks in the Press Gallery should be asking, rather than trying to skewer Members of Congress simply because we chose to get in this job and someone mishandled our personal finances for us.

''I am certain there are Members who did write overdrafts, and I would be hard-pressed, I think, to find anybody that could say 100 percent that they had not because we all do make mistakes. But when an institution of the House takes individual Members and juggles their financial accounts around, for whatever the reason might be, be in just plain laziness and sloppiness or be it for criminal reasons, that is wrong. Particularly when it smears the reputations and the names or Republicans and Democrats alike, who

had no evil in their heart, no intent to do anything wrong, and did nothing wrong other than they got elected to Congress and chose to use the facilities that were provided for us here.

''The only thing we get out of this world with is our name and our reputation, and there is a lot of good men and women of both political stripes who are being smeared because a few, in my opinion, evil, mean-spirited, corrupt, arrogant people decided they were going to run some kind of a scam with our money and they would never get caught.

''Unfortunately, the trap has fallen on the wrong folks. I ask Members from the Democratic side of the aisle as well to join us or join me, rather, in signing this letter. I have a great deal of respect for my Democratic colleagues. Many of them are good friends. Even when we disagree over political issues, that is what this whole game is all about. We still have respect for each other as decent men and women and citizens of this country, and I think we all have the good interests of this country at heart.

''One of the proudest days of my life was back in January 1985, when I stood somewhere about right in here. At that time my son, who is now 14, stood beside me and he held his hand up when I held up mine, and we took the oath of office.

''Never did I ever imagine in my wildest dreams that trying to do something to help other people would end up in this kind of a situation.

''I am still proud to be a Member of this House, even though we may have low esteem in all the polls that are taken. As the history of this body shows, the House of Representatives can and does do great things for the American people when we work together in the fashion that we are supposed to.

''The fact of the matter is, today many Members of Congress are being questioned by the actions of the people who ran the House bank, the Sergeant at Arms. This body cannot begin to win back the respect of the American people until we clean up that mess and clean it up thoroughly.

''I realize the cause of every overdraft was not rotten bank procedures. People make mistakes, but some Members of this House knowingly wrote bad checks. I think they have been identified. There must be a differentiation made between the abusers and those who were caught in this particular mess. Their constituents will make their own decisions.

''The problem is, their constituents are not being told the truth. But there are a great many of us on both sides of the aisle who have been caught in the middle, and I would appeal to my colleagues today to join me in trying to get to the bottom of this mess, be they Republican or Democrat, because I think if we want to extend it one step further, not only are individuals being smeared but in my opinion the name of this great country is being smeared. There is a tarnish on the eagle because of the actions of a few. And until we get to the bottom of it, it is not going to change.

''This House is not going to change it. It has to be some outside independent, objective set of eyes that takes a look at the whole situation. Now we have the post office scandal. Some other questions, I guess, that come to mind, as an old ex-policeman, how much of the post office scandal is tied into the House bank? Where did they launder the cocaine money?

''There is a lot of good, strong legal questions. And if I were a reporter today, I think I would be out trying to win a Pulitzer Prize getting to the bottom of it.''.

POINT OF ORDER

(¶34.6)

A MOTION TO INSTRUCT MANAGERS ON THE PART OF THE HOUSE TO INCLUDE IN A CONFERENCE REPORT A PROVISION NOT COMMITTED TO CONFERENCE BY EITHER HOUSE EXCEEDS THE SCOPE OF CONFERENCE IN VIOLATION OF CLAUSE 3 OF RULE XXVIII.

On March 25, 1992, on motion of Mr. GEJDENSON, by unanimous consent, the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes; together with the amendments of the House thereto, was taken from the Speaker's table.

When on motion of Mr. GEJDENSON it was,

Resolved, That the House insist upon its amendments and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Mr. THOMAS of California moved to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3: to include provisions in the conference report that would limit the total cost of the bill to the total savings to be derived from the recommended offsets in the Senate bill and House amendments, and specify the account given such costs and offsets under the terms of section 301, Requirement of Budget Neutrality; and to include in the conference report provisions containing the requirement that no taxpayer dollars may be used to finance congressional campaigns, such financing to include (1) any payments to reimburse the postal service for postage discounts provided to congressional campaigns, (2) any payments to congressional campaigns, and (3) any other expenditure or obligation to offset revenue losses created by tax credits or other subsidies for the purpose of financing congressional campaigns.

Pending consideration of said motion,

POINT OF ORDER

(¶34.8)

Mr. GEJDENSON made a point of order against the motion, and said:

''Mr. Speaker, I make a point of order that the directions of the gentleman from California [Mr. THOMAS] are beyond the scope.''.

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

''It is my understanding that when the amendment to H.R. 3750 was presented to the House, the gentleman from North Carolina, the author of the amendment, indicated in an explanation of the measure that 'the requirement that no taxpayer dollars may be used to finance congressional campaigns' was a portion of a substitute amendment.

''In addition, on the floor during debate in the CONGRESSIONAL RECORD, page H11128, the gentlewoman from Ohio [Ms. OAKAR] said, 'No taxpayers' dollars are involved.'

''During the same debate on page 11162 the gentleman from Connecticut said, 'We do not have public financing in this bill.'

''The gentleman from North Carolina [Mr. ROSE] on page 11164 said:

Taxpayers are used to making tax contributions to pay for elections in this country, but they did not want their tax dollars at this time going to candidates for Congress.

''What this motion to instruct says is that no taxpayer dollars should be used to finance congressional campaigns. There are three examples of areas that financing should not be allowed, based upon the provisions that were in the bill.

''For example, first, no payments to reimburse the Postal Service for postage discounts; second, no payments to congressional campaigns, either in a matching fund or some other way, they should not go directly to congressional campaigns; or third, that there should not be any other expenditure or obligation to offset revenue losses created by, for example, tax credits in any conference agreement.

''Therefore, Mr. Speaker, based upon all the allegations that were presented during the presentation of this bill, it seems to me that the scope of the conference certainly would find acceptable an explanation which simply delineates more specifically where no taxpayer dollars are to be allowed.''.

The SPEAKER sustained the point of order, and said:

''The Chair is prepared to rule, if there are no further arguments.

''Neither the House nor the Senate version contains the provision which the second part of the instruction directs the House conferees to include in their report.

''The gentleman from California [Mr. THOMAS] is quoting statements on the floor made by Members supporting the bill, but neither the House nor the Senate version contains such provisions.

''For this reason, the motion exceeds the scope of the matters formally com-

mitted to conference and the Chair sustains the point of order.''.

Mr. THOMAS of California moved to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to S. 3: to include provisions in the conference report that would limit the total cost of the bill to the total savings to be derived from the recommended offsets in the Senate bill and House amendments, and specify the account given such costs and offsets under the terms of section 301, Requirement of Budget Neutrality.

After debate,

By unanimous consent, the previous question on the motion to instruct the managers was ordered.

The question being put, viva voce,

Will the House agree to said motion?

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

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

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

POINT OF ORDER

(¶38.9)

UNDER THE RULE OF GERMANENESS (CLAUSE 7 OF RULE XVI), THE FUNDAMENTAL PURPOSE OF AN AMENDMENT MUST RELATE TO THE FUNDAMENTAL PURPOSE OF THE BILL TO WHICH OFFERED.

TO A BILL STRIKING A DELIMITING DATE FROM EXISTING LAW TO CONTINUE THE AVAILABILITY OF CERTAIN FUNDS TO THE RESOLUTION TRUST CORPORATION WITHOUT ALTERING THE PURPOSES FOR WHICH SUCH FUNDS WERE PROVIDED, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT TO EXTEND THE AVAILABILITY OF SUCH FUNDS TO NEWLY SPECIFIED ACTIVITIES OF THE OFFICE OF THRIFT SUPERVISION (AN ENTITY OTHERWISE OPERATING UNDER ANOTHER LAW) IS NOT GERMANE.

THE TEST OF GERMANENESS IN THE CASE OF A MOTION TO RECOMMIT WITH INSTRUCTIONS IS THE RELATIONSHIP OF THOSE INSTRUCTIONS TO THE BILL.

On April 1, 1992, the bill (H.R. 4704) to remove the limitation on the availability of funds previously appropriated to the Resolution Trust Corporation; 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 Banking, Finance and Urban Affairs with instructions to report the bill back to the House forthwith with the following amendment:

Strike everything after the enacting clause and insert the following:

SECTION. 1. SHORT TITLE.

This Act may be cited as the ''Resolution Trust Corporation Funding Act of 1992''.

SEC. 2. REMOVAL OF LIMITATION OF PRIOR APPROPRIATION SUBJECT TO REDUCTION OF RTC LOSSES.

Section 21A(i)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(i)(3)) is amended by striking ''until April 1, 1992'' and inserting ''except that such amount shall be reduced by the amount which the Secretary determines is equal to the net reduction in the expenditures of the Corporation due to the supervisory goodwill buy-back program established under subsection (x)''.

SEC. 3. REDUCTION OF RTC LOSSES.

The Federal Home Loan Bank Act (12 U.S.C. 1441a) is amended by adding at the end the following new subsection:

''(x) SUPERVISORY GOODWILL BUY-BACK PROGRAM.

''(1) SUPERVISORY GOODWILL REPLACED WITH TANGIBLE CAPITAL.—Within 90 days after the date of the enactment of the Resolution Trust Corporation funding Act of 1992—

''(A) the Director of the Office of Thrift Supervision shall, in consultation with the Resolution Trust Corporation, pay each qualified savings association the replacement amount from amounts made available pursuant to paragraph (5); and

''(B) on receipt of such payment, the association shall reduce its supervisory goodwill by the amount of such payment.

''(2) DEFINITIONS.—As used in this section:

''(A) QUALIFIED SAVINGS ASSOCIATION.—THE TERM 'QUALIFIED SAVINGS ASSOCIATION' MEANS A SAVINGS ASSOCIATION—

''(i) for which a conservator or receiver would be appointed before September 1, 1993 (as determined pursuant to procedures which the Director shall establish) unless the association participates in the program under this section; and

''(ii) which is not an excluded savings association.

''(B) EXCLUDED SAVINGS ASSOCIATION.—The term 'excluded savings association' means a savings association for which, in the determination of the Director, a conservator or receiver is likely to be appointed whether or not the association is included in the program under this subsection.

''(C) REPLACEMENT AMOUNT.—The term 'replacement amount' means, with respect to a qualified savings association, the lesser of—

''(i) the determined amount; and

''(ii) the least amount that, if paid to the association, would cause the association to be adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act) under all fully phased in capital standards.

''(D) DETERMINED AMOUNT.—The term 'determined amount' means, with respect to a savings association, an amount determined appropriate by the Office of Thrift Supervision, taking into account the circumstances of the association, which is—

''(i) not less than the amount of the supervisory goodwill of the association, as of the date of the determination; and

''(ii) not more than the amount of the supervisory goodwill of the association, as of the date of the enactment of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

''(3) CAPITAL REQUIREMENTS.—

''(A) FULLY PHASED IN CAPITAL STANDARDS.—If, after receipt of funds pursuant to paragraph (1), a qualified savings association meets all fully phased in capital standards, then such standards shall apply to the association, notwithstanding any other provision of law.

''(B) ADDITIONAL REQUIREMENTS.—The Office of Thrift Supervision may set additional capital requirements for qualified savings associations to ensure that such associations will progressively prepare to meet all applicable capital requirements.

''(4) OTHER REQUIREMENTS.—The Office of Thrift Supervision may establish any other requirements needed to ensure the safe and sound operation of qualified savings associations.

''(5) FUNDING PROVIDED BY RTC.—The Resolution Trust Corporation shall provide such funds as may be necessary to carry out this subsection to the Director of the Office of Thrift Supervision from amounts made available to the corporation under this section.''.

Pending consideration of said motion,

POINT OF ORDER

(¶38.10)

Mr. GONZALEZ made a point of order against the motion, and said:

''Mr. Speaker, with respect to clause 7 of rule XVI of the Rules of the House, amendments of this nature must be germane. H.R. 4704 is an extremely narrow bill. As we said before, all it did was change the date, that is, lift the date cap on the limitation for the expenditures of previously appropriated funds.

''Mr. Speaker, the motion to recommit goes far beyond this and the extremely narrow scope of this bill. On top of that, this would provide funds for OTS, whereas our lifting of the caps would merely release the already appropriated funds to RTC. The cash for goodwill contained in this misdirected amendment directly benefits stockholders, raises the value of stock, and, therefore, has no effect on the insured depositors, which our bill is strictly limited to, and that is to resolve the rightful interest of the depositors in these insured institutions. So I must insist on my point of order.''.

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

''Mr. Speaker, the proposed motion to recommit should be held in order in my judgment because we do deal with the money that is in this bill. We deal with the fact that it instructs in my motion to recommit that a certain portion of that money that would be otherwise allocable and freed by this bill, be utilized for the sole purpose of forcing the Resolution Trust Corporation and the Office of Thrift Supervision to buy back about $2.5 billion worth of supervisory goodwill from some 53 or so savings and loans that qualify with good core earnings, they are in the black and so forth, but which fail to meet tangible capital standards and otherwise would be closed simply because they have this $2.5 billion of supervisory goodwill on the books.

''Mr. Speaker, this would be in lieu of the money being spent to close these institutions, which, if they were closed with the money in this bill as it now reads, would cost the taxpayers $25 billion.

''Mr. Speaker, I am seeking a monetary relief in this bill by the motion to instruct. I am attempting to direct the usage of the money in this bill for the least cost effective method of resolving the difficulties with these 53 or so savings and loans. That would save the taxpayers the $25 billion and do the same job for only $2.5 billion, and also save about 25,000 jobs.

''So I believe it is perfectly germane since it deals strictly with money and how it is spent under this bill when we remove the date on this bill and free up

money, which is what the bill is all about.

''Mr. Speaker, I would urge that the Chair rule that this be allowed and that we be allowed to vote on saving the $25 billion of taxpayer money that we otherwise will lose if this is not made in order and this bill were to pass.''.

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

''The Chair is prepared to rule on the motion offered by the gentleman from Florida.

''The gentleman from Texas [Mr. GONZALEZ] 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 the instructions to the bill. The pending bill narrowly amends existing law.

''Under the Federal Home Loan Bank Act, $25 billion is available until April 1, 1992, for the Resolution Trust Corporation to carry out its thrift resolution responsibilities. H.R. 4704 removes the temporal limitation on that funding to continue the availability of the $25 billion after April 1, 1992. The bill does not alter the entity to which the funds are available or the purposes for which they are available.

''The amendment proposed in the motion offered by the gentleman from Florida [Mr. MCCOLLUM] also continues the availability of the $25 billion to the RTC for its statutory responsibilities after April 1, 1992. The amendment goes further, however, to devote a portion of the $25 billion in existing law to newly specified activities of the Office of Thrift Supervision, an entity that otherwise operates under the aegis of a different law, the Home Owners Loan Act.

''To a bill amending exiting law only to continue the availability of funds to a previously specified entity for previously established purposes, an amendment extending the availability of those funds also to a newly specified entity for a newly established program is not germane.

''Accordingly, the Chair finds that the motion to recommit offered by the gentleman from Florida [Mr. MCCOLLUM] is not in order.''.

Mr. JOHNSON of Texas moved to recommit the bill to the Committee on Banking, Finance and Urban Affairs.

Pending consideration of said motion,

POINT OF ORDER

(¶38.11)

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.

Mr. GONZALEZ made a point of order against the motion, and said:

''Mr. Speaker, I believe that under the rule granted by the Committee on Rules, House Resolution 412, the resolution from the Committee on Rules provides that the previous question 'shall be considered as having been ordered on the bill to final passage without intervening motions except one motion to recommit;' that is one motion to recommit.

''I say that under that language, this is out of order, and I insist on regular order.''.

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

''The SPEAKER pro tempore. The rule and the precedent provide that one proper motion to recommit is in order. The Chair rules that the pending motion to recommit is in order.''.

The question being put, viva voce,

Will the House recommit said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. JOHNSON of Texas objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 173 / Nays 247

So the motion to recommit was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

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

Mr. MCCOLLUM demanded a recorded vote on passage of said bill, 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 negative ..... { Yeas ..... 125 / Nays 298

So the bill was not passed.

A motion to reconsider the vote whereby said bill was not passed was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶43.9)

A MOTION TO RECOMMIT A CONFERENCE REPORT WITH INSTRUCTIONS TO MANAGERS ON THE PART OF THE HOUSE TO INCLUDE IN A SUBSEQUENT CONFERENCE REPORT THREE FEATURES OF A SEPARATE BILL, NONE OF WHICH WERE COMMITTED TO THE CONFERENCE AS DISAGREEMENTS BETWEEN THE HOUSES, EXCEEDS THE SCOPE OF CONFERENCE IN VIOLATION OF CLAUSE 3 OF RULE XXVIII.

On April 9, 1992, Mr. GEJDENSON, pursuant to House Resolution 426, called up the conference report (Rept. No. 102–487) on the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate elections campaigns, and for other purposes.

When said conference report was considered.

After debate,

Mr. GEJDENSON moved the previous question on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

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

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 260 / Nays 161

So the previous question on the conference report was ordered.

Mr. WALSH moved to recommit the conference report on the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, to the committee of conference with the following instructions to the managers on the part of the House to include in the conference report the provisions of H.R. 3770, including:

(1) The requirement that a majority of a candidate's contributions come from individuals residing in the candidate's district;

(2) A limit of $1,000 on PAC contributions to candidates;

(3) A total ban on soft money contributions to political parties; and

(4) To further include the requirement that no taxpayer dollars may be used to finance congressional campaigns.

Pending consideration of said motion,

POINT OF ORDER

(¶43.11)

Mr. GEJDENSON made a point of order against motion, and said:

''Mr. Speaker, I would make a point of order that the instructions exceed the scope of the conference report. It is clear that the requirement of in-district funding is beyond the scope of the conference report, and I would move that therefore the motion to recommit should be ruled out of order.''.

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

''Mr. Speaker, there are two issues that this Member would like to make. One is that in his belief this is thoroughly and utterly germane.

''The second point is how extraordinary it is that the party of alleged reform may or may not want to block real reform.''.

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

''The Chair is prepared to rule.

''The gentleman from Connecitcut [Mr. GEJDENSON] makes a point of

order against the motion offered by the gentleman from New York [Mr. WALSH] on the ground that the instructions therein exceed the scope of the conference.

''The motion offered by the gentleman from New York proposes to instruct the managers on the part of the House to include in the conference report three features of a separate bill, H.R. 3770. Each of these three intiatives falls outside the matters committed to the conference as disagreements between the Senate bill and the House amendment thereto.

''Therefore, under clause 3 of rule XXVIII, a conference report may not include a matter although germane that was not committed to the conference of either House.

''In the opinion of the Chair, the instructions proposed in the motion offered by the gentleman from New York exceed the scope of the differences committed to the conference, and the point of order is sustained.''.

Mr. WALSH moved to recommit the conference report on the bill of the Senate (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, to the committee of conference with the following instructions to the managers on the part of the House to strip all sections from the bill that allow for public financing of subsidies of congressional campaigns, to wit sections providing for matching payments to candidates, voter communication vouchers, and reduced postal rate subsidies for candidates.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit with instructions said conference report?

The SPEAKER pro tempore, Mr. ECKART, announced that the nays had it.

Mr. WALSH 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 negative .....

Yeas	179
Nays	243

So the motion to recommit with instructions said conference report was not agreed to.

A motion to reconsider the vote whereby said conference report was not recommitted with instructions was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶43.14)

A RESOLUTION ALLEGING A DELIBERATE INTERFERENCE WITH THE ACCESS OF MEMBERS AND STAFF OF THE COMMITTEE ON HOUSE ADMINISTRATION TO CERTAIN OF ITS INVESTIGATIVE PROCEEDINGS, AND RESOLVING THAT SUCH INTERFERENCE BE EXPLAINED AND CONDEMNED, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On April 9, 1992, Mr. DOOLITTLE rose to a question of the privileges of the House and submitted the following resolution (H. Res. 430):

Whereas, pursuant to H.R. 340, the House directed the Committee on House Administration to investigate the operation and management of the Office of the Postmaster and;

Whereas, H.R. 340, required the committee to report its findings and recommendations no later than May 30, 1992 and;

Whereas, the chairman of the Committee on House Administration pledge before the House that the investigation would be handled equally by the majority and minority parties and;

Whereas, the chairman of the Committee on House Administration in a letter to the ranking minority members wrote that ''decisions will be made by a majority of the Task Force'' and;

Whereas, the Associated Press reported on April 9, 1992, an article that stated that a Member of the Committee had ordered aides/or committee staff to remove locks to a room and replace the locks where witnesses were being interviewed by members of the Ad Hoc investigating committee and;

Whereas, the integrity of House proceedings and the integrity of investigations must be protected from deliberate interference: Now therefore, be it

Resolved, That the chairman and vice chairman of the Ad Hoc Committee investigating the Post Office appear before the House by close of business on April 9, 1992 and explain the reported attempt to interfere with the ongoing investigation.

Resolved, That House again affirms the need for an expedited investigation into the Office of the Postmaster and condemns any attempt to interfere or impede this investigation.

After debate,

On motion of Mr. DOOLITTLE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put viva voce,

Will the House agree to said resolution?

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

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	417
Nays	1

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶43.16)

A RESOLUTION RECITING PRESS ACCOUNTS OF ALLEGED ILLEGAL HIRING PRACTICES AND ''GHOST'' EMPLOYMENT IN THE HOUSE, AND RESOLVING THAT A BIPARTISAN, AD HOC COMMITTEE UNDER THE JURISDICTION OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT BE APPOINTED TO INVESTIGATE THE MATTER AND REPORT TO THE HOUSE BY A TIME CERTAIN THEREON, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On April 9, 1992, Mr. RIGGS rose to a question of the privileges of the House and submitted the following resolution (H. Res. 431):

Whereas recent press accounts have cited allegations of illegal hiring practices and ghost employees in the House of Representatives and;

Whereas such allegations violations reflect upon the integrity of the House of Representatives and;

Whereas the Code of Ethics for Government Services (H. Con. Res. 175, 72 Stat. Part 2, B 12) calls on each government official to: ''Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.'' and;

Whereas such allegations would constitute violations of Rule XLIII, clauses 8, of the Code of Official Conduct which states that ''A member or officer of the House shall retain no one under his payroll authority who does not perform official duties commensurate with the compensation received * * *'' Now, therefore, be it

Resolved, That the Speaker and Minority Leader shall appoint an ad hoc committee of an equal number of Democrats and Republicans under the jurisdiction of the Committee of Standards of Official Conduct to investigate the published reports and report within 90 days to the full House any violations of House rules.

Resolved, This ad hoc committee is authorized to appoint a special counsel to assist in this investigation and that the funds necessary for this investigation shall be provided by specific resolution.

Mr. GEPHARDT moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. WALKER demanded a recorded vote on said motion, 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	231
Nays	181

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶43.26)

A RESOLUTION RECITING ALLEGATIONS THAT OFFICERS OR EMPLOYEES OF THE HOUSE MAY HAVE DELAYED OR IMPEDED A CRIMINAL INVESTIGATION OF THE OFFICE OF THE POSTMASTER BY THE DEPARTMENT OF JUSTICE, AND RESOLVING THAT ONE SUCH OFFICIAL, THE GENERAL COUNSEL TO THE CLERK, BE RECUSED FROM HANDLING LEGAL PROCESS OR OTHERWISE RENDERING COUNSEL WITH RESPECT TO THAT INVESTIGATION, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On April 9, 1992, Mr. WALKER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 434):

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster; and

Whereas, the investigation of criminal conduct includes allegations of the sale of narcotics, the embezzlement of public funds, and obstruction of justice by employees and or officers of the House; and

Whereas, allegations have been made publicly that officers of the House or employees may have engaged in obstructing justice by delaying or impeding an investigation by the Capitol police into alleged improprieties in the Office of the Postmaster; and

Whereas, public allegations have been made concerning conduct of the counsel to the Clerk of the House and the investigation by the Capitol police; and

Whereas, the Code of Conduct requires ''* * * employee * * * shall conduct himself at all times in a matter which shall reflect creditably on the House of Representatives''; and

Whereas, the allegations of illegal activities and of obstruction of justice impugn the integrity of the House; and

Whereas, the counsel to the Clerk of the House or any employee or officer of the House should refrain from potential conflicts of interest; and

Whereas, the Clerk of the House is authorized to receive judicial writs, warrants and subpoenas and thereby be involved with the specifics of any legal proceedings including the investigation by the Department of Justice: Now, therefore, be it

Resolved, That the House of Representatives directs the Clerk of the House to recuse his counsel from receiving, reviewing or drafting of any, and all, writs, warrants, subpoenas, and documents requested from or issued by the Department of Justice surrounding the legal proceedings on the criminal investigations of the Office of the Postmaster. The Clerk of House is further directed to instruct his counsel to refrain from participating in discussions with other employees or officers of the House with any matters with respect to the Department of Justice criminal investigation into the Office of the Postmaster.

Mr. GEPHARDT moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER announced that the yeas had it.

Mr. WALKER 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 ..... 239 Nays 170

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶45.11)

A RESOLUTION RESPONDING TO A SUBPOENA ISSUED IN A FEDERAL CRIMINAL PRELIMINARY INQUIRY INTO THE OPERATIONS OF A BANK BY THE OFFICE OF THE SERGEANT-AT-ARMS, BY AUTHORIZING THE PRODUCTION OF MICROFILM UPON A JUDICIAL DETERMINATION OF THE ENFORCEABILITY OF THE SUBPOENA, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On April 29, 1992, Mr. GEPHARDT rose to a question of the privileges of the House and pursuant to the foregoing special order submitted the following privileged resolution (H. Res. 440):

Directing the release of certain materials relating to the inquiry of the operation of the bank of the Sergeant at Arms pursuant to House Resolution 236 in a manner consistent with enforcement of criminal law and procedure, respect for the constitutional structure of government and the individual rights assured to all citizens, and the expectation of the public that the legal process will be impartial and fair.

Whereas, on March 27, 1992, Attorney General William Barr, appointed former federal Judge Malcolm A. Wilkey as Special Counsel to the Attorney General to conduct a preliminary inquiry into possible violations of the criminal law arising out of the operations of the former House bank; and

Whereas, shortly thereafter, employees of the former House bank were made available for interviews in accordance with Judge Wilkey's request and in the spirit of cooperation by the House of Representatives with the preliminary inquiry; and,

Whereas, on April 20, 1992, the Speaker of the House, on behalf of himself and the Republican leader, forwarded to Judge Wilkey a letter informing him that it would be inconsistent with the Rules of the House of Representatives to provide copies of the records sought by Judge Wilkey without the matter being fully considered by the entire House upon its reconvening the following week; and,

Whereas, on April 21, 1992, while the House remained in recess, Judge Wilkey caused to be issued subpoenas to the Acting Chairman of the Committee on Standards of Official Conduct and to the Sergeant at Arms of the House of Representatives calling for production by April 28, 1992, of all records of the former House bank which include all transactions of every person who used the former House bank during a 39-month period, such as Members without overdrafts, Member's spouses, employees, members of the press, and the members of the public, as well as deposit slips and monthly statements of all Members: Now, therefore, be it

Resolved, That the House of Representatives shall comply with the subpoenas issued in connection with the preliminary inquiry of the Special Counsel, in a manner consistent with (1) enforcement of criminal law and procedure; (2) respect for the constitutional structure of government and the individual rights assured to all citizens; and (3) the expectation of the public that the legal process will be impartial and fair: Be it further

Resolved, That microfilm rolls shall be collected by the Sergeant at Arms and he shall promptly undertake to expeditiously have reproduced in documentary form, using the best available modern technology, the forty-one rolls of microfilm sought by the subpoena: Be it further

Resolved, The Sergeant at Arms shall obtain from the United States District Court a determination of the enforceability of the subpoena including its materiality and relevance and shall upon receipt of such determination notify the House of the Court's determination: Be it further

Resolved, The Sergeant at Arms, after providing notification to the House, is authorized and directed to comply with the subpoena consistent with the Court's determination: Be it further

Resolved, That the House relies upon the assurances of the Special Counsel that he will take such steps as are necessary to provide full protection for the confidentiality of the records provided: Be it further

Resolved, Consistent with this resolution that it is the will of the House to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and its Members.

After debate,

Pursuant to the special order of the House heretofore agreed to, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. HANSEN 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 negative ..... { Yeas ..... 131 Nays ..... 284 Answered present 1

So the resolution was not agreed to.

A motion to reconsider the vote whereby said resolution was not agreed to was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶45.13)

A RESOLUTION RESPONDING TO A ''REQUEST'' OF A SPECIAL COUNSEL FOR RECORDS OF THE HOUSE BY REQUIRING COMPLIANCE WITH THAT REQUEST WITHIN A TIME CERTAIN GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On April 29, 1992, Mr. MICHEL rose to a question of the privileges of the House and pursuant to the foregoing special order submitted the following privileged resolution (H. Res. 441):

Whereas, by letters of April 8 and 21, 1992, to the acting chairman and ranking minority member of the Committee on Standards of Official Conduct and to the Speaker, respectively, the Honorable Malcolm R. Wilkey, Special Counsel to the Attorney General of the United States, has requested a ''cooperative response'' from the committee to his request for materials, specifically

41 microfilm rolls identified in the letter of April 21, in the possession of the Committee on Standards of Official Conduct relating to the inquiry of the operation of the Bank of the Sergeant-at-Arms pursuant to House Resolution 236, adopted by the House on October 3, 1991;

Whereas, the Constitution of the United States vests authority in the House of Representatives to protect and preserve materials of the House; and

Whereas, by the privileges of the House no evidence of a documentary character under the control and in the possession of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control or possession except by the permission of the House; Now, therefore, be it

Resolved, That the microfilm rolls shall be collected by the Sergeant-at-Arms and he shall, no later than twelve noon on May 4, 19992, provide to the Special Counsel the microfilm rolls: Be it further

Resolved, That this provision of information shall be taken without prejudice to any future consideration by the House of the Judiciary of requests for documentary or testimonial evidence from the Members, Officers or employees of the House: Be it further

Resolved, That the House relies upon the assurances of the Special Counsel that he will take such steps as are necessary to provide for protection for the confidentiality of the records provided: Be it further

Resolved, The nothing in this Resolution shall be construed to deprive, condition or waive the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual; and be it

Further Resolved, That it is the will of the House to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House.

After debate,

Pursuant to the special order of the House heretofore agreed to, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. KENNELLY, announced that the yeas had it.

Mr. MICHEL demanded a recorded vote on agreeing to said resolution, 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	347
Nays	64
Answered present	2

So the resolution was agreed to.

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

POINT OF ORDER

(¶50.6)

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 ''SHALL 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.''

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

On May 7, 1992, Mr. DERRICK, by direction of the Committee on Rules, called up the following resolution (H. Res. 447):

Resolved, That at any time after 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. 4990) rescinding certain budget authority, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill shall be considered as having been read for amendment under the five-minute rule. The amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution shall be considered as having been adopted. No amendment to the bill shall be in order except the amendments printed in part 2 of the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report of the Committee on Rules, and shall be considered as having been read. Each shall be debatable for not to exceed thirty minutes, equally divided and controlled by the proponent and a member opposed thereto. Said amendments shall not be subject to amendment. All points of order against the amendments printed in the report of the Committee on Rules are hereby waived. If both amendments in part 2 of the report of the Committee on Rules are adopted, only the latter amendment which is adopted shall be considered as finally adopted and reported back to the House. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which shall not contain instructions.

SEC. 2. The provisions of section 1017 of the Impoundment Control Act of 1974 shall not apply to a bill or joint resolution introduced with respect to any special message transmitted under section 1012 of that Act on March 10, 1992, March 20, 1992, or April 8, 1992.

Pending consideration of said resolution,

POINT OF ORDER

(¶50.7)

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

''Mr. Speaker, House Resolution 447 provides in the last sentence of section 1:

and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit which——

''And this is the point I wish to make—

which shall not contain instructions.

''Mr. Speaker, the language prohibiting any instructions in the motion to recommit clearly violates clause 4(b) of House rule XI which prohibits the Rules Committee from reporting 'any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI' of the rules that we live under in this House.

''And clause 4 of rule XVI provides at the relevant part that—

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—you—shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution.

''Mr. Speaker, I will not take your time or the time of this House to recount the detailed history of these two rules and the precedents behind them. I have previously given that to you and to the Members of this House in the form of a 48-page, documented historical report, which you have, so I will not bother repeating it.

''Suffice to say, prior to 1909, the House already had a motion to recommit, with or without instructions, contained in at that time rule XVII. Clauses 4 of rule XI and XVI were added to the rules by a minority party member, a Democrat from New York, my State, to give the minority a right to get a last vote on its proposition through recommittal instructions.

''That is clear from the author of that amendment to the rules and numerous Speakers upholding that right in the following years.

''The key phrase in clause 4(b) of rule XI is 'as provided in clause 4 of rule XVI,' since what was being provided for in that new rule was the right of the minority to offer a final amendment in the form of instructions.

''If the Speaker will consider logic alone, for the majority to dictate in a rule such as this what form the motion to recommit should take—in this case only a straight motion to recommit—is to truly deny the opponent of the bill recognized under the rule, a motion of his or her choosing. This now becomes a majority motion, and not a minority motion.

''And that is what is happening here today.

''When I previously raised similar points of order, the Chair has referred to a 1934 ruling of Speaker Rainey that the Rules Committee need only allow for a straight motion to recommit to satisfy that rule.

''And as I previously argued, Mr. Speaker, and argue again today, that ruling, and all subsequent rulings of this and previous Speakers which relied on it, were wrongly decided.

''And any logical person would come to that conclusion.

''To limit the minority to a straight motion to recommit, to deny it the original intent of the rule, guts that right and nullifies the original intent of the rule. There is no longer a need for two motions to recommit under our rules.

''It was my understanding that the Speaker was at least willing to consider that ruling and had agreed to have the Rules Committee—that I serve on—look into the matter further. Ironically, that long-promised hearing was held just yesterday, the very same day that this rule, this unfair rule depriving the minority, was reported. The Rules Committee has not yet issued a final report on its study, and yet here we are again today being denied our traditional right to offer instructions. We are being disenfranchised.

''Mr. Speaker, instead of quoting Speaker Gillett or any number of other Speakers who have upheld our rights, or your rights if you were in the minority, to offer instructions in the past, let me close by quoting to you from Thomas Jefferson in his Manual, which is still a part of our rules. He said: 'So far the maxim is certainly true and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons, the only weapon by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House,' the law of the House, 'by a strict adherence to which the weaker party can only be protected from those irregularities and abuses,' and I will repeat those words, 'be protected from those irregularities and abuses which these forms were intended to check,' and have been intended to check for over 200 years in this House, 'and which the wantonness of power is but too often apt to suggest to large and successful majorities,' which you have the privilege of having 101 more Members than we have on this side.

''Mr. Speaker, the rule before us strips the minority of all of its rights and does not allow us to offer even one amendment which we had requested—not in the Committee of the Whole and not in the motion to recommit. This is exactly the kind of example against which Jefferson warned us in which the minority has been stripped of the only weapon and protections we have to defend against attempts by those in power, and I will repeat again, 'irregularities and abuses,' which in recent years seems to be the norm around here and is one of the reasons I am ashamed to say that this House is held in such low esteem by the American people. Ten percent approval or something like that in the latest polls.

''If you take away this last ounce of protection that the minority has under our rules to offer even one amendment, even one amendment through the motion to recommit, you have rendered us helpless and you have rendered the value of any rules in this House absolutely meaningless.

''Now, Mr. Speaker, you are the Speaker of this House, you represent the majority, and as you should because you are a Member of that party, but you also have an obligation, a constitutional obligation, to represent the minority as well, and I strongly urge you to take a courageous step, Mr. Speaker—we have great respect for you—and to rule in our favor under this point of order. It means a lot to the American people, and it certainly means a lot to minority interests around this country.''.

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

''Mr. Speaker, the gentleman from New York 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 the simple motion to recommit a bill or joint resolution 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.

''The Rules Committee, therefore, may report a rule that limits but does not prohibit the motion to recommit—without violating clause 4(b) of rule XI.

''Mr. Speaker, so long as a simple motion to recommit can be offered, 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 since Speaker Rainey's decision in 1934.

''In fact, Mr. Speaker, the parliamentary point was reaffirmed by recent rulings of the Chair on October 16, 1990, on June 4, 1991, on November 25, 1991, and on February 26, 1992. On those occasions certain Members sought to appeal the ruling of the Chair. The House then voted, on each occasion, to sustain the ruling by tabling the appeal. The House thereby strengthened the precedents in this interpretation of the rule.

''Without an intervening change in the rule, there can be no question of the interpretation. Mr. Speaker, the precedents are clear and unequivocal. Moreover, the House has spoken on several recent occasions to reaffirm this position. I urge the point of order be overruled.''.

The SPEAKER overruled the point of order, and said:

''The Chair is ready to rule.

''The Chair notes that the gentleman from New York has pointed out that there have been repeated objections to rules which have not contained, as a matter of right, a motion to recommit with instructions, that the matter has been undertaken for review by the Committee on Rules, that a hearing has been held but a final study or report from the Committee on Rules has not yet been concluded.

''Because of the pendency of such a review, but because of the lack of any other conclusion thereon which might recommend against the existing line of precedents, the Chair is constrained to rule, as he has ruled before, that under the precedents of October 16, 1990, and February 26, 1992, both of which the gentleman correctly points out stem from a precedent of January 11, 1934, by Speaker Rainey, the Chair is constrained to overrule the point of order.''.

Mr. SOLOMON appealed the ruling of the Chair.

Mr. DERRICK 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 objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 253 / Nays ..... 161 }

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.

When said resolution was considered.

After debate,

Mr. DERRICK moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

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

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 257 / Nays ..... 160 }

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. SOLOMON demanded a recorded vote on agreeing to said resolution, 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 ..... 240 Nays 178

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶54.21)

A RESOLUTION ALLEGING THAT THE SPEAKER FAILED TO PROMPTLY NOTIFY THE HOUSE THAT SEVERAL MEMBERS AND AN OFFICER OF THE HOUSE HAD RECEIVED SUBPOENAS TO TESTIFY BEFORE A GRAND JURY INVESTIGATING THE OFFICE OF THE POSTMASTER, AND DIRECTING THE SPEAKER TO PRODUCE SUCH ''COURT ORDERS'' AND TO EXPLAIN THE DELAY IN NOTIFICATION TO THE HOUSE GIVES RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

On May 14, 1992, Mr. WALKER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 456):

Whereas, the Department of Justice is conducting a criminal investigation into the activities of the Office of the House Postmaster and;

Whereas, the Department of Justice issued five subpoenas on May 6 requiring certain members of the House and current or former employees to produce certain materials and;

Whereas, Rule L requires that the Speaker be promptly notified of receipt of all subpoenas and that they be laid before the House and that the Speaker shall inform the House of the proper exercise of the court order;

Resolved, That the House of Representatives directs the Speaker of the House to produce the court orders dealing with the criminal investigation of the House Post Office and that the Speaker explain what delayed the timely consideration of said court orders.

After debate,

On motion of Mr. WALKER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put viva voce,

Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

Mr. WALKER 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 ..... 324 Nays 3

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶57.4)

A RESOLUTION ALLEGING THAT THE REPUTATION OF THE HOUSE IS BESMIRCHED BY THE MANNER IN WHICH IT MAINTAINS ITS CONTINGENT FUND, AND RESOLVING THAT CERTAIN OUTSIDE AUDITS BE CONDUCTED, DOES NOT GIVE RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE.

A RESOLUTION MANDATING ADDITIONAL AUDITS OF ALL ACCOUNTS OF THE HOUSE AND PUBLIC DISCLOSURE OF ALL FINANCIAL RECORDS OF THE HOUSE DOES NOT CONFINE ITSELF TO THE REDRESS OF AN ALLEGED ABUSE OF EXISTING RULES BUT, INSTEAD, PROPOSES TO CHANGE OR ADD TO SUCH 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 A RULING OF THE SPEAKER *pro tempore.*

On May 20, 1992, Mr. SANTORUM rose to a question of the privileges of the House and submitted the following resolution (H. Res. 460):

Whereas the reputation of the House has been besmirched by the manner in which financial records of the House have been maintained; and

Whereas required audits of House accounts have not been performed; and

Whereas the procedure used for expenditures under the House contingent fund were regarded by Congress as a ''scandal'' when used by the United States Air Force in its ''M Account''; and

Whereas the $16 million budget of the Capitol Preservation Commission has not been subjected to a required audit by the General Accounting Office according to a study by the Heritage Foundation; and

Whereas the reprogramming of monies under said accounts has not been made public or widely shared with the membership of the House: Now, therefore, be it

Resolved, That the Speaker is directed to have performed complete financial and performance audits of the Capital Preservation Commission account and the House Contingent account; And be it further

Resolved, That the Speaker shall have said audits done by an independent third party; And be it further

Resolved, That said audits shall be completed within 90 days and the results of said audits shall be provided to the full membership of the House.

Pending the Speaker's ruling,

Mr. SANTORUM was recognized to speak to the question of the privileges of the House and said:

''Mr. Speaker, we have heard some of the comments of the 1-minute speeches. There have been reports in the newspapers and allegations made as to improprieties or potential improprieties conducted within the contingent funds of the House, that there was, in fact, no audit conducted of the Capitol preservation account that was required as reported by the Heritage Foundation, that these are allegations that do bring into question some of the doings here in the House of Representatives. And as a result, I think it rises to a question of privilege and would request that this resolution be made in order.''.

Mr. WALKER was recognized to speak to the question and said:

''Mr. Speaker, the test for a question of privilege is whether or not there are allegations of wrongdoing contained within the resolution and whether or not those questions of wrongdoing do, in fact, reflect upon the integrity of the House of Representatives. In this case, there are two allegations of alleged wrongdoing. In the case of the Capitol Preservation Commission, the law does require an audit by the General Accounting Office. According to a recent study by the Heritage Foundation, said audit has not been done.

''So, therefore, that does constitute a question of improper conduct. And so, therefore, it should be permitted.

''Beyond that, the method in which the House contingent account has been run, namely, multiyear authorizations and expenditures, was, in fact, regarded by Congress as an unacceptable means of expenditure, when it involved the U.S. Air Force and its so-called M account.

''Furthermore, these procedures have recently been characterized by the Wall Street Journal, a national publication, as 'Congress having arranged special treatment for itself and shielded its operations from public scrutiny.'

''We do have now an allegation by a major national news source that what we are doing here constitutes wrongdoing in the public realm. So in that case, allegations of wrongdoing in the public domain also raise a question of privileges before the House.

''So for those reasons, I would say that the gentleman's resolution is in order and should be debated by the House.''.

Mr. FAZIO was recognized to speak to the question and said:

''Mr. Speaker, I would like to be heard on this so-called privileged resolution.

''My remarks are in two categories. Specifically, as I look at the resolution there is a reference to the failure to audit the Capitol Preservation Commission. That is the only real allegation of any specificity in the resolution. And I might try to place on the record some facts that obviously eluded the Heritage Foundation, which is the source of the information which was just presented by the two gentleman from Pennsylvania.

''The Preservation Commission audit has begun and is ongoing. Of course, the General Accounting Office is required, and I agree with the gentleman from Pennsylvania [Mr. WALKER], to do so under the law in which the Preservation Commission was created. Section 804 of Public Law 106–96 asked that an audit be done on an annual basis.

''But the Commission, which was authorized in 1988, did not hold its first meeting until 1991, and no financial activities were undertaken until later. And so it was impossible effectively for any financial audit to be performed until activities took place and expenditures were made in February 1991.

''We believe that the ongoing Commission audit is the first opportunity to look at any activity of any con-

sequence which took place under the purview of the Commission, and in my view, when the GAO is able to allocate sufficient resources, given the other responsibilities they have been given by this institution in other areas, they will complete this audit and it will be available to us, just as the law requires.

''The other comments made by the gentleman from Pennsylvania [Mr. WALKER] relate to articles in the Wall Street Journal, Heritage Foundation reports, and I suppose we could say articles that appeared in the Washington Times, all of which are repeating rumors and innuendoes which are circulated by all of these entities on a regular basis. There is no factual content to the resolution otherwise.

''There, obviously, is an effort here to inflame public concern about the way the House operates. The House record of doing audits is a good one, and I suppose that is why no other entity or activity other than the Preservation Commission was cited with any specificity in the resolution.

''So it is clearly an inappropriate occasion for these issues to be brought before the House. There will be ample opportunity to discuss these matters on other legislation that will come before us during the remainder of this year.

''There is no question that this issue has been before us before and been discussed in the context of the legislative branch appropriation bill, and in reference to the Iran-Contra investigation when the whole subject of contingent fund expenditures of the House of Representatives was discussed in great depth with the minority whip, Mr. GINGRICH.

''Mr. Speaker, at a subsequent point in the RECORD I will include a series of audits which have been conducted of the legislative branch activities going back to the 1st of October of 1987, and we will provide this to make sure that all of the audits which have been performed are available in the RECORD so those who seem to be unable to find them will know where to go to obtain them so that in the future their comments can be made more accurately.''.

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

''The Chair is prepared to rule. A question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. Similarly a question of the privileges of the House may not invoke to effect a change in the operation of law.

''The instant resolution does not allege a deviation from or violation of the duly constituted procedures of the House affecting the range of account activity addressed in the resolution after its resolving clause. Rather, with respect to almost the whole of that range, the resolution takes issue with the very adequacy of the procedures under existing law and rule. It does not confine itself to the redress of an abuse of existing rules. Rather it proposes to change and add to such rules, including the new auditing requirements of rule LIII, as adopted in House Resolution 423 on April 9, 1992 by requiring a comprehensive financial and performance audit of all contingency accounts within 90 days.

''An assertion that the reputation of the House is besmirched because it does not follow a particular course of action suggested as an improvement in its operation does not present a question affecting the rights of the House collectively, its safety, dignity, or the integrity of its proceedings under the precedents. That such an assertion may have been echoed in a major financial publication does not change the matter. On this point the opinion of Speaker Colfax on April 21, 1868—which is recorded in Hinds' Precedents, volume 3, section 2639—on the subject of general charges concerning the proceedings of the House—in that instance in a newspaper—is aptly quoted:

> If this proposition could be entertained as a question of privilege, the House of Representatives would or could have resolutions upon questions of privilege before them every day, because probably not a day elapses without some newspaper in the country making a general charge against the Congress or some of its Members. These charges must be specific charges. A general charge that some conduct has been scandalous and unjust, the Chair will rule is not a question of privilege * * *.

''The preamble of instant resolution does not present a predicate for a question of the privileges of the House. As Speaker pro tempore Cox noted in the precedent of September 20, 1888, which is recorded in Hinds' Precedents, volume 3, section 2601, there is no allegation of impropriety. Similarly, the matter after its resolving clause merely proposes what amounts to a new rule for audits of all House accounts without alleging improper conduct with respect to all those accounts.

''Therefore, the Chair rules that the resolution does not constitute a question of the privileges of the House.''.

Mr. SANTORUM 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 pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. SANTORUM objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 262 / Nays ..... 149 }

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.

PRIVILEGES OF THE HOUSE

(¶61.4)

A RESOLUTION AUTHORIZING AN OFFICER OF THE HOUSE TO RELEASE CERTAIN DOCUMENTS IN RESPONSE TO A REQUEST BY A SPECIAL COUNSEL TO THE ATTORNEY GENERAL GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A RESOLUTION RECITING THAT BY THE PRIVILEGES OF THE HOUSE NO EVIDENCE MAY BE TAKEN FROM ITS POSSESSION EXCEPT BY ITS PERMISSION, AND RESOLVING THAT CERTAIN ADDITIONAL INFORMATION RELATING TO THE OPERATION OF THE BANK BY THE OFFICE OF THE SERGEANT-AT-ARMS BE FURNISHED AS A FURTHER COOPERATIVE RESPONSE TO REQUESTS FROM A SPECIAL COUNSEL TO THE ATTORNEY GENERAL, AND THAT THE LEADERSHIP LEGAL ADVISORY GROUP BE AUTHORIZED TO RESPOND TO LIKE REQUESTS, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On May 28, 1992, Mr. GEPHARDT rose to a question of the privileges of the House and submitted the following resolution (H. Res. 471):

Whereas on April 29, 1992 the House of Representatives adopted House Resolution 441 directing the release of certain materials relating to the inquiry of the operation of the Bank of the Sergeant at Arms pursuant to House Resolution 236 as a ''cooperative response'' to requests for those materials from the Honorable Malcolm R. Wilkey, Special Counsel to the Attorney General of the United States;

Whereas pursuant to House Resolution 441 the 41 microfilm rolls provided to the Special Counsel were furnished without prejudice to any future consideration by the House or the Judiciary of requests for documentary or testimonial evidence from Members, Officers of employees of the House, but only upon assurances of the Special Counsel that he will take such steps as are necessary to provide for protection of the confidentiality of the records provided;

Whereas pursuant to House Resolution 441 the House expressed its will to maintain such communication and cooperation with the Special Counsel as will promote the ends of justice consistent with the privileges and rights of the House and consistent with the constitutional or legal rights applicable or available to any Member, Officer or employee of the House or any other individual;

Whereas the Special Counsel has requested the production of further documentary evidence in addition to that furnished pursuant to House Resolution 441;

Whereas, by the privileges of the House no evidence of a documentary character under the control and in the possession of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control or possession except by the permission of the House; Now therefore be it

Resolved, That the material requested by the Special Counsel consisting of: for the period July 1, 1988 through October 1991 the general ledgers of the bank; the ''throwout books''; lists or other compilations of persons whose check privileges had been suspended or otherwise restricted; for accounts in which there were one or more ''overdrafts'' any list or other compilation of individuals who had been granted signature au-

thority by account holders and any list or other compilation of individuals who had been designated by Members as a staff contact person; information relating to overdrawn accounts and general bank administration maintained in the computers of the bank; in addition, and without respect to the time limitation referenced above, any list or other compilation relating to promissory notes made by the National Bank of Washington, shall be collected by the Sergeant at Arms and he shall commence production thereof to the Special Counsel not later than five p.m. on Monday June 1, 1992; Be it further

Resolved, That upon receipt of further requests for documentary or testimonial evidence from the Special Counsel addressed to any Member, officer, or employee of the House, the Leadership Legal Advisory Group (consisting of the Speaker, the majority leader, the minority leader, the majority whip and the minority whip), is hereby authorized to respond to and to take appropriate action with respect to such requests from the Special Counsel in a manner consistent with the privileges and precedents of the House.

The SPEAKER pro tempore, Mrs. UNSOELD, ruled that the resolution submitted did present a question of the privileges of the House and recognized Mr. GEPHARDT for one hour.

After debate,

On motion of Mr. GEPHARDT, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

Mr. GINGRICH objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared ....

Yeas	396
Nays	5
Answered present	1

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶65.28)

A RESOLUTION RECITING THAT BY THE PRIVILEGES OF THE HOUSE NO EVIDENCE MAY BE TAKEN FROM ITS POSSESSION EXCEPT BY ITS PERMISSION, AND RESOLVING THAT CERTAIN REQUESTED INFORMATION BE FURNISHED TO THE INDEPENDENT COUNSEL INVESTIGATING COVERT ARMS TRANSACTIONS WITH IRAN, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On June 4, 1992, Mr. HAMILTON rose to a question of the privileges of the House and submitted the following resolution (H. Res. 477):

Whereas, the House of Representatives in the 100th Congress, 1st Session, adopted House Resolution 12 on January 7, 1987 establishing the Select Committee to Investigate Covert Arms Transactions with Iran, and authorizing that committee, during its continuance, to respond to judicial or other process consistent with Rule L;

Whereas, the House of Representatives in the 100th Congress, 1st Session, adopted House Resolution 330 on December 10, 1987 providing for the termination of that Select Committee on March 1, 1988 and for the transmittal of its records to the Clerk of the House for storage in the National Archives;

Whereas, the Office of Independent Counsel as part of its continuing criminal investigation of Iran/Contra matters has in a letter to the General Counsel to the Clerk dated June 1, 1992 requested certain testimonial and documentary information in connection with the June 17, 1987 deposition of former Secretary of Defense Casper W. Weinberger (taken in a closed proceeding of that Select Committee pursuant to House Resolution 12);

Whereas, by the privileges of the House, no evidence under the control of the House can, either by the mandate of process of the ordinary courts of justice or pursuant to requests by appropriate Federal or State authorities, be taken from such control except by the permission of the House: Now, therefore, be it

Resolved, That the testimonial and documentary evidence in connection with the June 17, 1987 deposition of former Secretary of Defense Casper Weinberger as outlined in the request of June 1, 1992 by the Independent Counsel, be furnished at the direction of the Clerk of the House in a manner consistent with the privileges and precedents of the House.

The SPEAKER pro tempore, Mr. MURTHA, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate,

On motion of Mr. HAMILTON, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof was agreed to.

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

WORDS TAKEN DOWN

(¶67.6)

REMARKS IN DEBATE ASSIGNING ''PETTY POLITICAL GAIN'' AS THE MOTIVATION FOR A PRESIDENTIAL VETO DO NOT CONSTITUTE AN UNPARLIAMENTARY REFERENCE TO THE PRESIDENT, AS THE TERM ''PETTY'' CAN BE TAKEN SIMPLY TO MEAN ''SMALL, MINOR, OR HAVING SECONDARY RANK OR IMPORTANCE.''

UNDER CLAUSE 4 OF RULE XIV, THE CHAIR RULES ON THE PROPRIETY OF WORDS SPOKEN IN DEBATE AS TRANSCRIBED AND READ BY THE CLERK, AND NOT AS OTHERWISE ALLEGED TO HAVE BEEN UTTERED.

On June 9, 1992, Mr. DEFAZIO during one minute speeches addressed the House and, during the course of his remarks,

Mr. WALKER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Once again he has threatened to deny the reality of unemployment and veto the unemployment benefit extension for his own petty political gain.

The SPEAKER pro tempore, Mr. MFUME, held the words taken down did not transgress the rules of the House, and said:

''The Chair has referred to Webster's Dictionary. The primary definition is: 'small, minor, having secondary rank or importance: having little or no importance or significance: marked by or reflective of narrow interests and sympathies.'

''The Chair rules that in the opinion of the Chair that does not transgress the rules of the House.''.

The SPEAKER pro tempore, Mr. MFUME, in response to a parliamentary inquiry made by the gentleman from Pennsylvania [Mr. WALKER] wherein he questioned the words being correctly reported by the Clerk and that they should have included the phrase, ''his own petty personal political gains'', said:

''The Chair, in response to the gentleman's inquiry (point of order), reported the words that were handed to the Chair as recorded. The Chair believes, however, the gentleman from Oregon, for the sake of debate, will find it in order to withdraw the word 'personal' if, in fact, it was uttered.''.

By unanimous consent, Mr. DEFAZIO withdrew the word, ''personal'', from the remarks.

POINT OF ORDER

(¶71.6)

THE COMMITTEE ON RULES MAY, WITHOUT VIOLATING CLAUSE 4(B) OF RULE XI OR RULE XLII (INCORPORATING FROM JEFFERSON'S MANUAL GENERAL STANDARDS OF MINORITY PROTECTION), 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.''

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

On June 16, 1992, Mr. WHEAT, by direction of the Committee on Rules, called up the following resolution (H. Res. 480):

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 the consideration of the bill (S. 250) to establish national voter registration procedures for Federal elections, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on House Administration, the bill shall be con-

sidered as having been read under the five-minute rule. No amendment to the bill shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution. Said amendment shall be considered as having been read, shall be debatable for not to exceed one hour, equally divided and controlled by the proponent and a member opposed thereto. Said amendment shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit which may not contain instructions.

Pending consideration of said resolution,

POINT OF ORDER

(¶71.7)

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

''Mr. Speaker, let me say at the outset that I regret that it is even necessary to raise this point of order. As you will recall, in January of last year I presented you, Mr. Speaker, with a 48-page paper documenting the precedents and history behind the rules which guarantee to the minority the right to offer a motion to recommit a bill of its choosing—including one with instructions.

''Then last June we sat down in your office with the Republican leader, the majority leader, and the Rules Committee chairman, and myself, and it was agreed that the Rules Committee would further look into our complaints about being denied our right to offer recommittal instructions on certain bills.

''The Rules Committee's Subcommittee on Rules of the House finally did hold a hearing on May 6 of this year, but no report has yet been issued as a result of that hearing and study.

''As the Speaker well knows, the whole purpose of the Rules Committee study of this controversy was to attempt to reach some kind of accommodation between the majority and minority over the issue of restricting our right to recommit bills.

''I am certain the Speaker did not have in mind that a hearing alone, without any subsequent effort to solve this problem, would suffice, and I know that. A hearing alone does not constitute a good-faith effort to reach accommodation.

''Having said all that, Mr. Speaker, permit me once again to make the case for this point of order. The rule before us allows for one motion to recommit but goes on to say that the motion 'may not contain instructions.'

''Mr. Speaker, again I have to repeat, clause 4(b) of House rule XI provides that the Rules Committee 'shall not report any rule or order * * * which would prevent the motion to recommit from being made as provided in clause 4 of rule XVI.'

''And clause 4 of rule XVI, at the relevant part, states that:

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 to a Member who is opposed to the bill or joint resolution.

''Mr. Speaker, it can hardly be argued that by denying any instructions in a motion to recommit, the right of the minority Member entitled to offer that motion is being preserved or protected. When the rule issued by the majority's Committee on Rules dictates that the minority Member may only offer a straight motion to recommit, that Member is deprived of the right to offer a motion of his or her choosing.

''Mr. Speaker, it must be remembered that before these two rules were adopted in 1909, the House already had a rule, dating back to 1880, allowing for a motion to recommit, with or without instructions, either before or after the previous question is ordered. That rule is rule XVII, clause 1 and is still a part of our rules today under which we are supposed to be operating here.

''As the Speaker will recall from the paper I presented him in January 1991, in 1909 the new recommit rule was offered by a minority Member of this House, Democrat John Fitzgerald from my State of New York, specifically giving that motion to the minority. And at the same time, a rule was adopted, which we now call clause 4(b) of rule XI, to prevent the Rules Committee from ever denying the minority that right.

''In offering those two rules changes, Representative Fitzgerald said, and I quote once again, and I hate to take the Speaker's time but it has to be said:

Under our present practice, if a Member desires to move to recommit with instructions, the Speaker instead of recognizing a Member desiring to submit a specific proposition by instructions, recognizes the gentleman in charge of the bill.

''In other words, Mr. Speaker, up to that point, the Speaker could recognize the majority manager to offer the motion to recommit and thereby prevent the minority from offering such a motion with instructions in the way of a final amendment.

''And Fitzgerald went on to say, and again I quote:

Under our practice, the motion to recommit might better by eliminated from the rules altogether.

''In short, Mr. Speaker, the whole purpose for the new rule was to permit the minority to offer a motion to recommit with instructions if it so desired. On May 14, 1912, Speaker Champ Clark, another Democrat, and I used to be one, Mr. Speaker—I have researched all these Democrats.

''Champ Clark, a Democrat from Missouri, upheld a point of order against a rule denying a motion to recommit by pointing to Jefferson's Manual in which Jefferson observed that rules are instituted in parliamentary bodies as a check against action of the majority and a shelter and protection to the minority.

''Clark concluded on this point by ruling that, and I quote, 'it was intended that the right to make the motion to recommit should be preserved inviolate.'

''On October 17, 1919, Speaker Gillett, a Republican from Massachusetts—we had Republicans from Massachusetts in those days—in overruling a point of order against a minority motion to recommit with instructions, 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.

''Please note, Mr. Speaker, the only condition on that motion was the germaneness rule as found in the standing rules of the House.

''And he concluded:

The whole purpose of this motion to recommit is to have a record vote upon the program of the minority. That is the main purpose of the motion to recommit.

''Mr. Speaker, the recent body of rulings upholding the right of the Rules Committee to deny the minority that right to offer amendatory instructions in the motion to recommit is based on a 1934 ruling by Speaker Rainey, another Democrat from Illinois, in which he overruled a point of order against a special rule that prohibited amendments to one title of the bill during its consideration.

''Speaker Rainey said that the special rule did not mention the motion to recommit which therefore could still be offered under the general rules of the House. And he went on to rely on the principle that one cannot do indirectly by way of a motion to recommit that which cannot be done directly by way of amendment. And since the special rule prohibited amendments to one title, the motion to recommit could not amend that title either.

''In short, Mr. Speaker, he held that a special rule prohibiting certain amendments had the same status as the standing rules of the House, even though the special rule was more restrictive than the standing rules, and in, fact, was a departure from those standing rules.

''Even a germane amendment could not be offered in the motion to recommit.

''Mr. Speaker, I have long maintained that the ruling of Speaker Rainey was wrongly decided. On the one hand, he tried to claim that the right of the motion to recommit was preserved under the general rules. But he then turned around and said the general rules of the House had no standing when it came to an amendment in the motion to recommit—that the special rule from the Rules Committee had precedence.

''Mr. Speaker, you cannot have it both ways. To the extent that the Rules Committee limits or denies the motion to recommit in a way that departs from the general rules of this House that we operate under, it is violating the prohibition on it as contained in clause 4(b) of Rule XI.

''And I ask the Members to read the rules and see for yourselves.

''To paraphrase Speaker Champ Clark, the motion is no longer inviolate as it was intended to be. And that is wrong. Instead, the right has been grossly violated.

''Mr. Speaker, finally I will just point out that I am basing my point of order on House Rule XLII, which states, in part, and I quote:

The Rules of parliamentary practice comprised in Jefferson's Manual * * * shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House * * *.

''Mr. Speaker, I would maintain that in a case such as this, where there is ambiguity, Jefferson's Manual should be relied on as the final arbiter, just as Speaker Clark relied on it in his ruling in 1912 on this issue. And, to quote from section 1 of Jefferson's Manual, and I wish the Members would listen up because what we are trying to strive for here is fairness. It says:

As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents,' the opponents being we, the minority, 'the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceedings which have been adopted as they were found necessary from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check.

''Mr. Speaker, that is terribly, terribly important.

''Jefferson concluded on this point as follows:

It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the Members. It is very material that order, decency, and regularity be preserved in a dignified public body.

''I repeat, Mr. Speaker, in a dignified and fair body.

''Mr. Speaker, I would submit that Jefferson's Manual, which is incorporated as part of the rules of the House, should be the final authority on this issue. And Jefferson's Manual clearly comes down on the side of minority rights which are protected under the standing rules of the House—the regular order of proceeding, which we defend every day.

''Mr. Speaker, to permit a special rule such as this to take priority is to give way to the caprice of the Speaker's Committee on Rules or the captiousness of the majority Members in abusing, indeed denying, the only protection and weapon which we, the minority have, and that is the standing, not special, the standing rules of this House.

''Mr. Speaker, I cannot make it any clearer. You are a fair man, a man respected by us; but you do represent all of us in this House, the majority and minority. And I know that you feel that way personally. And I would just hope for the good of this House and the future of this House and the future of your party, which may become a minority someday—we hope soon—I would hope that you would rule in my favor.''.

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

''Mr. Speaker, the gentleman from New York makes the point of order that the rule limits the motion to recommit and therefore, according to the minority, the rules 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 only addresses the simple motion to recommit. Nowhere are instructions mentioned.

''Mr. Speaker, the Rules Committee may report a rule limiting the motion to recommit. So long as the rule allows a simple motion to recommit, it does not violate clause 4(b) of rule XI.

''Mr. Speaker, this is a well-established parliamentary point. Speaker Rainey, on January 11, 1934, so ruled and was sustained on appeal.

''The point was reaffirmed five times in the last 2 years: October 16, 1990; June 4, 1991; on November 25, 1991; February 26, 1992, and again 1 month ago, on May 7, 1992. Several times, the minority moved to appeal the ruling of the Chair. On each occasion the House voted to table the motion, sustaining the ruling.

''Mr. Speaker, the precedents were strengthened by the votes of the House. The House consistently supported our interpretation of the rule. Absent an intervening change in the rule, the chair would be constrained, in my opinion, to heed this interpretation.

''Finally, Mr. Speaker, the minority's position on the motion to recommit was seriously compromised, to my mind, by its support for House Resolution 450. House Resolution 450 was the rule providing for consideration of the balanced budget constitutional amendment.

''House Resolution 450 severely restricted the motion to recommit with instructions. Yet every member of the minority voting on the rule—except two—voted 'aye.'

''In summary, Mr. Speaker, the precedents are clear, consistent, and unequivocal.

''Since 1934 there is not a single instance in which Speaker Rainey's interpretation was overturned. Not one rule limiting the motion to recommit was successfully challenged on a point of order.

''Moreover, the House spoke several times in the last 2 years to reaffirm and strengthen this position. And finally, Mr. Speaker, the House overwhelmingly supported—just last week—a rule limiting the motion to recommit.

''Search the RECORD and you will not find a single word of protest from the minority last week.

''Mr. Speaker, I urge you not to sustain the point of order.''.

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

''Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] cited as the principal evidence of the willingness of the House to abandons its minority right a series of votes that have taken place in recent years. Obviously, what we have there is the majority party muscling the minority party with its voting majority, and it has nothing to with the rules of the House or the kind of precedents that protect minority rights.

''If in fact what we have decided is that the minority is always at the mercy of the majority's ability to change the rules, then the Chair, it seems to me, does rule against the gentleman from New York, and that would be a travesty. If what the Chair is concerned about doing is protecting the minority, as it is supposed to be protected under the rules, then the Chair, I think, has no other duty than to rule in favor of the point of order of the gentleman from New York, because it is clear in this particular instance that to rule against the point of order of the gentleman from New York is to really rule that the minority has no real position under the rules, and that any position the minority has under the rules is conveniently stripped by a majority vote of the majority party. That would be a travesty that goes against everything the House is supposed to stand for in debate, and I would hope that the Chair would rule in favor of the point of order raised by the gentleman from New York [Mr. SOLOMON].''.

The SPEAKER overruled the point of order, and said:

''The gentleman from New York [Mr. SOLOMON] has made a point of order against consideration of House Resolution 480 and, based on arguments made previously by the gentleman from New York, has insisted that in denying the motion to recommit with instructions and providing authority only for a motion to recommit, the committee has violated House rules and a point of order should be sustained against the resolution.

''Under the precedents of October 16, 1990, February 26, 1992, and May 7, 1992, all of which, as the gentleman correctly points out, stem from the precedent of January 11, 1934, the Chair is constrained to overrule the point of order.''.

Mr. SOLOMON appealed the ruling of the Chair.

Mr. WHEAT 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 nays had it.

Mr. WHEAT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 250 / Nays 158

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.

Accordingly, House Resolution 480 was considered.

After debate,

Mr. WHEAT moved the previous question on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House now order the previous question?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. WHEAT objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 256 / Nays 163

So the previous question on the resolution was ordered.

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. DREIER demanded a recorded vote on agreeing to said resolution, 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 ..... 264 / Nays 157

So the resolution was agreed to.

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

POINT OF ORDER

(¶81.15)

UNDER CLAUSE 2(C) OF RULE XXI, A MOTION TO RECOMMIT A GENERAL APPROPRIATION BILL WITH INSTRUCTIONS TO INSERT AN AMENDMENT IN THE FORM OF A LIMITATION ON FUNDS THEREIN IS NOT IN ORDER WHERE THAT LIMITATION WAS NOT CONSIDERED IN THE COMMITTEE OF THE WHOLE PURSUANT TO CLAUSE 2(D) OF THAT RULE.

THE CONSIDERATION OF CERTAIN LIMITATION AMENDMENTS IN THE COMMITTEE OF THE WHOLE IN ACCORDANCE WITH CLAUSE 2(D) OF RULE XXI DOES NOT RELIEVE A NEW LIMITATION AMENDMENT FROM THE CONSTRAINTS OF THAT RULE IN RECOMMITTAL.

On July 1, 1992, the bill (H.R. 5488) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1993, and for other purposes; was ordered to be engrossed and read a third time by title.

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

None of the funds appropriated or otherwise made available in this Act shall be made available to an entity when it shall be made known to the Secretary that such entity has an announced policy of denying funds to the Boy Scouts of America and the activities of the Boy Scouts of America.

Pending consideration of said motion,

POINT OF ORDER

(¶81.31)

Mr. ROYBAL made a point of order against said motion, and said:

''Mr. Speaker, I make a point of order against the motion to recommit with instructions because it includes a limitation and is not in order under clause 2, rule XXI. Under the precedents of the House, it is not competent for the House to amend the bill in the manner proposed because it is not in order for the House to instruct the committee to do what the House itself could not do.

''Mr. Speaker, I quote from the 'Precedents of the House of Representatives':

It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment. (Hinds': Vol. 5, paragraph 5529)

Also, Mr. Speaker, a point of order was sustained on a motion to recommit with instructions because, and I quote:

It is clear that the amendment offered by way of matter contained in the motion to recommit * * * would not have been in order if offered as an amendment * * * (Cannon's: Vol. VIII, paragraph 2705)

''Mr. Speaker, the gentleman's motion to instruct includes a limitation not specifically contained or authorized in existing law and not considered in the Committee of the Whole pursuant to clause 2(d) of rule XXI.

''I ask for a ruling from the Chair.''.

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

''Mr. Speaker, it is clear that instructions may not propose legislation or unauthorized appropriations by way of an amendment. This is strictly a limiting period. On that issue, on August 1, 1989, Speaker FOLEY ruled that in the opinion of the Chair, ruling on this matter of first impression, that the clear language of clause 2(c), cited by the Chairman here, of rule XXI, prohibits limiting amendments from being contained in a motion to recommit since no limitation amendment was permitted by the Committee of the Whole under clause 2(d) of that rule.

''Here a number of limitation amendments have been considered and were passed and become part of the law. So clearly limitations have already become part of this law. Likewise, that consideration is past, we have already considered limitations, and this is just one more limitation which the rules clearly understand.

''Further, the Chair has ruled in the past, on January 11, 1934, that rules prohibiting certain amendments during consideration of a general appropriation bill would not distinguish them.

''But here limitations have already been passed. It is clear that this Chair has ruled on them. The Committee has accepted one or two. So the ruling on limitations has already been considered by this House and passed.''.

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

''Mr. Speaker, as the gentleman from Indiana [Mr. MYERS] has cited, the precedents on this will not hold in this instance where the Committee has in fact adopted funds limitation amendments.

''The gentleman from Virginia [Mr. WOLF] offered a funds limitation amendment. It was accepted by the House. It was exactly the same kind of fund limitation that the gentleman from Indiana [Mr. MYERS] now seeks to offer in the motion to recommit. It was a none of these funds amendment may be made available by this act.

''That is precisely what the gentleman from Indiana [Mr. MYERS] has in his motion to recommit. The Committee has decided to take such amendments in this particular bill. So, therefore, it is entirely in order for the gentleman from Indiana to offer such an amendment as a part of his motion to recommit.''.

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

''The Chair is prepared to rule. The gentleman from California [Mr. ROYBAL] correctly cites the ruling on page 600 of the manual as held by Speaker FOLEY on August 1 and 3, 1989. The point of order is sustained. The motion of the gentleman from Indiana [Mr. MYERS] is not in order.''.

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

On page 76, line 20, strike ''or any successor organization''.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the nays had it.

Mr. ROYBAL demanded a recorded vote on passage of said bill, 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 ..... 237 Nays 166

So the bill was passed.

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

WORDS TAKEN DOWN

(¶85.3)

REMARKS IN DEBATE CHARACTERIZING CONFIRMATION PROCEEDINGS IN A COMMITTEE OF THE SENATE AS A CONTINUATION OF ITS ''DOWNHILL SLIDE'' ARE UNPARLIAMENTARY.

On July 9, 1992, Mr. CONYERS during one minute speeches addressed the House and, during the course of his remarks,

Mr. SENSENBRENNER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

In continuing its downhill slide, the Senate Judiciary Committee has recommended by a 10-to-4 vote approval of the nomination of Edward Carnes to the 11th Circuit Court of Appeals. The simple fact is that Edward Carnes is unfit to serve on the Federal bench. His executioner mentality and active support for racial discrimination with the Alabama criminal justice system, and his failure to understand the concept of equal * * *.

The SPEAKER pro tempore, Mr. MCNULTY, held the words taken down to be unparliamentary, and said:

''According to Jefferson's Manual, section 371, page 175, the Chair rules that critical references to the Senate or committees of the Senate are not permitted under the rules of the House.

''Without objection, the Member's words will be stricken.''.

By unanimous consent, the words ruled unparliamentary were stricken from the Congressional Record.

By unanimous consent, Mr. CONYERS was permitted to proceed in order.

PRIVILEGES OF THE HOUSE

(¶87.6)

A RESOLUTION DIRECTING THE COMMITTEE ON HOUSE ADMINISTRATION TO TRANSMIT TO THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT ALL RECORDS OBTAINED BY ITS TASK FORCE TO INVESTIGATE THE OPERATION AND MANAGEMENT OF THE HOUSE POST OFFICE, TO MAKE RECORDS AVAILABLE FOR REVIEW BY THE DEPARTMENT OF JUSTICE, AND TO TENDER RECOMMENDATIONS TO THE SPEAKER, THE MAJORITY AND MINORITY LEADERS, AND THE DIRECTOR OF NON-LEGISLATIVE AND FINANCIAL SERVICES, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1992, Mr. ROSE rose to a question of the privileges of the House and submitted the following resolution (H. Res. 518):

Whereas the Committee on House Administration has ordered reported the findings of the Committee Task Force to Investigate the Operation and Management of the House Post Office; and

Whereas matters have been raised which may inpugn the integrity of the House: Now, therefore, be it

Resolved, That the Committee on House Administration is directed to—

(1) transmit to the Committee on Standards of Official Conduct the committee report and all records obtained by the Task Force pursuant to House Resolution 340, One Hundred Second Congress;

(2) make available the committee report and all records obtained by the Task Force pursuant to House Resolution 340 to the United States Department of Justice for inspection in the Committee offices; and

(3) send a letter with specific recommendations to the Speaker of the House, the majority and minority leaders, and the Director of Non-Legislative and Financial Services.

The SPEAKER pro tempore, Mrs. SCHROEDER, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate,

On motion of Mr. ROSE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put viva voce,

Will the House agree to said resolution?

The SPEAKER pro tempore, Mrs. SCHROEDER, announced that the yeas had it.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 414 Nays 0

So the resolution was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶87.9)

A RESOLUTION DIRECTING THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO INVESTIGATE ALLEGATIONS OF IMPROPRIETIES BY MEMBERS OR STAFF IN THE CONDUCT OF AN INTERNAL INVESTIGATION PREVIOUSLY ORDERED BY THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1992, Mr. THOMAS of California rose to a question of the privileges of the House and submitted the following resolution (H. Res. 519):

Whereas, pursuant to H. Res. 340, the Committee on House Administration was directed to investigate the operation and management of the Office of the Postmaster and;

Whereas, the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster required all Task Force staff to agree in writing, by signing an Agreement of Confidentiality, not to disclose any information relating to the investigation prior to such time as the Task Force has released its final report and;

Whereas, confidential information from the Task Force draft report appeared in the July 10, 1992 and July 11, 1992 issues of The Washington Times and the July 13, 1992 issue of Roll Call and;

Whereas, a Member of the Task Force, in an attempt to influence the contents of the final Task Force report, placed a phone call to a Member not on the Task Force regarding confidential information in the Task Force draft report; and

Whereas, House Rule XLIII (the Code of Official Conduct), Section 1, requires that a ''Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives;''

Resolved, That the House of Representatives directs the Committee on Standards of Official Conduct to investigate violations of the Agreement of Confidentiality of the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster, and to determine whether the conduct of any Task Force Member who attempted to influence the content of the final Task Force report by calling any Member not on the Task Force regarding confidential information in the Task Force draft report violated House Rule XLIII, the Code of Official Conduct.

The SPEAKER pro tempore, Mrs. SCHROEDER, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. ROSE moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mrs. SCHROEDER, announced that the yeas had it.

Mr. THOMAS of California 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 ..... 233 Nays 176

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶87.11)

A RESOLUTION ADDRESSING THE DISPOSITION OF RECORDS ACCUMULATED DURING AN INTERNAL INVESTIGATION PREVIOUSLY ORDERED BY THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1992, Mr. WALKER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 520):

Whereas the Committee on House Administration has ordered reported the findings of the Committee Task Force to Investigate the Operation and Management of the House Post Office; and

Whereas matters have been raised which impugn the integrity of the proceedings of the House of Representatives: Now therefore be it

Resolved, That the Committee on House Administration is directed to make public all transcripts of proceedings of the Task Force leading to its final report.

The SPEAKER pro tempore, Mrs. SCHROEDER, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. ROSE moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mrs. SCHROEDER, announced that the nays had it.

Mr. ROSE demanded a recorded vote on the motion to lay the resolution 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 ..... 207 Nays 200

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶88.18)

A RESOLUTION ALLEGING THAT CERTAIN MEMBERS AND STAFF OF THE COMMITTEE ON HOUSE ADMINISTRATION HAD DISSEMINATED WRITTEN MATERIAL FALSELY PURPORTING TO CONSTITUTE A REPORT OF ITS TASK FORCE TO INVESTIGATE THE OPERATION AND MANAGEMENT OF THE HOUSE POST OFFICE AND DEFAMING A MEMBER OF THE HOUSE, AND RESOLVING THAT THE COMMITTEE BE DIRECTED TO ISSUE A WRITTEN APOLOGY AND TAKE SPECIFIED REMEDIAL ACTIONS, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 23, 1992, Mr. OLVER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 525):

Whereas on July 22, 1992 the Republican Members and staff of the Committee on House Administration and the Committee's Task Force to Investigate the Operation and Management of the Office of the Postmaster disseminated to the media and the public a document which although entitled ''Report of the Committee on House Administration Task Force to Investigate the Operation and Management of the Office of the Postmaster'' was in fact not the report of the Task Force but rather a report of the Republican Members of the Task Force; and,

Whereas at page 52 of that document the Republican Members of the Task Force indicate that a post office box was retained at the Brentwood Post Office on behalf of Representative John Olver and that the retention of such a post office box might raise certain concerns; and,

Whereas in fact the post office box referred to in the Report of the Republican Members of the Task Force was retained not by or on behalf of Representative Olver, a Member of the Democratic Party but instead on behalf of Representative Olver's predecessor, a Member of the Republican Party: and,

Whereas the inclusion of this false, incorrect, and improper reference to Representative Olver, and the widespread dissemination of the false, incorrect and improper information has caused unwarranted injury to the reputation and good name of Representative Olver, it is therefore,

Resolved, That the Committee on House Administration is hereby directed to issue a formal apology to Representative Olver and such apology shall be personally signed by all Members of the Task Force, and it is further,

Resolved, That any and all printing, distribution or other dissemination of the Republican Members Report shall cease and desist until such time as the text of the Republican Members Report is corrected to accurately reflect that Representative Olver did not have a post office box retained on his behalf, and it is further,

Resolved, That the Chairman of the Committee on House Administration is hereby directed to determine the cause of the incorrect attribution of a post office box retained on behalf of a Member of the Republican Party to a Member of the Democratic Party in the Report of the Republican Members of the Task Force, who was responsible for the publication and dissemination of this false information and whether further inquiry is warranted to determine whether the publication and dissemination of this falsehood constitute the violation of any Rule of the House or applicable legal standard.

The SPEAKER pro tempore, Mr. GEPHARDT, ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate,

Mr. OLVER, withdrew said resolution.

PRIVILEGES OF THE HOUSE

(¶88.19)

A RESOLUTION ADDRESSING THE DISPOSITION OF RECORDS ACCUMULATED DURING AN INTERNAL INVESTIGATION PREVIOUSLY ORDERED BY THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On July 22, 1992, Mr. WALKER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 526):

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 Majority has selectively included portions of the transcript of the proceedings of the Task Force in the Appendix to their Report; and

Whereas matters have been raised which impugn the integrity of the proceedings of the House of Representatives: Now, therefore, be it

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

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

After debate,

Mr. KLECZKA moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

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

On a division demanded by Mr. WALKER, there appeared, yeas—18, nays—17.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 223 Nays 196

So the motion to lay the resolution 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.

PRIVILEGES OF THE HOUSE

(¶93.12)

A RESOLUTION DIRECTING THE COMMITTEE ON HOUSE ADMINISTRATION TO PROHIBIT PAYMENT FOR FRANKED MASS MAILINGS OUTSIDE OF THE DISTRICT A MEMBER REPRESENTS MANDATING IMMEDIATE IMPLEMENTATION OF AN INTRODUCED BILL CONSTITUTES A PROPOSAL TO CHANGE THE APPLICATION OF RULE XLVI IN CASES OF REDISTRICTING, AND AS SUCH DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY NOT BE INVOKED TO EFFECT A CHANGE IN THE RULES OF THE HOUSE OR IN THEIR INTERPRETATION, OR TO EFFECT A CHANGE IN THE OPERATION OF LAW.

On July 30, 1992, Mr. THOMAS of California rose to a question of the privileges of the House and submitted the following resolution (H. Res. 533):

Whereas, the House of Representatives acted on April 8, 1992 and passed by a vote of 408 a motion to recommit the conference report on the bill S. 3 instructing conferees to include the provisions of the bill HR 4104 and;

Whereas, the House voted on June 24, 1992, by a margin of 4172 to include HR 4104 in the Legislative Branch appropriations for FY 1993 and;

Whereas the US Court of Appeals has on July 30, 1992 declared section 3210(d)(1)(B) of Title 39 of the US Code unconstitutional under the First and Fifth Amendments thereby removing the authority of members of Congress to frank mass mailings to areas outside the district from which the member was elected, and;

Whereas, members of the House have engaged in activities now declared by the courts as unconstitutional; and

Whereas such activities impugn the integrity of the proceedings of the House now therefore be it resolved:

Resolved, That the House of Representatives directs the Committee on House Administration to prohibit payment from any account for the purpose of mass mailings franked outside the district from which the member was elected and further that the provisions of HR 4104 be implemented immediately.

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

''The Chair will rule. The Chair's understanding is that the resolution essentially directs a rules change by immediate implementation of an introduced bill which then is not a question of privilege. The resolution does not constitute a question of privilege.''.

POINT OF PERSONAL PRIVILEGE

(¶94.22)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF THE FALSIFICATION OF AN INTERVIEW WITH THE MEMBER BY A TELEVISION NETWORK NEWS PROGRAM.

On July 31, 1992, Mr. COX of California rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. ANDREWS of Texas, pursuant to clause 1 of rule IX, recognized Mr. COX of California for one hour.

Mr. COX of California made the following statement:

''Mr. Speaker, this morning I witnessed a drive-by shooting on ABC television on 'Good Morning America.' I witnessed it, and indeed I was in it.

''Yesterday, ABC came by my office to film me for 30 minutes, to talk about the Presidential campaign. They were interested because the President, President Bush is visiting my district in California today and yesterday. They were interested because poll numbers show the President faring less well than he has been faring in the past in California, specifically and nationally, and they wanted to get the view of a Member of Congress from California.

''For 30 minutes during this interview with ABC I was unstintingly supportive of President Bush, very bullish about his prospects, very critical of the Democratic nominee for President, Bill Clinton.

''I told the reporters that this Congress was in fact very much responsible for the economic gridlock that America is now experiencing, that President Bush has sent an economic growth package to this Congress and the Congress has not acted upon it, that President Bush has pushed for the balanced budget amendment in Congress, but Congress has not acted on it, that President Bush has pushed for the line-item veto, and just very recently in this Congress we have been having vote after vote on the line-item veto, and this Congress is standing in the doorway preventing it from happening.

''Yes, I said, the economy could be doing better, yes, I said, in California there are some people who, no question, are hurting. They want change, but what we must change is the Democratic leadership of this Congress, where we have not had a Republican Speaker since this Member was 2 years old, since 1954. That is what I told the reporters.

''This morning I was interested to watch 'Good Morning, America.' First they began with a very positive piece about Bill Clinton, criticizing President Bush on the economy. The reporter then said that the President is being criticized by Republican Members asking him to focus more on the economy. And as the reporter said that, this Member's face was on the screen and my lips were moving, but it was not my voice. I never said any such thing. And when they started playing my voice, what they left, the only audible part was, 'Yes, the economy could be doing better and people do want change.' Of course, the rest of what I said, that they want change in Congress, this is where the gridlock is occurring and this is where the President has been stymied on his economic growth package, on the balanced-budget amendment, on tax relief, and on the line-item veto, all of that was cut out.

''Now, this was not the first time that I have had this experience with media bias. Not too long ago, NBC's 'Today Show' followed me around in California for an entire day.

''On that same day, Bill Clinton happened to be in my district. Bill Clinton was speaking very near to my office. CNN filmed me standing in front of Bill Clinton's appearance, and I was very critical of Bill Clinton, very critical of the 128 instances in which he raised taxes in Arkansas; very critical of his record.

''CNN dutifully reported what I said. And they had me saying just that.

''NBC, which was following me around the whole day, filmed me talking to the CNN reporters with a microphone under my chin and a camera on me. But when I appeared on the 'Today Show,' those were not the words coming out of my mouth, they were words from a different interview at a different location, even though it appeared I was doing a stand-up.

''And I was talking about the need for change in the Congress, the same things: Since 1954, one-party control, Americans do want change, I said.

''What appeared in the context of a very pro-Clinton piece was Congressman CHRIS COX saying, 'Well, the economy isn't doing well and we need change.' And the suggestion was that Bill Clinton is that change, and I was somehow supportive of Bill Clinton instead of President George Bush.

''Nothing could be further from the truth.

''So I was prepared yesterday for this 30-minute interview, during which time after time after time I spoke not only of my support for the President and my optimism about his chances for reelection because much is going to change between now and Labor Day and certainly between Labor Day and the election, and I even took the trouble to speak not in paragraphs and sentences discursively, but in sound bits. And I said, 'You mark my words,' and ABC has this on tape:

> You mark my words, George Bush is going to be reelected; he is going to be reelected by a healthy margin: we are going to have strong Republican gains in the Congress. Bill Clinton is going to go the way of Jimmy Carter and Hillary Clinton is going to be remembered as the Winnie Mandela of American politics.

''Now, that does not sound very critical of George Bush. But what ended up on television was this spot, first very positive about Bill Clinton and then a piece saying, 'Republicans are saying George Bush should focus more attention on the economy,' and then CHRIS COX saying, 'The economy could do better, we need change,' followed, I should add, by another fellow who came out and said, 'George Bush should get off the ticket.' Then the ABC reporter says, 'The Bush campaign is shirking these acts of Republican treason.'

''Now, it is not that hard in America these days to find critics of the President. A reliable news organization can go gather testimony against President Bush and for Bill Clinton. It is not hard to do. They do not have to take words like that and put them in my mouth. Yet that is exactly what happened.

''This is a clear case of distortion. I am delighted to have this opportunity to correct the record.

''The fact is, my colleagues, democracy only works—democracy only works when there is freely available information and when the facts are before the American people. If we distort those facts or change them 180 degrees as happened here, then, no question, democracy is going to fail.

''This morning, ABC stood for all bias for Clinton. I would like to see that corrected. In fact, I have discussed this with executives at ABC News. They have issued to me a letter of apology. I have undertaken to them to keep that letter confidential. I appreciated that they gave it to me. I will share it with the President and with Marlin Fitzwater.

''But I want my colleagues to know that I am indeed working very hard for the reelection of this President, that I am urging all of my colleagues to do the same. And of course I will be abroad throughout California making sure those poll numbers that we have seen serve only as a wake-up call to those for us who intend to work very hard for the President's reelection.

''Our economy depends upon it. As I said repeatedly during this 30 minutes that they got on tape yesterday, the President's economic growth plan has been blocked here in Congress. The President's plan for tax relief has been blocked here in Congress, the President's plan for a balanced-budget amendment has been blocked in Congress, the President's plan for a line-item veto, which even Bill Clinton supports, has been blocked here in this Congress. This is where the gridlock is occurring. This is where the change is required.

''I am very much looking forward to working with my future colleagues after November so that perhaps we will have a better opportunity to bust up the gridlock and move the economy forward and give some relief to the beleaguered American people.''.

PRIVILEGES OF THE HOUSE

(¶108.5)

A RESOLUTION ALLEGING WILLFUL UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION BY A MEMBER AND CALLING UPON THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO INVESTIGATE AND REPORT THEREON GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 18, 1992, Mr. COMBEST rose to a question of the privileges of the House and submitted the following resolution (H. Res. 572):

Whereas on March 2, 1992, Representative Henry B. Gonzalez knowingly and willfully inserted in the Congressional Record documents of the Executive Branch bearing markings, indicating that they were classified for reasons of national security;

Whereas on July 7, 1992, Representative Gonzalez willfully disclosed information from a purported Central Intelligence Agency intelligence document which he publicly acknowledged at that time to be classified;

Whereas on September 14, 1992, Representative Gonzalez willfully disclosed information from a Central Intelligence Agency document classified as ''Secret'' in its entirety, which he acknowledged is still classified;

Whereas the Director of Central Intelligence, Robert M. Gates, has indicated in writing that Representative Gonzalez's ''statement in the Congressional Record on 7 July 1992 included information from TOP SECRET compartmented and particularly sensitive document'' to which the Central Intelligence Agency had given his commitment staff access;

Whereas the Director of Central Intelligence further stated in writing to Representative Gonzalez, regarding his July 7, 1992, statement in the Congressional Record, that, ''Because of the sources and methods under that information, I will ask for a damage assessment to determine the impact of the disclosure. I regret that you chose to discuss information from classified documents without attempting to determine if we could work out a way to satisfy . . . our need to protect intelligence sources and methods'';

Whereas the Acting Director of Central Intelligence, Admiral William O. Studeman, has confirmed in writing to Representative Gonzalez that portions of statements in the Congressional Record by Representative Gonzalez on July 21 and 27, 1992, ''were drawn from classified intelligence documents, some of which are Top Secret, compartmented, and particularly sensitive'';

Whereas the Acting Director of Central Intelligence has stated in writing to Representative Gonzalez, regarding this statements in the Congressional Records of July 21 and 27, 1992, that, ''I have asked the Office of Security of the Central Intelligence Agency to undertake a review of your statements in order to determine the impact of the disclosures of intelligence information on intelligence sources and methods'';

Whereas the Department of State has confirmed in writing that, over a number of days, Representative Gonzalez ''inserted into the Congressional Record the full text of at least fourteen classified documents generated by the Department of State,'' and the Department of State indicated further that those documents ''contain classified information involving sensitive diplomatic discussions'';

Whereas the Treasury Department has indicated in writing ''very serious concerns'' over Representative Gonzalez's ''disclosures of classified information in the Congressional Record'' which included information from a classified Treasury Department document;

Whereas on numerous other occasions Representative Gonzalez has knowingly and willfully disclosed in the Congressional Record information from Executive Branch documents which are apparently classified for reasons of national security;

Whereas the classified documents in question were apparently made available to the Committee on Banking, Finance and Urban Affairs by Executive Branch agencies in good faith cooperation with a committee investigation and with the expectation that access would be restricted to persons with appropriate security clearances;

Whereas the public disclosure of information from the classified documents in question was not necessary for legitimate legislative oversight, and the Committee on Banking, Finance and Urban Affairs apparently has not voted to disclose publicly those classified documents;

Whereas the public disclosure of the contents of the classified documents in question appears to be detrimental to the national security and foreign policy interests of the United States;

Whereas the conduct of Representative Gonzalez raises serious questions of possible violations of Clauses 1 and 2 of Rule XLIII (Code of Official Conduct) and possibly of Clause 2(k)(7) of Rule XI' (Rules of Procedures for Committees) of the House;

Whereas the knowing, unilateral and unauthorized disclosure of classified information by Representative Gonzalez seriously imperils the spirit of mutual cooperation and trust between the Congress and the Executive Branch so critical to effective legislative oversight;

Whereas the nature and gravity of the conduct of Representative Gonzalez is such that the reputation and dignity of the House as an institution and the integrity of its proceedings, especially its oversight activities, may well be adversely affected;

Whereas Representative Gonzalez willfully continues to disclose publicly information from classified documents; and

Whereas in the interest of a prompt and fair resolution of the serious questions raised regarding the apparent unauthorized disclosure of classified information in seeming violation of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate whether Representative Gonzalez has, during the Second Session of the One Hundred and Second Congress, publicly disclosed classified information in the Congressional Record, and in so doing violated the Rules of the House of Representatives or any duly constituted committees. All other committees, and all Members, officers, or employees of the House who may have information relevant to this investigation are directed to cooperate promptly with the Committee on Standards subject to procedures the Committee shall adopt necessary to protect from unauthorized disclosure classified information which may be transmitted to the Committee pursuant to this investigation. The Committee on Standards of Official Conduct shall promptly report its findings and any recommendations to the House.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. BONIOR moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER announced that the yeas had it.

Mr. COMBEST 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 ..... 216 / Nays 150

So the motion to lay the resolution 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

(¶110.49)

A MOTION THAT THE HOUSE SUSPEND THE RULES AND PASS A BILL WAIVES ALL PARLIAMENTARY OBSTACLES TO THAT END, INCLUDING ANY REQUIREMENT THAT A BILL BE REPORTED FROM COMMITTEE WITH A QUORUM ACTUALLY PRESENT.

On September 22, 1992, Mr. WAXMAN moved to suspend the rules and pass the bill (H.R. 5938) to amend the Public Health Service Act to establish the authority for the regulation of mammography services and radiological equipment, and for other purposes; as amended.

Pending consideration of said motion,

POINT OF ORDER

(¶110.50)

Mr. DANNEMEYER made a point of order against the motion to suspend the rules and pass the bill, and said:

''Mr. Speaker, my point of order is basically this: When this legislation was taken up in the Committee on Energy and Commerce, this Member from California objected that there was not a quorum present in order to reach the requisite minimum of 23 to vote it out of the committee.

''Before the vote was taken to move it out of committee, the chairman of the committee, the gentleman from Michigan [Mr. DINGELL], unilaterally declared the presence of a quorum, when in fact there were no more than 16 or 17 members present. That unilateral declaration of existence of a quorum, in my judgment, is a violation of the rules, because he did not count at all. He just sat there and said, like creating a fiction out of the air, 'There is a quorum here.'

''When the vote was taken, at least when it was asked to be taken, I objected on the grounds that there was no quorum present. He said, 'I already declared that there is a quorum.'

''I believe it is a violation of the rules of the House and the rules of the committee for a bill to come out of a committee without a quorum being present.

''That is my point of order.''.

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

''Mr. Speaker, first of all, the presence or absence of a quorum during committee proceedings is entirely ir-

relevant to the matter before the House, which is consideration of a bill under the suspension of the rules. Even if it were relevant, the gentleman from California is dead wrong in asserting that regular order was not followed during committee proceedings.

''The transcript of the committee September 17, 1992, markup clearly indicates a quorum was present at the time the committee voted to report this bill. In fact, prior to the vote, the Chair noted the presence of a quorum.

''Mr. Speaker, I assert that the point of order is not well taken and should not be sustained by the Chair for those two reasons.''.

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

''The suspension of the rules would suspend all rules inconsistent with the passage of the bill. The point or order, therefore, is overruled.''.

Thereupon,

The SPEAKER pro tempore, Mr. HUBBARD, recognized Mr. WAXMAN and Mr. DANNEMEYER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. HUBBARD, announced that two-thirds of the Members present had voted in the affirmative.

Mr. DANNEMEYER 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 SPEAKER pro tempore, Mr. HUBBARD, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, September 23, 1992, pursuant to the prior announcement of the Chair.

POINT OF ORDER

(¶111.7)

TO A BILL AUTHORIZING APPROPRIATIONS FOR THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND THE TECHNOLOGY ADMINISTRATION OF THE DEPARTMENT OF COMMERCE, ADDRESSING SEVERAL OF THEIR LEGAL AUTHORITIES, AND DIRECTING VARIOUS STUDIES OF FEDERAL RESEARCH AND TECHNOLOGY POLICY, INSTRUCTIONS IN A MOTION TO RECOMMIT TO SEVERAL OTHER COMMITTEES CALLING FOR CONSIDERATION OF ADDITIONAL PROVISIONS TO REDUCE THE NATIONAL DEBT, EASE CAPITAL FORMATION, AND REFORM CERTAIN ASPECTS OF THE LEGAL SYSTEM ARE NOT GERMANE.

INSTRUCTIONS IN A MOTION TO RECOMMIT MUST BE GERMANE TO THE BILL REGARDLESS OF WHETHER THEY DIRECTLY PROPOSE AN AMENDMENT THERETO.

On September 23, 1992, the bill (H.R. 5231) 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; was ordered to be engrossed and read a third time and was read a third time by title.

Mr. WALKER moved to recommit the bill to the Committees on Ways and Means, Energy and Commerce, Government Operations, and the Judiciary with instructions to consider such additional provisions as are necessary to promote the competitiveness of American businesses by reducing the national debt to reduce the cost of capital, providing tax incentives to further enhance private capital formation, reforming antitrust law to remove barriers to cooperative enterprise, and instituting civil justice reform to reduce litigious burdens.

After debate,

POINT OF ORDER

(¶111.10)

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

''Mr. Speaker, let me say at the outset that our dear friend, the gentleman from Pennsylvania [Mr. WALKER] continues to make the same point over and over and over again, and I suppose we need to try to answer it over again. Certainly, many of us have sympathy with a lot of what he wants to do in the legislation. Many of us have sympathy with it, but we just suggest that he go about it following proper procedures.

''Mr. Speaker, in support of our request to the Chair to sustain the point of order, we respectfully suggest that the instructions included in the motion to recommit offered by the gentleman from Pennsylvania include matters from amendments offered by the gentleman earlier in the Committee of the Whole which were ruled out of order by the Chairman as nongermane.

''Mr. Speaker, we suggest that under the rules of the House it is not in order to present as part of a motion to recommit any proposition which would not have been germane if proposed as an amendment to the bill in the committee.''.

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

''Mr. Speaker, the motion to recommit does not speak to any sections of the bill. In fact, it sends the entire bill back in its present form. It simply commits it to committees that would have appropriate jurisdictions in the area and simply provides instructions that these additional areas be looked at as a part of competitiveness.

''Our committee does in fact have jurisdiction over the entire issue of competitiveness. All this is suggesting is that if there are jurisdictional disputes over what that means, then those committees should take a look at the content of this bill and consider such additional measures as may be needed. There is nothing here that changes the substance of the bill in any way. It is simply an instruction to the appropriate committees that they need to consider additional provisions that are necessary to promote a concept which is in the exclusive jurisdiction of the Committee on Science, Space, and Technology.''.

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

''The Chair would sustain the point of order raised by the gentleman from North Carolina [Mr. VALENTINE] and would indicate that instructions contained in a motion to recommit must be germane to the subject matter of the bill whether or not the instructions propose a direct amendment thereto.

''It has been held that a motion to recommit a bill addressing Federal research and technology policy reported from the Committee on Science, Space, and Technology, with instructions to the Committee on Ways and Means to give consideration to improving competitiveness of U.S. industry by changes in Federal tax policy, was not germane to the subject matter of the bill.

''That was a ruling made on July 16, 1991, and the gentleman from New York [Mr. MCNULTY] was in the chair at that time.

''Therefore, the Chair sustains the point of order.''.

Mr. WALKER moved to recommit the bill to the Committees on Ways and Means, Energy and Commerce, Government Operations, and the Judiciary with instructions to consider such additional provisions as are necessary to promote the competitiveness of American businesses.

After debate,

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. TRAXLER, announced that the nays had it.

Mr. WALKER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 161 / Nays 248

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

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

Mr. VALENTINE demanded a recorded vote on passage of said bill, 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 ..... 287 Nays 122

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

DECORUM OF THE HOUSE

(¶112.4)

THE SPEAKER MAY ADMONISH A MEMBER FOR WORDS SPOKEN IN DEBATE AND REQUEST THAT THEY BE REMOVED FROM THE RECORD EVEN PRIOR TO A DEMAND BY ANOTHER MEMBER THAT THE WORDS BE TAKEN DOWN AS UNPARLIAMENTARY.

On September 24, 1992, the SPEAKER, Mr. FOLEY, made the following announcement:

''The Chair will not diminish current protections against references to the President or the Vice President of the United States in debate, or to U.S. Senators, who, by long tradition of the House, are recognized as deserving comity and respect.

''The Chair understands that under the precedents and practices of the House a greater degree of latitude does exist with respect to references to nominated candidates for President and Vice President of the United States who are not incumbents or Members of the Congress. However, the Chair believes that in order to maintain decorum in the House, certain minimal standards of propriety in debate should apply to all nominated candidates for President and Vice President of the United States, and that the record and character of such candidates may be properly debated without references which constitute a breach of decorum, and the Chair advises all Members that future references to nominated candidates for President and Vice President of the United States may be subject to admonishment and restriction by the Chair if the Chair believes that such decorum has been violated.

''To do otherwise would create a distinct discrimination between candidates of two parties when candidates on one side are incumbents, such as Presidents and Vice Presidents, or are Members of Congress, and other candidates do not hold such traditional protection in debate. The Chair hopes it will have the cooperation and sensitive regard of all Members with respect to such debate.''.

Subsequently,

DECORUM OF THE HOUSE

(¶112.5)

Mr. DEFAZIO during one minute speeches addressed the House and, during the course of his remarks,

Mr. WALKER demanded that certain words be taken down.

Whereupon,

The SPEAKER pro tempore, Mr. MAZZOLI, said:

''If the gentleman from Pennsylvania [Mr. WALKER] will withhold for just a minute, the Chair was about to rule that what the gentleman from Oregon [Mr. DEFAZIO] said just a moment ago is violative of the statement that the Speaker of the House made a moment ago with regard to the propriety and the abusive nature of the language used. And under the circumstances the Chair would advise the gentleman from Oregon that he should correct his statement.''.

Mr. DEFAZIO, by unanimous consent, requested that the concluding remarks after the quote from the Washington Post be withdrawn.

POINT OF ORDER

(¶116.27)

A MOTION TO RECOMMIT A CONFERENCE REPORT WITH INSTRUCTIONS TO MANAGERS ON THE PART OF THE HOUSE TO INCLUDE IN A SUBSEQUENT CONFERENCE REPORT SPECIFIED PROVISIONS THAT WERE NOT COMMITTED TO THE CONFERENCE AS DISAGREEMENTS BETWEEN THE HOUSES EXCEEDS THE SCOPE OF CONFERENCE IN VIOLATION OF CLAUSE 3 OF RULE XXVIII.

On September 30, 1992, Mr. FORD of Michigan called up the following conference report (Rept. No. 102–916) on the bill of the Senate (S. 2) to promote the achievement of national education goals, to measure progress toward such goals, to develop national education standards and voluntary assessments in accordance with such standards, and to encourage the comprehensive improvement of America's neighborhood public schools to improve student achievement.

When said conference report was considered.

After debate,

On motion of Mr. KILDEE, the previous question was ordered on the conference report to its adoption or rejection.

Mr. GOODLING moved to recommit the conference report to the committee of conference with instructions that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to S. 2, the Neighborhood Schools Improvement Act, insist that the conferees report the following provisions:

In section 8104 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (a)(1) strike ''and the voluntary national school delivery standards''; in subsection (a)(2) strike '', voluntary National school delivery standards,''; and in subsection (a)(3) strike ''and the voluntary national school delivery standards''.

Strike section 8111 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), and insert in lieu thereof:

''SEC. 8111. DEVELOPMENT OF VOLUNTARY NATIONAL SCHOOL DELIVERY STANDARDS.

''The Secretary shall make grants to the Governor of a State or consortia of such Governors in order for the State or consortia of States to develop school delivery standards that meet the needs of the State or consortia with respect to providing each student with an opportunity to learn.''

Strike section 8114(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) and renumber accordingly.

In section 8307 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (c)(1)(G) strike ''and'' the second time it appears; in subsection (c)(1)(H) strike the period and insert: ''; and (I) provide support for local school reform such as Merit Schools.''

In section 8309 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (c)(6) strike ''and'' and in subsection (c)(7) strike the period and insert: ''; and (8) New American Schools.''

In Part C of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) the House should recede to the Senate on the number of local educational agencies eligible for participation in the demonstration program and the Senate should recede to the House with respect to the specific program activities allowable for inclusion in the demonstration project.

Pending consideration of said motion,

POINT OF ORDER

(¶116.28)

Mr. KILDEE made a point of order against said motion to recommit, and said:

''Mr. Speaker, under the precedents, 'a motion to recommit a conference report generally may not include instructions which would be inadmissible if offered as an amendment in the House.' I quote Deschler's Procedure, chapter 33, section 26.6. Similarly, the instructions may not instruct the conferees to do something which is beyond their power under the Rules of the House, such as add new matter, which would be in violation of clause 3 of rule XXVIII—beyond the scope.

''The pending motion instructs the conferees to go beyond the scope of conference and, therefore, is not in order.

''Specifically, the motion to recommit is outside the scope of conference on this ground: It writes in a new use of funds which appears in neither bill in their sections authorizing use of funds at the State level; namely, funding merit schools at the State level. It is the amendment called for in section 8307.''.

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

''Mr. Speaker, I would indicate that everything that was in the motion to recommit was discussed and debated. It was part of either the House bill or the Senate bill. At all times we were debating back and forth whether it would be local, whether it would be State. Therefore, I see nothing in the motion to recommit, as revised, that would in any way be beyond the scope of the conference.''.

The SPEAKER pro tempore, Mr. TORRES, addressed the gentleman from Pennsylvania [Mr. GOODLING], and said:

''The Chair would ask the gentleman from Pennsylvania in this case if either the House or Senate passed versions, provided for State financed plans for

merit schools. That would be the question. The Chair is aware of a House passed provision on local funding for merit schools.''.

Mr. GOODLING responded, and said:

''Mr. Speaker, neither one provided it. As I said, the debate was back and forth, State and local, State and local. Both were discussed. It was part of the discussion during the entire conference, so it must have been conferenceable.''.

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

''The Chair can only go by what was in the House and Senate passed bills at this point. The Chair would rule at this time for the reason stated by the gentleman from Michigan [Mr. KILDEE], the point of order with respect to inclusion of State plans for merit schools must be sustained.''.

Mr. GOODLING moved to recommit the conference report to the committee of conference with instructions that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to S. 2, the Neighborhood Schools Improvement Act, insist that the conferees report the following provisions:

In section 8104 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (a)(1) strike ''and the voluntary national school delivery standards''; in subsection (a)(2) strike '', voluntary National school delivery standards,''; and in subsection (a)(3) strike ''and the voluntary national school delivery standards''.

Strike section 8111 of the Elementary and Secondary Education Act of 1965, as added by section 201(a)(2), and insert in lieu thereof:

''SEC. 8111. DEVELOPMENT OF VOLUNTARY NATIONAL SCHOOL DELIVERY STANDARDS.

''The Secretary shall make grants to the Governor of a State or consortia of such Governors in order for the State or consortia of States to develop school delivery standards that meet the needs of the State or consortia with respect to providing each student with an opportunity to learn.''

Strike section 8114(a)(1)(A) of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) and renumber accordingly.

In section 8309 of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2), in subsection (c)(6) strike ''and'' and in subsection (c)(7) strike the period and insert: ''; and (8) New American Schools.''

In Part C of the Elementary and Secondary Education Act of 1965, as added by Section 201(a)(2) the House should recede to the Senate on the number of local educational agencies eligible for participation in the demonstration program and the Senate should recede to the House with respect to the specific program activities allowable for inclusion in the demonstration project.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said conference report with instructions?

The SPEAKER pro tempore, Mr. TORRES, announced that the nays had it.

Mr. GOODLING objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 166 / Nays 254

So the motion to recommit the conference report with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said conference report?

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

So the conference report was agreed to.

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

WORDS TAKEN DOWN

(¶119.7)

WHERE CERTAIN REMARKS IN DEBATE HAVE BEEN CHALLENGED AS DESCENDING TO PERSONALITY AND THEREUPON WITHDRAWN, AN INQUIRY OF THE CHAIR CONCERNING THE AVAILABILITY OF ''TRUTH'' AS A DEFENSE TO SUCH A CHALLENGE CONSTITUTES NEITHER A VALID PARLIAMENTARY INQUIRY NOR AN UNPARLIAMENTARY REPUBLICATION OF THE WITHDRAWN REMARKS.

ALTHOUGH THE CHAIR RESPONDS TO PARLIAMENTARY INQUIRIES CONCERNING THE APPLICATION OF THE RULES AND PRECEDENTS TO A PENDING OR OTHERWISE PERTINENT SITUATION, HE DOES NOT RULE RETROSPECTIVELY ON THE PROPRIETY OF WORDS WITHDRAWN BY UNANIMOUS CONSENT.

On October 3, 1992, on motion of Mrs. SCHROEDER, pursuant to House Resolution 589, called up the bill (S. 3144) to amend title 10, United States Code, to improve the health care system provided for members and former members of the Armed Forces and their dependents, and for other purposes.

When said bill was considered and read twice.

After debate,

WORDS TAKEN DOWN

(¶119.8)

Mr. AUCOIN during debate addressed the House and, during the course of his remarks,

Mr. WALKER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

This President was willing to bring down and subjugate the defense of the country because of the agenda of the National Right to Life Committee. He has done it before. He has brought down the Labor-HHS appropriations because of a similar amendment protecting a woman's right to choose. I want American to know that there is no function of this Government that George Herbert Hoover Bush would not subjugate to the agenda of the National Right to Life—

Mr. AUCOIN, by unanimous consent, was permitted to withdraw said words.

By unanimous consent, Mr. AUCOIN, was permitted to proceed in order.

Subsequently,

WORDS TAKEN DOWN

(¶119.8A)

Mr. OBEY addressed the Chair for purposes of a parliamentary inquiry.

Mr. HYDE demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Does this episode mean that sometimes rules of the House prevent one from speaking the truth on the House floor?

The SPEAKER pro tempore, Mr. DOWNEY, held that the words failed to present a proper parliamentary inquiry, but were not otherwise unparliamentary.

After further debate,

On motion of Mrs. SCHROEDER, the previous question was ordered.

The bill was ordered to be read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

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

Mr. VOLKMER objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 220 / Nays 186

So the bill was passed.

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

SUBPOENAS RECEIVED PURSUANT TO RULE L

On February 11, 1992, the SPEAKER laid before the House a communication, which was read as follows:

WASHINGTON, DC, *February 6, 1992.*
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 that I have been served with a subpoena *duces tecum* issued by the Superior Court of the District of Columbia.

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

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

On February 11, 1992, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
February 10, 1992.
Hon. TOM FOLEY,
The Capitol,
Washington, DC.

DEAR MR. SPEAKER: This is to 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 Criminal District Court of Lubbock County, Texas.

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

Sincerely,

LARRY COMBEST.

On February 20, 1992, the SPEAKER pro tempore, Ms. SLAUGHTER, laid before the House a communication, which was read as follows:

OFFICE OF THE POSTMASTER,
Washington, DC, February 14, 1992.
Hon. THOMAS S. FOLEY,
The 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 that employees of the House Post Office have been served with subpoenas 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 and precedents of the House.

Sincerely,

ROBERT V. ROTA,
Postmaster, House of Representatives.

On February 24, 1992, the SPEAKER pro tempore, Mr. VENTO, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 20, 1992.
Hon. THOMAS S. FOLEY,
The Speaker of the House of Representatives, H–204, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Ware County Superior Court in the State of Georgia.

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

Sincerely,

LINDSAY THOMAS,
Member of Congress.

On March 12, 1992, the SPEAKER pro tempore, Mr. HUGHES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 4, 1992.
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 that I have been served with a subpoena issued by the United States District Court for the District of Massachusetts.

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

Sincerely,

NICHOLAS MAVROULES,
Member of Congress.

On April 28, 1992, the SPEAKER pro tempore, Mr. NEAL of North Carolina, laid before the House a communication, which was read as follows:

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 been served with a subpoena issued by the Missouri Circuit Court.

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

Sincerely,

WILLIAM L. CLAY.

On April 28, 1992, the SPEAKER pro tempore, Mr. NEAL of North Carolina, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1992.
Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena duces tecum issued by the Blackford County Circuit Court in the State of Indiana. It requests that my office provide informational materials in a legal dispute between two local parties.

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

Sincerely,

PHIL SHARP,
Member of Congress.

On April 28, 1992, the SPEAKER pro tempore, Mr. NEAL of North Carolina, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE, SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND COMPETITIVENESS,
Washington, DC, April 6, 1992.
Hon. THOMAS S. FOLEY,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that the Subcommittee on Commerce, Consumer Protection, and Competitiveness of the Committee on Energy and Commerce has been served with a subpoena issued by the United States District Court for the Southern District of New York for testimony by a staff member. After consultation with the General Counsel to the Clerk, the attached letter was sent to the court, and the subpoena was withdrawn.

Sincerely,

CARDISS COLLINS,
Chairwoman.

On April 28, 1992, the SPEAKER pro tempore, Mr. NEAL of North Carolina, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, April 24, 1992.
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 Committee on Standards of Official Conduct has been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

MATTHEW F. MCHUGH,
Acting Chairman.

On April 28, 1992, the SPEAKER pro tempore, Mr. NEAL of North Carolina, laid before the House a communication, which was read as follows:

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 1992.
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 United States District Court for the District of Columbia.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

On May 6, 1992, the SPEAKER pro tempore, Mrs. UNSOELD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 30, 1992.
Hon. THOMAS FOLEY,
Speaker of the House, 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 Circuit Court of Kane County, Illinois, in the case of Roger X. Baker vs. Osco Drug Company (American Drugstores).

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

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

On May 14, 1992, the SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

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 that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

DONNALD K. ANDERSON,
Clerk.

On May 14, 1992, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 1992.

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 that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

On May 14, 1992, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 1992.

Speaker THOMAS S. FOLEY,
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 been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

JOE KOLTER,
Member of Congress.

On May 14, 1992, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 14, 1992.

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 that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

On May 14, 1992, the SPEAKER laid before the House a communication, which was read as follows:

DEAR MR. SPEAKER: This is to 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 District of Columbia.

Sincerely,

DAN ROSTENKOWSKI.

On May 27, 1992, the SPEAKER pro tempore, Ms. SLAUGHTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1992.

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, that I have been served with a subpoena issued by the Superior Court, Marion County, Indiana.

Sincerely,

DAN BURTON,
Member of Congress.

On May 28, 1992, the SPEAKER pro tempore, Mrs. UNSOELD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE POSTMASTER,
Washington, DC, May 28, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, H–204, The Capitol, 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 three (3) employees of my office have been served with subpoenas issued by the United States District Court for the District of Columbia.

Sincerely,

MICHAEL J. SHINAY.

On June 2, 1992, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 1, 1992.

Hon. THOMAS 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 I have been served with a subpoena issued by the Circuit Court of Kane County, Illinois, in the case of Roger X. Baker vs. Osco Drug Company (American Drugstores).

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

Sincerely,

J. DENNIS HASTERT,
Member of Congress.

On June 2, 1992, the SPEAKER pro tempore, Mr. MONTGOMERY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 29, 1992.

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 that I have been served with a subpoena issued by the United States District Court for the District of Maryland.

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

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

On July 24, 1992, the SPEAKER pro tempore, Mr. HOYER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES
Washington, DC, July 24, 1992.

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 five current or former employees of the Office of the Sergeant at Arms have been served with subpoenas issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk of the House, it has been determined that compliance with these subpoenas would not be inconsistent with the privileges and precedents of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

On July 24, 1992, the SPEAKER pro tempore, Mr. MCMILLEN of Maryland, laid before the House a communication, which was read as follows:

PERMANENT SELECT COMMITTEE
ON INTELLIGENCE,
Washington, DC, July 24, 1992.

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 that the Permanent Select Committee on Intelligence has been served with a subpoena issued by the United States District Court for the District of Columbia in connection with a trial that is ongoing in that court.

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

Sincerely,

DAVE MCCURDY,
Chairman.

On July 24, 1992, the SPEAKER pro tempore, Mr. MCMILLEN of Maryland, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1992.

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

DEAR MR. SPEAKER: On July 22, 1992, we received subpoenas issued by the United States Attorney for the District of Columbia. These subpoenas were issued on the day that the task force organized by the Committee House on Administration to investigate the House Post Office released its report finding no merit whatsoever to any allegations that we or anyone else abused the stamp procurement process of the House.

Pursuant to House Rule 50, we are advising you of our receipt of these subpoenas. We also are advising you that we do not expect to assert any legislative privilege with regard to the subpoenas. However, for the reasons stated in the accompanying letter, we will assert other constitutional privileges to

stop this fishing expedition and political witch hunt once and for all.

It is amazing that the U.S. Attorney is continuing this investigation when the task force report so thoroughly resolves any of the issues within the proper scope of the investigation. Moreover, every report of every former employee of the House Post Office has refuted any notion that we engaged in any conduct that the U.S. Attorney could legitimately investigate. In order to check the U.S. Attorney's exercise of uncontrolled power to waste taxpayer money on an improper and groundless investigation and to preserve our constitutional right to be free from political harassment and persecutorial overreaching, we have written the accompanying letter we now make part of the record in this matter.

Sincerely,

JOE KOLTER.
AUSTIN MURPHY.
DAN ROSTENKOWSKI.

The accompanying correspondence referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 1992

Re: Grand jury matter 913.

JAY B. STEPHENS, Esquire, U.S. Attorney, District of Columbia, Washington, DC.

DEAR MR. STEPHENS: On July 22, 1992, each of us was served with subpoenas issued by John Campbell in your office. These subpoenas called for us to appear to testify less than a week later on July 28, 1992.

The day these subpoenas were served, a report was issued by the Committee on House Administration, pursuant to House Resolution 340 relating to an investigation of the House Post Office. The report was the result of a five-month study which addressed every conceivable issue arising out of the operation and management of the House Post Office, including all the topics in which your office could possibly be interested.

While containing some disagreements, the report is clear that there is no evidence whatsoever that any of us took part in any way in activities that would violate any federal law or rule. Nothing in the report would warrant further investigation by you or a grand jury.

According to statements made by representatives of your office, your investigation has been premised solely on newspaper accounts of one person, Jim Smith, a post office employee. It was reported that Mr. Smith alleged that Congressman Rostenkowski or his office had engaged in some transaction in which stamps were somehow exchanged for cash. Subsequently, Mr. Smith was quoted stating that any such allegation was both ''crazy'' and ''wrong.'' Nevertheless, unsourced and unsubstantiated newspaper articles continued repeating the allegations. The task force report, however, includes Mr. Smith's interview in which he once again refutes the truth of that charge.

So, it comes as quite a surprise that, notwithstanding the refutation of the only basis for the investigation, we have all been subpenaed to appear before a grand jury. There is no evidence for us to refute; no charge to explain; and no person making a public allegation who needs to be rebutted.

Some weeks ago, assuming your inquiry was sincere, Congressman Rostenkowski offered to provide your staff with information in order to put this matter to rest. They stated that they wanted this information in the grand jury or not at all. That did not seem like a sincere request to obtain relevant information, but a tactic to create a needless confrontation and media event.

We can only conclude that the subpenas for us are a product of an overall fishing expedition in an election year. This conclusion is supported by an article in this morning's *Washington Times* in which someone obviously has leaked to the press the fact that subpenas were issued. This article specifically includes ''law enforcement officials'' as sources.

The Constitution provides all American citizens—whether Members of Congress or not—with only one recourse by which to resist prosecutorial overreaching. That route, of course, is the right to refuse to testify under the fifth amendment of the Constitution. We, therefore, assert that constitutional right against testifying in this matter. We decline to lend any credence to any inquiry that lacks credibility and should be promptly closed.

Sincerely,

JOE KOLTER.
AUSTIN MURPHY.
DAN ROSTENKOWSKI.

On July 28, 1992, the SPEAKER pro tempore, Mr. MCNULTY, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
July 28, 1992.

Hon. THOMAS S. FOLEY.

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 United States District Court of Northern District of California for materials related to a constituent casework matter.

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

Sincerely,

LEON E. PANETTA,
Member of Congress.

On July 31, 1992, the SPEAKER pro tempore, Mr. ANDREWS of Texas, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1992.

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

DEAR MR. SPEAKER: Pursuant to the provisions of House Rule L, this is to inform you that certain employees in my Congressional office have received subpoenas issued by the United States District Court for the District of Columbia.

Sincerely yours,

DAN ROSTENKOWSKI.

On July 31, 1992, the SPEAKER pro tempore, Mr. ANDREWS of Texas, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 30, 1992.

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

DEAR MR. SPEAKER: This is to inform you that pursuant to Rule L (50) of the Rules of the House certain employees in my office have been served with subpoenas issued by the United States District Court for the District of Columbia.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

On July 31, 1992, the SPEAKER pro tempore, Mr. ANDREWS of Texas, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1992.

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

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

Sincerely,

JOE KOLTER,
Member of Congress.

On August 4, 1992, the SPEAKER pro tempore, Mr. HUTTO, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES
Washington, DC, August 4, 1992.

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 that a member of my staff has 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 consistent with the privileges and precedents of the House.

With great respect, I am

Sincerely yours,

DONALD K. ANDERSON
Clerk,
House of Representatives.

On August 4, 1992, the SPEAKER pro tempore, Mr. HUTTO, laid before the House a communication, which was read as follows:

EMPLOYMENT AND HOUSING SUBCOMMITTEE,
Washington, DC, August 4, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, the Capitol.

DEAR MR. SPEAKER:This is to notify you pursuant to Rule L (50) of the Rules of the House that the Subcommittee on Employment and Housing of the Committee on Government Operations has been served with a subpoena for documents relating to the Subcommittee's investigation of the U.S. Department of Housing and Urban Development, issued by the United States District Court for the District of Columbia.

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

Sincerely,

TOM LANTOS,
Chairman.

On August 4, 1992, the SPEAKER pro tempore, Mr. HUTTO, laid before the House a communication, which was read as follows:

PERMANENT SELECT COMMITTEE ON INTELLIGENCE
Washington, DC, August 4, 1992.

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

DEAR MR. SPEAKER: On July 24, 1992, I notified you, pursuant to Rule L of the Rules of the House, that the Permanent Select Committee on Intelligence had been served with a subpoena issued by the United States Dis-

trict Court for the District of Columbia. After consultation with the General Counsel to the Clerk of the House it has been determined that compliance with this subpoena would be consistent with the privileges and precedents of the House.

I also want to notify you pursuant to Rule L that the Committee has been served with an additional subpoena by the United States District Court for the District of Columbia in connection with the same trial which produced the subpoena about which I notified you on July 24. After further consultation with General Counsel to the Clerk, I will notify you of my determination on the additional subpoena as required by the Rule.

Sincerely,

DAVE MCCURDY,
Chairman.

On August 6, 1992, the SPEAKER pro tempore, Mr. TORRES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1992.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L 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 District Court for the District of Columbia.

Sincerely yours,

DAN ROSTENKOWSKI.

On August 6, 1992, the SPEAKER pro tempore, Mr. TORRES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 6, 1992.

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

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L 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 District Court for the District of Columbia.

Sincerely,

JOE KOLTER.

On August 10, 1992, the SPEAKER pro tempore, Mr. BENNETT, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
August 10, 1992.

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 that I have been served with a subpoena issued by the United States District Court for the District of Columbia.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

On August 10, 1992, the SPEAKER pro tempore, Mr. BENNETT, laid before the House a communication, which was read as follows:

WASHINGTON, DC, *August 7, 1992.*

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

With great respect, I am

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

On August 12, 1992, the SPEAKER pro tempore, Mr. ENGEL, laid before the House a communication, which was read as follows:

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, August 12, 1992.

Hon. THOMAS S. FOLEY,
Speaker of the House, the Capitol

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L(50) of the Rules of the House that the Subcommittee on Employment and Housing of the Committee on Government Operations has been served with a subpoena for documents relating to the Subcommittee's investigation of the U.S. Department of Housing and Urban Development, issued by the United States District Court for the District of Columbia.

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

Sincerely,

TOM LANTOS,
Chairman.

On September 9, 1992, the SPEAKER pro tempore, Mr. MAZZOLI, laid before the House a communication, which was read as follows:

Hon. THOMAS S. FOLEY,
Speaker.

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 Supreme Court of the State of New York.

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

Sincerely,

GARY L. ACKERMAN.

On September 14, 1992, the SPEAKER pro tempore, Mr. DOOLEY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, September 11, 1992.

Hon. TOM S. FOLEY,
Speaker of the House, 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 Clerk, we will determine if the compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

On September 30, 1992, the SPEAKER pro tempore, Mr. HAYES of Illinois, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 30, 1992.

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

Attention: Steve Ross/Mike Murray

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 Superior Court of the State of Connecticut in connection with a trial that is ongoing in that court.

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

Very truly yours,

NANCY L. JOHNSON,
Member of Congress.

The following communications were received by the SPEAKER following the sine die adjournment of the 102d Congress:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1992.

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 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 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.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 15, 1992.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the U.S. House of Representatives that one present and one former member of the staff of my Committee have been served with subpoenas 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 subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,

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

COMMITTEE ON WAYS AND MEANS,
Washington, DC, October 19, 1992.

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 my Committee has been served with a subpoena issued by the Superior Court of the District of Columbia for materials related to a civil lawsuit involving a current staff person.

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

With warm regards, I am
Sincerely,
DAN ROSTENKOWSKI,
Chairman.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington DC, October 28, 1992.
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 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.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 28, 1992.
Hon. THOMAS FOLEY,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that two members of the staff of my office have been served with subpoenas 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 subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
JOE KOLTER,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 6, 1992.
Hon. THOMAS S. FOLEY,
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 eight members of my staff have been served with subpoenas 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 subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
DAN ROSTENKOWSKI.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 1992.
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 three members of my staff have been served with subpoenas issued by the 68th Judicial District of Michigan Court.

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

Sincerely,
DALE E. KILDEE.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 9, 1992.
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 that I have been served with a subpoena issued by the United States District Court for the District of Massachusetts.

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

Sincerely,
JOHN JOSEPH MOAKLEY.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 1992.
Hon. THOMAS S. FOLEY,
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 the staff of 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 to the Clerk, I have determined that compliance with the subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
JOE KOLTER.

HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 1992.
Hon. THOMAS S. FOLEY,
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 four members of my staff have been served with subpoenas 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 subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
DAN ROSTENKOWSKI.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON BANKING FINANCE AND URBAN AFFAIRS,
Washington, DC, December 8, 1992.
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 that I have received a subpoena duces tecum in a civil administrative proceeding concerning private parties, issued by the Office of Financial Institutions Adjudication of the Department of the Treasury.

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

Sincerely,
HENRY B. GONZALEZ,
Chairman.

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 8, 1992.
Hon. THOMAS S. FOLEY,
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 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 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.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1992.
Hon. THOMAS S. FOLEY,
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 personal 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.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 21, 1992.
Hon. THOMAS S. FOLEY,
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 three members of my Committee staff have been served with subpoenas 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 subpoenas is not inconsistent with the privileges and precedents of the House.

Sincerely,
DAN ROSTENKOWSKI.

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 23, 1992.
Hon. THOMAS S. FOLEY,
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 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.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 1992.
Hon. THOMAS S. FOLEY,
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 personal 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.

HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 1992.

Hon. THOMAS S. FOLEY,
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 personal 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.

OFFICE OF THE SERGEANT AT ARMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 31, 1992.

Hon. THOMAS S. FOLEY,
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 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 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.