

QUESTIONS OF ORDER

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

HON. J. DENNIS HASTERT OF ILLINOIS, SPEAKER
JEFF TRANDAHL OF SOUTH DAKOTA, CLERK

QUESTIONS OF ORDER

POINT OF ORDER

(¶2.8)

A MOTION TO COMMIT A BILL WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT PROVIDING NEW BUDGET AUTHORITY IN EXCESS OF THE RELEVANT ALLOCATION OF SUCH AUTHORITY UNDER SECTION 302(A) OF THE BUDGET ACT WAS HELD TO VIOLATE SECTION 302(F) OF THE ACT AND RULED OUT OF ORDER.

On January 8, 2003, Mr. THOMAS made a point of order against the motion to commit, and said:

"I object and make the point of order because this motion, if passed, would cause the allocation to the Committee on Ways and Means to be further exceeded in the first year and over the 5-year period governed by the budget resolution currently deemed in force. The motion therefore violates section 302(f) of the Congressional Budget Act, and I make a point of order that it violates section 302(f) of the Budget Act."

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

"On the point of order, if I understand the objection, it is based upon the fact that, as I understand it, the bill before us has a waiver on the Budget Act from the Committee on Rules, but that because there is no waiver of the Budget Act provided in the rules, the minority will not have a chance to offer a similar type of a motion to recommit.

"I would ask the chairman, is that the basis that we were not protected in the rule, whereas the underlying bill did not get a waiver in the rule?"

Mr. THOMAS was recognized to speak further and said:

"Further on my point of order, Mr. Speaker, the reason I believe a 302(f) budget point of order lies against this measure is that it significantly exceeds in its amount the underlying bill.

"The legislation before us was not reported by any committee of the House; rather, it was passed by the Senate, and the Committee on Rules has presented it to us.

"So my point of order is not based on the fact that the underlying measure has a waiver from the Committee on Rules; it is that if the minority had offered an amendment equal to or less than the Senate position, it would have been in order and not subject to a point of order. Since it is significantly in ex-

cess of the Senate measure, it does in fact violate 302(f) of the Budget Act."

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

"The gentleman from California makes a point of order that the amendment proposed by the instructions in the motion to commit offered by the gentleman from Washington [Mr. McDERMOTT] violates section 302(f) of the Congressional Budget Act of 1974.

"Section 302(f) of the Budget Act precludes consideration of an amendment providing new budget authority if the adoption of the amendment and enactment of the bill, as amended, would cause the pertinent allocation of new budget authority under section 302(a) of the Act to be exceeded.

"The Chair is persuasively guided by an estimate of the gentleman from Iowa [Mr. NUSSLE], that an amendment providing any net increase in new budget authority for fiscal year 2003, or the period of fiscal years 2003 through 2007, over that provided by the bill would exacerbate the breach of the applicable section 302(a) allocations of the Committee on Ways and Means.

"As such, the motion to commit violates section 302(f) of the Budget Act. The point of order is sustained, and the motion is not in order."

POINT OF ORDER

(¶2.25)

A MOTION TO RECOMMIT A JOINT RESOLUTION FURTHER CONTINUING APPROPRIATIONS WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT WAS HELD TO VIOLATE SECTION 302(C) OF THE BUDGET ACT BY PROVIDING NEW BUDGET AUTHORITY IN A FISCAL YEAR FOR WHICH THE COMMITTEE ON APPROPRIATIONS HAD RECEIVED AN ALLOCATION UNDER SECTION 302(A) OF THE BUDGET ACT BUT HAD YET TO REPORT SUBALLOCATIONS UNDER SECTION 302(B) OF THE ACT.

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

On January 8, 2003, Mr. GUTKNECHT made a point of order against the motion to recommit, and said:

"Section 302(c) prohibits the consideration of any amendment that provides for new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

"This motion to recommit increases the amount of budget authority pro-

vided by the measure. The suballocations published by the Committee on Appropriations on October 10 of 2002 lapsed upon the adjournment of the 107th Congress, and no 302(b) suballocations have been made for the 108th Congress. Hence I make the point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act."

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

"What the gentleman from Minnesota is asserting is that the minority should not be allowed to offer a legitimate amendment because the majority did not fulfill its responsibilities to abide by certain provisions of the Budget Act and by the timetable of that act. I find that highly objectionable especially since the Committee on Rules has already waived the requirement as far as the majority party is concerned. It seems to me that the House rules certainly ought to allow the minority the same privilege that the majority has arranged by rule."

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

"When we have points of order, they are important because they establish precedents, and for that reason I intend, if the Chair rules in favor of this point of order, to join in trying to overturn it because I cannot think of a more damaging precedent.

"What this does is to take advantage of the fact that the House did not complete the fiscal 2003 appropriations when it should have in the last calendar year. Thus we are now dealing with fiscal 2003 appropriations in a Congress later than we should, not just a year later but in a Congress later than we should. Because it is a later Congress than it should be, the 302(b) allocations expired. Instead of routinely reenacting them, the majority waived the requirement for itself in a rule and did not waive it for any amendment; so the precedent being set will be as follows: Do not get the work done on time, let it go over until the next Congress months after it should have been done; then abstain from the routine act that the gentleman from Wisconsin mentioned, give yourself a waiver from your failure to act, and do not give it to anyone else. So the precedent is that if you delay the appropriations bills, you can bring them to the floor in an unamendable fashion, totally unamendable so that when we complain about the underfunding of the Securities Exchange Commission we are told do not despair, we have in-

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roduced a bill and one of these days we might even act on it. Nothing could be more damaging to the democratic fabric of this House.

"And I will say that I often, when an appeal to the Chair is made, will vote to uphold the Chair even when I disagree with the legislative consequence, but in this case we are not talking about a standing rule of the House. We are not talking about interfering with those rules that try to govern our deliberations. We are talking about objecting to a deliberate scheme to bring the appropriations for the entire government to the floor of the House in an absolutely unamendable fashion.

"The leadership on the other side used to boast, the chairman of the Committee on Rules, about we always get a motion to recommit. This is a motion to recommit, an entirely germane motion to recommit on the substance that is being ruled out of order on this ground, and for that reason I hope the Chair will not sustain this degradation of democracy."

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

"Just to correct the record, the gentleman from Massachusetts is one of the experts when it comes to the rules of the House, and I commend him for that, but just to be technically correct with regard to his statement, it is not because we failed to do appropriation bills that the 302(b) allocations did not carry forward. It is because the Senate failed to produce a budget that the 302(b) allocation did not carry forward. Had a budget resolution been completed, the 302(b) allocations would have carried forward even though it was a new Congress."

Mr. FRANK of Massachusetts was recognized to speak further and said:

"I thank the gentleman, and that is true. But it is also true that we could have in this House passed those appropriations bills without any action from any other body, and it is a fact in addition that we did not finish the work last year that put us in the situation which the majority takes advantage of by denying the House the chance to have even a germane recommit on the motion."

Mr. NUSSLE was recognized to speak further and said:

"I support the point of order. The gentleman from Massachusetts is correct that certainly appropriation bills could have moved forward. We deemed the budget in order for that process to continue. There are many reasons why appropriation bills did not move forward, but the only fact I wanted to make clear for the RECORD and for the purpose of precedent setting, if there will be precedent setting this evening, is that in fact it was the failure of a budget to be produced by the Senate and not failure of appropriation bills to be produced that causes this extraordinary procedure to occur this evening. I hope this is not precedent setting because it is very unfortunate that in fact for the first time since the 1974

Budget Act was passed that the other body failed to produce a budget.

"Mr. Speaker, I support the point of order"

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

"The gentleman from Minnesota [Mr. GUTKNECHT], makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman from Wisconsin [Mr. OBEY], violates section 302(c) of the Congressional Budget Act of 1974.

"Section 302(c) precludes consideration, after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year, of a measure within that committee's jurisdiction that provides new budget authority until the committee makes the suballocations required under section 302(b).

"The amendment proposed in the motion offered by the gentleman from Wisconsin [Mr. OBEY], provides new budget authority, and the Committee on Appropriations has not made the requisite section 302(b) suballocation. As such, the motion to recommit violates section 302(c) of the Budget Act. The point of order is sustained, and the motion is not in order."

Mr. FRANK of Massachusetts appealed the ruling of the Chair.

The question being stated,

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

Mr. GUTKNECHT moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

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

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared	{	Yeas	217
		Nays	192

¶2.26 [Roll No. 10]

So the motion to lay the appeal on the table was agreed to.

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

POINT OF ORDER

(¶4.9)

A MOTION TO RECOMMIT A JOINT RESOLUTION FURTHER CONTINUING APPROPRIATIONS WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT WAS HELD TO VIOLATE SECTION 302(C) OF THE BUDGET ACT BY PROVIDING NEW BUDGET AUTHORITY IN A FISCAL YEAR FOR WHICH THE COMMITTEE ON APPROPRIATIONS HAD RECEIVED AN ALLOCATION

UNDER SECTION 302(A) OF THE BUDGET ACT BUT HAD YET TO REPORT SUBALLOCATIONS UNDER SECTION 302(B) OF THE ACT.

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

On January 28, 2003, Mr. PUTNAM made a point of order against the motion to recommit, and said:

"Mr. Speaker, I make a point of order against the motion to recommit because it violates section 302(c) of the Congressional Budget Act. Section 302(c) prohibits the consideration of any amendment that provides new budget authority for a fiscal year until the Committee on Appropriations has made the suballocations required by section 302(b) of the Congressional Budget Act.

"This motion to recommit increases the amount of budget authorities provided by the measure. The suballocations published by the Committee on Appropriations on October 10, 2002, lapsed upon the adjournment of the 107th Congress and no new 302(b) suballocations have been made for the 108th Congress. Hence, I make a point of order that this motion to recommit violates section 302(c) of the Congressional Budget Act."

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

"I certainly do, Mr. Speaker.

"The gentleman contends the motion is not in order because the majority has failed to file its 302(b) allocations. If this amendment were to be ruled out of order, what that would mean is that the majority has put the fix in in the Committee on Rules so that they can bring what they want to bring to the floor but the minority cannot.

"In other words, the minority would be penalized procedurally for a failure to act on the part of the majority. I would find that to be a quaint interpretation indeed. It is patently unfair to allow the majority to bring up a bill without filing its suballocations and then punish the minority for something the majority has not done."

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

"As the Chair ruled on January 8, 2003, section 302(c) of the Congressional Budget Act of 1974 precludes consideration of an appropriations measure (including an amendment) providing new budget authority after the Committee on Appropriations has received a section 302(a) allocation for a fiscal year until the committee makes the suballocations required under section 302(b).

"The Committee on Appropriations has not made the required section 302(b) suballocations and the motion to recommit provides new budget authority in violation of section 302(c) of the Budget Act. The point of order is sustained."

Mr. OBEY appealed the ruling of the Chair.

The question being stated,

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

Mr. PUTNAM moved to lay the appeal on the table.

The question being put, *viva voce*,

Will the House lay on the table the appeal of the ruling of the Chair?

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

Mr. OBEY objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared

Yeas	222
Nays	196

¶4.10 [Roll No. 15]

So the motion to lay the appeal on the table was agreed to.

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

WORDS TAKEN DOWN

(¶38.7)

UPON A DEMAND THAT WORDS SPOKEN IN COMMITTEE OF THE WHOLE BE TAKEN DOWN AS UNPARLIAMENTARY (UNLESS THE WORDS ARE WITHDRAWN BY UNANIMOUS CONSENT OR THE DEMAND IS WITHDRAWN) THE WORDS ARE REPORTED BY THE CLERK AS IN THE HOUSE; THE COMMITTEE RISES AUTOMATICALLY; THE CHAIRMAN OF THE COMMITTEE OF THE WHOLE REPORTS THE WORDS TO THE HOUSE; THE SPEAKER RULES ON THE PROPRIETY OF THE WORDS; AND AFTER ANY NECESSARY ACTION BY THE HOUSE, THE COMMITTEE RESUMES ITS SITTING WITHOUT MOTION.

REMARKS THAT MIGHT HAVE BEEN INTERPRETED AS ENGAGING IN RACIAL STEREOTYPING, BUT WERE NEITHER DIRECTED AT A MEMBER NOR SO PROVOCATIVE AS TO BE INFLAMMATORY, WERE HELD NOT UNPARLIAMENTARY.

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

The SPEAKER pro tempore, Mr. LAHOOD, assumed the Chair.

On April 9, 2003, Mr. ISAKSON, Acting Chairman, reported that during the consideration of said bill in Committee, certain words used in debate were objected to and upon request, were read at the Clerk's desk.

The Clerk read the words taken down as follows:

"My sons are 25 and 30, they are blonde haired and blue eyed. One amendment today said we could not sell guns to anybody under drug treatment. So does that mean that if you go into a black community, you cannot sell a gun to any black person or does that mean because my..."

The SPEAKER pro tempore, Mr. LAHOOD, said:

"The Chair finds that the words are not unparliamentary under the rules and precedents of the House."

POINT OF ORDER

(¶49.11)

A MOTION TO RECOMMIT A TAX RECONCILIATION BILL WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT PROVIDING, IN PART, AN EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS WAS HELD NOT GERMANE AND RULED OUT OF ORDER.

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

On May 9, 2003, Mr. THOMAS made a point of order against the motion to recommit with instructions, and said:

"Mr. Speaker, as is made imminently clear by the reading of the table of contents, the motion to recommit is not germane. It is in violation of clause 7 of rule XVI of the House because the motion to recommit relates to subject matter not contained in the underlying bill. The underlying bill only relates to reducing income taxation. Therefore, the amendment is not germane and, therefore, is out of order."

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

"Mr. Speaker, the gentleman from California said yesterday that he wanted an equality in the rule that was before this House. He said that he would not be supporting anything that would not allow us to be heard, and that he would also not ask for points of order to be waived on the majority's bill.

"It seems to me that if what they are saying is true, that this is supposed to be a jobs bill, how can anyone in this country, anyone in this Congress, say that giving some assistance to the millions of people that have lost their jobs during this administration, that giving some relief, giving some unemployment compensation, is out of order and not relevant?

"How can we say that the working people who do not see any of the benefits of this tax cut, when we are talking about giving them benefits, giving them the opportunity to buy, to purchase, and to stimulate the economy, how can we say that it is not relevant? How can we say that Medicaid and giving assistance to our States that are in economic dire need, what kind of rule could they come up with, call it fair, call it equitable, and not give us a chance to express ourselves?

"I suggest to my colleagues that what we are trying to do is to have an alternative. That is not the Republican way, that is not the Democratic way, that is the American way, that we be allowed to be heard.

"Mr. Speaker, we made an appeal to the Committee on Rules. The chairman of the Committee on Ways and Means admitted this morning that he asked to have the same type of treatment for us as they were asking for themselves. True, he said, he was not going to ask

for a waiver of the rules; but that is not the case. Somehow, between a nod and a blink, he got a waiver of the rules. We picked out five violations of the budget; and yet they say that they got a waiver of the rules that we control ourselves by.

"So the only thing I am saying is this: they have got the votes. They have held this bill until they can get the votes. They have kept every Republican's foot to the fire in order to give tax relief for the richest people in the United States of America. We are not asking to win; we are merely asking to be heard. We are asking for the opportunity, using the same rules that they have had for themselves, for ourselves.

"Mr. Speaker, I hope that you allow this substitute to be heard, to be argued, and to be voted on."

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

"The gentleman from California makes a point of order that the motion to recommit is not germane.

"The motion to recommit instructs the Committee on Ways and Means to report forthwith the bill to the House with an amendment that provides, in pertinent part, for an extension of unemployment benefits under the Temporary Extended Unemployment Compensation Act of 2002.

"The bill, H.R. 2, amends the Internal Revenue Code to provide various economic growth incentives. The changes to the Code proposed by the bill are confined to the revenue jurisdiction of the Committee on Ways and Means.

"Clause 7 of rule 16 provides that no proposition on a "subject different from that under consideration shall be admitted under the color of amendment." As recorded on page 678 of the House Rules and Manual, a general principle of the germaneness rule is that an amendment must relate to the subject matter under consideration. The amendment proposed in the motion to recommit would, in pertinent part, extend unemployment insurance benefits, a matter not addressed by the underlying bill and falling outside the revenue jurisdiction of the Committee on Ways and Means.

"Accordingly, the motion is not germane and the point of order is sustained."

Mr. RANGEL appealed the ruling of the Chair.

The question being put, *viva voce*,

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

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

Mr. THOMAS moved to lay the appeal on the table.

The question being put, *viva voce*,

Will the House lay on the table the appeal of the ruling of the Chair?

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

Mr. RANGEL demanded a recorded vote on agreeing to said motion, which

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demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 222
affirmative { Nays 202

¶49.12 [Roll No. 180]

So the motion to lay the appeal on the table was agreed to.

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

PRIVILEGES OF THE HOUSES

(¶81.15)

A RESOLUTION ALLEGING INTENTIONAL DISREGARD OF HOUSE RULES DURING A COMMITTEE MEETING, DISAPPROVING OF THE MANNER IN WHICH A COMMITTEE MEETING WAS CONDUCTED, AND FINDING THAT A BILL WAS NOT VALIDLY ORDERED REPORTED PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On July 18, 2003, Ms. PELOSI rose to a question of the privileges of the House and submitted the following resolution (H. Res. 324):

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and recognized Ms. PELOSI and Mr. MCCRERY each for 30 minutes.

After debate,

Mr. MCCRERY moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER pro tempore, Mr. HASTINGS of Washington, announced that the yeas had it.

Ms. PELOSI demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 170
affirmative { Nays 143

¶81.16 [Roll No. 397]

So the motion to lay the resolution on the table was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶84.3)

A RESOLUTION ALLEGING INTENTIONAL DISREGARD OF HOUSE RULES AND DISAPPROVING OF A MEMBER'S UTILIZATION OF THE CAPITOL POLICE, DISAPPROVING OF THE MANNER IN WHICH A COMMITTEE MEETING WAS CONDUCTED, FINDING THAT A BILL WAS NOT VALIDLY ORDERED REPORTED, AND CALLING FOR THE POLICE REPORT TO BE PUBLISHED IN THE RECORD PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On July 23, 2003, Ms. PELOSI rose to a question of the privileges of the House and submitted the following resolution (H. Res. 330):

Whereas during a meeting of the Committee on Ways and Means on July 18, 2003, for the consideration of the bill H.R. 1776, the chairman of the Committee on Ways and Means offered an amendment in the nature of a substitute;

Whereas during the reading of that amendment the chairman of the Ways and Means Committee directed majority staff of the committee to ask the United States Capitol Police to remove minority-party members of the committee from a room of the committee during the meeting, causing the United States Capitol Police thereupon to confront the minority-party members of the committee;

Whereas pending a unanimous-consent request to dispense with the reading of that amendment the chairman deliberately and improperly refused to recognize a legitimate and timely objection by a member of the committee;

Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Thomas summoned the United States Capitol Police to evict minority party members of the Committee on Ways and Means from the committee library, as well as the manner in which he conducted the markup of legislation in the Committee on Ways and Means on July 18, 2003, and finds that the bill considered at that markup was not validly ordered reported to the House, and calls for the police report to be placed in the CONGRESSIONAL RECORD.

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

When said resolution was considered.

Mr. DELAY moved to lay the resolution on the table.

The question being put, viva voce,

Will the House lay the resolution on the table?

The SPEAKER announced that the yeas had it.

Ms. PELOSI objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas 223
Nays 193

¶84.4 [Roll No. 410]

So the motion to lay the resolution on the table was agreed to.

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

PRIVILEGES OF THE HOUSE

(¶114.20)

A RESOLUTION ALLEGING INACCURACIES IN A STATE OF THE UNION ADDRESS AND DIRECTING THE PLACEMENT OF ASTERISKS IN THE RECORD TO DENOTE THEM WAS HELD NOT TO GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 20, 2003, Mr. MCDERMOTT rose to a question of the privileges of the House and submitted the following resolution:

Resolved, That an asterisk be placed in the permanent Record of Tuesday, January 28, 2003, noting that the following statements contained in the State of the Union Address by the President of the United States are inaccurate:

(1) "The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

(2) "Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production."

(3) "From intelligence sources, we know, for instance, that thousands of Iraqi security personnel are at work hiding documents and materials from the U.N. inspectors, sanitizing inspections sites, and monitoring the inspectors themselves."

(4) "Evidence from intelligence sources, secret communications, and statements by people now in custody reveal that Saddam Hussein aids and protects terrorists, including members of al Qaeda."

Mr. MCDERMOTT was recognized on the question of whether the resolution

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presented a question of the privileges of the House, and said:

"Mr. Speaker, on Thursday, October 16, I gave notice of my intention to raise a question of privileges of the House.

"Mr. Speaker, the first definition of rule IX(1) is 'affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.' Rule IX is designed to give Members of the House the means to protect the dignity and integrity of this body, and that is what my resolution seeks to do.

"I believe that our rights, our dignity, and our integrity are affected and are harmed when inaccurate statements are made in our Chamber and recorded in our official proceedings without note being taken that they are inaccurate. I believe that the integrity of the CONGRESSIONAL RECORD is harmed and the dignity of the body issuing the RECORD is harmed.

"I am aware that it is conceivable that Members of this body may, at least in theory, at times make statements on the floor that might be shown to be inaccurate. When this occurs, however, other Members have the opportunity and the responsibility to engage in debate to identify the offending statements. Readers of the CONGRESSIONAL RECORD, citizens, future historians, have the opportunity to learn from our debate what is and is not accurate.

"When the four statements I have identified were made in this Chamber on January 28, there was no such opportunity to engage the person making these statements in debate in order to identify the statements as inaccurate as there is normally in the House. Unless we act today, when future historians go back to examine our proceedings, they will find these four statements presented in the RECORD unchallenged.

"Normally, dubious statements in the RECORD are not unchallenged. Normally, we collectively take responsibility for the accuracy of the statements made in the RECORD through our debate and discussion. The statements of January 28 were made outside the normal process Congress uses to identify inaccurate statements. Therefore, the only opportunity Congress has to protect the integrity of its proceedings is to identify in the RECORD the statements that are inaccurate.

"I believe that the integrity of our proceedings, as protected under rule IX, requires the House to consider my resolution. To fail to consider this resolution would leave the implication that these statements were of no consequence, or that this body did not care to identify them as inaccurate. I do not think we can afford to leave that impression in a journal that will be examined in the future as a basis for writing the history of our entrance into the war.

"Mr. Speaker, for that reason, I ask that we consider this resolution at this time."

The SPEAKER pro tempore, Mr. DUNCAN, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

"The resolution alleges certain inaccuracies in the address of the President of the United States before a joint session of the two Houses earlier in this Congress and resolves that those precise statements be footnoted by asterisks in the permanent CONGRESSIONAL RECORD.

"The Chair has examined precedents permitting questions of the privileges of the House to address the accuracy and propriety of the CONGRESSIONAL RECORD. In each of these occasions where questions of privilege have been permitted, it was alleged that a Member had been proceeding out of order, that remarks were improperly transcribed, or that unauthorized matter was inserted in the RECORD.

"On several occasions, the Chair ruled that where remarks that were made in order were printed in the RECORD, collateral challenges under the guise of questions of privilege were not in order. (See Hinds V, 6974; Cannon's VIII, 3469, 3498). While the Chair is not aware of any precedent with regard to the accuracy of an address by the President of the United States in a joint session, the Chair rules that allegations of factual inaccuracy in the contents of a speech, as opposed to the fidelity of its transcription, whether by the President or by a Member, are matters for subsequent proper debate and do not give rise to a question of the privileges of the House. To rule otherwise would be to permit collateral challenges under the guise of a question of privilege to the factual correctness of every word uttered, whether or not alleging the unauthorized inclusion of those remarks on the RECORD.

"The Chair, therefore, rules that the resolution does not constitute a question of the privileges of the House under rule IX."

POINT OF ORDER

(¶119.26)

WHERE A SPECIAL ORDER OF THE HOUSE WAIVES ALL POINTS OF ORDER AGAINST ITS CONSIDERATION, A CONFERENCE REPORT REGULAR IN FORM AND VALIDATED ON ITS FACE BY THE SIGNATURES OF A MAJORITY OF THE CONFEREES MAY BE CONSIDERED WITHOUT INTERVENTION OF A POINT OF ORDER THAT THE CONFEREES DID NOT MEET OR THAT FEWER THAN ALL OF THE MANAGERS ON THE PART OF THE HOUSE WERE INVITED TO A MEETING OF THE CONFERENCE.

On October 30, 2003, Mr. DEFAZIO made a point of order against consideration of said conference report, and said:

"Mr. Speaker, this is a crucial issue of the privileges of Members in our representation of our districts, of our constituencies, and of the precedents of the House of Representatives on how we conduct business.

"The House earlier this week voted unanimously to return to conference because the bill had been in dispute because of a contentious section regarding the privatization or contracting out of 69 air traffic control towers. The only way it seemed possible to resolve that issue was to return to conference. The House voted unanimously to return to conference, but no conference meeting was ever held. Earlier in the debate one would have gotten the impression that such a meeting was held. It was not held.

"The Chair has ruled that an actual physical meeting of the conferees representing the various points of view on the bill in representing their constituents must be convened and they must have the opportunity to work through those issues.

"In this case, there was no meeting of any conference. No Democratic Member, and, to the best of my knowledge, no Republican Member, was invited to a conference, there was no public notice of a conference, and no conference took place. Yet the bill was modified and returned to the floor of the House here.

"So, Mr. Speaker, given the 200 years of precedent that an actual conference meeting must take place before you can have a conference report, I would respectfully make a point of order under clause 12 of rule XXII that there be at least one conference meeting. As I understand it, that same rule provides for a point of order in the House against the report and for an automatic request for a new conference if the House managers fail to meet in open session.

"So I would ask that the Chair so rule, that this bill is out of order, and that we be mandated to return to actually have a physical meeting of a conference."

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

"Mr. Speaker, the House, as I recall, just passed on a vote of 220 to 199 a rule by which this legislation would be considered before the House of Representatives. In that rule, there was clearly a provision that waived all points of order, which also would negate the previous standing rule of the House for specific meeting.

"I might say also, Mr. Speaker, in the debate on the rule I did cite the sequence of events in which the conference did meet and in which full participation was permitted, and specifically cited a rule on the particular issue that has raised so much controversy here. We did acquiesce to the minority's request to pull that provision, and that was the reason it was handled in that fashion.

"So, again, based on the passage of the rule, the provisions of the rule and the adoption of the rule subsequently by the House of Representatives, I think that you will find the gentleman's point of order out of order."

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

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"Mr. Speaker, surely the gentleman from Florida speaks about a supposititious meeting and a supposititious participation, because none such existed.

"Mr. Speaker, I would yield to the gentleman to explain what he meant by 'full participation.'"

The SPEAKER pro tempore. The gentleman cannot yield.

Mr. OBERSTAR was recognized to speak further and said:

"I cannot yield. I thank the Speaker.

"That is the point; there was no such meeting. That, I find extraordinary. In the 40 years that I have served on the Committee on Public Works, now the Committee on Transportation and Infrastructure, I started on that committee as a clerk on the Subcommittee on Rivers and Harbors in January of 1963, I followed every one of our conferences. I have served on conferences for 24 years. Never have we failed to have meetings, except in a very few instances when a bill was conferenced without formal meeting of conferees, for which I reference the Aviation Noise Act of 1990, in which case the Senate, the other body, failed to call a meeting of conferees, but we did meet. The gentleman from Pennsylvania, Mr. Clinger, was the ranking Republican on the subcommittee I chaired at that time, and I included him in every meeting.

"We did not have that courtesy extended to us. The rules of the House clearly were violated, to say the worst; avoided, to say the best. And I will compliment the Chair of the Committee on Rules. Last night when I raised this point, he, too, was shocked and offended and said that he would take this matter up with leadership and see that it does not happen again.

"But the gentleman from Oregon makes a point of order that is sustained by the rules of the House, and I support the gentleman's call for a ruling by the Chair."

The SPEAKER pro tempore, Mr. SIMPSON, overruled the point of order, and said:

"Under House Resolution 422, previously adopted by the House, all points of order against consideration of the conference report are waived, and the point of order is overruled."

PRIVILEGES OF THE HOUSE

(¶133.20)

A RESOLUTION ALLEGING INTENTIONAL ABUSE OF PROCESS IN DEROGATION OF HOUSE RULES, PRACTICES, AND CUSTOMS IN HOLDING A RECORD VOTE OPEN FOR NEARLY THREE HOURS IN ORDER TO INFLUENCE VOTES, ALLEGING ILLEGAL CONDUCT DURING SUCH VOTE, DENOUNCING SUCH ACTIONS AND PRACTICES, AND CALLING ON THE SPEAKER TO PREVENT OTHER SUCH ACTIONS AND PRACTICES PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE HOUSE LAID ON THE TABLE A RESOLUTION CONSIDERED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE.

On December 8, 2003, Ms. PELOSI rose to a question of the privileges of the House and submitted the following resolution (H. Res. 474):

Whereas on November 22nd, the Republican Leadership held open the vote on roll call No. 669 on H.R. 1, the Prescription Drug Conference Report, for nearly three hours, the longest period of time in the history of electronic voting in the U.S. House of Representatives;

Whereas the normal period of time for a recorded vote is 15 minutes, and the Speaker of the House reiterated that policy on January 7, 2003 saying "The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes . . . The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes", and in addition the Speaker pro tempore on November 22nd announced prior to the vote on Prescription Drugs that it would be a 15-minute vote;

Whereas the amount of time for the vote on H.R. 1 went far beyond anytime considered reasonable under established House practices and customs, and was a deliberate attempt to undermine the will of the House;

Whereas the opponents of H.R. 1, both Republicans and Democrats, were on the prevailing side for more than two and one-half hours and proponents never once held the lead during this period of time, and the sole purpose of holding this vote open was to reverse the position that a majority of the House of Representatives had already taken;

Whereas, according to press reports, a Member of Congress who is retiring was told on the House floor during this extended vote that "business interests would give his son (who seeks to replace him) \$100,000 in return for his father's vote. When he still declined, fellow Republican House members told him they would make sure Brad Smith never came to Congress", and such an act is in violation of Section 201 of Title 18 of the United States Code, which prohibits bribery of public officials;

Whereas these actions impugn the dignity and integrity of House proceedings, bring dishonor on Members of Congress, and were a gross violation of the rights of Members who opposed this legislation: Therefore, be it

Resolved, That the House denounces this action in the strongest terms possible, rejects the practice of holding votes open beyond a reasonable period of time for the sole purpose of circumventing the will of the House, and directs the Speaker to take such steps as necessary to prevent any further abuse.

The SPEAKER pro tempore, Mr. LATOURETTE, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and recognized Ms. PELOSI and Mrs. JOHNSON of Connecticut, as the designee of the Majority Leader, each for 30 minutes.

After debate,

Mrs. JOHNSON of Connecticut moved to lay the resolution on the table.

The question being put, *viva voce*,

Will the House lay the resolution on the table?

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

Ms. PELOSI demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas 207
affirmative } Nays 182
¶133.21 [Roll No. 677]

So the motion to lay the resolution on the table was agreed to.

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

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 7, 2003, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that our office has been served with a subpoena *duces tecum* issued by the U.S. District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, we have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

CRAIG ROBERTS,
Chief of Staff.

On January 27, 2003, the SPEAKER pro tempore, Mr. CULBERSON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, January 13, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that we have been served with a civil subpoena for documents, issued by the Superior Court of San Francisco County, California, and directed to Custodian of Records for U.S. House of Representatives Office of General Counsel.

This office has no documents responsive to the subpoena and has so advised the party that caused the subpoena to be issued.

Sincerely,

KERRY W. KIRCHER,
Deputy General Counsel.

On February 5, 2003, the SPEAKER pro tempore, Mr. SHIMKUS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 5, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have

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been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

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

Sincerely,

LUIS V. GUTIERREZ,
Member of Congress.

On February 7, 2003, the SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

OFFICE OF THE ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,

Washington, DC, February 6, 2003.

Hon. DENNIS J. HASTERT,
*Speaker, U.S. House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Circuit Court for Cook County, Illinois.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY A. WYSZYNSKI,
*Associate Administrator,
Office of Human Resources.*

On March 5, 2003, the SPEAKER pro tempore, Mr. OSE, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
U.S. HOUSE OF REPRESENTATIVES,

Washington, DC, February 26, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that the House Payroll Office has been served with a civil subpoena for documents issued by the Superior Court for San Francisco, County, California.

After consulting with the Office of General Counsel, I have determined to comply with the subpoena.

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator.

On March 6, 2003, the SPEAKER pro tempore, Mr. BISHOP of Utah, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 6, 2003.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a grand jury subpoena for documents and testimony issued by the Superior Court for the District of Columbia.

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

Sincerely,

Dr. JOHN EISOLD,
Attending Physician.

On March 12, 2003, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

MARCH 10, 2003.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents and testimony issued by the U.S. District Court for the Middle District of Tennessee.

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

Sincerely,

RACHEL WILLIAMS,
Scheduler and Office Manager.

On March 12, 2003, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2003.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents and testimony issued by the U.S. District Court for the Middle District of Tennessee.

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

Sincerely yours,

BRENDA J. OTTERSON,
Chief of Staff.

On March 18, 2003, the SPEAKER pro tempore, Mr. BONNER, laid before the House a communication, which was read as follows:

U.S. CONGRESS,
Washington, DC, March 12, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the grand jury subpoena for documents and testimony issued to me by the Superior Court for the District of Columbia is not consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to move to quash the subpoena.

Sincerely,

Dr. JOHN EISOLD,
Attending Physician.

On March 18, 2003, the SPEAKER pro tempore, Mr. BONNER, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,

Washington, DC, March 17, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that the Office of Payroll and Benefits has been served with a subpoena duces tecum issued by the Superior Court of San Bernadino County, California.

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

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator, Human Resources.

On April 29, 2003, the SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District for testimony and documents.

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

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

On April 29, 2003, the SPEAKER pro tempore, Mrs. BIGGERT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives,
Washington, DC.*

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District of California for testimony and documents.

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

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

On July 14, 2003, the SPEAKER pro tempore, Mr. GINGREY, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
July 11, 2003.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents

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issued by the Superior Court of the State of California.

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

Sincerely,

JOE BACA,
Congressman, 43rd CD.

On July 21, 2003, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rule of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

On July 21, 2003, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

On July 21, 2003, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

On July 21, 2003, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

BRIAN MILLER,
District Chief of Staff.

On July 21, 2003, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

NICOLE DOLSKI,
Congressional Aide.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

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

of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

PAULA SHEIL,
District Director.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TINA COBB,
Congressional Aide.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 24, 2003.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a criminal trial subpoena for testimony issued by the Superior Court for Ventura County, California.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would be consistent with the privileges and rights of the House.

Sincerely,

TERRY HISER,
Congressional Aide.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents issued by the Court of Common Pleas of Northampton County, Pennsylvania.

After consultation with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

KAREN M. FEATHER,
Chief of Staff.

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On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 31, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The purpose of this letter is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony and documents in a civil action in which I am not a party, issued by the Court of Common Pleas of Northampton County, Pennsylvania.

I will make the determinations required by Rule VIII.

Sincerely,

PAUL E. KANJORSKI,
Member of Congress.

On September 4, 2003, the SPEAKER pro tempore, Mr. CARTER, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, August 15, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

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

of the House of Representatives, that I have been served with a subpoena for documents issued by the Superior Court of the State of California.

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

Sincerely,

KATHY A. WYSZYNSKI,
Associate Administrator,
Office of Human Resources.

On December 8, 2003, the SPEAKER pro tempore, Mr. RENZI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the Superior Court of New Jersey, Ocean County.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to notify the party that issued

the subpoena that I do not have any responsive documents.

Sincerely,

PAUL DEMENT,
District Director.

On December 8, 2003, the SPEAKER pro tempore, Mr. RENZI, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 2, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena for testimony issued by the Superior Court of Pender County, North Carolina.

After consultation with the Office of General Counsel, I have determined that, because I received the subpoena after the date requested for testimony, the subpoena is moot and no Rule VIII determinations are required.

Sincerely,

WALTER B. JONES,
Member of Congress.