

Williams	Woolsey	Wynn
Wise	Wyden	Yates
NAYS—202		
Abercrombie	Gillmor	Packard
Allard	Gilman	Pastor
Archer	Gingrich	Paxon
Armey	Goodlatte	Payne (VA)
Bachus (AL)	Goodling	Petri
Baker (CA)	Goss	Pickett
Baker (LA)	Grams	Pombo
Ballenger	Greenwood	Porter
Barrett (NE)	Gunderson	Portman
Bartlett	Hamilton	Pryce (OH)
Barton	Hancock	Quillen
Bateman	Hansen	Quinn
Bentley	Hastert	Ramstad
Bereuter	Hayes	Rangel
Bilirakis	Hefley	Ravenel
Bliley	Hefner	Ridge
Blute	Herger	Roberts
Boehlert	Hobson	Roemer
Boehner	Hoekstra	Rogers
Bonilla	Hoke	Rohrabacher
Boucher	Horn	Ros-Lehtinen
Brewster	Houghton	Rose
Brooks	Huffington	Rostenkowski
Bunning	Hunter	Roth
Burton	Hutto	Sangmeister
Buyer	Hyde	Santorum
Callahan	Inhofe	Saxton
Calvert	Istook	Schaefer
Camp	Jacobs	Schiff
Canady	Johnson, Sam	Sensenbrenner
Castle	Kim	Shaw
Chapman	King	Shays
Clay	Kingston	Shuster
Clement	Klug	Sisisky
Clinger	Knollenberg	Skeen
Coble	Kolbe	Smith (MI)
Collins (GA)	Kyl	Smith (NJ)
Combust	Lambert	Smith (OR)
Cooper	Laughlin	Smith (TX)
Cox	Lazio	Snowe
Crane	Levy	Solomon
Crapo	Lewis (CA)	Spence
Cunningham	Lightfoot	Stearns
DeLay	Linder	Stenholm
Diaz-Balart	Livingston	Stump
Dickey	Lloyd	Sundquist
Dingell	Machtley	Talent
Dooley	Manton	Tanner
Doolittle	Manzullo	Taylor (MS)
Dornan	McCandless	Taylor (NC)
Dreier	McCollum	Thomas (CA)
Duncan	McCrery	Thomas (WY)
Dunn	McDade	Torkildsen
Edwards (TX)	McHugh	Towns
Ehlers	McInnis	Upton
Emerson	McKeon	Volkmer
Everett	McMillan	Vucanovich
Ewing	Mica	Walker
Fawell	Michel	Walsh
Fields (TX)	Miller (FL)	Washington
Fish	Molinar	Weldon
Ford (MI)	Moorhead	Wolf
Fowler	Morella	Young (AK)
Franks (CT)	Murphy	Young (FL)
Franks (NJ)	Myers	Zeliff
Gekas	Nussle	Zimmer
Geren	Orton	
Gilchrest	Oxley	

NOT VOTING—10

Ford (TN)	Lewis (FL)	Tucker
Gallegly	Natcher	Wilson
Gallo	Pickle	
Grandy	Tauzin	

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.

130.5 LOBBYING ACTIVITIES

Mr. BRYANT, pursuant to House Resolution 397, moved to suspend the rules and pass the bill of the Senate (S. 349) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes, as amended; insist on the House amendment thereto, and request a conference with the Senate thereon.

The SPEAKER pro tempore, Mr. VISCLOSKEY, recognized Mr. BRYANT and Mr. GEKAS, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended, insist on the House amendment thereto, and request a conference with the Senate thereon?

The SPEAKER pro tempore, Mrs. KENNELLY, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BRYANT 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 315
Nays 110

130.6

[Roll No. 90]

YEAS—315

Ackerman	Doolittle	Johnson (CT)
Andrews (ME)	Dornan	Johnson (GA)
Andrews (NJ)	Duncan	Johnson (SD)
Andrews (TX)	Dunn	Johnston
Archer	Durbin	Kanjorski
Bacchus (FL)	Edwards (CA)	Kaptur
Bachus (AL)	Ehlers	Kasich
Baesler	Engel	Kennedy
Baker (CA)	English	Kennelly
Barca	Eshoo	Kildee
Barcia	Evans	Kim
Barlow	Everett	Kingston
Barrett (WI)	Farr	Kleczka
Bartlett	Fawell	Klein
Becerra	Fazio	Klink
Beilenson	Fields (LA)	Klug
Bereuter	Filner	Kolbe
Berman	Fingerhut	Kreidler
Bevill	Flake	Kyl
Bilbray	Foglietta	LaFalce
Bilirakis	Foley	Lambert
Bishop	Fowler	Lancaster
Blackwell	Frank (MA)	Lantos
Blute	Franks (CT)	LaRocco
Bonilla	Franks (NJ)	Lazio
Bonior	Frost	Leach
Borski	Furse	Lehman
Boucher	Gejdenson	Levin
Browder	Gekas	Levy
Brown (CA)	Gephardt	Lewis (GA)
Brown (OH)	Geren	Lightfoot
Bryant	Gibbons	Linder
Buyer	Glickman	Lipinski
Byrne	Gonzalez	Long
Calvert	Goodlatte	Lowe
Camp	Gordon	Machtley
Canady	Goss	Maloney
Cantwell	Green	Mann
Carr	Greenwood	Manton
Castle	Gunderson	Manzullo
Chapman	Gutierrez	Margolies-
Clayton	Hall (OH)	Mezvinsky
Clinger	Hall (TX)	Markey
Coleman	Hamburg	Martinez
Collins (GA)	Hamilton	Matsui
Combust	Harman	Mazzoli
Conyers	Herger	McCloskey
Coppersmith	Hinche	McCrery
Costello	Hoagland	McCurdy
Cox	Hochbrueckner	McDade
Coyne	Hoekstra	McDermott
Cramer	Hoke	McHale
Crapo	Holden	McHugh
Cunningham	Horn	McInnis
Danner	Hoyer	McKeon
Darden	Huffington	McKinney
de la Garza	Hughes	McNulty
Deal	Hunter	Meehan
DeFazio	Hutchinson	Menendez
DeLauro	Hutto	Meyers
Dellums	Hyde	Miller (CA)
Derrick	Inglis	Miller (FL)
Deutsch	Inhofe	Mineta
Diaz-Balart	Inslee	Minge
Dickey	Istook	Mink
Dicks	Jacobs	Moakley
Dixon	Jefferson	Molinar

Mollohan	Rogers	Strickland
Montgomery	Rohrabacher	Studds
Morella	Ros-Lehtinen	Stupak
Murphy	Roth	Sweet
Myers	Roukema	Synar
Nadler	Rowland	Talent
Neal (MA)	Royal-Allard	Taylor (MS)
Neal (NC)	Royce	Tejeda
Nussle	Sabo	Thomas (CA)
Oberstar	Sanders	Thomas (WY)
Obey	Sangmeister	Thornton
Olver	Santorum	Thurman
Ortiz	Sarpalius	Torkildsen
Owens	Sawyer	Torricelli
Pallone	Saxton	Unsoeld
Parker	Schen	Upton
Pastor	Schiff	Valentine
Payne (NJ)	Schroeder	Velazquez
Payne (VA)	Schumer	Vento
Pelosi	Sensenbrenner	Visclosky
Penny	Serrano	Volkmer
Peterson (FL)	Sharp	Vucanovich
Peterson (MN)	Shaw	Walsh
Petri	Shays	Waxman
Pombo	Shepherd	Weldon
Pomeroy	Skaggs	Wheat
Portman	Skelton	Williams
Poshard	Slattery	Wise
Price (NC)	Slaughter	Wolf
Pryce (OH)	Smith (IA)	Woolsey
Quinn	Smith (MI)	Wyden
Rahall	Smith (NJ)	Wynn
Ramstad	Smith (TX)	Yates
Reed	Snowe	Young (AK)
Regula	Spence	Young (FL)
Reynolds	Spratt	Zeliff
Richardson	Stark	Zimmer
Ridge	Stearns	
Roemer	Stenholm	

NAYS—110

Abercrombie	Ford (MI)	Oxley
Allard	Gilchrest	Packard
Applegate	Gillmor	Paxon
Armey	Gilman	Pickett
Baker (LA)	Gingrich	Porter
Ballenger	Goodling	Quillen
Barrett (NE)	Grams	Rangel
Barton	Hancock	Ravenel
Bateman	Hansen	Roberts
Bentley	Hastert	Rose
Bliley	Hastings	Rostenkowski
Boehlert	Hayes	Rush
Boehner	Hefley	Schaefer
Brewster	Hefner	Scott
Brooks	Hilliard	Shuster
Brown (FL)	Hobson	Sisisky
Bunning	Houghton	Skeen
Burton	Johnson, E. B.	Smith (OR)
Callahan	Johnson, Sam	Stokes
Clay	King	Stump
Clement	Knollenberg	Sundquist
Clyburn	Kopetski	Swift
Coble	Laughlin	Tanner
Collins (IL)	Lewis (CA)	Tauzin
Collins (MI)	Livingston	Taylor (NC)
Condit	Lloyd	Thompson
Cooper	McCandless	Torres
Crane	McCollum	Towns
DeLay	McMillan	Trafficant
Dingell	Meek	Tucker
Dooley	Mfume	Walker
Dreier	Mica	Washington
Edwards (TX)	Michel	Waters
Emerson	Moorhead	Watt
Ewing	Moran	Whitten
Fields (TX)	Murtha	Wilson
Fish	Orton	

NOT VOTING—9

Cardin	Gallo	Natcher
Ford (TN)	Grandy	Pickle
Gallegly	Lewis (FL)	Solomon

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill, as amended, was passed, the House insisted on its amendment thereto, and requested a conference with the Senate thereon.

A motion to reconsider the vote whereby the rules were suspended and said bill, as amended, was passed, the House insisted on its amendment thereto and requested a conference

with the Senate thereon, was, by unanimous consent, laid on the table.

Thereupon, the SPEAKER pro tempore, Mrs. KENNELLY, by unanimous consent, announced the appointment of Messrs. BRYANT, GLICKMAN, FRANK, FISH and GEKAS, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶30.7 POINT OF PERSONAL PRIVILEGE

Mr. LEACH rose to a question of personal privilege.

The SPEAKER pro tempore, Mrs. KENNELLY, pursuant to clause 1 of rule IX, recognized Mr. LEACH for one hour.

Mr. LEACH made the following statement:

"Madam Speaker, I rise to a point of personal privilege of the House.

"In rising to this point of privilege, I wish to express concern about the breakdown of comity that has occurred on a personal and procedural level in the House Banking Committee.

"On a personal level, unfortunate adjectives have been used; on a procedural level, unprecedented tactics have been employed.

"I don't wish to dwell on the personal, except to stress my high regard for the chairman of the Banking Committee and to suggest that, as the theologian Reinhold Niebuhr once observed, the temper and integrity of the political debate is more important in our kind of democracy than the outcome of any issue.

"Motivational aspersions are no substitute for full disclosure; indignation no substitute for pursuit of truth.

"Members of the majority may be speaking the truth when they indicate they have no evidence of a link between the failure of an Arkansas S&L and Whitewater and that they know of no improprieties at issue. But it should be understood that not speaking an untruth is not the same as describing a truthful situation, particularly if there has been no serious effort to pursue the truth.

"Constitutionally it is the duty of Congress to oversee breaches of law or public ethics in the executive branch. During the 12 years of the so-called divided Government of the Reagan/Bush era, the legislative branch took its constitutionally mandated oversight function seriously, as witnessed by the expansion in the size of its staff and the number of investigations undertaken.

"Now both the executive and the legislative branches of Government are controlled by the same political party. The oversight mandate thus falls disproportionately upon the ranking members of the respective committees for those areas of the executive branch over which they have jurisdiction. Not to assume leadership in performing the oversight function with regard to the way in which the financial institutions of this country are managed and regulated would be to violate my oath to 'support and defend the Constitution of the United States * * * and * * * well

and faithfully discharge the duties of the office.'

"If the majority party refuses to uphold its responsibilities because of political embarrassment to its party's top elected official, the minority party is left with the choice either of joining in a complicity of silence or pursuing investigations that run the danger of being partisan.

"In this context, I would simply emphasize that I raised the Whitewater issue with great reluctance, realizing the import as well as the power of the Presidency. I fully understand the political and personal liabilities involved. Nonetheless, I feel it would be inconsistent, indeed, hypocritical, to my own values, if I refused to pursue a line of inquiry potentially embarrassing to the President of a country which from its inception was intended to be hallmarked by law and its applicability to all citizens. It is, after all, the establishment of a government of laws, not men, that defines the uniqueness of the American experiment with democracy.

"Procedurally, it should be noted that the minority is currently engaged in one of the most profound checks and balances philosophical engagements with the executive branch in the modern history of the Congress. This engagement carries far greater implications than any judgment relating to a particular embarrassment of a particular public official at a particular time because at issue is precedent: whether in future circumstances the oversight capacities of Congress can be thwarted if the majority party of Congress is the same as that in control of the executive branch and chooses to refrain from its oversight obligations in order not to embarrass its party's standings.

"It is possible that the constitutional precedent for our checks and balances system surrounding the refusal of the administration to cooperate with an oversight probe of the executive branch which the majority party does not sanction may have more long-term negative consequences than any episodic embarrassment that might relate to this or any President's past. What is at issue is the definition of Congress as it applies to the constitutionally granted oversight responsibilities of the legislature. In our checks and balances system, Congress was given oversight responsibilities, but this administration is suggesting in response to minority requests for documentation from executive agencies that only chairmen speak for Congress. The minority in Congress, by this logic, has no power to advance or fulfill its constitutional rights if the majority does not concur in request for information. If such precedent is allowed to stand, Congress's oversight capacities will for all practical purposes be hamstrung whenever the executive and legislative branches of Government are controlled by the same party. Would our Founding Fathers have had this in mind?

"In this connection, on December 9, 1993, as ranking member of the Banking Committee, I wrote Federal regu-

latory agencies to request certain documents of an oversight interest [example, Tab A]. In a followup letter I pointed out, as the courts have noted, 'The Congress rarely acts as a body. Its manifold duties in the legislative, investigative, and oversight fields are almost invariably carried out through committees, committee chairmen, individual members, and staff personnel.' *Murphy v. Department of Army*, 613 F.2d 1151, 1156 (1979). In addition, the court stated:

The Senate and the House are so organized that certain legislative and quasi-legislative activities may be accomplished only through committee action. In other respects, however, the legislature acts through its individual Members. All Members have a constitutionally recognized status entitling them to share in general congressional powers and responsibilities, many of them requiring access to executive information. It would be an inappropriate intrusion into the legislative sphere for the courts to decide without congressional direction that, for example, only the chairman of a committee shall be regarded as the official voice of the Congress for purposes of receiving such information, as distinguished from its ranking minority member, or other committee members, or other members of Congress. Each of them participates in the law-making process; each has a voice and a vote in that process; and each is entitled to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.

"Agency heads responded that a ranking member only has the authority of an individual Member of Congress and, therefore, may only obtain information that would be available to the public pursuant to the Freedom of Information Act. In addition, the Office of Thrift Supervision asserted that it differs 'with the view that Rules X and XI of the House of Representatives grant to a ranking minority member—or any individual member—the same authority to request information that a committee chairman possesses.' In short, the agencies contend that only chairmen, not ranking members, speak for Congress.

"Subsequently, on March 8, 1994, I wrote requesting information for the Banking Committee's upcoming RTC oversight hearing [Tab B]. Agency heads again responded by holding to the position that only the chairman of a committee would be permitted access to agency documents.

"In this dispute about who is entitled to speak for Congress in the context of Congress' right and obligation under Article I of the Constitution to conduct oversight of the executive branch, the chairman of the Banking Committee, in what may have been an effort to bolster the executive's position, wrote agency heads on March 10, 1994, to suggest that they deny my document request and wrote separately on March 14, 1994, to state that they need not answer questions concerning Madison Guaranty Savings and Loan at the scheduled hearings [Tabs C and D]. The chairman's letter contained an implicit and unprecedented philosophical assertion that not only does a chairman