personnel and support resources required to properly represent U.S. interests in the UPU. A look at the agenda of the April 1998 UPU Postal Operations Council—which included, inter alia, postal security, philately development, the direct mail advisory board, postal accounting, quality of service, and terminal dues sessions—underlines the fact that the USPS is the only U.S. entity capable of adequately representing U.S. interests with regard to the full range of UPU agenda items.

Finally, we note that the requirement in proposed Section 407 (a) raises serious constitutional concerns. The negotiation and conclusion of treaties and international agreements, including the content of such instruments, is a Constitutional responsibility vested solely in the President, and is therefore an area in which Congress may not intrude.

LEVEL PLAYING FIELD

Without resorting to new legislation, mechanisms exist to ensure that government and private sector interests are factored into any policies, or conventions on international mail services. State, Commerce, USTR and the Postal Service participate in an interagency process which can examine competing demands and make decisions based on maximum benefit to all parties, including private mail carriers.

USPS hosts meetings with representatives of the private sector to brief on UPU activities and get industry input for its policy formation (the most recent of these meetings was held on April 14, 1998) and State, Commerce, USTR and USPS participate in the interagency process when needed to discuss international mail issues.

SUMMARY

The Department of State believes the U.S. Postal Service is the most appropriate representative for the United States government in the Universal Postal Union, and it appears to us that sufficient mechanisms exist currently to ensure coordination of U.S. policy and the interests of other US government agencies and private industry under USPS leadership.

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, June 22, 1998.

Hon. JERRY SOLOMON,
Chairman, Rules Committee, Washington, DC.

DEAR JERRY: I am writing regarding the Treasury Postal Appropriations bill for FY99. The bill contains an amendment offered by Representative Northup that revises how international postal service negotiations are conducted.

I have strong concerns about this provision, and the assigning the USTR with the broad responsibility for ''the formulation, coordination, and oversight of foreign policy related to international postal services . . .''. The USTR is not responsible for the conduct of US foreign policy. Moreover, this provision would dramatically change the way in which postal issues are managed in international fora and raises questions as to the rules governing the Universal Postal Union. It is my understanding that the UPU Postal Operations Council requires that a representative be a qualified official of the Postal Administration. The governing body of the UPU Council of Administration requires the representative to be competent in postal matters. This raises the question as to whether the USTR has the capacity to manage this new portfolio.

I would urge the Rules Committee not to waive points of order with respect to this provision.

With best wishes.

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION,
June 23, 1998.

To the Members of the Committee on Rules:

The members of the COALITION IN SUPPORT OF INTERNATIONAL TRADE AND COMPETITION, listed below, strongly urge the Committee on Rules *not* to waive points of order against the amendment on International Postal and adopted by the Committee on Appropriations, Arrangements offered by Rep. Ann Northup included in the Treasury-Postal appropriations bill under consideration today as well as any changes to the amendment Rep. Northup desires to make.

The amendment would place all international postal negotiations and representation under the U.S. Trade Representative rather than the Postal Service. The USTR has opposed this amendment, and we believe that passage could be very harmful to our international postal services and the business that use them.

Advertising Mail Marketing Association, Washington, DC.
American Postal Workers Union, Washington, DC.
Ballard Designs, Atlanta, GA.
L.L. Bean, Freeport, ME.
Current, Inc., Colorado Springs, CO.
Damark International, Inc., Minneapolis, MN.
The Direct Marketing Association, Washington, DC.
Fingerhut Companies, Inc., Minnetonka, MN.
Frontgate, Lebanon, OH.
Garnet Hill, Lebanon, NH.
Hammacher Schlemmer, Chicago, IL.
J.C. Penney Company, Plano, TX.
Land's End, Dodgeville, WI.
Magazine Publishers of America, Washington, DC.
Mail Order Association of America, Washington, DC.
National Association of Letter Carriers, Washington, DC.
National Association of Postal Supervisors, Alexandria, VA.
National Association of Postmasters of the United States, Alexandria, VA.
National League of Postmasters, Alexandria, VA.
National Retail Federation, Washington, DC.
National Rural Letter Carriers Association, Arlington, VA.
Parcel Shippers Association, Washington, DC.
Performance Data TransUnion Corporation, Chicago, IL.
Territory Ahead, Santa Barbara, CA., TravelSmith, Novato, CA.
Whispering Pines, Fairfield, CT.

Mr. MCINNIS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore (Mrs. EMERRSON) announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on this resolution will be postponed until later today.

The point of no quorum is considered withdrawn.

PERSONAL EXPLANATION

Mr. GREEN (during consideration of H. Res. 489). Madam Speaker, on Thursday, June 18 and Friday, June 19, I was unavoidably detained in my district working on the House that Congress Built Project.

Had I been present I would have voted ''yes'' on rollcall 242; ''no'' on rollcall 243; ''no'' on rollcall 244; ''yes'' on rollcall 245; ''no'' on rollcalls 246, 247, 248 and 249; and ''yes'' on rollcalls 250 and 251.

□ 1215

PROVIDING FOR CONSIDERATION OF H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 489 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 489

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4112) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 3 or 7 of rule XXI, or section 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: page 10, line 1 through line 10. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment maybe considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against amendments printed in the report are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 489 is a structured rule providing for the consideration of H.R. 4112, the fiscal year 1999 Legislative Branch appropriations bill.

At the outset, I would like to commend the gentleman from New York (Mr. WALSH) and the gentleman from New York (Mr. SERRANO) for their bipartisan efforts to produce a good bill which continues our efforts to create a smaller, smarter government and to lead by example.

For instance, H.R. 4112 scales back employment in the Legislative Branch by eliminating 438 positions. The bill continues efforts to reduce redundancy and inefficiencies by preparing for the closure of the Joint Committee on Printing.

That said, some of my colleagues may point out that this bill actually provides for a slight increase in spending over last year's level. However, taken in the context of our progress over 4 years, it contributes to an overall savings of $575 million in Legislative Branch spending under this majority. In fact, since 1994, over 15 percent of the Legislative Branch has been downsized.

The rule before us will provide an opportunity to acknowledge this good work and debate what more we can do to improve the operations of this institution.

Specifically, the rule provides for 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Appropriations. Under the rule, clause 2(l)(6) of rule XI is waived as are clause 3 and 7 of rule XXI. In our hearing yesterday, the Committee on Rules heard no objection to these provisions which are designed to facilitate consideration of this bipartisan bill.

The rule also waives section 104 of the Budget Act which is necessary to provide for the salary of the Director of the Congressional Research Service. In addition, this waiver will protect provisions in the bill that address severance pay and early retirement for employees of the Architect of the Capitol as well as voluntary separation incentives for employees of the Government Printing Office.

Further, clause 2 of rule XXI which prohibits unauthorized appropriations or legislative provisions in a general appropriations bill is waived, as is clause 6 of rule XXI which prohibits reappropriations in a general appropriations bill. However, these waivers do not apply to section 108 of the bill. Section 108 allows the House to participate in State and local government transit programs which encourage employees to use public transportation. This is an idea that has merit which is evidenced by the bipartisan support it has gained as a freestanding bill. There are many private businesses as well as government agencies which compensate employees for part of their public transportation expenses. There is no reason the House should not consider affording the benefit to its employees. However, the Committee on Rules believes it is wiser to allow this change in House policy to run through the normal channels of committee consideration rather than add it on to a spending bill.

Under the rule, the two amendments printed in the Committee on Rules report are the only ones made in order for House consideration. These amendments, both offered by Democrat Members, address the important issues of recycling and energy conservation. I know that many of my colleagues on both sides of the aisle are interested in these issues. In fact, a number of us have developed office policies to encourage such efficiencies. But there is much more we can do as an institution to improve upon these efforts and it makes sense to do these things in terms of fulfilling both environmental and fiscal responsibilities.

Under the rule, these amendments may be offered by the Democratic Members designated in the Committee on Rules report, are not subject to amendment, and shall be debatable for 10 minutes each, equally divided between a proponent and an opponent. All points of order against the amendments are waived.

To provide for speedy and orderly consideration of the Legislative Branch appropriations bill, the Chairman of the Committee of the Whole may postpone and reduce votes to 5 minutes as long as the first vote in any series is 15 minutes. Another opportunity to change the bill exists through a motion to recommit, with or without instructions.

Mr. Speaker, there is more in the Legislative Branch appropriations bill than salaries and expenses for Members of Congress and their staff. The spending in this bill also serves the thousands of Americans who visit their Nation's Capitol each year to witness democracy in action. This bill provides the funding which preserves the Capitol building and the grounds of the Capitol for enjoyment of all our Nation's visitors. And it is this legislation that supports the hard work and dedication of our Capitol police force who keep our Capitol and the surrounding neighborhoods safe for visitors and residents alike.

I am also pleased to report that through this appropriations bill, we will support the ongoing efforts to examine the art work in the Capitol with an eye to how it can better represent the contributions and accomplishments of American women throughout our Nation's history.

Mr. Speaker, the bottom line is that this is a fair rule which the Committee on Rules reported by voice vote. The underlying bill is bipartisan and fiscally responsible. The subcommittee did an excellent job of allocating scarce resources while building upon the internal reforms we have adopted in recent years to improve congressional operations. I urge my colleagues to vote ''yes'' on the rule as well as the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, yesterday the Republican majority on the Committee on Rules refused to make in order an amendment to this rule which would have allowed the gentleman from Maryland (Mr. HOYER) to offer a sensible amendment to H.R. 4112, the Legislative Branch appropriations bill. For that reason, it is my intention to oppose the previous question on this rule. Should the House defeat the previous question, it will be my intention to offer an amendment to this rule which will allow for consideration of the Hoyer amendment.

Mr. Speaker, as Members know, at the beginning of the 105th Congress, the rules package of the Republican majority included an amendment to rule XI which created a new slush fund for committees to draw from for the expenses associated with the numerous investigations planned by the Republican leadership for this Congress. Subsequently, the Republican majority adopted a committee funding resolution which included, along with prior year unexpended funds, $7.9 million for the slush fund, and my Republican colleagues have been happily spending that money ever since.

Mr. Speaker, I include for the RECORD a report prepared by the Democratic leadership about the partisan investigations that have been conducted by the Republican majority during the 105th Congress.

The text of the report is as follows:

POLITICALLY-MOTIVATED INVESTIGATIONS BY HOUSE COMMITTEES

1995–Present

U.S. House Democratic Policy Committee, Richard A. Gephardt, Chair, June 18, 1998

''The congressional investigation can be an instrument of freedom. Or it can be freedom's scourge. A legislative inquiry can serve as the tool to pry open the barriers that hide government corruption. It can be the catalyst that spurs Congress and the public to support vital reforms in our nation's laws. Or it can debase our principles, invade the privacy of our citizens, and afford a platform for demagogues and the rankest partisans.''—Senator Sam J. Ervin (D-N.C.)[1]

''Long ago, before the permanent culture of investigation had laid siege to Washington—meaning in the early 1980's—a formal congressional investigation was considered major if it issued a few dozen subpoenas. That was then. In the [last] year or so . . . [one committee] has issued 479 supoenas. Those forced to appear are grilled in private, sometimes for hours at a

Footnote are at end of article.

stretch, with few of the protections from badgering that shield witnesses in the real world . . . [it is] redolent of a mentality that Washington has not seen for some decades. The term 'McCarthyism' is used too often and too loosely, but there are times when it is useful and one of these is now.''—Jonathan Rauch[2]

EXECUTIVE SUMMARY

''Clinton Democrats should be portrayed as 'the enemy of normal Americans . . . Republicans will use the subpoena power to investigate the Administration.'[3]—House Speaker Newt Gingrich

Since Republicans took control of the U.S. House of Representatives in 1995, they have initiated an endless parade of politically-motivated investigations.

This report details the breadth and magnitude of the Republican effort, including how duplicative and wasteful the committee investigations have been, and how much of the committees' taxpayer-financed resources are devoted to these politically-motivated investigations.

In other words, this report investigates the self-appointed investigators, in order to provide the public with information about how their taxpayer dollars are being misappropriated.

Key findings include:

As of today, House Republicans have spent more than $17 million in taxpayer dollars on politically-motivated investigations.

There have been more than 50 politically-motivated investigations in the House, 38 of which are still ongoing.

These investigations have involved 15 of the 20 House standing committees. Currently, 13 committees are involved in investigations.

Of all the completed investigations, none have turned up evidence of wrongdoing.

Perhaps even more important, a clear pattern of abuse has emerged. The House Republican leadership has called on and, when necessary, prodded its committees to devote their resources to harass political enemies.

In the process, Republicans have: undermined the credibility of the oversight function of Congress; issued overly broad and excessive subpoenas; and targeted innocent private individuals with whom they have political disagreements, and as a result, have harmed those people's businesses, humiliated them personally and professionally, and forced them to bear extraordinary travel and legal costs to try to defend their reputations.

HISTORICAL NOTE

''Washington just can't imagine a world in which Republicans would have subpoena power,'' said Newt Gingrich shortly before he became Speaker.[4] It was a surprising comment for a historian to make.

The House first asserted its power to investigate in 1792,[5] when a special House committee was appointed to look into the Indian massacre of U.S. soldiers under Major General Arthur St. Clair's command.

Republicans have led some of the worst[6] investigations in the history of the Congress. In particular, Senator Joseph McCarthy's (R–WI)[7] hearings will long be remembered as the most egregious abuse of Congress' power to investigate.

EXTENT AND COST OF INVESTIGATIONS

''Republicans are pouring millions of new dollars into House committees to beef up the party's ability to investigate not only Democratic fundraising scandals but also longtime adversaries such as organized labor.''[8]

''Speaker Newt Gingrich is poised to launch a battery of probes next year [1998] that will involve half of the House's 20 committees.''[9]

Since assuming control of Congress in 1995, House Republicans have pressed 15 of the 20 standing committees into service to conduct more than 50 politically-motivated investigations.

None of the completed investigations has turned up evidence of wrongdoing.

Today, 13 committees are conducting 38 separate politically-motivated investigations. These investigations are aimed exclusively at the individuals and organizations perceived by the Republican leadership as their political enemies, including the Clinton Administration, Democratic state parties, environmentalists, and labor unions.

The cost to the taxpayers of the House investigations now exceeds $17 million. This figure includes only costs incurred by the legislative branch, and does not include the extensive costs incurred by federal agencies to comply with these investigations, which is currently the subject of an ongoing GAO study.

Following is an accounting of the politically-motivated investigations conducted by House committees since 1995.

Subject of investigation (listed by committee and no.)	Start date	Status	Cost to taxpayer (includes costs incurred by legislative branch only)
Agriculture			[10] $105,000
1. Commodity transactions by First Lady Hillary Rodham Clinton	1996	Closed	
Appropriations			[11] $118,000
2. Alleged access to White House (Lincoln Bedroom, etc.) in exchange for contributions to the DNC	1997	Ongoing	
Banking			[12] $2,250,000
3. Whitewater	1995	Closed	
4. Alleged money-laundering and drug trafficking at the Mena, Arkansas airport during the term of then-Gov. Clinton	1996	Ongoing	
Commerce			[13] $128,000
5. Allegations that the Molten Metal Technology company received government contracts in exchange for contributions to the Clinton-Gore campaign	1997	Closed	
6. Involvement of former Gore aide Peter Knight in advocating a relocation of the FCC to the Portals building in Southwest D.C.	1997	Ongoing	
Education and the Workforce			[14] $2,530,000
7. American Worker Project, to look into the conduct of labor unions and the agencies that oversee them	1997	Ongoing	
8. Irregularities in the Teamsters 1996 elections	1997	Ongoing	
Government Reform and Oversight			[15] $6,000,000
9. Review of Ramspeck Act, prompted by large numbers of Democratic staff getting executive branch jobs following GOP takeover of House	1995	Closed	
10. Political ideology of organizations participating in the Combined Federal Campaign	1995	Closed	
11. Firing of White House travel office personnel	1996	Closed	
12. Alleged White House acquisition of FBI files of certain individuals	1995	Ongoing	
13. Alleged abuse of travel privileges by Energy Secretary Hazel O'Leary	1995	Closed	
14. Clinton Administration enforcement action against the Branch Davidians in Waco, Texas	1995	Closed	
15. Financial holdings and activities of former Commerce Secretary Rob Brown	1996	Closed	
16. Alleged illegal foreign contributions to the DNC in the '96 elections	1996	Ongoing	
17. Alleged fundraising activities on federal property (e.g. White House coffees, Lincoln Bedroom)	1996	Ongoing	
18. Alleged Hatch Act violations (e.g. fundraising phone calls from official residences, acceptance of campaign checks by White House secretaries)	1996	Ongoing	
19. Alleged ''conduit'' contributions to the DNC in the '96 elections (made at the request of and paid for by a third party)	1997	Ongoing	
20. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1997	Ongoing	
21. Clinton Administration's appointment of Charlie Trie to a special Commerce trade commission allegedly in return for campaign contributions	1997	Ongoing	
22. Justice Department failure to appoint an independent counsel to investigate alleged fundraising calls from the White House	1997	Ongoing	
23. Alleged quid pro quo—refusal by Interior Secretary Babbitt to grant a gaming permit to the Hudson Casino and Dog Track because of campaign contributions from opposing parties.	1997	Closed	
24. Designation of Grand Staircase-Escalante National Monument, allegedly in part to benefit a Texas mining company connected with James Riady which did not want mining competition in Utah.	1997	Ongoing	
25. Alleged failure of FEC to prosecute fundraiser Howard Glicken, because of ties to Vice President Gore	1997	Ongoing	
26. Fundraising practices of state Democratic parties	1997	Ongoing	
27. Alleged use of White House databases for political purposes	1996	Ongoing	
28. Irregularities in the Teamsters 1996 elections	1997	Ongoing	
29. Alleged lack of compliance with subpoenas issued to White House, including failure to produce videotapes of White House coffees	1997	Ongoing	
30. Alleged acceptance by Webb Hubbell of White House-arranged ''hush money''	1997	Ongoing	
31. Alleged White House obstruction surrounding allegations regarding Monica Lewinsky and her relationship with President Clinton	1998	Ongoing	
House Oversight			[16] $1,510,000
32. Alleged voter fraud in the Dornan-Sanchez election contest in California's 46th district in 1996	1997	Closed	
Intelligence			N/A
33. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1997	Ongoing	
34. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
International Relations			(*)
35. Alleged link between Clinton Administration's trade policies and political contributions, including but not limited to alleged illegal contributions from Indonesian and Chinese sources.	1996	Closed	(*)
36. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	(*)
Judiciary			[17] $1,445,000
37. Clinton Administration enforcement action against the Branch Davidians in Waco, Texas	1995	Closed	
38. Allegations that the Clinton Administration improperly influenced career prosecutors at the Justice Dept. to settle a civil racketeering lawsuit involving the Laborers' International Union.	1996	Closed	
39. Justice Department failure to appoint an independence counsel to investigate alleged fundraising calls from the White House	1997	Closed	
40. Justice Department oversight/preparation for impeachment proceedings	1998	Ongoing	
National Security			(*)
41. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Resources			[18] $460,000

Subject of investigation (listed by committee and no.)	Start date	Status	Cost to taxpayer (includes costs incurred by legislative branch only)
Note: There are more than 15 investigations ongoing in the Resources Committee which involve abuses of the investigative powers of the Congress. In several instances, committee Republicans have used investigations to aid a conservative legal foundation which has brought three lawsuits against the Clinton Administration (these are discussed later in this report, under ''Abuse of Subpoena Power.'') Following is a description of some of the most clearly politically-motivated Resources Committee investigations.			
42. Designation of Grand Staircase-Escalante National Monument, allegedly for political purposes	1997	Ongoing	
43. Alleged quid pro quo—refusal by Interior Secretary Babbitt to grant a gaming permit to the Hudson Casino and Dog Track because of campaign contributions.	1997	Ongoing	
44. Allegations that campaign contributions influenced Interior Department policies on Guam	1997	Ongoing	
Rules			[19] $75,000
45. Allegations that former Energy Secretary Hazel O'Leary or her staff solicited a bribe for a Department of Energy contract	1996	Closed	
46. General investigation into fundraising activities of Clinton Administration and Democratic party officials	1996	Ongoing	
47. Alleged economic espionage for the Chinese government by John Huang while employed at the Commerce Dept.	1996	Ongoing	
48. Alleged foreign influence on U.S. elections and access to U.S. intelligence	1996	Ongoing	
49. China Ocean Shipping Company	1997	Ongoing	
50. Preparation for impeachment inquiry (based on referral to committee of Barr resolution, H. Res. 304)	1997	Ongoing	
51. Pentagon release to press of Linda Tripp's personnel file	1998	Ongoing	
52. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Select Committee on China			$2,500,000
53. U.S. technology transfers to China, including allegations that political contributions influenced the Clinton Administration's export policy	1998	Ongoing	
Veterans' Affairs			(*)
54. Alleged use of political influence and campaign contributions to allow for burial of non-eligible persons in Arlington National Cemetery	1997	Closed	
Ways and Means/Joint Tax			(*)
55. Alleged politically-motivated IRS audits of conservative organizations	1997	Ongoing	
Total cost for all committees			$17,121,000

* Less than $25,000.

DUPLICATION AND WASTE

''It's been very expensive and it hasn't amounted to much.''[20]—Senior Republican leadership aide.

Many House committees are covering the same ground:

Four House committees are investigating the influence of foreign governments on American elections (Government Reform and Oversight; Intelligence, International Relations; and Rules)

Two House committees are looking into use of the Lincoln bedroom (Appropriations and Government Reform and Oversight).

Two House committees are looking into the Hudson casino and dogtrack (Government Reform and Oversight and Resources).

Two House committees are looking into an alleged Riady connection to the designation of Grand Staircase-Escalate National Monument (Government Reform and Oversight and Resources).

Two House committees investigated Waco (Government Reform and Oversight and Judiciary).

Both the Education and the Workforce Committee and the Government Reform and Oversight Committee have issued similar subpoenas to the International Brotherhood of Teamsters, the Ron Carey campaign, and Citizen Action to gather information related to the contested union election of 1996.

The Judiciary Committee and the Government Reform and Oversight Committee both investigated the Attorney General's decision not to appoint an independent counsel to investigate campaign finance matters. The Attorney General testified at the Judiciary Committee on October 15, 1997; less than two months later she was called to answer the same questions before the Government Reform and Oversight Committee.

Duplication within the House is only a part of the picture.

Both the large investigations and the more focused inquiries in the House are covering the same ground covered by Senate investigations, Justice Department examinations, and explorations by federal prosecutors and grand juries.

The Senate Commerce Committee already looked into the FCC relocation into the Portals Building. The House Commerce Committee recently authorized eight subpoenas in the same matter and several have been issued.

In addition to the $1.6 million spent by the House investigating Whitewater: the Senate spent $1.8 million; the RTC spent $3.6 million; and the independent counsels have spent $30 million.

Reagan-appointed federal prosecutors and several grand juries thoroughly examined allegations of money-laundering and trafficking at the Mena, Arkansas airport during Gov. Clinton's term and concluded no indictments were warranted long before the House Banking Committee undertook its investigation.

The House investigation of campaign finance follows on a completed Senate investigation and a Justice Department probe. Much of Chairman Burton's work directly duplicates Senator Thompson's investigation: of the 524 subpoenas issued by Chairman Burton, 210 (more than 40%) are duplicates of subpoenas issued in the already completed Senate investigation.

Furthermore, the House Government Reform and Oversight Committee has spent $6 million to produce only seven public hearings and hastily doctored transcripts of Webster Hubbell's phone calls. By comparison, the Senate Governmental Affairs Committee finished its work months ago, having spent a total of $3.5 million hold 33 days of hearings and publish a 1,100 page report.

The tower of wasted dollars has been built up brick by brick. In June 1997, the House Government Reform and Oversight Committee sent three staff members to Miami to retrieve a computer disk. The two-day trip (six working days of staff time) cost several thousands of dollars. Later the minority discovered that nothing prevented those who had the disk from mailing it for the cost of first-class postage.[21]

The Government Reform Committee also paid for Charles Intriago, a Florida businessman, to fly to Washington, D.C. to be deposed despite the fact that his attorney had made clear that Mr. Intriago would assert his Fifth Amendment right not to testify.[22] The bill came to several thousands of dollars—after travel expenses, court reporter fees and staff time—even though the committee knew he would answer no questions. The committee spent $62,000 on domestic travel last year, has authorized more than $50,000 this year, and tapped a State Department account to pay for two trips abroad.

Chairman Burton rewarded his staff by providing ''lavish bonuses to his investigators.''[23] The former investigation coordinator, David Bossie, received three pay raises in the course of a single year, bumping him up to an annual wage of $123,000. The firm of the lead attorney, Richard Bennett, is paid $15,000 a month, far more than the maximum amount permitted for congressional employees.

Government Reform is not the only committee with expensive staff. The Teamster investigation conducted by the Education and the Workforce Committee has hired Joseph DiGenova and Victoria Toensing as outside counsel/consultants. The two together are to be paid $150,000 for six months of part-time work. They each receive $12,500 a month for a 20-hour work week, which is the equivalent—on a full-time annualized basis—of $300,000 a year, more than double the maximum salary allowed for any employee of the House of Representatives. Moreover, as consultants who are not bound by House ethics restrictions, they have lobbied Members of Congress and provided legal representation for their clients including Chairman Burton.

Finally, there are significant costs which have not yet been accounted for, which are attributable to the administrative costs of producing and transmitting the vast amounts of documents in these duplicative and overlapping investigations.

CENTRAL CONTROL

''Newt has made it very clear to the chairman how important this investigation is, a source said after the meeting.''[24]

''Gingrich forced this thing, that's very clear. The guy has tried to micromanage the investigation every step of the way.''[25]

The fingerprints of Republican party leaders are all over the political investigations in this Congress. This is a dangerous sign because legitimate congressional inquiries spring from legislative purposes. Committees are responsible for investigating whether the laws under their jurisdiction are administered properly and effectively, whether new laws are needed and whether old programs still serve a worthwhile purpose. Given these aims, one expects the initial inquiry to come from the legislators involved in the issues, not from a directive of the party leaders.

But the Republican House leadership, in the 104th Congress, issued urgent instructions to all the committees to dig up dirt on specific enemies of the Republican party: ''On behalf of the House leadership, we have been asked to cull all committees for information . . . The subjects are: waste, fraud and abuse in the Clinton Administration; influence of Washington labor union bosses/corruption; examples of dishonesty or ethical lapses in the Clinton administration.''[26]

The memo lists as the contact person a staffer in Majority Leader Dick Armey's office.

After the Republican leadership issued their general call to investigate and harass its enemies, they did not keep their hands off. The leadership waded into the details of many of these political investigations, prodding them on.

Gingrich slush fund

The clearest indication that the Speaker intended all along to maintain control of the investigations was evident, though little noted, on day one of the 105th Congress. On January 7, 1997, the House adopted, by party-line vote, its rules for the new Congress. Embedded among them was a small item (section 15 of House Resolution 5) which authorized a committee reserve fund for ''unanticipated committee needs.'' The fund is under the Speaker's control through the House Oversight Committee. On March 21, the House capitalized the slush fund to the tune of $7.9 million. The House placed an unprecedented multi-million dollar slush fund in the hands of a Speaker for the purpose of funding, controlling, and directing partisan investigations. To date, the Speaker, without a vote of the House, has given $5.3 million from the fund to three committees in connection with politically-motivated investigations:

Education and the Workforce ($2.2 million) to look into labor unions;

Government Reform and Oversight ($1.8 million) to continue its one-sided investigation into alleged Democratic campaign finance irregularities; and

Judiciary ($1.3 million) to prepare for a potential impeachment investigation.

The remainder is being held in reserve by Speaker Gingrich for the next partisan investigation he decides to pursue.

As one senior Republican leadership aide said, ''It's been very expensive, and it hasn't amounted to much.''[27]

Teamsters

The Speaker stepped into the Education and the Workforce probe of the International Brotherhood of Teamsters in its earliest stages. ''House Speaker Newt Gingrich has intervened on behalf of hard-liners in a simmering dispute among Republicans on the House committee investigating the Teamsters union . . . Committee sources said Chairman Goodling is worried that the good relations he has had with Democrats on education issues is being jeopardized by the Hoekstra subcommittee investigation . . . 'Newt has made it very clear to the chairman how important this investigation is,' a source said after the meeting. 'He told the chairman, ''You need to support it.'' ''[28]

The intervention of leadership did not stop there. As recently as April 30, 1998, it was reported that Mr. Gingrich again asked to meet with Chairman Goodling and subcommittee chair Hoekstra and, according to sources, the Speaker ''gave his thoughts on where the investigation should go.''[29]

Laborers

At the behest of the Republican leadership, the Judiciary Committee conducted an investigation into the Administration's successful efforts to rid the Laborers' International Union of organized crime influence. In a series of memos, the leadership prejudicially charged the Administration with improperly influencing career prosecutors at the Justice Department to settle a civil racketeering lawsuit involving the Laborers' Union. Rep. John Boehner (R–OH), chairman of the House Republican Conference, wrote urging investigations into ''the action by Clinton appointees in the Justice Department to quash the efforts by Justice Department prosecutors to clean up Coia's union.''[30] Shortly thereafter, he followed up with a Republican Conference report titled, ''Washington's Union Bosses: A Look Behind the Rhetoric,'' in which it is stated that: ''Washington union bosses [are] winning favor with the Clinton Administration to block Justice Department investigations into union boss corruption . . . Arthur Coia, President of the Laborers International Union of North America, recently received a ''sweetheart' deal from the Clinton DOJ in the face of a 212 page racketeering complaint.''

It should be noted that the Judiciary Committee majority report filed after the investigation was completed admitted that there was no direct evidence of ''wrongdoing'' or ''improper influence.'' Moreover, the Republican report concluded that the settlement which there leadership had called a ''sweetheart deal'' had in fact ''produced positive results.''[31]

Campaign finance

The series of investigations on campaign finance by the Government Reform and Oversight Committee have, from their inception, been closely monitored by the Republican House leadership. In June 1997, Speaker Gingrich told CNN's ''Inside Politics'' that he would be ''overseeing how Burton's committee investigation is unfolding.''[32] At about the same time, Roll Call reported that Speaker Gingrich assigned four senior Republicans to meet regularly with Chairman Burton to ''allow Gingrich and his leadership to keep close tabs on Burton and his plans for the investigation . . . 'Newt just wants to monitor the situation and be prepared to act when necessary,' [according to a Republican leadership advisor].''[33] Another account quotes ''a close Gingrich advisor'' who gives this rationale for the Speaker appointing Representative Chris Cox as vice chairman under Chairman Burton: ''The Speaker's real goal is 'to encircle' the chairman and 'put him on a short leash.''''[34] Time magazine quotes another Republican leadership aide: ''We only gave him [Chairman Burton] money for this year. That way, if he tanks, we can pull the plug on him.''

ABUSE OF SUBPOENA POWER

A subpoena is a powerful tool. It compels people to produce documents, even if compliance is against their wishes and best interests, and threatens criminal sanctions for failure to comply.

Congressional subpoenas are more intrusive than court subpoenas because many protections of individual rights do not apply to documents requested in the course of a congressional investigation. Congress is not always required to recognize the attorney-client privilege, the work product doctrine or other privileges protecting individuals' privacy ordinarily recognized in the course of litigation. A committee demanding documents in the course of an investigation is also exempt from the Privacy Act and from Bank Secrecy laws.

Leaking subpoenaed documents to help GOP friends

A troubling pattern of Republican abuse of their subpoena power has been the leaking of subpoenaed documents to help political allies in pending litigation against the federal government.

Congress can compel the production of some documents that private litigants do not have a right to see. The Resources Committee has used this technique in several instances to help Republican friends. The document subpoenas issued in relation to the President's designation of the Grand Staircase-Escalante National Monument in Utah are a clear example. Documents were delivered to the committee under subpoena from the White House, on October 22, 1997, with the comment from White House counsel Charles Ruff that the documents ''implicate substantial confidentiality interests of the Executive Branch.'' The subpoenaed documents included communications among the President, the Vice President and their senior advisors reflecting their deliberations. Lawsuits challenging the President's monument declaration had been filed by several interest groups, including the Rocky Mountain States Legal Foundation. There is little doubt the Foundation could not obtain the documents through a Freedom of Information Act (FOIA) request or as a litigant. The Salt Lake Tribune reported that Chairman Hansen subpoenaed the Grand Staircase-Escalante documents and released them to help those suing the federal government. ''Concern that one goal of the Congressional investigation may be to benefit the lawsuits challenging the document appear to be valid. After the release of the internal White House documents, Rep. Jim Hansen R–Utah was quoted as saying: 'They [the groups suing] will feel they hit the mother lode with this. That's one reason I pushed to make the documents public, to help them'.''[35]

The same pattern was followed in the investigation of the Bureau of Land Management's issuance of mining bonding regulations. The mining industry has filed suit[36] to challenge the bonding regulations; the suit is pending in the U.S. District Court for the District of Columbia. The mining industry is represented by the Rocky Mountain States Legal Foundation, the same group litigating to overturn the President's Utah monument declaration.[37] The Resources Committee has developed a draft report concluding that the bonding regulations are illegal and the report will be made public shortly. It contains documents subpoenaed from the Department of Interior, including attorney-client work products that are otherwise not attainable by the litigants.

These abuses of the subpoena power have made the agencies understandably wary of even voluntary requests for documents. A case study is the request by Resources Subcommittee on Energy and Mineral Resources Chair Barbara Cubin (R–WY) for certain documents at the Bureau of Land Management (BLM) relating to proposals to recover the costs of mineral document processing. In June, 1997, the oil and gas industry (including the Rocky Mountain Oil & Gas Association, the Independent Petroleum Association of America, the Independent Petroleum Association of Mountain States, the New Mexico Oil & Gas Association, the Western States Petroleum Association, the American Association of Professional Landmen, the California Independent Petroleum Association, the American Petroleum Institute, the Independent Petroleum Association of New Mexico, and the Wyoming Independent Petroleum Association) filed a Freedom of Information Act (FOIA) request at the Department of Interior for certain documents.[38] In November 1997, the same industry requesters informed the BLM that the documents in question may be used in litigation against the Department in the event the Department adopts certain regulations relating to recovering costs of mineral document processing.[39] Commercial companies making FOIA requests are required to pay for the costs of gathering, reviewing and copying the documents. The industry and the BLM began negotiating about how much the requesters had to reimburse the agency and whether certain documents were protected by litigation privileges. In March 1998, in the midst of these negotiations, Rep. Cubin wrote the Secretary Babbitt requesting the very documents in question. Ms. Melanie Beiler, assistant to the Secretary, responded to the request noting: ''We have learned that there is a Freedom of Information Act (FOIA) request pending in the BLM . . . requesting documents virtually identical to those included in your request . . . The Department is also concerned that documents provided to the Subcommittee that would be protected

from disclosure under FOIA or in any litigation will be made available to potential litigants against the United States through your Committee. In light of this, please advise us whether you wish to proceed with your request, and if so, what safeguards are appropriate to ensure that documents protected from disclosure by FOIA and litigation privileges are not made available to potential litigants against the United States.''[40]

The request is still outstanding.

The Resources Committee is not alone in using the subpoena to help friendly private litigants. The Teamsters investigation at the Education and Workforce Committee has seen a similar pattern. A suit was brought against the international Brotherhood of Teamsters to force them to disclose certain documents. After a court ruled against disclosure, the Chairman subpoenaed the same documents for his investigation.

Chairman Burton was also just recently caught trying the same tactic. He subpoenaed all White House records related to Hillary Clinton and the White House Counsel's office acquisition of FBI files of former White House employees.[41] The subpoena was suspicious because the Committee had completed a thorough investigation of the matter in the last Congress, under a different chairman. The subpoena appears to be ''designed to bolster the private lawsuit of Judicial Watch, a nonprofit group headed by a leading Clinton critic Larry Klayman.''[42] Klayman is quoted in The Hill saying that the Committee and Judicial Watch ''generally know what each other is doing'' and that Judicial Watch would be ''interested to see'' the documents that the Committee has obtained.[43]

Plaintiffs suing the federal government to overturn the decision to deny the Hudson casino application were also helped by House investigators to documents they sought from the Interior Department and the Democratic National Committee. The Interior Department gave certain documents to the Government Reform and Oversight Committee, including documents prepared by the U.S. Attorney's office in connection with the lawsuit. Ordinarily these items would be denied to plaintiffs on grounds of work-product and attorney-client privilege Chairman Burton released the document despite the Interior Department's objections.[44] As to the release of DNC documents, an employee, David Mercer, testified under oath that he was contacted by a Milwaukee reporter who told him, ''investigators had released documents from the House committee to lawyers in the [Hudson] litigation, and then the lawyers released it to the press . . . the press was calling me to find out . . . what other documents we were handing over to the House.''[45]

This misuse of Congressional subpoena power to benefit favored private parties involved in federal court cases is absolutely appalling. These types of actions raise some very serious questions.

But subpoenaed documents leaked for much simpler reasons raise equally troubling questions. Chairman Burton's release of subpoenaed Bureau of Prisons recordings of phone conversations between Webster Hubbell and his wife and doctored transcripts of selected portions of those tape have led many to question his fairness as a ''seeker of truth.'' But his leaks began when he took charge in November 1996. It was promptly reported that ''Burton confirmed that . . . one of his top aides improperly leaked the confidential phone logs of former Commerce Department official John Huang.''[46] On February 27, 1998, he released his staff's notes of an interview with Steven Clemons, a former aide to Senator Jeff Bingaman (D–NM). Senate Majority Leader Trent Lott (R–MS) and Senate Democratic Leader Tom Daschle (D–SD) had agreed and notified Chairman Burton that, in order to protect the independence of the two chambers, Mr. Clemons should not be called to testify. Chairman Burton canceled his hearing but released the notes, disregarding the Senate's concerns.

Subpoenaming tax records

There is also a pattern of Republican abuse of subpoena power with regard to tax records. Chairman Burton subpoenaed several tax accountants for their tax preparation materials relating to specific clients, including accountant Donald Lam with regard to Mr. Sioeng, and accountant Michael C. Schaufele with regard to Webster Hubbell's taxes. It is against the law for an accountant to reveal information gathered to prepare tax returns without either the consent of the client or a court order.[47] When his client did not consent to release and when Mr. Burton failed to seek a court order, lawyers for Donald Lam informed the committee that for his client to comply with the subpoena would subject him to criminal penalties.[48] One week later, Chairman Burton threatened accountant Donald Lam with contempt of Congress if he did not provide information to the Committee.[49]

Moreover, federal law prohibits any House committee, except the tax committees, from issuing a subpoena for tax records without special authorization by the House to seek such records.[50] Chairman Burton's subpoenas are even more questionable in light of the deliberate withdrawal of language that would have granted Chairman Burton this authority. The House adopted House Resolution 167 granting Chairman Burton broad and unprecedented unilateral authority to pursue his investigation. Before the Rules Committee marked up that resolution, a draft resolution was circulated for review. The draft resolution contained language giving unilateral authority to request tax records of any ''individuals and entities named by the Chairman of the Committee as possible participants, beneficiaries, or intermediaries in the transactions under investigation by the Committee.''[51] The language was dropped immediately before the Rules Committee markup. In this way, a deliberate decision was made to deny Chairman Burton authority to seek tax records.

Chairman Burton was not alone in this abuse of the subpoena power. Chairman Hoekstra requested, by letter, that the accounting firm of Grant Thornton, the teamsters' outside accountants, produce all work papers, correspondence files and other documents it held relating to the preparation of the Teamsters' financial statements and federal income taxes. Knowing it was against the law to comply with the committee's request without the consent of their client, the Grant Thornton accountants sought the Teamsters' permission to produce the documents. The Teamsters originally objected, saying the request was too broad and that they needed time to review the documents.

The Grant Thornton accountants then returned to the Republicans and tried to negotiate a narrowing of the request. The Republicans promptly wrote to the Teamsters, insisting they withdraw their objections and agree to let the accountants release the tax records by 5 p.m., April 8, 1998 or else ''the Subcommittee will consider the means available to it to enforce compliance, including the institution of proceedings for contempt of Congress.''[52] Before the deadline passed, the Chairman issued a subpoena and it was served on the Grant Thornton firm on the afternoon of April 8, 1998.

Needless to say, the Education and Workforce Committee is no more authorized by the House to seek tax records than the Government Reform Committee.

Enemies list subpoenas

In the Sanchez-Dornan investigation led by the House Oversight Committee, Republicans approved 42 highly burdensome subpoenas to a wide variety of individuals and entities that Mr. Dornan identified: Catholic Charities, a local community college (Rancho Santiago Community College), the Lou Correa for Assembly campaign, the Laborers Union and the Carpenter's Union. All the financial records of the Catholic Charities and their affiliates were subpoenaed. The community college was asked to produce the private, personal files of more than 22,000 students who had taken ''English as Second Language'' classes; it was an attempt, ultimately futile, to find illegal aliens who had voted. Republicans issued overly broad subpoenas asking for sensitive political information from the Sanchez campaign and others without agreeing on a protocol for its use and distribution.

Initially, Mr. Dornan issued subpoenas in his own name.[53] The United States District Court ordered their recall[54] as ''irregular on their face.'' Among other documents, Mr. Dornan wanted student records protected by the Privacy Act from a Florida company hired by the Immigration and Naturalization Service to conduct citizenship classes. Mr. Dornan altered one of the recalled subpoenas to make it appear as if it had been signed by a Florida judge. He then used the altered subpoena to convince the company to turn over the private records. Despite written promises to keep the records sealed, Mr. Dornan opened the records and made them public.

On May 1, 1997, Congresswoman Sanchez and her attorneys filed objections with the House Oversight Committee based on Mr. Dornan's use of the altered subpoena. The Committee refused to consider her objections. In fact, the Committee approved 24 new subpoenas issued by Mr. Dornan by ordering the individuals to comply.

Overly broad subpoenas

To be legitimate, a subpoena calls only for pertinent and admissible information with a fair degree of specificity.

Many of the subpoenas issued by the Republicans have been overly broad and burdensome. The Education and the Workforce Committee subpoenaed all the minutes of every Board meeting of the International Brotherhood of Teamsters for the past seven years and virtually all of its financial records for the period 1991 through 1997. The documents requested include all sorts of matters (discussions of collective bargaining strategies, etc.) unrelated to the investigation of the 1996 Teamsters elections. The Teamsters estimated that the original subpoena would require them to produce between one and five million pages of documents in order to comply. They were given 14 days to comply. Then the committee had to revoke the original subpoena, because Republican staff had altered it after the committee had voted. The second subpoena was identical but gave the Teamsters only one week to comply. When the Teamsters sought to negotiate the scope of document demands, Education and the Workforce counsel first threatened them with contempt.[55] Only within the last week have Republicans begun to discuss limiting their demand.

In the same fashion, Education and the Workforce subpoenaed from the Democratic National Committee all records of fundraising phone calls to labor leaders from January 1'995 through December 1997. The subpoena asks for phone calls to all labor leaders; it is not confined to the Teamsters who are under investigation. Recently, Republicans agreed to limit phone calls to the AFL–CIO, SEIU, AFSCME and Teamsters.

But the subpoena still demands information about all fundraising calls, not limited to the Carey campaign, and not even limited to the 1996 election cycle.

The Committee on Government Reform and Oversight followed the same model when it subpoenaed the Democratic National Committee on March 4, 1997 with an astonishingly broad demand. It called for *all* DNC records relating to its senior staff (including memos dealing with internal budgeting, campaign strategies, media buys, issue and advertising strategies, and other political activities totally unrelated to the matters of fund-raising that the Committee is investigating) and for *all* DNC phone records from January 20, 1993 forward, again without even limiting the scope to matters related to fund-raising.[56]

The purpose here is obvious: to cast a wide enough fishing net to capture all sorts of interesting but irrelevant tidbits (like campaign strategies) and to force the Democratic National Committee to devote its resources to comply (or to fight) the overly broad subpoena.

Chairman Burton also subpoenaed the White House for *all* phone records from Air Force One and Air Force Two and *all* records of visitors to the White House since 1993.[57] These demands for documents were not limited to matters related to fund-raising or matters relevant to the committee's investigation; moreover, in making the demand, there was no consideration given to national security or the Clinton family's privacy.

The Resource Committee follows the Republican script on overly broad subpoenas. Chairman Young of the Resources Committee has repeatedly made document demands from the Interior and Agriculture Departments which are aimed at intimidating those departments and coercing them into making decisions which are advantageous to their Republican constituency. In its investigation of Forest Service timber sales, the Committee demanded documents from the Forest Service indicating every agency contact with environmentalists and subpoenaed records of all contacts by the white House Council on Environmental Quality. The Committee also issued overly broad subpoenas in its Grande Escalante Monument investigation, demanding even those documents that reflect advice to and policy deliberations of the President, Vice President and their senior advisors. In the Tucson Rod and Gun Club investigation, the Committee issued six recess subpoenas to the Forest Service again asking for extensive information beyond the scope of the investigation.

These subpoenas intentionally overwhelm the agency staffs required to respond to these multiple unfocused investigations, depriving them of the time necessary to carry out their other duties. They also do great damage to the right of confidentiality and security of their conversations, meetings, and decisions.

Contempt of Congress

A person who has been subpoenaed to produce documents and fails to do so may be guilty of a misdemeanor punishable by a fine of up to $1,000 and imprisonment for up to 1 year.[58] This is contempt of Congress and it is a serious criminal offense.

Because it is a serious criminal offense, the courts have been asked to review criminal convictions. Committees do not have to accord all the protections the court must but certain standards have to be met before a contempt citation will be sustained.

Federal courts have held that to prove contempt requires Congress to show that the subpoenaed documents are pertinent. The United States Court of Appeals for the Third Circuit explained the term ''pertinent'': ''two separate elements must appear before pertinency is established: (1) that the material sought or answers requested are related to a legislative purpose which Congress could constitutionally entertain; and (2) that such material or answers fell within the grant of authority actually made by Congress to the investigating committee. . . ''[59]

The last element is significant and has been amplified. The fact that a committee is engaged in an investigation within the committee's jurisdiction does not make valid a specific subpoena issued by the committee. As the Supreme Court stated: ''Validation of the broad subject matter under investigation does not necessarily carry with it automatic and wholesale validation of all individual questions, subpoenas, and document demands.''[60]

And the courts have also ruled that before a committee can properly adopt a contempt resolution, the committee must hear the objections—including the claim that the subpoena is overly broad and asks for material that is not pertinent to the investigation—and must formally dispose of the objections.

The committees have been a little quick on the trigger to threaten criminal contempt. In the Education and the Workforce investigations, subpoenas issued to the Teamsters and the DNC demanded massive amounts of documents to be produced within one week. Before the Republicans negotiated either the scope or timing of the subpoenas, they threatened to cite the organizations with contempt of Congress if they failed to comply in full.

Chairman Hoekstra showed he was also quick to threaten contempt in the American Workers Project investigation in which his staff had requested meetings with several Labor Department officials. The Labor Department people asked that Democratic staff be included in the meeting. Chairman Hoekstra promptly wrote to the Secretary of Labor, reminding her that: ''An agency has a legal obligation to comply with the chairman's oversight request. Under 18 U.S.C. 1505: 'Whoever . . . obstructs, or impedes . . . the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House . . . shall be fined not more than $5,000 or imprisoned not more than five years, or both.' ''

The Resources Committee found a creative way to use the holiday calendar to constrict further the 10 days they gave the Democratic National Committee to comply with broad subpoenas in the Hudson casino investigation. It had the feel of setting up a contempt citation. On Thursday, December 18, 1997, Resources Committee Chairman Don Young (R–AK), issued broad subpoenas for document production to eight individuals: Roy Romer, DNC Chairman; Don Fowler, former DNC Chairman; Eric Kleinfeld, Clinton-Gore '96; and five people at the law firm of O'Connor and Hannan. The Committee made no prior effort to obtain the documents voluntarily by letter request but simply issued the subpoenas. Document delivery was demanded immediately after the holiday weekend, on Monday, December 29 at noon.

TARGETING POLITICAL ENEMIES

''If Organized Labor launches a $35 million campaign against you, you're not going to lay down and play dead.''[62]—House Judiciary Committee Chairman Henry Hyde (R–Ill.)

''I'm after him [President Clinton].''[63]—House Government Reform and Oversight Committee Chairman Dan Burton (R–Ind.)

''This is a matter of consequence when that contractor is a substantial contributor to the Democratic party. These things need to be investigated and people need to come through.''[64]—House Majority Leader Dick Armey (R–Tex.)

''The focus has got to be on the crimes that are being committed at the White House,'' one lawmaker quoted Gingrich as saying, ''I want you to forget the word 'scandals' and start using the word 'crimes.''[65]

''Unlike Thompson, who sought a degree of evenhandedness, the more partisan House is looking almost exclusively at Democratic abuses, avoiding inquiries into questionable practices employed by Republicans to raise record-shattering amounts of money in 1996.''[66]

Molten metal

The textbook example of Republicans targeting a political opponent has to be the Commerce Committee's ongoing harassment of Peter Knight. Knight was picked because he is a friend of and former chief aid to Vice President Al Gore, and a campaign manager of the 1996 Clinton-Gore campaign. Republicans on the Commerce Committee tried to smear Knight first through an investigation of a company called Molten Metal Technology, and then through an investigation into the decision to move the Federal Communications Commission (FCC) into the Portals Building in southwest Washington, D.C.

Molten Metal Technology Inc. hired Peter Knight, along with several other lobbyists from both political parties, for strategic advice in obtaining government contracts. Knight drew the attention of Rep. Joe Barton (R–Tex.), the chair of the Commerce Committee's oversight subcommittee, because Knight had previously worked with Thomas Grumbly. Grumbly was the Department of Energy (DOE) Assistant Secretary for Environmental Management during part of the time of the Molten Metal contract. Years before, Grumbly had served as staff director for a subcommittee of the House Science Committee when then-Representative Gore had been chairman (and Peter Knight, Gore's chief of staff) and this ''coincidence'' seemed suspicious to the Republican members of the subcommittee.

DOE is required to dispose of wastes it has been gathering, and spends over $1 billion on cleanup and cleanup technologies. Molten Metal Technology had a unique process for disposal and won a contract from DOE and, over the years, the contract was expanded. Ironically, the DOE made its first contract with Molten Metal under the Bush Administration. Nonetheless, the subcommittee decided to investigate whether Department of Energy decisions with respect to the Molten Metal Technology contract were influenced by Mr. Knight and Democratic campaign contributions.

The most cowardly aspect of this whole affair was the Republican decision to hold hearings—even after the investigation failed to produce evidence of wrongdoing—in order to make Knight deny in public the allegations the subcommittee knew it couldn't prove. The basis for the subcommittee's craven decision is on the record. The subcommittee counsels (chief counsel Mark Paoletta and counsel Tom DiLenge) wrote an internal memorandum ''to set forth the key findings from our investigation of Molten Metal Technology ('MMT') relationship and contracts with the Department of Energy ('DOE') and to lay out our recommendation that the Subcommittee hold a hearing on this matter on October 30.''[67] In summing up the major findings, the counsels state: ''many of the DOE career people gave signed statements to the DOE Inspector General's Office, swearing that nothing improper occurred with regard to the MMT contract''[68] and ''most of the career people who were directly involved in the handling of this contract . . . believed that CEP [Catalytic Extraction Processing, a technology used to treat and recycle radioactively-contaminated scrap metal] was a promising technology for certain mixed wastes and worth investing in.''[69]

The final two conclusions of the counsels are most damning: ''Despite the incredible coincidence of MMT's political contributions and favorable DOE contract actions, all parties denied there was any link, and everyone at DOE (including Grumbly) said there were no discussions about MMT's contributions at all; there also is no documentary evidence to contradict these assertions.

''Finally, and not surprisingly, we have not uncovered any intervention or interference on the part of the Vice President (or his office) with regard to MMT's DOE contracts.''[70]

After they confess their failure to prove any wrongdoing, they move to the question of whether the subcommittee should hold hearings. ''The pros of holding such a hearing are . . . (ii) it forces the key players to deny allegations of misconduct under oath . . . and (v) will likely generate enormous press coverage . . . The cons of holding such a hearing are (i) there is no smoking gun, which opens us up to partisan criticism for engaging in a witchhunt or smear of Democrat[ic] official, lobbyists, and fundraising practices . . . and (iv) there are documents and witnesses that undercut our case against Grumbly, Knight and MMT which the minority (and the well-prepared witnesses) certainly will raise.''[71]

Peter Knight testified well into the night on November 5, 1997.

Chairman Barton recently wrote to certain government witnesses asking questions for the official record, saying ''it will be necessary for you to provide your written responses in the form of a sworn affidavit,'' even though there is no House requirement that written responses for a hearing record be in the form of a sworn affidavit.[72]

The Molten Metal hearings brought bad press on a Democratic campaign manager (Peter Knight) with ties to the Vice President (Al Gore) and drove into bankruptcy a company that was developing technology to clean the environment (Molten Metal Technology). From the Republicans' perspective, it was a triple win. And they ''accomplished'' so much with an allegation they knew they couldn't prove and for which they acknowledged the exculpatory evidence was very strong.

Plus, the subcommittee has already begun another smear job on Knight. The General Services Administration, again under the Bush Administration, recommended the relocation of the FCC to the Portals location. Republicans have discovered that Peter Knight received a payment from Franklin Haney, the owner of the Portals Building, and this fact somehow raised suspicions at the subcommittee. The subcommittee has authorized eight subpoenas to individuals and several have been issued. But despite Democratic requests, Republicans have refused to hold a public hearing to get all the facts out.

Campaign finance

The Government Reform and Oversight Committee's campaign finance hearings are another clear example of partisan targeting.[73] Of the 1,063 information requests that Chairman Burton has made, 1,051 (or 99%) have been to investigate alleged Democratic abuses. Seventeen subpoenas were issued to the Democratic National Committee, only one was issued to the Republican National Committee. Of the 1.5 million pages of documents received to date by the Committee, less than 2% were in response to requests about Republican fund-raising abuses.

Several other House committees also demanded massive numbers of documents from the DNC and many of these, of course, duplicated requests made by Senate investigators. By deluging the Democratic National Committee with demands for documents, Republicans forced the DNC to hire 22 new employees—including 10 attorneys—to respond. The DNC has produced over 450,000 pages of documents (and had to search through more than 10 million pages to find responsive documents) just in response to Chairman Burton's requests. It cost $5.7 million just to produce these documents. Another $7.5 million was spent on legal fees. That was $13.2 million not spent on voter education or ''get out the vote'' efforts, activities that are the purpose of the DNC.

Chairman Burton has also targeted state Democratic parties. In February and March, 1998, the Chairman subpoenaed 14 state Democratic parties: Arkansas, California, Florida, Georgia, Illinois, Kansas,[74] Louisiana, Maine, Michigan, New Hampshire, New York, North Carolina, Ohio, and Pennsylvania.

The Committee asked for all documents relating to certain individuals. Yet despite the fact that some of the named individuals (e.g., Kenneth Wynn) contributed to state Republican campaigns, Chairman Burton has not requested any information from state Republican parties nor issued a single subpoena to a state Republican party.

Most of the information being sought from Democratic state parties is readily available through public sources such as state campaign finance reporting agencies. The subpoenas impose unnecessary burdens and tie up Democratic state resources, making Democrats in those states less competitive in the next election.

Chairman Burton has been quite vocal about who he is out to get. Speaking of President Clinton, he said, ''This guy's a scumbag. That's why I'm after him.''[75] He announced his targeting of Democrats at a GOPAC luncheon in 1997: ''Brashly acknowledging his own partisan motives during this closed meeting of political allies, Burton tells the GOPAC crowd that the current fundraising scandal will turn out to be the Democrats' Watergate, resulting in a new gain of 'twenty to twenty-four seats' for the GOP in next year's congressional elections. 'It's over,' he hollers.''[76]

Chairman Burton's chief counsel, John P. Rowley III, resigned on July 1, 1997 and was interviewed in the Washington times.[77] Mr. Rowley commented on the role of the investigative coordinator, David Bossie, (who resigned in May, 1998 following the Hubbell tapes fiasco) saying Bossie ''was trying to 'slime' the Democrats while Mr. Rowley wanted to 'follow where the evidence leads.' ''

Mena Airport

In 1995, the Banking Committee began an inquiry into allegations of illegal activities in areas of rural Arkansas around Mena Airport. It had been rumored that this area of rural Arkansas had been a center for money laundering, drug trafficking, and gun running to the Nicaraguan Contras, operations associated with DEA informant Barry Seal with the complicity of the CIA. The Banking Committee inquiry was described as ''tangential'' to Whitewater, and was supposed to focus on money laundering. The events occurred during Gov. Clinton's term. They had been thoroughly examined by two grand juries that decided against issuing any indictments.

there is little pretense in any of this investigation—either through the people interviewed, the facts gathered, or the numerous contacts with the agencies—to suggest it was targeted at money laundering.

Money-laundering was merely a committee hook to carry on the investigation. The investigation was clearly aimed at the role of then-Governor Clinton and the political activities of the people surrounding him. It was part of a pattern of looking and re-looking at every aspect of Governor Clinton and his associates. The final report from the majority staff is still pending.

Ethnic groups

An extremely disturbing form of targeting has been aimed at certain ethnic groups. Republicans on the House Oversight Committee targeted Latino voters in the Sanchez-Dornan election probe, and many of the House and Senate campaign finance investigations have focused on Asian-Americans. According to the Wall Street Journal, ''nearly 300 people with Asian-sounding names'' were subpoenaed.[78] In many cases, committees were careless about identifying the right person with the Asian-sounding name. The Government Reform and Oversight Committee in October 1997 subpoenaed the phone records of Mrs. LiPing Chen Hudson[79], though the committee was interested in a different LiPing Chen. In fact, the Hudsons had not been involved in any political campaign this decade. The carelessness caused some to wonder if Asian-Americans were being targeted in order to chill their political participation.[80]

ABUSE OF INDIVIDUAL'S RIGHTS

''You wake up with a knot in your stomach, and you wonder what your kid's friends say to him. My wife obsesses about it.''[81].—Peter Knight

''This is unbelievable . . . I have no idea why they have my name.''[82]—Professor Wang

In testimony before the House Rules Committee last year,[83] Rep. John Dingell (D–Mich.) described what a congressional investigation is like from the perspective of the witness: ''I don't know how many in this room have participated in congressional investigations, but they are a rather scary event. You [the witness] are up there very much alone. You may have a counsel present, but that counsel can only advise you as to your rights. He can't defend you. And the rights that you have in an appearance before a congressional committee are far less, far less, than the rights that you have when you appear in court. A Member of Congress under the Speech and Debate clause can say almost anything he want to you. He can abuse you. He can make some of the most scandalous and outrageous charges. He can deny you the real right to respond to the questions and answer charges that are made in his comments to you, about you. It is terrifying and it is oftentimes a demeaning experience.'' Despite this testimony. Republicans repealed a long-standing right of subpoenaed witnesses before congressional committees—a right installed in House rules in response to the excesses of the McCarthy era—the right to turn off the TV cameras. When they took away one of the few rights left to witnesses, Republicans indicated how reckless they may be with the reputations of the individuals they call up before congressional committees.

They proved it in the Commerce Committee campaign against Peter Knight and Molten Metal Technology (MMT). The Subcommittee on Oversight and investigations decided to conduct a public hearing just so that Knights and MMT would be compelled to deny the unproved charges under oath and before the press. The bullying behavior of committees obviously wastes taxpayer dollars, diverts committee resources away from legitimate oversight, but it also unfairly harms the reputations of individuals and businesses.

[73] The list of allegations against Democrats is well-rehearsed in the Government Reform Committee. For the list of serious Republican abuses see letters from Ranking Member Waxman to Chairman Burton of March 17, 1997, April 29, 1997, May 8, 1997, May 15, 1997, June 10, 1997, August 29, 1997, and January 13, 1998.

Knight found his picture in the paper beside allegations of misconduct and illegal influence. ''You wake up with a knot in your stomach, and you wonder what your kids's friends say to him. My wife obsesses about it.''[84] Peter Knight now says. And Knights young son, Zachary, was sucked into the investigation because the chairman of Molten Metal Technology, William Hanley II, had given a gift of stock to the boy. Readily available documents proved the Molten Metal executive gave similar gifts to family members of other associates of Molten Metal. ''At week's end the Republican staff on the House Commerce Committee set a new low in scandal-mongering by activating a youth crimes division, smearing Knight's 13-year old son.''[85]

The harm to Molten Metal Technology was devastating. Molten Metal was demonstrating its technology at Oak Ridge; the company was setting up three wastes-disposal plants in Texas and Tennessee. The growing pains left the company cash poor. Other private companies interested in the environmental cleanup business, such as Westinghouse, Fluor Daniel and Lockheed Martin, were discussing joint ventures with MIT. ''The Republicans began leaking their allegations about Knight and Molten Metal just as the company was trying to attract investors. With the investigation in full swing, the investors grew skittish.''[86]

Unable to attract investors while the smear campaign was swirling, the company was cash starved. Molten Metal Technology filed for bankruptcy in December. MMT was forced to lay off 221 employees, including half of its workforce in Waltham and Fall River, Massachusetts, and 45 workers in Texas. The promising new technology and the new waste-disposal plants (like the $70 million site planned for Bay City, Texas) are on hold. The human costs are impossible to quantify.

Carelessness

Some committees in the House have besmirched reputations by accident. In some cases, careless and mistaken subpoenas were served at the place of employment causing embarrassment and other consequences. In September 1997, a U.S. marshal served a subpoena on a Brian Kim, a mail carrier from Downey, California, at his place of work, the U.S. Post Office. Unfortunately, Brian Kim the mail carrier was the wrong Brian Kim. His supervisor was convinced that Kim had done something wrong. Kim contacted the Committee by telephone and was told to write a letter proving he was the wrong person. Kim wrote the letter but the committee never apologized to Kim and never cleared up the confusion with his supervisor.

Instead of gathering information from a Los Angeles DNC contributor, Chi Ruan Wang, the Government Reform and Oversight Committee subpoenaed the bank records of a respected Georgetown University history professor, Chi Wang.[87] Eventually, the Committee withdrew the subpoena. However, the Committee never apologized to Professor Wang and, in fact, compounded its error by denying they made a mistake to the press, leaving the impression that Professor Wan may not be the wrong person. When asked directly if the subpoena was a mistake by the Los Angeles Times, a Republican spokesman was quoted as saying: ''We're not sure we made one . . . Whether he deserves a subpoena or not, we haven't decided. We've put it on hold.''[88]

A Department of Agriculture employee was the unfortunate victim of carelessness. Justice Department filings in prosecutions of four Agriculture employees for misdemeanor election law violations identified three and referred to the fourth only as a ''political appointee.'' Investigators from the Agriculture Subcommittee on Department Operations, Nutrition, and Foreign Agriculture decided to guess which individual at the Department was the ''political appointee.'' They guessed wrong.

On September 5, 1996, the political appointee they guessed was subpoenaed to appear before the subcommittee and a list of the subpoenaed individuals, including his name, was made public. After the subcommittee investigator learned he had guessed the wrong person, the subcommittee met again on September 12 to reissue the subpoenas and subsequently released a second list with the ''correctly'' identified individual's name substituted. The subcommittee made no effort to explain or apologize for its mistake or to clear the reputation of the erroneously subpoenaed individual.

Depositions

It is intimidating to be called to appear before a congressional panel. Most people are deposed by Members or staff before a decision is made to call them as witness. Even if you are not called back to testify at a hearing, the deposition can be costly. Travel costs, missed work, preparation time, and legal representation are all costs that may be shouldered by the individual. These costs run as high as $10,000 per day of deposition.

People can be asked anything at a deposition; they can be bullied and badgered. Marsha Scott, deputy director of the White House Office of Personnel, had been a cooperative witness. Scott gave over 18 hours of deposition testimony before the Senate investigation and then was deposed by the House Government Reform and Oversight Committee. She was deposed for three more full days at the House committee and the majority insisted a fourth day would be required just to go over her conversations with White House counsel's office about a memo she had written. She offered instead to provide the Committee with a sworn affidavit about the conversation but her offer was rejected. She appeared for the fourth day but when the Committee chose to ask about everything except the conversation, on the advice of counsel, Scott ended the deposition. Hours later, Rep. DAVID MCINTOSH (R–IN), chair of a Government Reform and Oversight subcommittee, called a hearing for 8:00 p.m. that night and Chairman Burton subpoenaed Marsha Scott to appear. The rules of the House require seven days notice, except in extraordinary cases, before a public hearing can be held.

In a deposition, staff may pursue questions far removed from the scope of the fund-raising investigation, often prying into people's private lives. Yusaf Kharpa, a former White House intern, was asked for the name of his girlfriend. Karen Hancox, an employee in the White House Office of Political Affairs, was asked ''Did you ever receive a drug test?'' At times the questions are so far afield, they seem absurd. Janice Enright, special assistant to deputy chief of staff Harold Ickes, was asked to describe the type of car she drives.[89] Dick Morris was asked about others at the White House including these two questions: ''You hail from New York as Mr. Ickes does. Are you familiar with his—do you have any personal knowledge about any legal problems in his background?[90]

''Did there come a time when Mr. Stephanopoulus told you about the discovery of life on Mars?[91]

Here is a Member deposing a former Interior Department official:

''Member: One of your sentences was, ''I don't believe there is a shred of evidence that Mr. Ickes ever called the Secretary.'' Is that correct?

Witness: Yes.

Member: Was that because it had been shredded. . . .?

Witness: No.

Member: You are not aware of that?

Witness: No.

Member: And you did not do any?

Witness: No.

Member: Or did you?''[92]

CONCLUSION

The Republican Congress has diverted significant amounts of time and money away from the important issues before the United States Congress into an endless politically-motivated investigations.

It is certainly the case that some of the investigations detailed in this report involve serious allegations of wrongdoing. But what the Republicans leading the House committees should be doing is initiating fair-minded, serious inquiries, not politically-motivated smear campaigns, manipulated by party leaders and designed to create multiple press opportunities rather than to get out the facts.

Speaker Gingrich complained, shortly after Chairman Burton released doctored transcripts of the Hubbell tapes, about too much attention being paid to the committees, ''to those who seek the truth'' in Speaker Gingrich's words. His characterization begs the question: are the investigating committees seeking the truth?

Truth is not sought when the political leaders who instigate these investigations make up their minds in advance of the evidence and when they make their intentions obvious by telling the committee chairmen. The objectivity of these investigations must be questioned when those in charge of finding the truth tell us to ''forget the word 'scandals' and start using the word 'crimes',''[93] in the words of Newt Gingrich. Or, in the words of House Government Reform and Oversight Committee Chairman Dan Burton, speaking about President Clinton, ''This guy's a scumbag. That's why I'm after him.''[94]

These investigations are not about finding the truth. They are about suppressing voices. They are about harassing labor unions, environmental groups, even the Catholic Charities. They are about draining the resources of Democratic national and state-wide campaign organizations. They are about intimidating Asian-Americans from participating in politics. They are about frightening Latino voters from registering or entering the polls. They are about carelessly investigating the wrong people and never apologizing, unconcerned about the damage to their reputations. They are about helping friends of the Republicans, subpoenaing legally protected documents and leaking them to friendly private litigants.

And finally, they are about wasting taxpayer dollars and abusing the vast investigative powers of congressional committees to run the biggest negative smear campaign in the history of the United States.

Joe McCarthy would have been proud of this Republican Congress.

FOOTNOTES

[1] Quoted in James Hamilton, ''The Power to Probe: A study of Congressional Investigations'' (New York: Random House, 1976) page xii.

[2] Los Angeles Times, March 15, 1998.

[3] ''Gingrich Foresees Corruption Probe By a GOP House,'' Washington Post, October 14, 1994.

[4] Washington Post, October 14, 1994.

[5] The power of Congress to investigate is never expressly stated in the Constitution. Nonetheless, congressional committees are granted extraordinary powers to compel testimony, to force the production of documents and other evidence, and to punish contempt, and these powers have time and again been sustained by the Courts, because the power to investigate is ''inherent in the power to make laws.'' (Eastland v. United States Servicemen's Fund, 421 U.S. 491 (1975)).

[6] Republicans have also been in charge of the two investigations that have brought the most discredit to the House: the McCarthy hearings of 1953 and 1954 and an 1861 joint committee investigation into the on-going conduct of the Civil War.

[7] Before McCarthy, historians point to a Republican joint committee that attacked President Lincoln's conduct of the war as the worst of congressional investigations. See Guide to Congress, Congressional Quarterly, 4th edition, 1991. The chapter entitled ''Major Investigations: History in Brief'' includes the following passage: ''The Joint Committee on the Conduct of the War compiled what was widely considered—at least until the McCarthy era of the 1950's—the worst record of any congressional investigating unit. It was a political vehicle for Radical Republicans opposed to President Lincoln, as its far-reaching inquiries were used for intensely partisan purposes. It harassed conservative and Democratic generals., particularly Gen. George McClellan . . . Committee sessions were supposed to be closed to the press but information often would be made public if it suited the purpose of the Radicals. As a result, Confederate General Robert E. Lee was moved to observe that the committee was worth about two divisions of Confederate troops.''

[8] Wall Street Journal, March 24, 1997.

[9] Wall Street Journal, December 14, 1997.

[10] Cost attributable to: Salaries of five professional staff working on the investigation, July–August, 1996.

[11] Cost attributable to: Salaries of professional committee staff and GAO investigators.

[12] Cost attributable to: Salaries of professional staff working on Whitewater investigation, 1995–96: $1.6 million. Salaries and travel costs of professional staff working on Mena Airport investigation, 1997–98: $650,000.

[13] Cost attributable to: Salaries of professional staff working part-time on the two investigations, 1997–present.

[14] Includes $750,000 from leadership slush fund for Teamsters investigation, $1.4 million from slush fund for American Worker project, $300,000 from committee funds for diGenova and Toensing contracts, and $80,000 for additional investigator consultant contracts.

[15] Includes $1.8 million from leadership slush fund. This amount only covers for staff, equipment, and travel. It does not include court reporters that have transcribed 600 hours of depositions, xeroxing, and printing. More importantly, it only includes those costs relating to campaign finance related investigations in 1997 and 1998.

[16] Includes salaries, consultant fees, and reimbursement requests from both parties to the contested election. The Federal Contested Election Act authorizes the Committee to reimburse the parties for such costs. These reimbursement requests are currently pending before the committee. This figure does not include the cost of travel, computers, or paper.

[17] Includes $1,300,000 from leadership slush fund, and $145,000 in professional staff salary costs for Waco investigation in summer of 1995.

[18] Includes only salaries of investigative staff and does not include other administrative costs.

[19] Cost attributable: Salary of professional staff member working on investigations.

[20] Congressional Quarterly, March 21, 1998.

[21] Letter from ranking minority member Waxman to Speaker Gingrich, July 7, 1997.

[22] Majority counsel responded that Mr. Intriago could not assert his Fifth Amendment privilege and threatened contempt if Mr. Intriago did not appear. ''Burton Team Threatens Contempt for Witness'' The Hill, February 25, 1998.

[23] Wall Street Journal, March 27, 1998.

[24] Washington Post, March 19, 1998.

[25] Floyd Brown, chairman of Citizens United, host of a conservative radio call-in show in Seattle on the firing of David Bossie, Chairman Burton's top aide, Washington Post, May 7, 1998.

[26] April 23, 1996 Memo ''To: All House Full and Subcommittee Chairmen, From: Bob Walker and Jim Nussle, Subject: Request for Information—URGENT''.

[27] Congressional Quarterly, March 21, 1998.

[28] Washington Post, March 19, 1998.

[29] National Journal Congress Daily, April 30, 1998, page 4.

[30] Dear Colleague, March 28, 1996.

[31] Subcommittee on Crime report, ''The Administration's Efforts Against the Influence of Organized Crime in the Laborers' International Union of North America'' U.S. House of Representatives, 104th Cong., 2d session, page 4.

[32] CNN's Inside Politics, June 4, 1997.

[33] ''Four Picked to Watch Over Burton's Probe,'' Roll Call, June 6, 1997, page 1.

[34] ''Burton's Glass House: Does He Have the Probity of a Prime-Time Prosecutor? Newt Seems to Have Doubts,'' Time, May 26, 1997.

[35] *Salt Lake Tribune*, November 11, 1997.

[36] Northwest Mining Association v. Bruce Babbitt (C.A. No. 97–1013–JLG).

[37] Rocky Mountain States Legal Foundation also represents Chairman Young and three other Republican members of the Resources Committee (Representatives Chenowith, Pombo and Schaefer) in federal court litigation seeking to block the President's American Heritage Rivers initiative.

[38] June 9, 1997 Freedom of Information Act Request letter to the Director, Office of Administrative Services, U.S. Department of Interior.

[39] November 13, 1997 letter to the Director, Office of Administrative Services, U.S. Department of Interior.

[40] April 3, 1998 Letter from Melanie Beiler, Assistant to the Secretary and Director of Congressional and Legislative Affairs, Department of the Interior to Chairman Barbara Cubin, Chair.

[41] Government Reform committee subpoena to the Executive Office of the President, January 28, 1998.

[42] ''Burton Subpoenas Hillary on Filegate,'' *The Hill*, February 13, 1998.

[43] Ibid.

[44] Letter from Karen Maloy Sprecher, Department of Interior, to Chairman Burton, January 1, 1998.

[45] Deposition of David Mercer, Day 2, August 26, 1998, at 150.

[46] *Roll Call*, November 25, 1996.

[47] 26 U.S.C. 7216 prohibits anyone ''in the business of preparing . . . [tax] returns'' from actions to ''disclose any information furnished to him for, or in connection with, the preparation of any such return.'' An accountant who violates the statute is subject to criminal penalties (a fine and/or imprisonment).

[48] For example, letter to Chairman Burton from Mark MacDougall, et al., February 13, 1998.

[49] On January 30, 1998, Chairman Burton subpoenaed accountant Donald Lam for tax preparation material relating to Ted Sioeng, his family, or their business. Mr. Sioeng objected to release of the accountant's materials. On February 13, 1998, Chairman Burton was informed by letter that federal law prevented Mr. Lam from providing the materials. On February 20, 1998, by letter, Chairman Burton issued his threat of contempt of Congress for failure to provide the information.

[50] Committees other than the tax committees are prohibited, by 26 U.S.C. 6103, from trying to obtain tax records except by special order of the House. There was no special authorization from the House for these subpoenas.

[51] Draft resolution. See appendix.

[52] April 3, 1998 letter from Chris Donesa, subcommittee Republican counsel, to Leslie Berger Kieman, counsel to the Teamsters.

[53] February 13, 1997.

[54] March 7, 1997.

[55] The Detroit News, May 6, 1998.

[56] Eventually, an agreement was reached to narrow the scope of what is sought by the Committee.

[57] Government Reform Committee subpoena to the Executive Office of the President, March 4, 1997.

[58] 2 U.S.C. 192.

[59] United States v. Orman, 207 F.2d 148 (3rd Cir. 1953).

[60] Gibson v. Florida Legislative Investigation Committee, 372 U.S. 539, 545 (1963).

[61] December 8, 1997 letter to Secretary Herman, Department of Labor, from Chairman Hoekstra, subcommittee on Oversight and Investigations.

[62] House Judiciary Committee transcript, May 18, 1996.

[63] Indianapolis Star, April 16, 1998.

[64] Majority Leader Armey speaking on the export of commercial satellites by Loral to China, Washington Post, May 6, 1998, page A4.

[65] ''Burton Apologizes to GOP'' Washington Post, May 7, 1998.

[66] Congressional Quarterly, April 5, 1997.

[67] Committee on Commerce, Internal Memorandum to Chairman Barton, Re: Hearing on Molten Metal Technology's Contracts with the Department of Energy, October 20, 1997.

[68] Ibid.

[69] Ibid.

[70] Ibid.

[71] Ibid.

[72] Chairman Barton's letter of February 11, 1998 responding to Ranking Member Klink's letter of January 12, 1998.

[73] The list of allegations against Democrats is well-rehearsed in the Government Reform Committee. For the list of serious Republican abuses see letters from Ranking Member Waxman to Chairman Burton of March 17, 1997, April 29, 1997, May 8, 1997, May 15, 1997, June 10, 1997, August 29, 1997, and January 13, 1998.

[74] 14 separate subpoenas were sent to the Kansas State Democratic party and prominent Kansas Democrats and a number of Kansas party officials were deposed.

[75] Indianapolis Star, April 16, 1998.

[76] ''All the President's Menaces,'' Esquire, August 1997.

[77] Washington Times, July 3, 1997.

[78] Wall Street Journal, November 5, 1997.

[79] Government Reform Committee subpoena to Bell Atlantic-Virginia, Inc. (LiPing Chen Hudson), September 19, 1997.

[80] Letter from Rep. Moran to Chairman Burton, October 28, 1997. See also Wall Street Journal, November 5, 1997 ''House Panel's Campaign-Finance Probe Promises to be More Militant than Senate's Investigation.''

[81] Peter Knight quoted in Jonathan Broder's piece ''How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Area Company,'' Boston Magazine, February 1998.

[82] Los Angeles Times, April 15, 1997.

[83] House Committee on Rules print, ''Hearing Before the Committee on Rules, House of Representatives, 105th Congress, 1st session, on House Resolution 298, a resolution amending the rules of the House of Representatives to repeal the rule allowing subpoenaed witnesses to choose not to be photographed at committee hearings'' November 4, 1997.

[84] Peter Knight quoted in Jonathan Broder's piece ''How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Area Company,'' Boston Magazine, February 1998.

[85] ''Anatomy of a Smear'' Thomas Oliphant, Boston Globe, September 23, 1997.

[86] ''How a Republican Smear Campaign Against Al Gore Undid a Promising Boston-Areas Company,'' Boston Magazine, February 1998.

[87] April 3, 1997, subpoenas to Chevy Chase F.S.B. and National Capital Bank of Washington.

[88] ''Investigators Issue Subpoena to Wrong DNC Donor,'' Los Angeles Times, April 15, 1997.

[89] The last three examples are cited in letter from Ranking Member Waxman to Chairman Burton, September 8, 1997.

[90] Deposition of Dick Morris by Government Reform staff, August 21, 1997, at 152–3.

[91] Deposition of Dick Morris by Government Reform staff, August 21, 1997, at 174.

[92] Los Angeles Times, March 15, 1998.

[93] Ibid.

[94] ''Chairman Burton, quoted in The Indianapolis Star, April 16, 1998.

Mr. Speaker, the Legislative Branch appropriations bill, which is otherwise a good bill, contains another $8 million for replenishing the Republican investigation slush fund. The gentleman from Maryland (Mr. HOYER) came to the Committee on Rules yesterday with an amendment which would prohibit the expenditure of any of these funds in the new fiscal year that begins on October 1. His amendment would not have deleted these funds. It would have merely prohibited their disbursement without a vote of the House. Mr. Speaker, this is a sensible amendment and it is one that should be debated.

The Committee on Rules has otherwise reported a fair rule for the consideration of this bill, but the Hoyer amendment is one that matters a great deal to the Democratic Members of this House. We have seen far too many partisan witch-hunts in this body in the past year and a half. We would hope in a new Congress that Democrats and Republicans could decide in a less highly charged atmosphere if it is in the best interests of the House to continue to use a slush fund for committee investigations. The Democrats on the Committee on Rules have asked our Republican colleagues to consider the requests for further funding by committees in the regular legislative process, requiring a vote of the full House.

We have been repeatedly denied this opportunity. We are asking that the Republican leadership step back and allow the House to consider funding for investigations on a case-by-case basis that serves the best interests of this institution and the American people.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman's concerns about the reserve fund. However, this debate would have been more appropriate at the time the fund was created.

In my mind it makes good business sense for the House to be prepared for the unexpected by establishing a contingency fund. It is common practice among businesses, and there is no reason that the House should not adopt sound business practices.

Mr. Speaker, I would point out that this fund is accountable. The House Committee on Oversight controls these dollars, and a vote of the committee is required to expend the money. It is all very public. What is unfortunate is that there are so many questionable activities that call for congressional investigation which require the use of this money. It is also unfortunate that we have witnessed a lack of cooperation in these investigations which has made them much more time consuming and expensive.

The Legislative Branch bill is bipartisan. There is no reason to drag down this bill with politically charged debate.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank the gentleman for yielding me this time.

Mr. Speaker, in my previous life as the public works commissioner for the city of Portland, Oregon, it was my pleasure to work with our community to implement programs to promote transit as has been encouraged for years by Federal policy.

□ 1230

These programs enjoyed widespread support from the business community, from private citizens, from government, and they have made a difference in promoting the quality of life in our city.

When I was elected to Congress a couple years ago, I was surprised; no, let me say I was shocked, to find out that what the Federal Government had been encouraging local communities to do, what the Federal Government had been encouraging other people in the Washington metropolitan area to do, what the United States Senate had done for the last 6 years, I was unable to do as a Member of Congress. I could give free parking to everybody who worked for me, worth over $1,500 a year, but I could not give a partial transit subsidy for the people who choose not to drive to work.

I set about trying to find out why this was and to fix it. I have introduced legislation, House Resolution 37 that has now been cosponsored by a majority of the House, indeed 230 people already, that would make it optional for Members to at least provide this for their employees who wish to do it.

I have surveyed every one of the House agencies, there are 15 of them, to see if they support it, if they could afford it, if they want it, and I have been told unanimously that they thought it was good for the institution, that it was good for their employees, it was good for the environment.

I am pleased to note that this bill before us today, the rule of which we are debating, would finally, by an amendment from the Committee on Appropriations, would have put this in place, and I commend the committee and the Members who brought it forward so that we can short-circuit the legislative process and get on with business.

I appeared before the Committee on Rules, trying to protect this provision because I heard a rumor that somebody may object. Evidently that may occur. I think it would be unfortunate if the welfare of our employees gets caught up in some sort of jurisdictional battle.

This has been authorized by Congress for the last half dozen years, and many of the employees on the Hill, as well as 100,000 Federal employees, already benefit from it.

I would hope that we would find a way in our wisdom to not hold our employees hostage to the machinations of the House, and, as a new Member, I plead guilty of maybe not understanding them in their entirety, but when we have the second most congested area in the United States in metropolitan Washington, D.C., when we are crying about traffic congestion and parking on the Hill, when we are talking about throwing billions of dollars to try and repair Washington, D.C., I would hope that the Members of this House could somehow find it in their conscience or their creativity to make sure that we implement this little piece of Federal policy so that the Members of Congress will not be the only ones who deny it to their employees.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. WALSH) the chairman of the subcommittee.

Mr. WALSH. Mr. Speaker, I thank the gentlewoman, my colleague from Ohio (Ms. PRYCE), for yielding time and for the hard work and, I believe, fair rule that was provided to us by the Committee on Rules.

I rise in strong support of this rule and I ask my colleagues to support it. I want to first thank the chairman of the Committee on Rules, the gentleman from New York (Mr. SOLOMON) and ranking member, the gentleman from Massachusetts (Mr. MOAKLEY) for providing this structured rule leading to general debate on the fiscal year 1999 legislative branch appropriations bill. I will withhold particulars of the legislation until we get into the general debate portion of our discussion today, although I may be compelled to respond to some of the criticism that will be leveled in a very partisan manner, I think, on this bill. It really is not criticism that belongs in this bill, but nevertheless I will be prepared to respond.

Let me clearly state, however, that we have produced a solid bipartisan piece of legislation. I note that the gentleman from Texas, a member of the Committee on Rules, also noted that, and we had hoped that we could keep it that way, and I hope that when all the debate is over that is what this will be, a bipartisan bill, because we really did make an effort to reach out across the aisle and include the needs and concerns of all Members.

This bill, I believe, meets the needs of the House and the legislative branch for the upcoming year. It is a fiscally-sound bill presenting only a 1.7 percent increase over last year.

Now, under law, we are required to provide all legislative branch employees with a little over 3 percent increase cost of living allowance. So by providing that increase, and everyone who is eligible will receive it, the bill is still only less than a 2 percent increase over last year.

We continue to downsize the legislative branch. Indeed we will have 438 fewer employees next year than we will this year. Over the past 4 years or 5 years, rather, we have reduced full-time equivalent employees by over 15 percent.

People have said that if we are going to downsize government that the legislative branch should lead by example. I believe that we have. But we have done it in a sensitive way. We have provided the Architect and the Government Printing Office the opportunity to give their employees the option to leave and to provide them with a buyout so that the employees would be helped in the process and the management could manage this transition. I think we have really attempted to do the right thing.

The rule provides for one motion to recommit, but I am hopeful that that will not be necessary. The subcommittee worked very hard to develop a balanced bill, and to the best of our ability this bill takes into consideration the concerns of Members on a variety of problems. Let us move forward now in this process and support the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. WISE).

Mr. WISE. Mr. Speaker, when I came on the floor and heard some previous statements about lack of cooperation from the Democrats in investigations, I have to respond.

I am a member of the Committee on Government Reform and Oversight, and I have to say that this is a perfect

example of where taxpayer money has been wasted, and it has been wasted, Mr. Speaker, because the majority party, the Republican Party, would refuse to conduct investigations in a bipartisan manner.

Let me give my colleagues some examples:

If my colleagues recall, this was to be an election reform and to be looking at many of the areas of concern, particularly coming out of the 1996 elections. Well, Democrats raised a lot of soft money then, and a lot, most, of the allegations deal with soft money. What is never pointed out is Republicans raised more soft money, and so we said let us make it fair because there are allegations about Republicans just as there are allegations about Democrats. Five hundred subpoenas were issued almost unilaterally by the chairman of the committee, which I might add is an unprecedented exercise of that authority, never done before, 500 subpoenas of which almost all, and I believe there may have been 12 that went to Republican targets, but almost all went to Democratic targets.

We then asked, ''Well, why don't we at least have bipartisanship in voting for subpoenas, which has always been the practice?'' No, could not do that, had to be done by the chairman.

Talk about delay. There were complaints because Democrats would not vote immunity for 4 witnesses, which Democrats finally did vote just yesterday or 2 days ago because we finally got some agreements from Republicans about making it fair.

Talk about taxpayer waste. We voted to support the Republican majority on immunity for previous witnesses and found out that when they were immunized they then, the Republican majority, made such a hash of it that one of the witnesses now will not be able to be prosecuted for possible crimes that came out under that.

Talk about taxpayers losing money and taxpayer waste. That is why a lot of us are concerned about this Congress that wants to be a Congress of investigation and not legislation, while meanwhile, I might add, health care bill of rights, nobody is passing that, nothing done on a tobacco bill, campaign reform, nothing being done.

That is why some of us question whether this is a good use of funds.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding this time to me.

Mr. Speaker, the chairman of the committee rose and said this is a bipartisan bill, and he is correct in that assertion, it is a bipartisan bill. Within the constraints of the funds available, the chairman and ranking member have tried to work a bill that responsibly allows the legislative branch of government to proceed and allows this body to maintain its responsibilities to its employees. I am sure the chairman and each of us that serves on this subcommittee, as well as our ranking member, could have made additions to this bill, had resources been available which we think would have enhanced this bill and given to the legislative branch a better ability to do its job; however, those constraints exist.

Mr. Speaker, I rise, however, expressing disappointment in this rule. Basically the rule is one that tries to facilitate the consideration of this bill. I had, however, offered an amendment which I did not offer in subcommittee, but which I wanted to offer on the floor. That amendment would have provided for the increased expenditures allocated to various committees, for reasons presumably not anticipated at the time, that this House passes a funding resolution out of the Committee on House Oversight, on which I also serve.

Mr. Speaker, this so-called emergency funding, very frankly, was included for the purposes of getting the House oversight's funding resolution below certain targets so that certain people on the floor of the House would vote for it on the contention that it was not more funding than occurred pursuant to their plan; which is simply to say it was a device to shift some $8 million out of the bill and to a fund that has been referred to as a slush fund, but suffice it to say a fund out of which nonanticipated expenditures for committees can be funded.

Let me first of all say that is a not an unreasonable effort; that is to say, to provide funding for unanticipated needs. In fact, we have a very legitimate example of this Congress acting in the fashion that I think is appropriate and that would be provided for by my amendment, had it been allowed, and that was before the Committee on Rules. A hearing was held on the funding of the special committee to oversee China, the so-called Cox-Dicks committee. The Committee on Rules had an extended hearing, adopted a rule, and made a proposal, and we adopted a resolution on the floor by vote of the Congress, by the House of Representatives. There is, Mr. Speaker, in my opinion no reason why that should not be done for every committee.

Now the gentleman from West Virginia (Mr. WISE) got up and was speaking about the Committee on Government Reform and Oversight's hearings. Frankly, they have come to us for a number of unanticipated expenditures. In fact, one of the subcommittees, I think the expenditure was not unanticipated at all; this is the Teamsters' investigation and labor investigation generally. It was, however, a way of getting some extra funding without having it adopted on the floor of the House. I think that was unfortunate.

My amendment, if allowed by this rule, would have simply provided not that there could not be funding but that the House of Representatives would have to vote on that. Now, frankly, colleagues who are now in the majority took over and said that they wanted to have business done in an open fashion, and we were going to live by the rules everybody else had to live by, and that we would take responsibility for those expenditures that we made, and frankly we were going to cut spending in the House of Representatives.

Lo and behold, they created a fund that now even the Committee on House Oversight does not have hearings on.

□ 1245

Because our chairman, the gentleman from California (Mr. THOMAS) says in fact this is a Speaker's decision. We just perform a ministerial function, which is to say we are a pass-through. So I tell my friends on both sides of the aisle, currently that $8 million is decided by one person.

Now, if that is the way you think this House ought to be run, if that is the way you think the taxpayers' money ought to be spent, so be it. But if you believe that the taxpayers' money, that we all talk so much about, ought to be appropriated and expended pursuant to a vote of the representatives of those people who pay those taxes, then I would suggest to you that you would defeat this rule and allow the amendment to go forward, which does not preclude the expenditure at all, but simply says that it must be voted on by all the Members of the House.

Is that such an unreasonable proposal? Is that such a divergence from regular order that the Committee on Rules would decide not to allow that, I think reasonable and common sense rule, to be considered by the House?

I regret that I must oppose this rule.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to the gentleman, there is nothing secret about these allocations. There is nothing out of order. Reading from the guidelines for allocation from the reserve fund, I will read part three in total of these procedures:

Committee on House Oversight consideration, number 1, open debate will occur on the request; number 2, budget submissions will become public; number 3, committee vote will determine, A, allocation of the funds; B, amount of the allocation; and, C, scope of the projects.

There a vote, it is public, everything is above board and open.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield one minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, if the gentlewoman will engage in a colloquy to answer a question, the gentlewoman heard my representation. The chairman of the Committee on House Oversight, which you say is public, has indicated ours is simply a ministerial function; that the vote essentially is taken,

that is true, and, because this committee is a 2 to 1 committee, the majority party always prevails.

Is the gentlewoman aware of the fact that apparently the chairman believes this is a decision of the Speaker, and has articulated that on the record, and that the vote is simply a pro forma?

Ms. PRYCE of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentlewoman from Ohio.

Ms. PRYCE of Ohio. No, I am not aware of that. I am not aware that is necessarily the case, because the rules of the committee state otherwise. The rules of the committee state this is a public process, that there is a vote on it.

Mr. HOYER. Mr. Speaker, reclaiming my time, the gentlewoman is absolutely correct. That is what the rules say. But the chairman said it is pro forma, which is why we do not have the chairman come before the committee and explain these expenditures, unlike every other expenditure they want to make. They do not come before the committee.

Mr. FROST. Mr. Speaker, I yield eight minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, one of the real success stories of the environment in America has been the increased understanding of people across this country of the importance of recycling. From young students, to retirees, to small businesses, to very large multi-national companies—all participate in recycling across this country.

When I go home to my hometown of Austin, Texas, there will be the blue recycling containers in front of each house with bottles and paper and other goods. When I go by the Texas State Capitol complex, I find a program in which some 30,000 State employees are participating in recycling.

Another example of the success we have had is something that was originally started in Austin called Texas Recycles. Last year that program proved so successful that it became America Recycles, and it was celebrated right here in our Nation's Capital and across the country. We honored a number of businesses that recognize it is a good business practice to recycle, not only for the environment, but because it can be a profit center in eliminating waste.

I noticed in the Washington Post from last November two retirees from Silver Spring who were honored in a ''Rewarding Week for Good Recyclers'' as a part of this America Recycles program. The same story reported that now the national recycling rate is 27 percent of eligible trash.

What a contrast, unfortunately, and the real focus of my remarks today, is this House of Representatives with the rest of the country. Instead of being a national leader on this important environmental issue that every American can understand, simply recycling instead of filling up more landfill and garbage, the recycling rate here in the House borders on zero percent.

The recycling program in the U.S. House of Representatives, instead of being a national leader, is indeed a national disgrace. It is a sharp contrast with the efforts of retirees and students. I think of the many elementary students that get honored each year by Keep Austin Beautiful, a program like many around the country. I can tell you there is not an elementary school classroom in Austin that is participating in the Keep Austin Beautiful program, that could not do a better job than this House Republican leadership with our recycling program.

Let me tell you a little bit about the failings and disgraceful nature of this program. It is very, very difficult to determine whether the source of these problems is shear incompetence or total indifference. I tend to view it as probably more a problem of total indifference and insensitivity to our environment, that has characterized so many of the other attacks on clean air and clean water on the floor of this House.

But what has happened during the course of this House Republican leadership, which is now entering, I guess it is on about the second half of its fourth year, is that for three years of this three-and-a-half year administration there has been no recycling coordinator in the House. They managed to hire a woman to serve as recycling coordinator for almost six months, but she was a little too honest for the job, so she is no longer involved in the program.

In December of 1996, concerned about the lack of a recycling coordinator, I met face-to-face in my office with Superintendent Miley. He assured me it was a high priority to hire a recycling coordinator and make this program work. Well, it only took another 10 months before they hired the woman who stayed here for less time than they posted her job.

Of course, the Superintendent, like the other people here in the House, can only establish the priorities and follow the emphasis of the House Republican leadership, and that emphasis on recycling is right down there in last place, zero percent.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, is the gentleman aware that the Subcommittee on Legislative of the Committee on Appropriations has made this a priority, and that, in fact I believe the gentleman mentioned the figure of about 20 percent as being recycled in his home community, and that is admirable; in my home community it was closer to 40.

Mr. DOGGETT. That was the national average, 27 percent. It is much higher in Austin.

Mr. WALSH. We are recycling about 10,000 tons of material each year, and our percentage in the waste stream, it is in the neighborhood of about 25 to 26 percent.

Mr. DOGGETT. Mr. Speaker, reclaiming my time, I am glad the gentleman pointed that out, because the kind of indifference and disinterest in this subject I am talking about has not always been true in the House. When the Democrats controlled the House, bottle collection since that time and recycling has dropped 83 percent. Can collections have only dropped 73 percent. Statistics on paper recycling have not been completely available, because when the House attempted to recycle four million pounds of paper, almost 90 percent of it was cluttered with garbage and the recyclers refused to take it.

I am aware of the gentleman's support of the amendment of the gentleman from California (Mr. FARR); that there are some people, including the gentleman who is asking the questions, who are of good faith and concerned about this. But to spend 3.5 years and have 3 of that without any recycling coordinator, to come into my office in the past week and be told the recycling program is suspended, is truly outrageous. To have this report which the recycling coordinator prepared, by an honest Pat Dollar, who was hired here very briefly, prepared, hidden, secreted, covered up and not released by the Superintendent's Office despite months of requests there, and to the gentleman from California (Mr. THOMAS), to not release this information is a disgrace.

That secret report, never formally released, points up that there is so much confusion around here in the corridors of these House buildings because many people do not think there is a recycling program, because they see so much garbage cluttering the floor out there. And when someone has to go through the recycling, it is pretty clear that effective recycling is not being done.

The Farr amendment, which I understand the gentleman supports, is a step in the right direction, but it is a very modest step. Just devoting some money to this is not going to solve the problem. There has to be interest. There has to be leadership. There has to be a total and complete change to adopt the attitude of the schoolchildren in Austin, Texas, instead of the attitude of the House Republican leadership, which has been unwilling to have this Congress lead the way on recycling.

Let me just say that I believe there are businesses and schoolchildren and citizens all over this country that realize that recycling papers, cans, bottles, anything that will tear, is a win-win proposition. It is true of numerous Federal agencies right down the Mall that recycle, and actually earn thousands of dollars a year from their recycling program.

It is not true of this House. Despite the fact that out here every day we have more recycled rhetoric about the

environment and more recycled old bad legislative proposals, when it comes to the simple matter of doing something about all the trees that get chopped down for the tons of paper that come through these halls, just simply seeing they do not end up in a landfill, that they get recycled, that very simple thing that so many American families are able to do, this family, this House, has not done, is not doing, is not going to do until there is a total change of attitude and some emphasis on and direction from the House Republican leadership to get the job done.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is a violation of the House rules.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just so we can all be clear about this rule and about the statements made by the gentleman from Texas regarding the lack of leadership, the gentleman from Texas (Mr. DOGGETT) did not even come to the Committee on Rules yesterday to testify and ask that his amendment be made in order. His amendment does go to the issue of recycling. But this rule does make in order an amendment to be offered by the gentleman from California (Mr. FARR) which will allow us to vote to put more money into the recycling program. This issue will receive fair debate under this rule.

Mr. Speaker, I yield two minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I really am amazed that this recycling could become a partisan issue. It is bizarre. There is a clear commitment, there was on the part of the Democrats when they controlled the House of Representatives, and there is on the part of the Republicans, to recycle our waste. This should not be a partisan issue. This is something that all Americans agree with and support.

I know just from personal experience when I became Chair of this committee, one of the things that we set about to do was to make sure that everyone understood what the rules were. So we sent a memo around to all the Members' offices. We also made sure that all trash cans were labeled, ''mixed paper,'' ''wet waste,'' ''fine paper.'' What it comes down to is the Members. The Members have to provide the leadership in their own offices to recycle this waste.

□ 1300

I do not understand why this is partisan. This is something we should all be unified in. Besides, there is the fact that the amendment that the gentleman spoke about was accepted. We accepted the amendment offered by the gentleman from California (Mr. FARR). We thought it was a positive development.

The fact is that it is the Members, Republican and Democrat, that have to show the leadership in their own office to use their wastebaskets in a proper way. The Members need to provide the leadership in their offices, whether they are Democrats or Republicans or Independents; we have an Independent in the House. We all need to make sure that we put the trash in the right place.

The cloakrooms are going to follow suit. We need to organize a little bit better. The Architect's office is committed to this. We have called them in on the carpet and said we want to get a concerted effort and focus from the Architect's office on it. So clearly, Mr. Speaker, there is a real commitment here. This is not a partisan issue. We need to recycle our waste. It makes sense. It makes money. It saves us money. I think we should put this to rest right now.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. With regard to the comments from the gentlewoman from Ohio, Mr. Speaker, the Committee on Rules was so enthusiastic about addressing this problem that they have allowed us an entire 5 minutes to discuss the amendment offered by the gentleman from California (Mr. FARR). It is the same kind of priority we have had in 3 of the last 3½ years with no recycling coordinator.

With regard to the comments of the gentleman from New York, that the problem was the Members, I am surprised that any Member recycles. The rules that are given out are confusing. They were sometimes in direct error with regard to recycling practices. Furthermore, the level of commitment is such that a few months ago the custodial workers had had to bring their own plastic liners in order to do recycling.

Member compliance, as was noted in this secretive report, is a problem because many Members are not even convinced there is a recycling program. It is true that all, but I think, 11 Republican Members of this House, who have said they were willing to participate in voluntary recycling, but they are not given the guidelines, nor are their staffs, to ensure that this program works.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it must be an interesting debate for many who are listening to determine what we might be debating on, but I think it is important because this is a very valuable appropriations process; that is, for the legislative branch appropriations.

What that really means to our constituents is the services that we provide in our offices, and in particular, in our district offices. So this is important, that we have caseworkers that deal with Social Security and veterans' benefits, Medicare issues, that we help with immigration issues. In my office we are very busy. Now that the summer has come, there are passport issues.

Frankly, we rise to discuss this because it has value. Among those values, of course, is to ensure that we do the right thing, which includes, as my colleague has just spoken about, recycling and showing the right example.

I am disappointed in this rule for several reasons. One, my good friend, the gentleman from Oregon (Mr. BLUMENAUER) was concerned about not only the environment, but respecting the options that our employees might have in traveling to work; that is, in compliance with keeping the environment safe and clean, giving them the opportunity to leave their cars at home and to take bus passes, as opposed to driving.

Companies throughout this country encourage carpooling and using the buses, but yet, an amendment that might have done that that was agreed to by the Committee on Appropriations now may suffer a point of order because it was not seen fit in the Committee on Rules to give it a waiver, so we could in fact provide this option to our very dutiful employees who come every day, and who themselves may want to use the kind of transportation services that would give them the option.

I would additionally say, since I think the greatest focus of the legislative branch appropriations should in fact be the constituency services that help you in America get the job done, I am disappointed, and this document, I think, that I have before me is about 51 pages that show the politically motivated investigations that we have in this Congress. At this point in time they are still going on.

We have the Burton committee, that has spent already $6 million. None of that is translated into any constituency services. It is still going on, and buried down in this appropriations bill is more money for a committee that leaked information out into the public on one of the witnesses that should not have ever been leaked.

We have a Teamsters investigation of working men and women going on, now $2,530,000. That is buried deeply in this legislation. More money will be expended on that. Who knows what we will get out of it.

My concern, Mr. Speaker, is that I wish we could have been similar to the Internal Revenue Service Restructuring and Reform Act rule, which I support, which gives comfort to Americans by providing an oversight so that taxpayers are are protected. That is the kind of business we should be doing on