

vestigation by an appropriate law enforcement or regulatory authority;

Whereas the Committee on Standards of Official Conduct has on several occasions agreed to defer inquiry with respect to the former operations of the House Post Office, and has deferred inquiry in other matters regarding current Members where investigations by other authorities are proceeding;

Whereas by letters of November 25, 1992, September 9, 1993, and October 26, 1993, then Assistant Attorney General Lee Rawls, then United States Attorney J. Ramsey Johnson, and current United States Attorney Eric Holder, respectively, requested that the Committee on Standards of Official Conduct defer any inquiry into the former operations of the House Post Office and related matters;

Whereas on February 23, 1994, the United States Attorney of the District of Columbia delivered the following letter to the Speaker and the Republican Leader:

DEPARTMENT OF JUSTICE,
Washington, DC, February 23, 1994.

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

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

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: I am writing to express my concern that certain actions reportedly being considered by the House of Representatives could significantly damage a criminal investigation being actively pursued by this Office. Like my two immediate predecessors as United States Attorney for this District, Jay B. Stephens and J. Ramsey Johnson, I urge the House to refrain from such actions, and to affirm the paramount public interest in permitting the grand jury to determine fairly whether the criminal laws have been violated, whether by Members of Congress or others. My request is all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future.

As you know, the United States Attorney's Office, in conjunction with a federal grand jury, has been conducting a criminal investigation of matters that related originally to the operation of the House Post Office. That original phase of the investigation, which has resulted in the criminal convictions of seven former employees of the House Post Office and one former congressional aide, reached its most significant point so far in July 1993, with the guilty plea of former House Postmaster Robert V. Rota. With the cooperation of Mr. Rota, the investigation turned to allegations of criminal conduct by other individuals, specifically Members of Congress who conducted certain financial transactions through the House Post Office. This aspect of the investigation is continuing.

As you also are aware (because of disclosures mandated by House Rule 50) in the last few months the grand jury's investigation has expanded to include additional allegations of criminal misconduct beyond those tied to the House Post Office, including matters involving the House Finance Office and the House Office Supply Service (known as the House Stationery Store). These relatively recent additional developments are now fully within the purview of the grand jury's criminal investigation.

It is my understanding, however, that despite the existence of this active and important criminal investigation, the House may soon be asked to vote on House Resolution 238. This resolution would specifically direct the Committee on Standards of Official Conduct to investigate whether Members of Congress received cash from the House Post Office.

Inquiry into these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the House certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize the criminal probe in several respects, including the dangers of congressional immunity, of Speech-or-Debate issues, and of unwarranted public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the House would be investigating matters that are criminal in nature, and would be covering essentially the same ground as the grand jury. This Office had occasion to voice similar concerns during the operations-and-management review of the House Post Office that was conducted by a task force of the Committee on House Administration; yet that review as far more limited in scope, and far easier to separate from the criminal probe, than the investigation required by House Resolution 238.

These threats to the grand jury investigation would not be lessened by the portion of the resolution that would permit the Committee to defer its inquiry as to any particular Member, if the Department of Justice stated in writing that that Member was being investigated. Wholly apart from the legal issues involved in the Justice Department's identifying individuals who are under criminal investigation, the idea of excluding the conduct of one or more identified individuals from the congressional inquiry does almost nothing to protect the integrity of the overall criminal investigation. That investigation encompasses the interrelated conduct of numerous persons, and cannot be divided and compartmentalized in such a manner.

I and my predecessors have acknowledged the importance to the House of its ability to review and police the internal operations, management, and procedures of congressional institutions. In particular, we are sensitive to the special responsibility of the Committee on Standards of Official Conduct to examine possible violations of House ethical standards. Nevertheless, it is unquestionably the province of the grand jury to investigate, without interference, specific criminal allegations against particular individuals, regardless of who they may be or to what institution of government they may belong. Moreover, the vital public interest in fair and effective law enforcement requires that any such investigation be shielded vigorously from actions that might endanger its integrity.

For these reasons, it has been the consistent position of this Office, throughout the life of the investigation, that the House should defer its own inquiries until the grand jury investigation is completed. I make that request of you again now, in the strongest possible terms. I ask the House of Representatives to forbear from any proposed actions or inquiries in the areas covered by the grand jury's ongoing criminal investigation, both in order to avoid compromising that investigation at this late stage, and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Thank you for your attention to this important matter.

ERIC H. HOLDER, Jr.,
U.S. Attorney.

Whereas, the House should exercise particular caution so as not to impede, delay, or otherwise interfere with an ongoing criminal investigation that may involve its own Members; Therefore, be it

Resolved, That the House supports the decision of the Committee on Standards of Official Conduct to defer inquiry on matters relating to the former operation of the House Post Office; and be it

Further resolved, That the Committee on Standards of Official Conduct shall continue to consult with the United States Attorney and continue to review its decision to defer inquiry in this matter. At such time as the Committee determines that a Committee inquiry would no longer interfere with the criminal investigation, the Committee shall proceed, pursuant to its rules, with such inquiry as it deems appropriate.

When said resolution was considered. 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 pro tempore, Mr. HOYER, announced that the yeas had it.

Mr. ISTOOK 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 241
Nays 184

¶16.11 [Roll No. 36]
YEAS—241

Abercrombie	Dingell	Kennedy
Ackerman	Dixon	Kennelly
Andrews (ME)	Dooley	Kildee
Andrews (NJ)	Durbin	Kleccka
Applegate	Edwards (CA)	Klein
Bacchus (FL)	Edwards (TX)	Klink
Baesler	Engel	Kopetski
Barca	English	Kreidler
Barcia	Eshoo	LaFalce
Barlow	Evans	Lambert
Barrett (WI)	Farr	Lancaster
Becerra	Fazio	Lantos
Beilenson	Fields (LA)	LaRocco
Berman	Filner	Laughlin
Bevill	Fingerhut	Lehman
Bilbray	Flake	Levin
Bishop	Foglietta	Lewis (GA)
Blackwell	Ford (MI)	Lipinski
Bonior	Ford (TN)	Lloyd
Borski	Frank (MA)	Long
Boucher	Frost	Lowe
Brewster	Furse	Maloney
Brooks	Gejdenson	Mann
Browder	Gephardt	Manton
Brown (CA)	Geren	Markey
Brown (FL)	Gibbons	Martinez
Brown (OH)	Glickman	Matsui
Bryant	Gonzalez	McCloskey
Byrne	Gordon	McCurdy
Cantwell	Green	McDermott
Cardin	Gutierrez	McHale
Carr	Hall (OH)	McKinney
Chapman	Hamburg	McNulty
Clay	Harman	Meehan
Clayton	Hayes	Meek
Clement	Hefner	Menendez
Clyburn	Hilliard	Mfume
Coleman	Hinche	Miller (CA)
Collins (MI)	Hoagland	Mineta
Condit	Hochbrueckner	Minge
Conyers	Holden	Mink
Coppersmith	Hoyer	Moakley
Costello	Hughes	Mollohan
Coyne	Hutto	Montgomery
Cramer	Inslee	Moran
Danner	Jacobs	Murphy
Darden	Jefferson	Murtha
DeFazio	Johnson (GA)	Nadler
DeLauro	Johnson (SD)	Natcher
Dellums	Johnson, E. B.	Neal (MA)
Derrick	Johnston	Neal (NC)
Deutsch	Kanjorski	Oberstar
Dicks	Kaptur	Obey

Olver	Sangmeister	Thompson
Ortiz	Sarpalius	Thornton
Orton	Sawyer	Thurman
Owens	Schenk	Torres
Pallone	Schroeder	Torricelli
Pastor	Schumer	Towns
Payne (NJ)	Scott	Traficant
Payne (VA)	Serrano	Tucker
Pelosi	Sharp	Unsoeld
Peterson (FL)	Shepherd	Valentine
Pickett	Sisisky	Velazquez
Pickle	Skaggs	Vento
Pomeroy	Skelton	Visclosky
Poshard	Slattery	Volkmer
Price (NC)	Slaughter	Waters
Rahall	Smith (IA)	Watt
Rangel	Spratt	Waxman
Reed	Stark	Wheat
Reynolds	Stokes	Whitten
Richardson	Strickland	Williams
Roemer	Studds	Wilson
Rose	Stupak	Wise
Rostenkowski	Swift	Woolsey
Rowland	Synar	Wyden
Roybal-Allard	Tanner	Wynn
Rush	Tauzin	Yates
Sabo	Taylor (MS)	
Sanders	Tejeda	

NAYS—184

Allard	Goodling	Myers
Archer	Goss	Nussle
Armey	Grams	Oxley
Bachus (AL)	Grandy	Packard
Baker (CA)	Greenwood	Parker
Baker (LA)	Gunderson	Paxon
Ballenger	Hall (TX)	Penny
Barrett (NE)	Hamilton	Peterson (MN)
Bartlett	Hancock	Petri
Barton	Hansen	Pombo
Bateman	Hastert	Porter
Bentley	Hefley	Portman
Bereuter	Herger	Pryce (OH)
Bilirakis	Hobson	Quillen
Bliley	Hoekstra	Quinn
Blute	Hoke	Ramstad
Boehlert	Horn	Ravenel
Boehner	Houghton	Regula
Bonilla	Huffington	Ridge
Bunning	Hunter	Roberts
Burton	Hutchinson	Rogers
Buyer	Hyde	Rohrabacher
Callahan	Inglis	Ros-Lehtinen
Calvert	Inhofe	Roth
Camp	Istook	Roukema
Canady	Johnson (CT)	Royce
Castle	Johnson, Sam	Santorum
Clinger	Kasich	Saxton
Coble	Kim	Schaefer
Collins (GA)	King	Sensenbrenner
Combest	Kingston	Shaw
Cooper	Klug	Shays
Cox	Knollenberg	Shuster
Crane	Kolbe	Skeen
Crapo	Kyl	Smith (MI)
Cunningham	Lazio	Smith (NJ)
Deal	Leach	Smith (OR)
DeLay	Levy	Smith (TX)
Diaz-Balart	Lewis (CA)	Snowe
Dickey	Lewis (FL)	Solomon
Doolittle	Lightfoot	Spence
Dornan	Linder	Stearns
Dreier	Livingston	Stenholm
Duncan	Machtley	Stump
Dunn	Manzullo	Sundquist
Ehlers	Margolies-	Swett
Emerson	Mezvinsky	Talent
Everett	Mazzoli	Taylor (NC)
Ewing	McCandless	Thomas (CA)
Fawell	McCollum	Thomas (WY)
Fields (TX)	McCrery	Torkildsen
Fish	McHugh	Upton
Fowler	McInnis	Vucanovich
Franks (CT)	McKeon	Walker
Franks (NJ)	McMillan	Walsh
Galleghy	Meyers	Weldon
Gekas	Mica	Wolf
Gilchrest	Michel	Young (AK)
Gillmor	Miller (FL)	Young (FL)
Gilman	Molinari	Zeliff
Gingrich	Moorhead	Zimmer
Goodlatte	Morella	

NOT VOTING—8

Andrews (TX)	Gallo	Schiff
Collins (IL)	Hastings	Washington
de la Garza	McDade	

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.

¶16.12 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. McCathran, one of his secretaries.

¶16.13 PRIVILEGES OF THE HOUSE

Mr. ISTOOK rose to a question of the privileges of the House and, pursuant to the order of the House of February 23, 1994, called up the following resolution (H. Res. 238); as amended:

Whereas, allegations reported in public and made in official court documents that personnel of the House Post Office provided illegal cash to certain members in three ways: (1) cash instead of stamps for official vouchers, (2) cash for postage stamps which, had earlier been purchased with official vouchers, and (3) cash for campaign checks;

Whereas, these allegations directly affect the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, and the rights, reputation, and conduct of its Members;

Whereas, Article, I, Section V of the Constitution gives each House of the Congress responsibility over disorderly behavior of its Members:

Whereas, the Committee on Standards of Official Conduct has jurisdiction over the conduct and behavior of current House Members, Officers, and employees, including investigatory authority, and is the appropriate body of this House to conduct any inquiry: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is instructed to investigate immediately all possible violations that are related, but not limited to, the documents received by the Committee on Standards of Official Conduct from the Committee on House Administration, and the allegations stated above.

Further resolved, The Committee on Standards of Official Conduct shall coordinate its investigation with the related efforts of the Department of Justice so as not to jeopardize any ongoing criminal investigation.

Further resolved, That in pursuing its investigations, the Committee on Standards of Official Conduct shall determine Members, Officers or employees who have violated House rules, practices and procedures in connection with the House Post Office.

Further resolved, The Committee shall inform the Department of Justice regarding the procedures and aspects the Committee intends to investigate. If the Department of Justice then responds that a specific matter the Committee intends to investigate is material to, or subject of an official investigation, the Committee may defer that inquiry pending the conclusion of the investigation by the Department of Justice.

Further resolved, That the Committee on Standards of Official Conduct shall file a public status report within 60 days of the adoption of the resolution and periodically thereafter.

When said resolution was considered. After 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. HOYER, announced that the yeas had it.

Mr. ISTOOK 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 238
Nays 186

¶16.14 [Roll No. 37] YEAS—238

Abercrombie	Gordon	Owens
Ackerman	Green	Pallone
Andrews (ME)	Gutierrez	Pastor
Andrews (NJ)	Hall (OH)	Payne (NJ)
Applegate	Hamburg	Payne (VA)
Bacchus (FL)	Harman	Pelosi
Baesler	Hayes	Peterson (FL)
Barca	Hefner	Pickett
Barcia	Hilliard	Pickle
Barlow	Hinchee	Pomeroy
Barrett (WI)	Hoagland	Poshard
Becerra	Hochbrueckner	Price (NC)
Beilenson	Holden	Rahall
Berman	Houghton	Rangel
Bevill	Hoyer	Reed
Bilbray	Hughes	Reynolds
Bishop	Inslee	Richardson
Blackwell	Jefferson	Roemer
Bonior	Johnson (SD)	Rose
Borski	Johnson, E. B.	Rostenkowski
Boucher	Johnston	Rowland
Brewster	Kanjorski	Roybal-Allard
Brooks	Kaptur	Rush
Browder	Kennedy	Sabo
Brown (CA)	Kennelly	Sanders
Brown (FL)	Kildee	Sangmeister
Brown (OH)	King	Sarpalius
Bryant	Kleczka	Sawyer
Cantwell	Klein	Schenk
Cardin	Klink	Schroeder
Carr	Kopetski	Schumer
Chapman	Kreidler	Scott
Clay	LaFalce	Serrano
Clayton	Lambert	Sharp
Clement	Lancaster	Shepherd
Clyburn	Lantos	Sisisky
Coleman	LaRocco	Skaggs
Collins (MI)	Laughlin	Skelton
Condit	Lehman	Slattery
Conyers	Levin	Slaughter
Coppersmith	Lewis (GA)	Smith (IA)
Costello	Lipinski	Spratt
Coyne	Lloyd	Stark
Cramer	Long	Stokes
Danner	Lowe	Strickland
Darden	Maloney	Studds
DeFazio	Mann	Stupak
DeLauro	Manton	Swift
Dellums	Markey	Synar
Derrick	Martinez	Tanner
Deutsch	Matsui	Tauzin
Dicks	McCloskey	Taylor (MS)
Dingell	McCurdy	Tejeda
Dixon	McDermott	Thompson
Dooley	McHale	Thornton
Durbin	McKinney	Thurman
Edwards (CA)	McNulty	Torres
Edwards (TX)	Meehan	Torricelli
Engel	Meek	Towns
English	Menendez	Traficant
Eshoo	Mfume	Tucker
Evans	Miller (CA)	Unsoeld
Farr	Mineta	Valentine
Fazio	Minge	Velazquez
Fields (LA)	Mink	Vento
Filner	Moakley	Visclosky
Fingerhut	Mollohan	Volkmer
Flake	Montgomery	Waters
Foglietta	Moran	Watt
Ford (MI)	Murphy	Waxman
Ford (TN)	Murtha	Wheat
Frank (MA)	Nadler	Whitten
Frost	Natcher	Williams
Furse	Neal (MA)	Wilson
Gejdenson	Neal (NC)	Wise
Gephardt	Oberstar	Woolsey
Geren	Obey	Wyden
Gibbons	Olver	Wynn
Glickman	Ortiz	
Gonzalez	Orton	

NAYS—186

Allard	Bachus (AL)	Ballenger
Archer	Baker (CA)	Barrett (NE)
Armey	Baker (LA)	Bartlett