

# QUESTIONS OF ORDER

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

HON. NEWT GINGRICH OF GEORGIA, SPEAKER  
ROBIN H. CARLE OF VIRGINIA, CLERK

## QUESTIONS OF ORDER

### PRIVILEGES OF THE HOUSE

(¶1.5)

AFTER A QUORUM OF MEMBERS-ELECT HAS BEEN ESTABLISHED AT THE ORGANIZATIONAL SESSION OF THE HOUSE, NOMINATIONS FOR ELECTION OF THE SPEAKER ARE OF THE HIGHEST PRIVILEGE AND TAKE PRECEDENCE OVER A RESOLUTION OFFERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE (PROPOSING AN INTERIM ELECTION OF A SPEAKER PRO TEMPORE PENDING AN ETHICS INVESTIGATION OF A NOMINEE FOR SPEAKER).

QUESTIONS OF ORDER DECIDED BY THE CLERK OF THE PREVIOUS CONGRESS CONCERNING THE PRIORITY OF BUSINESS AT THE ORGANIZATIONAL SESSION OF THE HOUSE ARE SUBJECT TO APPEAL BY ANY MEMBER-ELECT.

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

On January 7, 1997, Mr. FAZIO, rose to a question of the privileges of the House, submitted a resolution and said:

"Madam Clerk, I rise to a question of the highest constitutional privilege. I offer a resolution which calls for the postponement of the election of the Speaker of the House until the Committee on Standards of Official Conduct completes its work on the matters concerning Representative NEWT GINGRICH of Georgia. The resolution requires the House to proceed immediately to the election of an interim Speaker who will preside over the House until that time.

"I ask for the immediate consideration of the resolution."

The CLERK ruled that the election of a Speaker took precedence over the consideration of said resolution, and said:

"Section 30 of the Revised Statutes of the United States, which is codified in section 25 of title 2, United States Code, reads in part as follows:

"At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any Member of the House of Representatives to the Speaker; and by the Speaker to all Members and Delegates present, and to the CLERK, previous to entering on any other business.

"This has been the law since June 1, 1789.

"The precedent recorded in Hinds' Precedents of the House at volume 1, section 212, recites that, 'at the organi-

zation of the House the motion to proceed to the election of a Speaker is of the highest privilege.' On that occasion, the CLERK stated that "the duty of the House to organize itself is a duty devolved upon it by law, and any matter looking to the performance of that duty takes precedence in all parliamentary bodies of all minor questions.

"The CLERK cites both the statute and the precedent as controlling her decision, consistent with the modern practice of the House, to recognize nominations for Speaker."

Mr. FAZIO appealed the ruling of the Chair.

The question being put, *viva voce*, Shall the decision of the CLERK stand as the judgment of the House?

Mr. BOEHNER 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 CLERK announced that the yeas had it.

Mr. FAZIO 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 { Yeas ..... 222  
affirmative ..... { Nays ..... 210

¶1.6 [Roll No. 2]

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

(¶4.5)

A RESOLUTION ORIGINATED BY PRIVILEGED REPORT OF THE SELECT COMMITTEE ON ETHICS PURSUANT TO CLAUSE 4(E)(3) OF RULE X IN THE 105TH CONGRESS GAVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE.

PENDING THE CONSIDERATION OF A RESOLUTION AS A QUESTION OF THE PRIVILEGES OF THE HOUSE ADDRESSING THE OFFICIAL CONDUCT OF A MEMBER, THE SPEAKER PRO TEMPORE ENUNCIATED STANDARDS OF DECORUM IN DEBATE.

On January 21, 1997, Mrs. JOHNSON, rose to a question of the privileges of the House and called up the following resolution (H. Res. 31; Rept. 105-1):

IN THE MATTER OF REPRESENTATIVE NEWT GINGRICH

*Resolved*, That the House adopt the report of the Select Committee on Ethics dated January 17, 1997, In the Matter of Representative Newt Gingrich.

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

Pending consideration of said resolution,

The SPEAKER pro tempore, Mr. BE-REUTER, made the following statement:

"Before we proceed, the Chair will have a statement about the decorum expected of the Members.

"The Chair has often reiterated that members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House, either by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House.

"This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses. It derives its force primarily from clause 1 of rule XIV which broadly prohibits engaging in personality in debate. It has been part of the rules of the House since 1789.

"On the other hand, the calling up of a resolution reported by the Committee on Standards of Official Conduct, or the offering of a resolution as a similar question of the privileges of the House, embarks the House on consideration of a proposition that admits references in debate to a Member's conduct. Disciplinary matters by their very nature involve personalities.

"Still, this exception to the general rule against engaging in personality—admitting references to a Member's conduct when that conduct is the very question under consideration by the House—is closely limited. This point was well stated on July 31, 1979, as follows:

While a wide range of discussion is permitted during debate on a disciplinary resolution, clause 1 of rule XIV still prohibits the use of language which is personally abusive.

"This is recorded in the Deschler-Brown Procedure in the House of Representatives in chapter 12 at section 2.11.

"On the question now pending before the House, the resolution offered by the gentlewoman from Connecticut, Members should confine their remarks in debate to the merits of that precise

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question. Members should refrain from remarks that constitute personalities with respect to members of the Committee on Standards of Official Conduct or the Select Committee on Ethics or with respect to other sitting Members whose conduct is not the subject of the pending report. Finally, Members should exercise care to maintain an atmosphere of mutual respect.

"On January 27, 1909, the House adopted a report that stated the following:

It is the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members.

"This is recorded in Cannon's Precedents in volume 8 at section 2497.

"The report adopted on that occasion responded to improper references in debate to the President, but it articulated a principle that occupants of the Chair over many Congresses have held equally applicable to Members' remarks toward each other.

"The Chair asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House."

By unanimous consent, the time for debate was extended by 30 minutes.

Whereupon,

The SPEAKER pro tempore, Mr. BE-REUTER, recognized Mrs. JOHNSON of Connecticut for 90 minutes.

When said resolution was considered.

After debate,

On motion of Mrs. JOHNSON of Connecticut, 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. BE-REUTER, announced that the yeas had it.

Mr. CARDIN 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 .....	395
		Nays .....	28
		Answered present	5

¶4.6 [Roll No. 8]

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

(¶26.11)

TO A BILL PROHIBITING A SPECIFIED SET OF MEDICAL PROCEDURES, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT PROHIBITING A SUPERSET OF SUCH PROCEDURES IS NOT GERMANE.

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

On March 20, 1997, Mr. CANADY, made a point of order against the motion to recommit, and said:

"Mr. Speaker, the fundamental purpose of the underlying bill, H.R. 1122, deals with a very limited class of abortions, specifically partial-birth abortions. This is one specific type of procedure as defined in the bill.

"The fundamental purpose of the motion to recommit amendment deals with any abortion procedure done post-viability. It purports to cover a much broader class of procedures than the one procedure specifically prohibited in this bill.

"Therefore, since the fundamental purpose of the motion to recommit purports to deal with a class of procedures that is broader than the one procedure in the underlying bill, a proposition on a subject different from that under consideration, it is not germane to the bill and I insist on the point of order."

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

"Mr. Speaker, I thank the Chair for recognizing me on the point of order.

"Mr. Speaker, this amendment is offered for the purpose, as it says, of limiting all late-term abortions, of prohibiting all late-term abortions, including abortions to which the gentleman spoke. We believe it does in fact expand upon but is inclusive of the procedures to which the gentleman's bill speaks. We believe it is an effort and an opportunity for the Congress to say that not only the late-term partial birth to which the bill speaks but that all procedures to effect late-term abortions ought to be prohibited. They ought to be prohibited as the policy of the United States of America.

"It does provide, as does the underlying bill, with certain exceptions: The life of the mother, as is consistent with the bill on the floor. It also expands upon that to say serious adverse health consequences as well.

"We believe in that context and, frankly, got an initial judgment as it was offered in the Committee on the Judiciary that this amendment was believed initially to be in order.

"We believed that initial judgment was in fact correct. We believed this gives an opportunity for Members not only to speak to the instant issue raised by the particular 1122 bill, but also importantly gives to Members the opportunity to express their view that all late-term abortions, not just one procedure, but that procedure and all procedures to effect post-viability abortions be outlawed, be illegal, be against the policy of the United States of America, except in very limited circumstances.

"Because of that, Mr. Speaker, Members will have the opportunity to express themselves as being against late-term abortions, which is the context, I

suggest to the Speaker, in which this debate has occurred and proceeded.

"Because of that, this gives Members the opportunity to particularly but more broadly, as Mr. CANADY did in fact correctly observe, express themselves on limiting all procedures for late-term abortions.

"For that reason, we think it expands upon, he is correct, expands upon and makes more broad the prohibition on late-term abortions. It is for that reason that we think it critically important that the Chair rule that this is in fact in order so that Members can appropriately—because we believe it to be in order—express themselves in opposition to late-term abortions."

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

"Mr. Speaker, the gentleman from Florida stated his point of order very rapidly and I want to be clear on this.

"Is the parliamentary point of order on the point that the bill before the House only prohibits one type of abortion procedure, but the motion of the gentleman from Maryland [Mr. HOYER] would actually prohibit more types, in fact all types of late-term abortion procedures?"

"Is that the point of order that the gentleman from Florida is trying to make and objecting to letting the measure of the gentleman from Maryland up on the floor?"

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

"Mr. Speaker, the point of order is the fundamental purpose of the underlying bill, H.R. 1122, deals with a very limited class of abortion, specifically partial-birth abortions.

"One specific type of procedure in the bill is what is dealt with in H.R. 1122. The fundamental purpose of the motion to recommit, in contrast to that, deals with any abortion procedure done post viability. It, therefore, purports to cover a much broader class of procedures.

"I believe that the impact of the motion to recommit would essentially be nil, because although it purports to affect a broader class of procedures, due to the exceptions contained in the motion to recommit, it is essentially meaningless."

Mr. EDWARDS was recognized to speak further to the point of order,

"Mr. Speaker, I guess going back to my original question to the Speaker, the point of order is being made on the basis that the bill before the House simply outlaws one type of abortion procedure, the motion made by the gentleman from Maryland would actually ban many other types of late-term-abortion procedures, and the gentleman from Florida objects to that being voted upon in the House; is that correct, Mr. Speaker?"

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

"The Chair hopes to clarify this point in the Chair's ruling. The Chair is now prepared to rule.

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"The gentleman from Florida makes a point of order that the amendment proposed in the instructions with the motion to recommit offered by the gentleman from Maryland is not germane.

"The pending bill prohibits a certain class of abortion procedures.

"The amendment proposed in the motion to recommit prohibits any or all abortion procedures in certain stages of pregnancy. It differentiates between the stages of pregnancy on the basis of fetal viability. In so doing, the amendment arguably addresses a subset of the category of pregnancies addressed by the bill. Still, by addressing any or all abortion procedures, the prohibition in the amendment exceeds the scope of the prohibition in the bill.

"The bill confines its sweep to a single, defined class of abortion procedures. Thus, even though the amendment differentiates between pregnancies on narrower bases than does the bill, the amendment also, by addressing any or all abortion procedures, broadens the prohibition in the bill.

"One of the basic lines of precedent under clause 7 of rule 16, the germaneness rule, holds that a proposition addressing a specific subject may not be amended by a proposition more general in nature. As noted in section 798f of the House Rules and Manual, this principle applies even when both propositions address a common topic.

"Thus, on March 23, 1960, the Chair held that an amendment to criminalize the obstruction of any court order was not germane to a bill to criminalize only the obstruction of court orders relating to the desegregation of public schools.

"On the reasoning reflected in this line of precedent, the Chair holds that the amendment proposed in the motion to recommit is not germane to the bill. Accordingly, the point of order is sustained and the motion to recommit is not in order."

Mr. HOYER appealed the ruling of the Chair.

The question being,

Will the decision of the Chair stand as the judgment of the House?

Mr. CANADY 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. MCINNIS, announced that the yeas had it.

Mr. HOYER 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 

Yeas .....	265
Nays .....	165

¶26.12 [Roll No. 63]

So the motion to lay on the table the appeal of the ruling of the Chair was agreed to.

A motion to reconsider the vote whereby the motion to lay on the table

the appeal of the ruling of the Chair was agreed to was, by unanimous consent, laid on the table.

## WORDS TAKEN DOWN

(¶29.7)

REMARKS IN DEBATE TO THE EFFECT THAT CAMPAIGN DONORS ENJOY PREFERENTIAL ACCESS TO LEADERSHIP, BUT NOT ALLEGING UNDUE INFLUENCE OR A "QUID PRO QUO" BETWEEN LEGISLATIVE ACTION AND MONEY RECEIVED, ARE NOT UNPARLIAMENTARY. UNDER CLAUSE 1 OF RULE XIV, REMARKS IN DEBATE SHOULD BE ADDRESSED TO THE CHAIR AND NOT TO PERSONS IN THE GALLERY. UNDER CLAUSE 8 OF RULE XIV, IT IS NOT IN ORDER IN DEBATE "TO INTRODUCE TO OR TO BRING TO THE ATTENTION OF THE HOUSE" PERSONS IN THE GALLERY.

On April 9, 1997, Mr. MILLER of California, addressed the House and during the course of his remarks,

Mr. DELAY demanded that certain words be taken down.

The Clerk read the words taken down as follows:

If you give \$10,000, you can have a meeting. You know what you get, ladies and gentlemen? You get seats in the gallery. You the public get seats in the gallery. You know what big donors get? They get access to leadership power and decisions. That is under the existing system, and that is why we are saying it has to be reformed. Two years ago we watched as top lobbyists sat in the majority whip's office and drafted legislation to the Clean Water Act.

The SPEAKER pro tempore, Mr. GUTKNECHT, held the words taken down not to be unparliamentary, and said:

"The Chair is prepared to rule.

"In the opinion of the Chair, there was no direct reference to a Member specifically performing a quid pro quo. Therefore, the Chair will rule that the words are not unparliamentary.

"The Chair would, however, admonish all Members that it is a violation of the House rules to address the people in the galleries. It is also a violation both of the rule and the spirit of the rules to challenge or question other Members' personal motives."

Accordingly,

The SPEAKER pro tempore, Mr. GUTKNECHT, recognized Mr. MILLER of California, to proceed in order.

## WORDS TAKEN DOWN

(¶34.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE SUCH CONDUCT IS NOT THE QUESTION ACTUALLY PENDING BEFORE THE HOUSE BY WAY OF A REPORT FROM THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE, EVEN THOUGH SUCH QUESTION PREVIOUSLY MIGHT HAVE BEEN PENDING BEFORE THE HOUSE.

On April 17, 1997, Mr. LEWIS of Georgia, during one minute speeches ad-

dressed the House, and during the course of his remarks,

Mr. SOLOMON demanded that certain words be taken down.

The Clerk read the words taken down as follows:

I am surprised to see my Republican colleagues on the floor today congratulating Speaker NEWT GINGRICH for doing something he should have done months ago, paying \$300,000 for lying to Congress. Speaker GINGRICH admitted to bringing discredit on the House of Representatives. He has admitted to lying to this House.

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

"The words of the gentleman from Georgia [Mr. LEWIS] constitute a personality against the Speaker. Under the precedents, the debate should not go to the official conduct of a Member where that question is not pending as a question of privilege on the House floor. The fact that the House has addressed a Member's conduct at a prior time does not permit this debate at this time. Therefore, the gentleman's words are out of order.

"Without objection, the gentleman's words will be stricken from the Record."

Mr. DOGGETT objected to the words being stricken from the Congressional Record.

The question being,

Will the gentleman's words be stricken from the Congressional Record?

The question being put, viva voce,

Will the gentleman's words be stricken from the Congressional Record?

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

Mr. DOGGETT demanded a recorded vote on agreeing to the gentleman's words being stricken from the Congressional Record, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

When there appeared ....	}	Yeas .....	227
		Nays .....	190
		answered present	3

¶34.6 [Roll No. 82]

So, the motion to strike the words from the Congressional Record was agreed to.

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

The SPEAKER pro tempore, Mr. KOLBE, by unanimous consent, recognized Mr. LEWIS of Georgia to proceed in order.

Mr. SOLOMON objected to the gentleman of Georgia [Mr. LEWIS] proceeding in order.

Mr. DOGGETT moved that the gentleman be allowed to proceed in order.

Mr. SOLOMON moved to lay the motion on the table.

The question being put, viva voce,

Will the House lay on the table the motion to allow the gentleman of Georgia [Mr. LEWIS] to proceed in order?

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

Mr. DOGGETT 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 { Yeas ..... 223  
affirmative ..... } Nays ..... 199

¶34.7 [Roll No. 83]

So, the motion to lay on the table the motion for the gentleman of Georgia [Mr. LEWIS] to proceed in order 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

(¶34.12)

THE SPEAKER ROSE FROM THE FLOOR TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF NEWSPAPER ARTICLES CONCERNING AN ORDER OF THE HOUSE THAT HE REIMBURSE CERTAIN COSTS OCCASIONED BY THE CHARACTER OF HIS RESPONSES IN AN OFFICIAL-CONDUCT CASE.

On April 17, 1997, the SPEAKER rose to a question of personal privilege.

The SPEAKER pro tempore, Mr. KOLBE, pursuant to clause 1 of rule IX, recognized the SPEAKER for one hour.

The SPEAKER made the following statement:

"Mr. Speaker, I am standing here in the People's House at the center of freedom, and it is clear to me that for America to be healthy, our House of Representatives must be healthy. The Speaker of the House has a unique responsibility in this regard.

"When I became Speaker of the House, it was the most moving day I could have imagined. It was the culmination of a dream. Little did I know that only 2 years later, I would go through a very painful time.

"During my first 2 years as Speaker, 81 charges were filed against me. Of the 81 charges, 80 were found not to have merit and were dismissed as virtually meaningless. But the American public might wonder what kind of man has 81 charges brought against him?

"Under our system of government, attacks and charges can be brought with impunity against a Congressman, sometimes with or without foundation. Some of these charges involved a college course I taught about renewing American civilization.

"I am a college teacher by background. After years of teaching, it never occurred to me that teaching a college course about American civilization and the core values that have made our country successful could become an issue. However, as a precaution, I received the Committee on Standards of Official Conduct's ap-

proval in advance for teaching the course, and I accepted no payment for teaching the course.

"Nonetheless, the course became embroiled in controversy. The most significant problem surfaced not from teaching the course but from answering the Committee on Standards of Official Conduct's inquiries.

"Before the 1994 election, the committee asked questions, and I submitted a letter in response. The committee agreed that this letter was accurate. Later, I hired a law firm to assist me in answering additional questions coming from the committee. A letter developed by the law firm became the heart of the problem. I signed that letter, and it became the basis for a later, longer letter signed by an attorney. I was deeply saddened to learn almost 2 years later that these letters were inaccurate and misleading.

"While the letters were developed and drafted by my former attorneys, I bear the full responsibility for them, and I accept that responsibility.

"Those letters should not have been submitted. The members of the Committee on Standards of Official Conduct should never have to worry about the quality and accuracy of information that that committee receives. Mainly because these two letters contradicted my own earlier and correct letter, the Committee on Standards of Official Conduct spent a great deal of time and money to figure out exactly what happened.

"For this time and effort, for which I am deeply sorry and deeply regret, I have agreed to reimburse the American taxpayers \$300,000 for legal expenses and costs incurred by the committee in its investigation.

"It was the opinion of the committee and my own opinion that had accurate information been submitted in those two letters, the investigation would have ended much sooner with less cost to the taxpayer. It was not based on violation of any law or for the misuse of charitable contributions. There was no finding by the committee that I purposely tried to deceive anyone. To me, it simply seemed wrong to ask the taxpayers to pay for an investigation that should have been unnecessary. That is why I voluntarily agreed to reimburse the taxpayers.

"Never before in history has a Member of Congress agreed to be responsible for the cost of an investigation conducted by a committee of the House. This \$300,000 reimbursement is not a fine, as some have asserted. The settlement itself and the report of the Committee on Standards of Official Conduct makes it clear that it is a reimbursement of legal expenses and costs only.

"The committee and its special counsel did not stipulate how the reimbursement should be paid. One option is to pay completely with campaign funds. As a matter of law, the attorneys tell me there is little question that my campaign has the legal au-

thority under existing law and committee rules to pay the reimbursement.

"The second option is to pay by means of a legal defense fund. The committee has previously determined that Members may set up such a fund.

"A third option is to sue the law firm and apply the proceeds to the reimbursement.

"And the fourth option is to pay completely with personal funds.

"As we considered these options, we sought to do what was right for the House as it relates to future precedents and for reestablishing the trust of the American people in this vital institution. My campaign could have paid the entire amount, and it would have been legal and within past precedents of the House. Yet, on reflection, it was clear that many Americans would have regarded this as another example of politics as usual and of avoiding responsibility.

"A lawsuit against the lawyers who prepared the two documents is a future possibility for me as a citizen, but that option could take years in court. A legal trust fund was in many ways the most appealing. There is more than adequate precedent for such a fund. Many friends from across the entire country had called to offer contributions. Many of my colleagues on both sides of the aisle felt that this was the safest approach. Yet on reflection it was clear that a legal trust fund would simply lead to a new controversy over my role.

"I have a higher responsibility as Speaker to do the right thing in the right way and to serve responsibly. I also must consider what the personal payment precedent would mean to this House as an institution. Many Members in this Chamber, on both sides of the aisle, have raised serious concerns, citing the fear that a personal payment will establish a precedent that could financially ruin Members who were assessed costs incurred by special counsels. In the current environment, who could feel safe? There should be no precedent that penalizes the spouses and children of our Members, but that is what this option could effectively do. This is something we must address.

"Yet the question still remains. What is the right decision for me and my wife personally, for my family, for this institution, and for the American people?

"Marianne and I have spent hours and hours discussing these options. She is here too today. Let me just say that I have never been prouder of Marianne than over the last few months. Her ability to endure the press scrutiny, to live beyond the attacks, to enjoy life despite hostilities, has been a remarkable thing to observe and a wonderful thing to participate in. But she always came back to the same key question: What is the right thing to do for the right principles? Through the difficult days and weeks as we reviewed the options, it was the courage of her counsel which always led me to do my best. Marianne and I decided whatever the

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consequences, we had to do what was best, what was right, morally and spiritually. We had to put into perspective how our lives had been torn apart by the weight of this decision. We had to take into account the negative feelings that Americans have about government, Congress, and scandals. We had to take into account the responsibility that the Speaker of the House has to a higher standard.

"That is why we came to the conclusion, of our own choice without being forced, that I have a moral obligation to pay the \$300,000 out of personal funds; that any other step would simply be seen as one more politician shirking his duty and one more example of failing to do the right thing.

"Therefore, as a person of limited means, I have arranged to borrow the money from Bob Dole, a close personal friend of impeccable integrity, and I will personally pay it back. The taxpayers will be fully reimbursed. The agreement will be completely honored. The integrity of the House ethics process will have been protected. This is my duty as Speaker, and I will do it personally.

"I will also ask the House to pass a resolution affirming that this is a voluntary action on my part and that it will establish no precedent for any other Member in the future. It is vital that we not go down the road of destroying middle-class Members by establishing any personal burden in a nonjudicial system.

"It is important to put decisions about politics and Government in perspective. This past year I have experienced some personal losses. I lost my father, and my mother lost her husband of 50 years. My mother, due to serious health problems, is being forced to move into assisted living. My mother has lost her home, her husband, and her life as she knew it.

"This week before making this decision I visited my mother in her hospital in Harrisburg. I should say she is now out and is in the assisted living facility. I asked her how she could handle these setbacks with such a positive attitude. She said,

Newtie—  
She still calls me that. I do not think I am ever going to get to Mr. Speaker with my mother—she says,

Newtie, you just have to get on with life.  
"Coming back from Harrisburg, I realized that she gave me strength and made me realize that for Marianne and myself, moving on with our lives, in the right way, by doing the right thing was our most important goal.

"Let me make clear: We endure the difficulties, and the pain of the current political process, but we believe renewing America is the great challenge for our generation. I said on the day I became Speaker for the second time that we should focus on the challenges of race, drugs, ignorance and faith. Over the past few months, I have met with Americans of all backgrounds and all races as we discussed new approaches and new solutions. I am convinced that

we can enter the 21st century with a renewed America of remarkable power and ability.

"This is a great country, filled with good people. We do have the capacity to reform welfare and help every citizen move from welfare to work. We do have the potential to help our poorest citizens move from poverty to prosperity. We do have the potential to replace quotas with friendship and set-asides with volunteerism. We can reach out to every American child of every ethnic background, in every neighborhood, and help them achieve their Creator's endowed unalienable right to pursue happiness. We cannot guarantee happiness, but we can guarantee the right to pursue.

"Recently, I had a chance to have breakfast with the fine young men and women of the 2d Infantry Division in Korea where my father had served. Today South Korea is free and prosperous because young Americans, for 47 years, have risked their lives in alliance with young Koreans.

"I was reminded on that morning that freedom depends on courage and integrity; that honor, duty, country is not just a motto, it is a way of life. We in this House must live every day in that tradition. We have much to do to clean up our political and governmental processes. We have much to do to communicate with our citizens and with those around the world who believe in freedom and yearn for freedom. Everywhere I went recently, in Hong Kong, Beijing, Shanghai, Taipei, Seoul, and Tokyo, people talked about freedom of speech, free elections, the rule of law, an independent judiciary, the right to own private property, and the right to pursue happiness through free markets.

"We in this House are role models. People all over the world watch us and study us. When we fall short, they lose hope. When we fail, they despair.

"To the degree I have made mistakes, they have been errors of implementation but never of intent. This House is at the center of freedom, and it deserves from all of us a commitment to be worthy of that honor.

"Today, I am doing what I can to personally live up to that calling and that standard. I hope my colleagues will join me in that quest.

"May God bless this House, and may God bless America."

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### POINT OF ORDER

(¶73.15)

TO A BILL TO RECONCILE SPENDING TO BUDGETARY TARGETS, AN AMENDMENT PROPOSING TO PLACE A CONTINGENCY AGAINST A SEPARATE BILL (NOT THEN PENDING) TO RECONCILE REVENUES TO BUDGETARY TARGETS IS NOT GERMANE.

On June 25, 1997, Mr. THOMAS, made a point of order against the motion to recommit, and said:

"Mr. Speaker, I rise to a point of order that the amendment is not germane to the bill.

"Mr. Speaker, the budget process provisions prospectively amend another bill; that is, H.R. 2014, the Revenue Reconciliations Act of 1997, specifically section 11204(c). It suspends provisions in the Internal Revenue Code that are added by H.R. 2014 and is, therefore, beyond the scope."

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

"Mr. Speaker, in rising to speak to the point of order. I will couple it with a parliamentary inquiry. It was my understanding, since the item in question is the enforcement mechanisms of the budget, what this motion to recommit includes is the entire Minge-Barton amendment that was denied an opportunity to be on the floor under the rule.

"In the colloquy that occurred this morning, it was my understanding, and at least my friends on the other side of the aisle who acceded to this, that this would eventually be heard in a separate bill on the floor by July 24. In so doing, it would then be coupled, assuming it passes, would be coupled with the reconciliation bill so that the final conference report would include, if the House chooses to include this in the language of the bill, would be voted upon.

"My question, Mr. Speaker, if that is the case, how can it be out of order for us to consider this amendment today when it will be in order to consider it on July 24?"

The SPEAKER pro tempore, Mr. DREIER, responded to the inquiry, and said:

"The Chair would respond by saying that he cannot make a determination as to what the legislative situation would be at some future date 3 weeks from now."

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

"The gentleman from California makes a point of order that the amendment contained in the motion to recommit with instructions is not germane to the bill. While the test of germaneness in this instance is measured against the bill as a whole, the Chair notes that a portion of the amendment makes provisions of another bill not presently before the House, namely, the Revenue Reconciliation Act of 1997, contingent on achieving revenue targets in future fiscal years.

"As such, the amendment is a prospective indirect change in a bill not yet considered by the House. The Chair holds that the amendment is thus not germane to the bill, H.R. 2015, and sustains the point of order."

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### PRIVILEGES OF THE HOUSE

(¶103.24)

A RESOLUTION ALLEGING THAT A NAMED FORMER MEMBER HAD BREACHED PROPER DECORUM ON THE FLOOR OF THE HOUSE, AND RESOLVING THAT THE SERGEANT-AT-ARMS BE INSTRUCTED TO BAR THE FORMER MEMBER FROM THE CHAM-

# QUESTIONS OF ORDER

BER AND ROOMS LEADING THERETO UNTIL THE RESOLUTION OF A CONTESTED ELECTION TO WHICH HE WAS PARTY, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 18, 1997, Mr. MENENDEZ, rose to a question of the privileges of the House and called up the following resolution (H. Res. 233):

H. RES. 233

Whereas the privilege of admission to the Hall of the House or rooms leading thereto is subject to the requirements of proper decorum;

Whereas concern has arisen that the privilege of admission to the Hall of the House or rooms leading thereto has become the subject of abuse;

Whereas Representative Menendez of New Jersey has given notice pursuant to clause 2 of rule IX of his intention to offer a question of the privileges of the House addressing that concern;

Whereas these circumstances warrant an immediate affirmation by the House of its unequivocal commitment to the principle that every person who exercises the privilege of admission to the Hall of the House or rooms leading thereto assumes a concomitant responsibility to comport himself in a manner that properly dignifies the proceedings of the House; Therefore be it

*Resolved*, That the Sergeant-at-Arms is instructed to remove former Representative Robert Dornan from the Hall of the House and rooms leading thereto and to prevent him from returning to the Hall of the House and rooms leading thereto until the election contest concerning the forty-sixth district of California is resolved.

The SPEAKER ruled that the resolution submitted did present a question of the privileges of the House under rule IX.

Mr. STEARNS 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 nays had it.

Mr. STEARNS demanded a recorded vote on agreeing to the motion to table the 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	{	Yeas .....	86
negative .....	{	Nays .....	291
	{	Answered	
	{	present	3

¶103.25 [Roll No. 414]

So the motion to lay the resolution on the table was not agreed to.

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

The SPEAKER, pursuant to clause 2(a)(2) of rule IX, recognized Mr. MENENDEZ for thirty minutes.

On motion of Mr. MENENDEZ, by unanimous consent, the time for debate on said resolution was 20 minutes, equally divided and controlled by Mr. MENENDEZ and Mr. SOLOMON.

After debate,

On motion of Mr. SOLOMON, by unanimous consent, the time for debate on said resolution was increased by an additional six minutes, equally divided and controlled by Mr. MENENDEZ and Mr. SOLOMON.

After further debate,

By unanimous consent, 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. MENENDEZ 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	{	Yeas .....	289
affirmative .....	{	Nays .....	65
	{	Answered	
	{	present	7

¶103.26 [Roll No. 415]

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

(¶119.15)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 23, 1997, Mr. GEPHARDT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 276):

H. RES. 276

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th district of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and has not met since that time; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service

to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th district of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th district and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 29, 1997.

The SPEAKER pro tempore, Mr. LAHOOD, ruled that the resolution submitted did present a question of the privileges of the House having immediate precedence under rule IX, and recognized Mr. GEPHARDT and Mr. THOMAS for thirty minutes each.

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. LAHOOD, announced that the nays 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	{	Yeas .....	204
negative .....	{	Nays .....	222
	{	Answered	
	{	present	1

¶119.16 [Roll No. 525]

So the resolution was not agreed to.

A motion to reconsider the vote whereby said resolution was not agreed

# QUESTIONS OF ORDER

to was, by unanimous consent, laid on the table.

## PRIVILEGES OF THE HOUSE

(¶122.9)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 29, 1997, Mr. GEPHARDT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 287):

H. RES. 287

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pur-

suing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congressman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. LAHOOD, announced that the yeas had it.

Ms. SLAUGHTER 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 .....	<table border="0"> <tr><td>Yeas .....</td><td>218</td></tr> <tr><td>Nays .....</td><td>200</td></tr> <tr><td>Answered present</td><td>1</td></tr> </table>	Yeas .....	218	Nays .....	200	Answered present	1
		Yeas .....	218				
		Nays .....	200				
Answered present	1						

¶122.10 [Roll No. 537]

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

(¶122.21)

PURSUANT TO SECTION 426(B)(4) OF THE CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OF ORDER UNDER SECTION 425 OF THE ACT AND SATISFIES THE THRESHOLD BURDEN SPECIFIED IN SECTION 426(B)(2) OF THE ACT BY CITING LANGUAGE IN THE BILL AS THE SOURCE OF AN UNFUNDED INTERGOVERNMENTAL MANDATE IS RECOGNIZED TO CONTROL ONE-HALF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO SECTION 426(B)(3) OF THE CONGRESSIONAL BUDGET ACT 1974, AS DISPOSITION OF A POINT OF ORDER RAISED UNDER SECTION 425 OF THE ACT, THE CHAIR PUTS THE QUESTION OF CONSIDERATION WITH RESPECT TO THE PROPOSITION THAT IS THE OBJECT OF THE POINT OF ORDER.

On October 29, 1997, Mr. ENSIGN, made a point of order pending resolving the House into the Committee on the Whole House on the state of the Union for consideration of H.R. 1270, and said; "Mr. Speaker, I rise to make a point of order under section 425 of the Budget

Act on the basis that the provision beginning on page 56, line 15 of said bill imposes an unfunded intergovernmental mandate on state governments,

"Mr. Speaker, the Congressional Budget Office states in its cost estimate of H.R. 1270, dated September 25, 1997, that H.R. 1270 contains intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). The Congressional Budget Office estimates that if this bill were enacted the New York Power Authority, a publicly owned utility, would be required to pay \$180 million in the year 2002. The Unfunded Mandates Reform Act set a threshold of \$50 million for 1996, annually adjusted for inflation. Therefore, the Congressional Budget Office estimates that these mandates would impose costs on state governments exceeding the threshold. Mr. Speaker, I demand a ruling by the Chair that sustains my point of order against H.R. 1270 because it clearly violates the Unfunded Mandates Reform Act that forbade unfunded mandates on state and local governments."

The SPEAKER pro tempore, Mr. CAMP, responded to the point of order, and said:

"The gentleman from Nevada makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

"In accordance with section 426(b)(2) of the Act, the gentleman must specify precise language in the bill on which he predicates his point or order. Having met the threshold burden to identify specific language in the bill, the gentleman from Nevada and a Member opposed each will control 10 minutes of debate on the question of consideration under section 426(b)(4).

"Pursuant to section 426(b)(3) of the Act, after debate, the Chair will put the question of consideration, to wit: 'Will the House now consider the bill?'

"The gentleman from Nevada is recognized for ten minutes and the gentleman from Colorado is recognized for ten minutes."

After debate, The question being put, viva voce,

Will the House now consider the bill?

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

Mr. ENSIGN 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 .....	312
	Nays .....	105

¶122.22 [Roll No. 542]

So the House decided to consider said bill.

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

## PRIVILEGES OF THE HOUSE

(¶123.32)

A RESOLUTION PROPOSING DIRECTLY TO

# QUESTIONS OF ORDER

DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Mr. MENENDEZ, rose to a question of the privileges of the House and called up the following resolution (H. Res. 290):

H. RES. 290

Whereas Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the allegations made by Mr. Robert Dornan have been found to be largely without merit, including his charges of improper voting from a business, rather than a residential address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that those accused of voting from the same address included a Marines Barracks and the domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals; and that those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the privacy rights of United States citizens have been violated by the Committee's improper use of those INS records;

Whereas the INS itself has questioned the validity and accuracy of the Committee's use of INS documents;

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information they need to make a judgment concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to produce or present any credible evidence sufficient to change the outcome of the election of Congresswoman Sanchez and is now, in place of producing such credible evidence, pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has after nearly one year not shown or provided

any credible evidence sufficient to demonstrate that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Mr. MENENDEZ 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 affirmative .....	{	Yeas .....	212
		Nays .....	198
		Answered present	3

¶123.33 [Roll No. 558]

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

(¶123.35)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Ms. ROYBAL-ALLARD, rose to a question of the privileges of the House and called up the following resolution (H. Res. 291):

H. RES. 291

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit; charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of indi-

viduals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committee's possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now, therefore, be it

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Ms. ROYBAL-ALLARD 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 affirmative .....	{	Yeas .....	216
		Nays .....	200
		Answered present	3

¶123.36 [Roll No. 559]

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

# QUESTIONS OF ORDER

was, by unanimous consent, laid on the table.

## PRIVILEGES OF THE HOUSE

(¶123.37)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Ms. NORTON, rose to a question of the privileges of the House and called up the following resolution (H. Res. 292):

H. RES. 292

Whereas, Loretta Sanchez has been duly elected to represent the 46th District of California; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met only on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Ms. NORTON 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 affirmative ..... 

Yeas .....	214
Nays .....	187
Answered present	4

¶123.38 [Roll No. 560]

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

(¶123.39)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Mr. CONDIT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 293):

H. RES. 293

Whereas Loretta Sanchez was issued a certificate of election as the elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas a Notice of Contest of Election was filed with the Clerk of House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26th, 1997 in Washington, D.C. on April 19th, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the Committee on the House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history

of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas or review; and

Whereas, the Committee on the House Oversight should complete its review of this matter and bring the matter forward for the House of Representatives to vote upon and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Mr. CONDIT 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 affirmative ..... 

Yeas .....	212
Nays .....	190
Answered present	4

¶123.40 [Roll No. 561]

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

(¶123.41)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Mr. BECERRA, rose to a question of the privileges of the House and called up the following resolution (H. Res. 294):

H. RES. 294

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

# QUESTIONS OF ORDER

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas the Committee on House Oversight, subpoenaed the records seized by the District Attorney of Orange County on February 13, 1997 and has received and reviewed all records pertaining to registration efforts of that group; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Mr. BECERRA 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 affirmative .....	{	Yeas ..... 217 Nays ..... 193 Answered present 4
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¶123.42 [Roll No. 562]

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

(¶123.43)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Ms. HOOLEY, rose to a question of the privileges of the House and called up the following resolution (H. Res. 295):

H. RES. 295

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California, and October 24, 1997 in Washington, D.C.; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th Dis-

trict and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Ms. HOOLEY 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 affirmative .....	{	Yeas ..... 212 Nays ..... 197 Answered present 5
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¶123.44 [Roll No. 563]

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

(¶123.45)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Ms. WATERS, rose to a question of the privileges of the House and called up the following resolution (H. Res. 296):

H. RES. 296

Whereas as contested election contest has been pending between Congresswoman Loretta Sanchez and Mr. Robert Dornan since December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has only met on February 26, 1997 and October 24, 1997 in Washington D.C. and on April 19, 1997 in Orange County, California; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be

# QUESTIONS OF ORDER

without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large number of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Ms. WATERS 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	}	Yeas .....	214
affirmative .....		Nays .....	196
		Answered	
		present	3

¶123.46 [Roll No. 564]

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

(¶123.47)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 30, 1997, Mr. DOOLEY, rose to a question of the privileges of the House and called up the following resolution (H. Res. 297):

H. RES. 297

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California has met only three times; and

Whereas the allegations made by Mr. Robert Dornan have been largely found to be without merit: charges of improper voting from a business, rather than a resident address; underage voting; double voting; and charges of unusually large numbers of individuals voting from the same address. It was found that voting from the same address included a Marines barracks and the domicile of nuns, that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana zoo, that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas the Committee on House Oversight has issued unprecedented subpoenas to the Immigration and Naturalization Service to compare their records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas the INS has complied with the Committee's request and, at the Committee's request, has been doing a manual check of its paper files and providing worksheets containing supplemental information on that manual check to the Committee on House Oversight for over five months; and

Whereas some Members of the House Oversight Committee are now seeking a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review

and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it;

Resolved, that unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of October 31, 1997.

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

Mr. SOLOMON 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. HEFLEY, announced that the yeas had it.

Mr. DOOLEY 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	}	Yeas .....	208
affirmative .....		Nays .....	192
		Answered	
		present	4

¶123.48 [Roll No. 565]

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

(¶126.36)

TO A BILL REQUIRING THE GATHERING OF DATA AND REVISION OF INTERNATIONAL MEMORANDA CONCERNING IMPORTED GOODS PRODUCED BY FORCED LABOR, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT REQUIRING CHANGES IN TARIFF SCHEDULES TO ACHIEVE OVERALL TRADE RECIPROCITY BETWEEN CHINA AND THE UNITED STATES IS NOT GERMANE.

TO A BILL ADDRESSING A CLASS OF IMPORTED GOODS (THOSE PRODUCED BY FORCED LABOR), AN AMENDMENT ADDRESSING ALL IMPORTED GOODS FROM ONE SPECIFIED COUNTRY IS NOT GERMANE.

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

On November 5, 1997, Mr. CRANE, made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, the motion to recommit with instructions is not germane

# QUESTIONS OF ORDER

H. RES. 307

to the underlying bill. The fundamental purpose or common thread of the bill is very narrow, and only concerns the monitoring of products made with forced labor. The range of methods employed in the bill is similarly narrow.

"The motion, however, deals with the reciprocal tariff treatments of the products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in the bill. Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order."

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

"Mr. Speaker, as I mentioned before, the Committee on Ways and Means has an opportunity every year to consider this measure and measures just like it. They choose not to.

"I am appealing to the House because I have heard on too many occasions from too many Members of this body that we are not given the chance to do what is right. At every town meeting we attend, when people ask, how do these unfair things continue to happen, do Members know what we have to say? We have to say, it is the committee system, the Speaker, the Committee on Ways and Means committee. They will not let us do that.

"They do not understand that. They cannot find in the Constitution of the United States where it somehow makes some Members of Congress better than other Members of Congress; where just a few Members of Congress can decide whether or not 435 Members, who were each elected by over half a million American citizens, that they cannot even decide on basic questions of right and wrong when it comes to trade issues.

"I am asking the Members of this body to step up to the plate. I am asking them to do tonight what they tell their constituents at their town meetings. That is, do what is right, regardless of what the Committee on Ways and Means wants, regardless of what the Speaker wants, regardless of what the Democratic leadership wants or the Republican leadership wants. For once, let us do what America wants. Tonight is the Members' chance.

"I am asking for that opportunity. I hope Members will vote against tabling this motion. I hope we will bring it to the floor. I hope we will vote as a Nation to tell the people of China we are sick and tired of being their chumps."

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

"The gentleman from Illinois [Mr. CRANE] makes the point of order that the amendment proposed in the motion to recommit is not germane. The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

"The bill as perfected authorizes funding for monitoring the importation into the United States of goods produced by forced labor. It also requires the reporting of certain information on that topic, and also expresses the sense of the Congress that the President should review reciprocal trade relationships on that topic.

"The amendment proposed in the motion to recommit would amend the tariff schedules of the United States to achieve reciprocity between the aggregate amount of Chinese tariffs on the American products and the aggregate amount of American tariffs on Chinese products. The bill confines its attention to products of forced labor.

"The amendment, although addressing only products of China, extends its attention to all products, not just those made by forced labor, and directly imposes tariff treatment, a matter not part of the bill.

"The Chair therefore finds that the amendment is a "proposition on a subject different from that under consideration" within the meaning of clause 7 of rule XVI. That is, the amendment is not germane. The point of order is sustained. The motion to recommit is not in order."

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

The question being put, *viva voce*, Will the decision of the Chair stand as the judgment of the House?

Mr. CRANE 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. QUINN, announced that the yeas had it.

Mr. TAYLOR of Mississippi 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 .....	217
		Nays .....	202

¶126.37 [Roll No. 581]

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

(¶126.42)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE UPON THE EXPIRATION OF A SPECIFIED DAY GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On November 5, 1997, Mr. FURSE, rose to a question of the privileges of the House and called up the following resolution (H. Res. 307):

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas A Notice of Contest of Election was filed with the Clerk of the House by Mr. Robert Dornan on December 26, 1996; and

Whereas the Task Force on the Contested Election in the 46th District of California met on February 26, 1997 in Washington, D.C. on April 19, 1997 in Orange County, California and October 24, 1997 in Washington, D.C.; and

Whereas the House Oversight Committee is now pursuing a duplicate and dilatory review of materials already in the Committees possession by the Secretary of State of California; and

Whereas the Task Force on the Contested Election in the 46th District of California and the Committee have been reviewing these materials and has all the information it needs regarding who voted in the 46th District and all the information it needs to make judgments concerning those votes; and

Whereas the Committee on House Oversight has after over nine months of review and investigation failed to present credible evidence to change the outcome of the election of Congresswoman Sanchez and is pursuing never ending and unsubstantiated areas of review; and

Whereas, Contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is other than Congresswoman Sanchez's election to the Congress; and

Whereas, as a member of Congress whose election in 1994 was won by far smaller a majority than that which Ms. Sanchez won the 46th District race in 1996.

Whereas, as an immigrant myself who proudly became a U.S. citizen in 1972, I believe that this Republican campaign of intimidation sends a message to new citizens that their voting privilege may be subverted. We should encourage new voters not chill their enthusiasm.

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end and now therefore be it:

*Resolved*, That unless the Committee on House Oversight has sooner reported a recommendation for its final disposition, the contest in the 46th District of California is dismissed upon the expiration of November 7, 1997.

The SPEAKER pro tempore, Mr. KINGSTON, ruled that the resolution submitted did present a question of the privileges of the House having immediate precedence under rule IX, and recognized Ms. FURSE and Mr. THOMAS for thirty minutes each.

After debate,

Mr. THOMAS 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. KINGSTON, announced that the yeas had it.

Ms. FURSE 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.

# QUESTIONS OF ORDER

It was decided in the affirmative .....	{	Yeas .....	217
		Nays .....	194
		Answered	
		present	1

¶126.43 [Roll No. 583]

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.

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## POINT OF ORDER

(¶127.40)

TO A BILL AMENDING A LAW REPORTED BY THE COMMITTEE ON BANKING AND FINANCIAL SERVICES OPPOSING CONCESSIONAL LOANS TO THE PEOPLE'S REPUBLIC OF CHINA AND OUTLINING PRINCIPLES GOVERNING THE CONDUCT OF INDUSTRIAL COOPERATION PROJECTS OF U.S. NATIONALS IN THAT COUNTRY, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT REQUIRING CHANGES IN TARIFF SCHEDULES TO ACHIEVE OVER-ALL TRADE RECIPROCITY BETWEEN CHINA AND THE UNITED STATES, A SUBJECT WITHIN THE JURISDICTION OF THE COMMITTEE ON WAYS AND MEANS, IS NOT GERMANE.

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

On November 6, 1997, Mr. SOLOMON, made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, the motion to recommit with instructions is not germane to this underlying bill. The fundamental purpose, or common thread, of the bill is very narrow and only concerns concessional loans to China. The range of methods employed in the bill is similarly narrow, and the bill is within the jurisdiction of the Committee on Banking and Finance.

"The motion, however, deals with the reciprocal tariff treatment of products of China. This is clearly not within the very narrow purpose of this bill. The issue of tariffs is also outside the range of methods employed in this bill and contains matter within the jurisdiction of the Committee on Ways and Means.

"There has been a protocol under previous Democrat leadership and Republican leadership today that amendments of this nature which would either raise or lower tariffs or raise or lower taxes are not allowed in motions to recommit on the floor. They must clear with the Committee on Ways and Means first.

"Therefore, the motion to recommit with instructions is not germane, and I urge the Chair to sustain the point of order."

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

"Mr. Speaker, as much as any Member of this body lives and breathes, this amendment is very much germane. Mr. SOLOMON'S bill does one thing. It di-

rects the Secretary of the Treasury to kind of something, do something about the Chinese Communists. My amendment directs the Secretary of the Treasury to do something about the gross injustice between what the Communist Chinese charge American products when our products go to their country and the fact that they only pay 2 percent when they come to ours. Why are we doing this? Why were there 5 votes in the past 2 days? It is because they force abortions, it is because they are thugs, they do not have religious freedom, they do not have political freedom. They are selling missiles and weapons to our enemies. They are buying ports on both ends of the Panama Canal.

"Mr. Speaker, as I said, every bill that we have voted on is trying to affect Chinese policy. This bill is asking the Secretary of the Treasury to take steps to affect Chinese policy. My amendment asks the Secretary of the Treasury to take substantial, realistic steps to affect Chinese policy. We are only going to get one last chance this session to do something substantive. As I have pointed out, the Committee on Rules has voted against bills that they are cosponsors of.

"The Speaker knows I am speaking to the point of order. The gentleman may not, but you do, Mr. Speaker.

"Mr. Speaker, I am asking the Members of this House to do what each of us begged for the opportunity to do every other year, and, that is, stand up for the rights of the American citizens, to strike a blow against the thugs when we get the chance. Tonight we have a chance. Tonight we can decide that we will have some lame excuse and go back and tell the constituents of each of our individual districts, that, 'Dog-gone it, we couldn't do anything about those Chinese thugs because the Rules Committee said we weren't germane.' Or we can say that there are some things more important than the rules of the House in the integrity of this Nation, simple things like right and wrong, simple fairness for the American working people. That is more important than the rules of the House that can be changed at any moment. That is what I am asking Members of this body to vote on, and that is why I am asking Members to vote against tabling this motion and then turn around to vote for this motion to recommit so that all of these things that have done nothing will at least be followed up by a measure that does something for the people of America and gets the attention of the thugs in Peking."

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

"The gentleman from New York [Mr. SOLOMON] makes the point of order that the amendment proposed in the motion to recommit is not germane.

"The test of germaneness in this situation is the relationship of the amendment proposed in the motion to recommit to the provisions of the bill as a whole.

"The bill, H.R. 2605, provides that the Secretary of Treasury instruct the United States Executive Directors to oppose concessional loans at each international financial institution to the People's Republic of China, any citizen or national of the People's Republic of China, or any entity established in the People's Republic of China.

"The amendment proposed in the motion to recommit would amend the tariff schedules of the United States to achieve reciprocity between the aggregate amount of Chinese tariffs on American products and the aggregate amount of American tariffs on Chinese products.

"As noted in section 798c of the House Rules and Manual, to be germane an amendment should address the same legislative jurisdiction as is addressed in the bill. Here, although the bill addresses the jurisdiction of the Committee on Banking and Financial Services, the amendment addresses the jurisdiction of the Committee on Ways and Means.

"On this basis, the Chair finds that the amendment is a 'proposition on a subject different from that under consideration' within the meaning of clause 7 of rule XVI. That is, the amendment is not germane. The point of order is sustained. The motion to recommit is not in order."

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. COX 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. BLUNT, announced that the yeas had it.

Mr. TAYLOR of Mississippi 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 .....	192

¶127.41 [Roll No. 604]

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.

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## PRIVILEGES OF THE HOUSE

(¶129.19)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On November 8, 1997, Mr. GEPHARDT, rose to a question of the privi-

# QUESTIONS OF ORDER

leges of the House and called up the following resolution (H. Res. 315):

H. RES. 315

Whereas, the election contest concerning the 46th District of California should be dismissed as there is no credible evidence to show that the outcome of the election is different than the election of Congresswomen LORETTA SANCHEZ.

Whereas, State of California authorities should continue their investigation into questionable registration activities; and

Whereas, the Committee on House Oversight should examine voter registration procedures; and now therefore be it

Resolved, that the contest in the 46th District of California is dismissed.

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

Mr. SOLOMON 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. CALVERT, announced that the yeas had it.

Mr. GEPHARDT 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 affirmative .....	{	Yeas ..... 215 Nays ..... 193 Answered present 2
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¶129.20 [Roll No. 620]

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

(¶130.6)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On November 9, 1997, Mr. GEPHARDT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 318):

H. RES. 318

Whereas, the election contest concerning the 46th District of California should be dismissed as there is no credible evidence to show that the outcome of the election is different than the election of Congresswoman Loretta Sanchez.

Whereas, State of California authorities should continue an investigation into any questionable registration activities; and

Whereas, the Committee on House Oversight should examine voter registration procedures; and now therefore be it

Resolved, That the contest in the 46th District of California is dismissed.

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

Mr. BOEHNER 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. EMERSON, announced that the yeas had it.

Mr. OBEY 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 their appeared affirmative .....	{	Yeas ..... 218 Nays ..... 194 Answered present 1
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¶130.7 [Roll No. 622]

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.

## SUBPOENAS RECEIVED PURSUANT TO RULE L

On March 3, 1997, the SPEAKER pro tempore, Mr. BARRETT of Nebraska, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, February 27, 1997

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,*  
Washington, DC

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

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

Sincerely,  
PATRICIA ANN SCHAPP,  
*Office of the Sergeant at Arms.*

On May 21, 1997, the SPEAKER pro tempore, Mr. PAPPAS, laid before the House a communication, which was read as follows:

EARL POMEROY,  
CONGRESS OF THE UNITED STATES,  
North Dakota, May 20, 1997.

Hon. NEWT GINGRICH,  
*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 I have been served with a subpoena issued by the District Court of Cass County, North Dakota.

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

Sincerely,  
JOAN CARLSON,  
*Eastern Field Director.*

On May 22, 1997, the SPEAKER pro tempore, Mr. HASTERT, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 12, 1997.

Hon. NEWT GINGRICH,  
*Speaker of the House,*  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that I have been served a subpoena issued by the Canton Municipal Court, Stark County, State of Ohio.

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

Sincerely,  
DARYL L. REVOLDT,  
*District Staff Director.*

On May 27, 1997, the SPEAKER pro tempore, Mr. UPTON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
WASHINGTON, DC,  
May 16, 1997.

Hon. NEWT GINGRICH,  
*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 United States District Court for the Middle District of Florida.

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

Sincerely,  
GREGORY M. LANKLER.

On June 3, 1997, the SPEAKER pro tempore, Mr. GIBBONS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
Washington, DC, June 3, 1997.

Hon. NEWT GINGRICH,  
*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 I have been served with a subpoena issued by the Superior Court of New Jersey, Cape May County.

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

Sincerely,  
FRANK A. LOBIONDO,  
*Member of Congress.*

On June 7, 1997, the SPEAKER pro tempore, Mr. PEASE, laid before the House a communication, which was read as follows:

BRYAN CAVE LLP,  
Washington, DC, June 3, 1997.

Hon. NEWT GINGRICH,  
*Speaker of the House,*  
U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you that 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.

## QUESTIONS OF ORDER

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

Sincerely,

JAMES M. COLE.

On June 11, 1997, the SPEAKER pro tempore, Mr. INGLIS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 5, 1997.*

Hon. NEWT GINGRICH,  
*Speaker of the House, U.S. House of Representatives, Washington, DC.*

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

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

Sincerely,

LAURA GRIFFIN.

On June 12, 1997, the SPEAKER pro tempore, Mr. TAYLOR, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 11, 1997.*

Hon. NEWT GINGRICH,  
*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.

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

Sincerely,

WILDA E. CHISOLM.

On June 12, 1997, the SPEAKER pro tempore, Mr. TAYLOR, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 11, 1997.*

Hon. NEWT GINGRICH,  
*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.

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

Sincerely,

CHARLES M. WILLIAMS.

On June 19, 1997, the SPEAKER pro tempore, Mr. COOKSEY, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 19, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, House of Representatives, The Speaker's Rooms, Washington, DC.*

DEAR SPEAKER GINGRICH: 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 Hardy County, West Virginia, in the case of *West Virginia v. Cook*, Crim. Action No. 97-F-20.

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

Very truly yours,

BOB WISE,  
*Member of Congress.*

On June 24, 1997, the SPEAKER pro tempore, Mr. JONES of North Carolina, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 23, 1997.*

Hon. NEWT GINGRICH, SPEAKER,  
*U.S. House of Representatives, Washington, DC.*

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

I will make the determinations required by Rule L.

Sincerely,

CHARLES M. WILLIAMS.

On June 24, 1997, the SPEAKER pro tempore, Mr. JONES of North Carolina, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 23, 1997.*

Hon. NEWT GINGRICH, SPEAKER,  
*U.S. House of Representatives, Washington, DC.*

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

I will make the determinations required by Rule L.

Sincerely,

WILDA E. CHISOLM.

On July 8, 1997, the SPEAKER pro tempore, Mr. GOODLING, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, June 25, 1997.*

Hon. NEWT GINGRICH,  
*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 District Court for the Parish of Orleans, State of Louisiana.

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

Sincerely,

BETTY S. BARNES.

On July 14, 1997, the SPEAKER pro tempore, Mr. LINDER, laid before the House a communication, which was read as follows:

OFFICE OF THE SERGEANT AT ARMS,  
U.S. HOUSE OF REPRESENTATIVES,  
*Washington, DC, July 14, 1997.*

Hon. NEWT GINGRICH,  
*Speaker of the House, U.S. House of Representatives, Washington, DC.*

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

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

Sincerely,

PATRICIA A. SCHAAP.

On July 15, 1997, the SPEAKER pro tempore, Mr. GILCHREST, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,  
*Washington, DC, July 15, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing pursuant to Rule L (50) of the Rules of the House, to supplement the original notification by Mr. Cole on June 3, 1997 that he had been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, the Bipartisan Legal Advisory Group of the House of Representatives has determined that the subpoena to Mr. Cole is consistent in part and inconsistent in part with the rights and privileges of the House and has directed Mr. Cole to comply with the subpoena to the extent that it is consistent with the rights and privileges of the House.

Sincerely,

JAMES V. HANSEN,  
*Chairman.*

On September 3, 1997, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,  
*Washington, DC, July 31, 1997.*

Hon. NEWT GINGRICH,  
*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 of Representatives, that the Committee on Standards of Official Conduct has been served with a subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the "Keeper of the Records."

After consulting with the Office of General Counsel, the Committee will make the determinations required by Rule L.

Sincerely,

JAMES V. HANSEN,  
*Chairman.*

On September 3, 1997, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 6, 1997.*

Hon. NEWT GINGRICH,  
*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 of Representatives, that I have received a subpoena (for documents and tes-

## QUESTIONS OF ORDER

timony) issued by the U.S. District Court for the Central District of California in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (EEx). The subpoena was directed to "The Office of Congressman John D. Dingell."

After consultation with the Office of General Counsel, I have determined that the subpoena appears not to be consistent with the rights and privileges of the House and, therefore, should be resisted.

Sincerely,

JOHN D. DINGELL.

On September 3, 1997, the SPEAKER laid before the House a communication, which was read as follows:

COMMITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,

Washington, DC, August 7, 1997.

Hon. NEWT GINGRICH,  
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 Transportation and Infrastructure has been served with a subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the "Keeper of Records."

After consulting with the Office of General Counsel, the Committee will make the determination required by Rule L.

Sincerely,

BUD SHUSTER,  
Chairman.

On September 3, 1997, the SPEAKER laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE  
OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, August 8, 1997.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of the Chief Administrative Officer ("CAO") has been served with a subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the "Keeper of Records."

After consulting with the Office of the General Counsel, the CAO will make the determinations required by Rule L.

Sincerely,

JAY EAGEN,  
Chief Administrative Officer.

On September 3, 1997, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
August 18, 1997.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER GINGRICH: 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 Third Judicial Circuit Court of the State of Michigan in the case of *Marcus Management, Inc. v. Robert Marquess, et al.*, Case No. 97-715508 CK.

After consultation with the Office of the General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is con-

sistent with the privileges and precedents of the House.

Sincerely,

LYNN N. RIVERS.

On September 29, 1997, the SPEAKER pro tempore, Mr. UPTON, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 25, 1997.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (Eex) (D.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent consistent with the rights and privileges of the House, should be resisted.

Sincerely,

REID P.F. STUNTZ,  
Minority Staff Director and  
Chief Counsel.

On September 29, 1997, the SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 25, 1997.

Hon. NEWT GINGRICH,  
Speaker, U.S. House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (Eex) (D.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent consistent with the rights and privileges of the House, should be resisted.

Sincerely,

REID P.F. STUNTZ,  
Minority Staff Director and  
Chief Counsel.

On September 29, 1997, the SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 26, 1997.

Hon. NEWT GINGRICH,  
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 of Representatives, that the "Office of Congressman John D. Dingell" has received a subpoena for documents and testimony issued by the U.S. District Court for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (Eex) (C.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoena appears, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,

JOHN D. DINGELL.

On September 29, 1997, the SPEAKER pro tempore, Mr. GRANGER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 26, 1997.

Hon. NEWT GINGRICH,  
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 of Representatives, that I have received a subpoena for documents issued by the U.S. District Court for the Central District of California in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (Eex) (C.D. Cal.) (a civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoena appears, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,

JOHN D. DINGELL.

On October 1, 1997, the SPEAKER pro tempore, Mr. QUINN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON COMMERCE,  
Washington, DC, September 26, 1997.

Hon. NEWT GINGRICH,  
Speaker, House of Representatives,  
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that the Committee on Commerce has received subpoenas for documents and testimony issued by the U.S. District Courts for the Central District of California and the District of Columbia, respectively, in the matter of *Oxycal Laboratories, Inc., et al. v. Patrick, et al.*, No. SA CV-96-1119 AHS (EEx) (C.D. Cal.) (civil dispute between private parties that apparently arises out of an alleged breach of a settlement agreement).

After consultation with the Office of General Counsel, I have determined that the subpoenas appear, at least in part, not to be consistent with the rights and privileges of the House and, to the extent not consistent with the rights and privileges of the House, should be resisted.

Sincerely,

TOM BLILEY,  
Chairman.

## QUESTIONS OF ORDER

On October 28, 1997, the SPEAKER pro tempore, Mr. SNOWBARGER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, September 26, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,*  
*Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the rules of the House that I have been served with a subpoena duces tecum issued by the Supreme Court of the State of New York, County of Kings, in the case of *Ellen Frankel v. Jeffrey Frankel*, Index No. 10369/96.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that

compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLES E. SCHUMER,  
*Member of Congress.*

On October 28, 1997, the SPEAKER pro tempore, Mr. SNOWBARGER, laid before the House a communication, which was read as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 27, 1997.*

Hon. NEWT GINGRICH,  
*Speaker, U.S. House of Representatives,*  
*U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L of the Rules of the House

of Representatives, that the Congressional Budget Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel of the House of Representatives, I will make the determinations concerning the subpoena as required under the Rule.

Sincerely yours,

JENNIFER L. SMITH,  
*Deputy General Counsel,*  
*Congressional Budget Office.*