Swett
Synar
Unsoeld
Upton
Vento
Visclosky
Waters
Weiss
Williams
Wolpe
Wyden
Wylie
Yates
Yatron
Zimmer

NOES—254

Allen
Anderson
Andrews (NJ)
Andrews (TX)
Applegate
Archer
Armey
Bacchus
Baker
Ballenger
Barrett
Barton
Bateman
Bentley
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Boucher
Boxer
Brewster
Brooks
Broomfield
Browder
Brown
Bryant
Bunning
Burton
Bustamante
Byron
Campbell (CA)
Cardin
Carper
Carr
Chandler
Chapman
Clay
Clement
Clinger
Coleman (TX)
Combest
Cooper
Coughlin
Cox (CA)
Cramer
Crane
Cunningham
Darden
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dickinson
Dicks
Dingell
Dixon
Doolittle
Dornan (CA)
Downey
Dreier
Dymally
Edwards (CA)
Edwards (TX)
Emerson
Engel
English
Erdreich
Fawell
Fazio
Feighan
Fields
Fish
Ford (TN)
Franks (CT)
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gingrich
Gonzalez
Goodling
Goss
Gradison
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hayes (LA)
Hobson
Hochbrueckner
Holloway
Hopkins
Horn
Horton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jefferson
Jenkins
Johnson (CT)
Johnson (TX)
Jones (NC)
Kaptur
Kennedy
Kennelly
Klug
Kopetski
Kyl
Lagomarsino
Laughlin
Lehman (CA)
Lehman (FL)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Machtley
Manton
Martin
Martinez
Matsui
McCandless
McCollum
McCrery
McCurdy
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (WA)
Mineta
Mollohan
Montgomery
Moody
Moorhead
Moorhead
Moran
Morella
Morrison
Mrazek
Murtha
Myers
Nagle
Neal (MA)
Nichols
Nowak
Nussle
Oakar
Ortiz
Oxley
Packard
Parker
Paxon
Perkins
Peterson (FL)
Petri
Pickle
Quillen
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roybal
Santorum
Sarpalius
Saxton
Scheuer
Schiff
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Slattery
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Spence
Stallings
Stearns
Stenholm
Stokes
Stump
Sundquist
Swift
Tallon
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weldon
Wheat
Whitten
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—21

Alexander
Annunzio
AuCoin
Barnard
Callahan
Coleman (MO)
Dannemeyer
Fascell
Gillmor
Ireland
Kolter
Levine (CA)
Marlenee
McDade
Murphy
Olin
Pickett
Rostenkowski
Savage
Schulze
Smith (FL)

So the amendment was not agreed to.

After some further time,

The SPEAKER resumed the Chair.

When Mr. HARRIS, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶45.10 ORDER OF BUSINESS—CONSIDERATION OF H. RES. 440 AND H. RES. 441

On motion of Mr. GEPHARDT, by unanimous consent,

Ordered, That it may be in order without the intervention of any motion to consider a resolution to be offered by the Majority Leader, or his designee, as a question of the privileges of the House; that debate on the resolution continue not to exceed one hour, to be equally divided and controlled by the Majority Leader and the Minority Leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion; and that the resolution on final adoption not be subject to a demand for a division of the question; and

Ordered further, That immediately upon disposition of the aforesaid resolution it shall be in order without the intervention of any motion to consider a resolution to be offered by the Minority Leader, or his designee, as a question of the privileges of the House; that debate on the resolution continue not to exceed one hour, to be equally divided and controlled by the Minority Leader and the Majority Leader, or their designees; that the previous question be considered as ordered on the resolution to final adoption without intervening motion; and that the resolution on final adoption not be subject to a demand for a division of the question.

¶45.11 PRIVILEGES OF THE HOUSE

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 foregoing special order of the House heretofore agreed to, the previous question was considered as 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 }