

Waxman	White	Wolf
Weldon (FL)	Whitfield	Woolsey
Weldon (PA)	Wicker	Young (AK)
Weller	Wilson	Young (FL)
Weygand	Wise	

□ 1730

PRIVILEGES OF THE HOUSE—ORDERING IMMEDIATE PRINTING OF ENTIRE COMMUNICATION RECEIVED ON SEPTEMBER 9, 1998, FROM AN INDEPENDENT COUNSEL

Mr. CONDIT. Mr. Speaker, I offer a resolution (H. Res. 546) and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 546

Whereas the entire communication of the Office of the Independent Counsel received by the House of Representatives on September 9, 1998, includes information of fundamental constitutional importance;

Whereas the American people have a right to receive and review this communication in its entirety;

Whereas the House Committee on the Judiciary has failed to make the entire communication available to the American people; and

Whereas failure to make the entire communication available to the American people raises a question of privilege affecting the dignity and integrity of the proceedings of the House under rule IX of the Rules of the House of Representatives: Now, therefore, be it

Resolved, That the entire communication received, including all appendices and related materials, on September 9, 1998, from an independent counsel, pursuant to section 595(c) of title 28, United States Code, shall be printed immediately as a document of the House of Representatives.

The SPEAKER pro tempore. Does any Member wish to be heard on the question of whether the resolution constitutes a question of privilege?

Mr. SOLOMON. Mr. Speaker, I wish to be heard on the question of whether the resolution offered by the gentleman from California constitutes a question of privilege.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) is recognized.

Mr. SOLOMON. Mr. Speaker, questions of privilege under rule IX are those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings, and the rights, reputation, and the conduct of Members. A question of privilege, Mr. Speaker, may not be raised to effect a change in House rules.

Mr. Speaker, House Rule 525, which was adopted by the House on September 11 by a vote of 363 to 63, delegated the authority to review and release Independent Counsel Starr's report from the House to the Committee on the Judiciary.

The House delegated this authority to the Committee on the Judiciary as an exercise in its rule-making power. Mr. Speaker, the resolution offered by the gentleman from California (Mr. CONDIT) seeks to change the rule of the House as established in House Resolution 525. Therefore, Mr. Speaker, the gentleman's resolution does not con-

stitute a legitimate question of privilege.

Mr. Speaker, let me just cite line 15 of the resolution that passed the House. It says, "The balance of such material shall be deemed to have been received in executive session, but shall be released from the status on September 28, 1998, except as otherwise determined by the committee."

That is the rule of the House. Therefore, Mr. Speaker, the gentleman's resolution does not constitute a legitimate question of privilege in that change of House rule, and a privilege clearly is not in order.

The SPEAKER pro tempore. Are there other Members who want to be heard on this question?

Mr. DEUTSCH. Mr. Speaker, I wish to be heard.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I appreciate the comments of the distinguished chairman of the Committee on Rules regarding the standard of what privilege is. I would agree with him completely, that is the standard of what privilege is.

I would also say, though, that I believe this resolution clearly meets that standard, because what is going on right now in the Committee on the Judiciary with the selective release of information is clearly a disservice on this House, and is clearly putting this House in disrepute, which is exactly what the rules of the House in terms of our privileged resolution are set up to deal with.

I would say to the gentleman and to the Speaker that this resolution is clearly exactly why we have privileged resolutions in the House. What is happening right now in terms of the procedures of the Committee on the Judiciary, in terms of what has happened with the release of information, in the partisanship that has occurred within that committee, is absolutely putting this House into the type of situation, the type of disrespect that privileged resolutions are exactly in purpose for using.

I would urge the Speaker to rule this in order, and I urge its adoption.

Mr. CONDIT. Mr. Speaker, I want to speak to the resolution.

The SPEAKER pro tempore. The gentleman from California (Mr. CONDIT) is recognized.

Mr. CONDIT. Mr. Speaker, I understand the point of the chairman of the Committee on Rules. This is an attempt to allow all the Members of this House to have access to the information. It is an attempt to speed the process along so we can bring it to closure. The American people want us to bring this issue to closure.

There is no reason why every Member of this House cannot have that information. We are not grade school kids. We understand it, and we know ultimately we need to make a decision. So my intent, Mr. Speaker, is simply

NAYS—71

Ackerman	Furse	Millender-
Andrews	Gephardt	McDonald
Blumenauer	Gordon	Mink
Bonior	Green	Nadler
Brady (PA)	Gutierrez	Oberstar
Brown (CA)	Hastings (FL)	Olver
Brown (FL)	Hefner	Owens
Brown (OH)	Hilliard	Pastor
Carson	Hinchey	Payne
Clay	Hinojosa	Pelosi
Clayton	Hooley	Rahall
Clyburn	Jackson (IL)	Rangel
Conyers	Jefferson	Rush
Cummings	Johnson, E.B.	Sabo
Davis (IL)	Kanjorski	Scott
DeFazio	Kennedy (RI)	Slaughter
Deutsch	Kilpatrick	Stokes
Dixon	Lee	Thompson
Engel	Lewis (GA)	Vento
Farr	Martinez	Waters
Fattah	McKinney	Watt (NC)
Filner	Meek (FL)	Wexler
Ford	Meeks (NY)	Wynn
Frost	Menendez	Yates

NOT VOTING—23

Burton	Kaptur	Sanders
Coburn	Kennelly	Schumer
Diaz-Balart	Lofgren	Shaw
Ensign	Maloney (NY)	Torres
Gonzalez	McDade	Towns
Goss	Poshard	Velazquez
Graham	Pryce (OH)	Watts (OK)
Hunter	Riggs	

□ 1724

Messrs. KIM, LINDER, BALDACCI, MCDERMOTT, LUTHER, SAWYER, ALLEN, COSTELLO and ROHR-ABACHER and Mrs. JOHNSON of Connecticut and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENSIGN. Mr. Speaker, on rollcall No. 453, I was detained due to mechanical difficulties on my flight back to Washington, D.C. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GRAHAM. Mr. Speaker, on rollcall No. 453, I was in meetings with Members of Parliament from the U.K. and missed the vote. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would like to note that on rollcall vote 453, I was absent because of the cancellation of the United flight from San Jose and the inability to rebook all the passengers.

Had I been present, I would have voted "aye."

to speed this process along so that we can make a decision and get back to the business of living our lives and running this country.

Mr. SOLOMON. Mr. Speaker, I ask for a ruling.

The SPEAKER pro tempore. The Chair is prepared to rule.

The gentleman from California (Mr. CONDIT) offers House Resolution 546 as a question of the privileges of the House under rule IX. The resolution would direct the Committee on the Judiciary to release all executive session material referred to the committee by the House pursuant to House Resolution 525.

That resolution was reported to the House by the Committee on Rules as a privileged rule, and its adoption governs subsequent review and release of that executive session material referred to the Committee on the Judiciary.

A resolution may not be offered under the guise of a question of the privileges of the House if it effects a change in the rules or standing orders of the House or their interpretation. This principle is annotated in section 662f of the House Rules and Manual. The House has delegated to the Committee on the Judiciary the final decision-making authority on the extent of release from executive session of materials contained in the Independent Counsel's report. Indeed, section 2 of House Resolution 525 establishes a release date for all materials contained in that report, except as otherwise determined by the Committee on the Judiciary.

In an illustrative case under the precedents, even an alleged refusal by the committee to make certain staff memos available to the public, and refusal to permit committee Members to take photostatic copies of committee files, have been held not to constitute questions of privilege. This principle is annotated in section 662d of the manual.

To rule otherwise would suggest that valid committee determinations as to the executive session nature of committee files could be collaterally challenged under the guise of questions of privileges.

In the opinion of the Chair, the resolution does not constitute a question of the privileges of the House within the meaning of rule IX, and may not be considered at this time.

Mr. CONDIT. I thank the Speaker.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: House Resolution 144, de novo; House Resolution 505, de novo; House

Concurrent Resolution 315, by the yeas and nays; S. 1355, de novo; and H.R. 81, de novo.

The first vote will be a 15-minute vote. The subsequent votes will be 5-minute votes.

EXPRESSING SUPPORT FOR BICENTENNIAL OF LEWIS AND CLARK EXPEDITION

The SPEAKER pro tempore. The pending business is the question de novo of suspending the rules and agreeing to the resolution, House Resolution 144, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH) that the House suspend the rules and agree to the resolution, H. Res. 144, as amended.

The question was taken.

RECORDED VOTE

Mr. BEREUTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 454]

AYES—416

Abercrombie	Canady	Ehlers
Ackerman	Cannon	Ehrlich
Aderholt	Capps	Emerson
Allen	Cardin	Engel
Andrews	Carson	English
Archer	Castle	Eshoo
Armey	Chabot	Etheridge
Bachus	Chambliss	Evans
Baessler	Chenoweth	Everett
Baker	Christensen	Ewing
Baldacci	Clay	Farr
Ballenger	Clayton	Fattah
Barcia	Clement	Fawell
Barr	Clyburn	Fazio
Barrett (NE)	Coble	Filner
Barrett (WI)	Coburn	Foley
Bartlett	Collins	Forbes
Barton	Combest	Ford
Bass	Condit	Fossella
Bateman	Conyers	Fowler
Becerra	Cook	Fox
Bentsen	Cooksey	Frank (MA)
Bereuter	Costello	Franks (NJ)
Berman	Cox	Frelinghuysen
Berry	Coyne	Frost
Bilbray	Cramer	Furse
Bilirakis	Crane	Galleghy
Bishop	Crapo	Ganske
Blagojevich	Cubin	Gejdenson
Bliley	Cummings	Gekas
Blumenauer	Cunningham	Gephardt
Blunt	Danner	Gibbons
Boehlert	Davis (FL)	Gilchrest
Boehner	Davis (IL)	Gilman
Bonilla	Davis (VA)	Goode
Bonior	Deal	Goodlatte
Bono	DeFazio	Goodling
Borski	DeGette	Gooding
Boswell	Delahunt	Gordon
Boucher	DeLauro	Graham
Boyd	DeLay	Granger
Brady (PA)	Deutsch	Green
Brady (TX)	Dickey	Greenwood
Brown (CA)	Dicks	Gutierrez
Brown (FL)	Dingell	Gutknecht
Brown (OH)	Dixon	Hall (OH)
Bryant	Doggett	Hall (TX)
Bunning	Dooley	Hamilton
Burr	Doolittle	Hansen
Buyer	Doyle	Harman
Callahan	Dreier	Hastert
Calvert	Duncan	Hastings (FL)
Camp	Dunn	Hastings (WA)
Campbell	Edwards	Hayworth
		Hefley

Hefner	McGovern	Sanchez
Henger	McHale	Sandlin
Hill	McHugh	Sanford
Hilleary	McInnis	Sawyer
Hilliard	McIntosh	Saxton
Hinchey	McIntyre	Scarborough
Hinojosa	McKeon	Schaefer, Dan
Hobson	McKinney	Schaefer, Bob
Hoekstra	McNulty	Scott
Holden	Mica	Sensenbrenner
Hooley	Miller (CA)	Serrano
Horn	Miller (FL)	Sessions
Hostettler	Minge	Shadegg
Houghton	Mink	Shays
Hoyer	Moakley	Sherman
Hulshof	Mollohan	Shimkus
Hunter	Moran (KS)	Shuster
Hutchinson	Moran (VA)	Siskisky
Hyde	Morella	Skaggs
Inglis	Murtha	Skeen
Istook	Myrick	Skelton
Jackson (IL)	Nadler	Slaughter
Jackson-Lee	Neal	Smith (MI)
(TX)	Nethercutt	Smith (NJ)
Jefferson	Neumann	Smith (OR)
Jenkins	Ney	Smith (TX)
John	Northup	Smith, Adam
Johnson (CT)	Norwood	Smith, Linda
Johnson (WI)	Nussle	Snowbarger
Johnson, E. B.	Oberstar	Snyder
Johnson, Sam	Obey	Solomon
Jones	Oliver	Souder
Kanjorski	Ortiz	Spence
Kanjorski	Owens	Sperr
Kasich	Oxley	Stabenow
Kelly	Packard	Stark
Kennedy (MA)	Pallone	Stearns
Kennedy (RI)	Pappas	Stenholm
Kildee	Parker	Stokes
Kilpatrick	Pascrell	Strickland
Kim	Pastor	Stump
Kind (WI)	Paul	Stupak
King (NY)	Paxon	Sununu
Kingston	Payne	Talent
Kleczka	Pease	Tanner
Klink	Pelosi	Tauscher
Klug	Peterson (MN)	Tauzin
Knollenberg	Peterson (PA)	Taylor (MS)
Kolbe	Petri	Taylor (NC)
Kucinich	Pickering	Thomas
LaFalce	Pickett	Thompson
LaHood	Pitts	Thornberry
Lampson	Pombo	Thune
Lantos	Pomeroy	Thurman
Largent	Porter	Tiahrt
Latham	Portman	Tierney
LaTourette	Price (NC)	Towns
Lazio	Quinn	Traficant
Leach	Rahall	Turner
Lee	Ramstad	Upton
Levin	Rangel	Vento
Lewis (CA)	Redmond	Visclosky
Lewis (GA)	Regula	Walsh
Lewis (KY)	Reyes	Wamp
Linder	Riley	Waters
Lipinski	Rivers	Watkins
Livingston	Rodriguez	Watt (NC)
LoBiondo	Roemer	Watts (OK)
Lofgren	Rogan	Waxman
Lowe	Rogers	Weldon (FL)
Lucas	Rohrabacher	Weldon (PA)
Luther	Ros-Lehtinen	Weller
Maloney (CT)	Rothman	Wexler
Maloney (NY)	Roukema	Weygand
Manton	Roybal-Allard	White
Manzullo	Royce	Whitfield
Markey	Rush	Wicker
Martinez	Ryun	Wilson
Mascara	Sabo	Wise
Matsui	Salmon	Wolf
McCarthy (MO)		Woolsey
McCarthy (NY)		Wynn
McCollum		Yates
McCrery		Young (AK)
McDade		Young (FL)
McDermott		

NOT VOTING—18

Burton	Kennelly	Sanders
Diaz-Balart	Millender	Schumer
Ensign	McDonald	Shaw
Gillmor	Poshard	Torres
Gonzalez	Pryce (OH)	Velazquez
Goss	Radanovich	
Kaptur	Riggs	

□ 1754

So (two-thirds having voted in favor thereof) the rules were suspended and