QUESTIONS OF ORDER

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

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

QUESTIONS OF ORDER

QUESTION OF PRIVILEGES

(¶1.11)

A RESOLUTION ALLEGING THAT THE INABILITY OF THE HOUSE TO ENACT CONTINUING APPROPRIATIONS FOR THE OPERATION OF THE GOVERNMENT CONSTITUTES AN IMPAIRMENT OF THE DIGNITY OF THE HOUSE, THE INTEGRITY OF ITS PROCEEDINGS, AND ITS PLACE IN PUBLIC ESTEEM, AND RESOLVING THAT THE HOUSE BE CONSIDERED TO HAVE CONCURRED IN A SPECIFIED SENATE AMENDMENT CONTINUING SUCH APPROPRIATIONS, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY NOT BE INVOKED TO PRESCRIBE A SPECIAL ORDER OF BUSINESS FOR THE HOUSE, SINCE OTHERWISE ANY MEMBER WOULD BE ABLE TO ALLEGE IMPACT ON THE DIGNITY OF THE HOUSE BASED UPON ANY LEGISLATIVE ACTION OR INACTION.

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

On January 3, 1996, Mr. GEPHARDT, pursuant to clause 2(a)(1) of rule IX, called up the following resolution (H. Res. 328) as a question of the privileges of the House:

Whereas clause 1 of rule IX of the Rules of the House of Representatives states that ''Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings'';

Whereas over 280,000 Federal employees have been barred from performing the jobs for which they eventually will be paid;

Whereas more than 480,000 Federal employees are required to report for work without being paid their full salaries at regular intervals;

Whereas the public is not receiving the benefits of their tax dollars; and

Whereas the inability of the House of Representatives to act on legislation keeping the Government in operation impairs the dignity and the integrity of the House and the esteem the public holds for the House; Now, therefore, be it

Resolved, that upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill H.R. 1643, with a Senate amendment thereto, and concurred in the Senate amendment, and that a motion to reconsider that action shall be considered as laid on the table.

Mr. ARMEY was recognized and said:

''Mr. Speaker, I would like to speak on the question of privilege.

''Mr. Speaker, I do not believe this is a question of privilege, and I take umbrage at the minority leader's use of the time allotted to him to speak on the question of privilege of the House to give what can only be characterized as a political speech.

''Mr. Speaker, it includes the kind of accuracy that one encounters in political speeches, and I feel compelled to make the point. We do have a partial shutdown of the Federal Government.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The gentleman [Mr. ARMEY] will confine his remarks to the question before the House, which is whether or not the resolution constitutes a question of privilege.''.

Mr. ARMEY, further addressed the question of privilege, and said;

''Mr. SPEAKER, in my opinion, the gentleman [Mr. GEPHARDT] does not have a resolution that constitutes a question of privilege of the House, and I urge the Chair to so rule.

''Let me just say in so doing that I share the consternation of the gentleman [Mr. GEPHARDT] over the President shutting down the Government.''.

Mr. OBEY was recognized and said:

''Mr. Speaker, let me simply say, it is my understanding that rule IX of the House allows for privileged resolutions to be considered by the House when actions have been taken which affect the rights of the House collectively, its safety, its dignity, and its integrity. It seems to me that is certainly the situation at this moment, because we have a fundamental misuse of taxpayers' money appropriated by this House.

''It seems to me, Mr. Speaker, that it is a fundamental misuse of taxpayers' dollars, which are appropriated by this House, when we have a situation in which workers are being paid—''

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The gentleman has now wandered beyond discussing a question of privilege. The Chair will remind the gentleman that he has the same obligation as all Members to discuss the matter before the House, which is whether or not the resolution as presented by the minority leader, constitutes a question of privilege under rule IX.''.

Mr. OBEY, further addressed the question of privilege, and said:

''Mr. Speaker, that is what I am trying to do. What I was simply attempting to say is that I think that certainly the dignity of the House and the integrity of the House are brought into question when a situation is allowed to continue which, in effect, has taxpayers' money provided for work that Government employees have not done and when you have workers required to perform work for which they are not paid--that is certainly not meeting the standard of dignity and decency and honor which we have a right to expect in this House.

''I think, on those grounds alone, rule IX would dictate that we ought to be able to proceed with this resolution.''.

Mr. LINDER was recognized and said:

''Mr. Speaker, we are engaged in a great debate over the direction of the country. It is messy. It has always been thus. No one, however, is questioning the integrity of the people on either side of this House on this debate. We do not question those on the left and they should not question us on the right. We are intending to reshape the Government, and that requires a great debate.

''I think the speeches and the positions of individuals on both sides are dignified. There is no less dignity or more dignity by just stating opinions as to the question of the safety of the Members of the House. I see no one here unsafe. I think the Chair should rule against this question of privilege.''.

Mr. STENHOLM was recognized and said:

''Mr. Speaker, I would address my comments to the words 'dignity' and 'integrity' of the proceedings of the House of Representatives, as well as the second statement that says, 'those affecting the rights and the reputation and conduct of Members individually in their representative capacity only.'

''When we had this resolution before you last week, Mr. Speaker, you ruled against this as a question of privilege, but I am asking you to take another look at the rules of the House and the questions of privilege that shall be, first, those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings.

''I would suggest, Mr. Speaker, that the integrity of the proceedings of the 104th Congress, 1st session just adjourned, and the beginning of the 2nd session, the integrity of the proceedings of the House of Representatives is being called into question by the procedure in which we are being asked to follow without allowing a vote of the will of the majority as to whether or not the issue in question shall be put to the body of the House of Representatives.

''It seems to me that we have been guilty, in the conduct of our proceedings, of mixing an appropriation

process with a budget process, of which a further reading of the Rules of the House of Representatives will clearly show that they are two separate issues and should not be commingled. But it is my argument in behalf of the minority leader's motion of privilege that a careful examination of the Rules of the House, the integrity of our proceedings will be called into question unless you find it to rule in favor of those who wish to have a simple, up and down vote as to whether or not the work of the Congress, the work of our Government shall proceed as we follow the regular order.

''No Member of this body is more in favor of balancing the budget. I would rather do it in the regular order, and it seems to me that having the continued impasse is not in the best interests of the integrity of this body. Certainly as an individual Member, I am receiving the calls from people whose service is being denied because of these actions.

''Mr. Speaker, I would ask that you find in favor of this motion of privilege. Basically it is to do one thing, to preserve the dignity and integrity of the House of Representatives in one simple aspect, allowing a vote. Let us now express ourselves as to the merits of the issue before us. That is all that we are asking for.''.

Mr. MORAN was recognized and said:

''Mr. Speaker, I would like to address the issue of this motion relating to the integrity of this House.

''To do so, I would like to quote initially today's CONGRESSIONAL RECORD, specifically the majority leader of the Senate, Senator DOLE.

''Senator DOLE, I quote, says, 'Let me just say I read a wire story, there's a split between the House and the Senate on what ought to happen. I do not get that feeling at all in talking with the Speaker. In fact, we just had a 30-minute meeting.'.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The gentleman is not discussing the matter before the House which is the question of privilege. The gentleman will confine his remarks to the matter before the House.''.

Mr. MORAN, further addressed the question of privilege, and said:

''I will attempt to do that, Mr. Speaker.

''I was reading the introduction of comments that I think are quite relevant.

''The majority leader of the Senate, in offering this motion and speaking to it prior to its passage in the Senate, which it has now, this is the very same motion offered by the minority leader.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair will remind the gentleman of the proceedings of the House. He is not to quote matters that have taken place in the other body unless they relate specifically to the matter before the House, which is the question of privilege. So the gentleman will have to confine his remarks to those matters that relate to the question of privilege before the House.''.

Mr. MORAN, further addressed the question of privilege, and said:

''I will accept the Speaker's interpretation of what I was saying. Rather than quote the majority leader of the Senate, I will simply say that his comments, I felt, were relevant, and this is the very same legislation that is being offered here.

''Let me make the second point that I wanted to make with regard to the integrity of this House.

''When this House voted to go on vacation and leave the Government shut down, I think that went directly to the integrity of this House. Now we have an opportunity, with legislation immediately before us, to pass that legislation to get the Government up and running. The other body has seen fit to do that.

''I think it goes directly to the integrity of this House.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair is attempting to proceed along the regular order, but it is difficult if Members engage in discussion that goes beyond the question of privilege before the House. The gentleman will confine his remarks to the question of whether or not the resolution before the House constitutes a question of privilege.''.

Mr. MORAN, further addressed the question of privilege, and said:

''Mr. Speaker, I cannot imagine anything that goes more directly to the integrity of this House and the issues for which we are responsible than to act in a constructive way when we understand that the American public is shut out of its Government and Federal employees are shut out of their jobs.

''We took action to go on vacation when that was the case. We have an opportunity to rectify it. I think it is consistent with the integrity of this House to rectify it now.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair will inform the Member that he has an obligation to discuss those matters that are before the House.''.

Mr. THORNTON was recognized and said:

''Mr. Speaker, I wish to be heard on the question of privileges of the House, of this motion.

''Mr. Speaker, this motion calls upon the House to exercise its duty under the Constitution of the United States, which provides in relevant part that the Congress shall make appropriation for the functioning of Government. It say specifically no money shall be withdrawn from the Treasury except upon appropriation of the Congress.

''Nowhere in the Constitution is the President authorized to make an appropriation--I am not trying to assess blame for where we are. We are talking about how to get out--the question is, how do we resolve the impasse? The impasse must be resolved by the Congress performing its duty under the Constitution of the United States.

''If performance of our duties under the Constitution is not a question of privilege, I would like to ask whether the Contract With America overrides the Constitution?

''Mr. Speaker, this is very important, because having placed the responsibility for appropriations for the operation of government upon the Congress and upon no other element of government, a failure to act becomes an abuse of power, and a failure to act by refusing to allow a vote upon a measure which has passed the other body is an abuse of power. This is clearly a question of privilege under the Constitution of the United States.''.

Mr. VOLKMER was recognized and said:

''Mr. Speaker, yes, I would like to speak in favor of the resolution by the minority leader, and I would like to point out that the gentleman from Arkansas came very close to the words that I am about to speak but did not quite get there.

''That is, under our Constitution, as he correctly points out, only this House can originate appropriations bills. It is only through those appropriation bills that this Government and all its agencies and employees operate. Without those appropriation bills, there is no Government that can function at all.

''If that comes about, I say that does affect the dignity and integrity of this House, the integrity of this House by nonaction altogether.

''Now, if by nonacting, and if this Congress, this body, this year would fail to even originate one appropriation bill, the President cannot spend a penny, the other body cannot spend a penny. Only this House can originate those bills.

''And the failure to originate the bills is not a violation of rule IX and the dignity of this House and the integrity of this House, Mr. Speaker, I wish you to think very carefully about this, that surely would affect the dignity and integrity of this House by failure to follow the Constitution of the United States.

''No. 2, if that is a violation of rule IX, then the failure to do a part thereof would also be a failure, and therefore would affect the dignity and integrity of the rules.

''Therefore, there is no question in my mind that if this House fails to act on all appropriation bills or fails to act on one or two, it still affects the dignity. You say, well, we have a procedure we can follow through a discharge. If you do not have a majority, Mr. Speaker, you cannot discharge anything.

''Therefore, through the actions of the majority, the Government could be shut down altogether, all avenues of Government. There has to be a methodology for the rest of the House to be

able to follow to deep the Government functioning.''.

Mr. CARDIN was recognized and said:

''Mr. Speaker, speaking on the point of privilege, I think it is important to point out that rule IX refers to questions of privilege that affect the dignity and integrity of the House.

''We are a Government of the people. We have been back in our districts. Does anyone here think that the procedures that we have been using, that the people of our district do not believe that the dignity and integrity of this House is in question?

''I urge the Speaker to rule in favor of this matter being a matter of privilege so that we can uphold the great dignity of this House.''.

Mr. WYNN was recognized and said:

''Mr. Speaker, I rise in support of the resolution and specifically address the issue of the integrity of the House.

''Mr. Speaker, I believe this resolution is appropriate because by our inaction, we have compelled the services of certain Federal employees, specifically those being the essential Federal employees performing such services as prison guards, security, and the like, compelled their services without compensation. It is unclear to me what definition of integrity the Chair is utilizing, but I would say that under most generally accepted definitions of integrity, compelling services from employees without compensation when it is within our power to provide them with compensation is in fact a question of the integrity of the House.

''On that basis, I believe that this resolution, which addresses the integrity of the House by requiring us to take action to provide compensation to those employees and others, but specifically to those who are in fact working but are not being paid, does in fact raise a legitimate question of the integrity of the House, and ask the Chair to rule favorably on the resolution.''.

Mr. DINGELL was recognized and said:

''The resolution says questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

''That quotes from the rules.

''Mr. Speaker, as you stand there, I would call to your attention that one of the most important functions of this institution is to manage, to expend, under the power of the purse. We have the duty to collect taxes, we have the duty to expend moneys by authorization and by appropriations. None of that has until this time been properly carried out.

''Certainly the questions of the integrity of this body and the integrity of the proceedings, the dignity of this body, are severely impaired by our failure to provide for the proper running of the Government of the United States. That is a failure of this institution. That is a failure because we have not been able to address the questions of the budget in a proper fashion.

''I would call to the attention of the Chair our failure to carry out our duty, our failure to carry out our responsibilities of appropriating funds, of authorizing expenditures, or of implementing the budget as required by the Budget Act, clearly affect the privileges, the prerogatives, the dignity, and the integrity of this institution. Certainly the respect in which the public holds this body has fallen to something approaching one of the lowest points that I have ever seen in my career.

''Clearly, without taking the action here of bringing this matter to a vote and, clearly, without having taken the steps necessary to permit this body to commence addressing the single largest problem that confronts this country today, and that is the orderly running of its Government, the funding of its public affairs, and retaining the respect of its people, we are not carrying out our duties.

''It is very plain to me, Mr. Speaker, that the question of the privileges of the House is entwined with this so intimately that the questions of the privileges of the House and the functioning of this body cannot be separated one from another.

''I urge a proper ruling on this matter.''.

Mrs. KENNELLY was recognized and said:

''Mr. Speaker, I wish to address the point of personal privilege of the leader on our side. What is happening here is this is the body of the people. Everyone on this side of the aisle and I would imagine many on the other side of the aisle have been told by the people they went home and spoke to, it is time now to get on with the business of the Government. I join the gentleman's request.''.

Mr. ORTON was recognized and said:

''Mr. Speaker, I wish to be heard on the question of privilege.

''Rule IX is designed to allow us to bring to the floor motions which in fact do affect the integrity of the body, of Members of the body. At this very moment, there are Members of this body holding a press conference regarding whether we as Members of Congress should continue to receive our pay.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The gentleman will confine his remarks to the matter before the House which is, does the resolution before the House and the wording of that resolution constitute a question of privilege.''.

Mr. ORTON, further addressed the question of privilege, and said:

''Respectively, Mr. Speaker, I believe that I am addressing that, because I have just in the last few minutes had my integrity questioned as and individual Member of this body by members of the press with regard to whether I would continue to accept pay while other workers are not.''.

The SPEAKER pro tempore, Mr WALKER, during the gentleman's remarks, said:

''The Chair would remind the gentleman, he has an obligation to discuss the resolution which is before the House and not a question of privilege that might exist in another forum. This is not now a forum for a question of personal privilege.''.

Mr. ORTON, further addressed the question of privilege, and said:

''Mr. Speaker, rule IX has to do with the integrity of the body collectively and individually. And the integrity of this body is in fact—''

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair would remind the gentleman that he has an obligation not to discuss all of rule IX but to discuss the matter before the House, whether or not it constitutes a question of privilege of the House under rule IX.''.

Mr. ORTON, further addressed the question of privilege, and said:

''Mr. Speaker, that is exactly what I am attempting to do. If my integrity individually has been questioned with regard to funding of the Government, then that is a matter of privilege individually and collectively.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair would remind the gentleman that he might in fact draft a question of personal privilege that he could bring to the House, but the matter before the House at the present time is the specific wording offered by the gentleman [Mr.GEPHARDT].''.

Mr. MILLER of California was recognized and said:

''Mr. Speaker, to address the issue of privilege, I do believe that under rule IX this does rise to the occasion of privilege, the resolution offered by the minority leader. It does so because clearly the collective integrity of this House and the dignity of this House is being called into question, is being called into question in every commentary throughout the country about the closedown of the Government.

''The dignity and the integrity of this House is being called into question by our individual constituents, by the interviews on every nightly news program in every one of our districts. That goes to the collective integrity and to the collective dignity.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The gentleman should confine his remarks to those matters that are before the House and the question of privilege that was offered by the gentleman [Mr. GEPHARDT].''.

Mr. MILLER of California, further addressed the question of privilege, and said:

''Mr. Speaker, the reason this goes to that privilege is because in fact when the will of the people is thwarted, the integrity of the House, the dignity of the House is called into question. The only way that can currently be remedied is through this motion that rises to privilege. That dignity and that integrity is called into question when the popular will is thwarted, and we see it

very often, when Members know that the votes exist to do something and yet the matter cannot be brought to the floor.

''That is why a motion of privilege is laid before the Chair because there is no other way. That goes exactly to the heart of the privilege. The privilege in this case that the minority leader is asserting is the privilege to bring a matter to the floor by which now there is no other way to get that matter to the floor. That is because the power of the Chair and the rules—

''I am giving the Chair a reason to rule for privilege, because the power of the Chair is the power of recognition, and the Chair is not willing to recognize any Member for this purpose. Therefore, the minority leader must bring a matter before the House under the rules of privilege. We know that there are 198 votes to open up the Government on this side. So if we can find 20 votes on that side, the people's will can be carried out.''.

The SPEAKER pro tempore, Mr. WALKER, during the gentleman's remarks, said:

''The Chair is attempting to maintain order and would remind the majority side that it is the duty of the Chair to maintain order and would ask the cooperation of the Members in so doing. He would also ask the cooperation of the minority in discussing this matter to constrain their remarks to those matters that are before the House.

''The gentleman [Mr. MILLER of California] has wandered away from that particular admonition, and the Chair would ask him to please constrain his remarks that address the question of privilege.''.

Mr. MILLER of California, further addressed the question of privilege, and said:

''Mr. Speaker, I would simply say, in closing, that the reason the integrity is called into question and the dignity of the House is called into question and the reason this motion should be granted privilege is that the popular will of the people and the belief of the people is that this body is not carrying out that will, and yet they believe the votes exist. The only way we can find that out is for the Chair to rule this is a matter of privilege and let the votes commence and we can open up the Government this afternoon.''.

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

''The Chair is constrained, first, to determine whether the resolution qualifies under rule IX.

''Questions of the privileges of the House must meet the standards of rule IX even when they invoke provisions of the Constitution. Those standards address privileges of the House, as a House, not those of the Congress, as a legislative branch. The question whether a Member may broach the privileges of the House simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution--or the general legislative 'power of the purse' in the seventh original clause of section 9 of that article--has consistently been answered in the negative. The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

''The Chair will follow the ruling of Speaker Gillett on May 6, 1921, as recorded in volume 6 of Cannon's Precedent, section 48:

It seems to the Chair that where the Constitution ordered the House to do a thing, the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done...

''Applying that precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48, and the similar precedents of February 7 and December 22, 1995, the Chair holds that the resolution offered by the gentleman [Mr. GEPHARDT] does not affect the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings within the meaning of clause 1 of rule IX. Although it may address an aspect of legislative power under the Constitution, in does not involve a constitutional privilege of the House. Rather, the resolution constitutes an attempt to impose a special order of business on the House by providing that the Senate amendment to H.R. 1643 be deemed adopted.

''The resolution does not constitute a question of privilege.''.

Mr. MORAN, appealed the ruling of the Chair.

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

Mr. ARMEY 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. WALKER, announced that the nays had it.

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

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 206; Nays ..... 167; Answered present 1

¶1.12 [Roll No.2]

So the motion to lay the appeal of the ruling of the Chair 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.

QUESTION OF PRIVILEGES

(¶6.7)

A RESOLUTION ALLEGING THAT THE INABILITY OF THE HOUSE TO ENACT UNENCUMBERED LEGISLATION TO ADJUST THE STATUTORY LIMIT ON THE PUBLIC DEBT AND TO CONTINUE APPROPRIATIONS FOR THE OPERATION OF THE GOVERNMENT CONSTITUTES AN IMPAIRMENT OF THE DIGNITY OF THE HOUSE, THE INTEGRITY OF ITS PROCEEDINGS, AND ITS PLACE IN PUBLIC ESTEEM, AND RESOLVING THAT THE HOUSE BE CONSIDERED TO HAVE PASSED TWO SUCH MEASURES, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY NOT BE INVOKED TO PRESCRIBE A SPECIAL ORDER OF BUSINESS FOR THE HOUSE, SINCE OTHERWISE ANY MEMBER WOULD BE ABLE TO ALLEGE IMPACT ON THE DIGNITY OF THE HOUSE BASED UPON ANY LEGISLATIVE ACTION OR INACTION.

On January 24, 1996, Mr. DOGGETT, pursuant to clause 2(a)(1) of rule IX, called up the following resolution as a question of privileges of the House:

Whereas the inability of the House to pass an adjustment in the public debt limit unburdened by the unrelated political agenda of either party, an adjustment to maintain the creditworthiness of the United States and to avoid disruption of interest rates and the financial markets, brings discredit upon the House;

Whereas the inability of the House to pass a clean resolution to continue normal governmental operations so as to end the abuse of American citizens and their hard-earned dollars, Federal employees, private businesses who perform work for the Federal government, and those who rely upon Federal services as a bargaining tactic to gain political advantage in the budget negotiations, brings discredit upon the House;

Whereas previous inaction of the House has already cost the American taxpayer about $1.5 billion in wasteful government shutdown costs, reduced the productivity and responsiveness of Federal agencies and caused untold human suffering;

Whereas the failure of the House of Representatives to adjust the Federal debt limit and keep the Nation from default or to act on legislation to avert another Government shutdown impairs the dignity of the House, the integrity of its proceedings and the esteem the public holds for the House: Now, therefore, be it

Resolved, That upon the adoption of this resolution the enrolling clerk of the House of Representatives shall prepare an engrossment of the bill, H.R. 2862, and the joint resolution, H.J. Res. 157. The vote by which this

resolution is adopted by the House shall be deemed to have been a vote in favor of such bill and a vote in favor of such joint resolution upon final passage in the House of Representatives and been duly certified and examined; the engrossed copies shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the bill and the joint resolution shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

Mr. DOGGETT was recognized and said:

''Mr. Speaker, this motion raises most directly a question of privileges of the House. True, the particulars of this motion concern the creditworthiness of the United States, something in which every American has a stake, particularly those with a variable mortgage, a car loan, a credit card balance, or whoever want to take out a loan.

''But, Mr. Speaker, what could more directly jeopardize the integrity of our proceedings here in the House of Representatives than misconduct, than tampering with the fiscal integrity of the United States?

''Those who say we can live with financial anarchy would imperil both the dignity of this House and the hopes of millions of Americans for economic dignity. Indicative of this threat to the integrity of the House is the warning against a politically motivated default by six former Treasury secretaries, both Republicans and Democrats, who have expressed in their words their profound concern about the threat of default.

''The very idea that Uncle Sam would tell anyone who holds a Treasury bill or a Treasury bond, sorry, we do not want to pay, is not revolutionary, it is simply lunacy. The full faith and credit of the United States is not anything to be trifled with. If there are Members of this body who are willing to mess up the credit rating of the United States, let them mess up their own credit rating, not that of the American people who they are sworn to serve.

''When the Secretary of Treasury, Mr. Rubin, assures us that default is upon us, when he is compelled to undertake extraordinary measures to defer temporarily that default and only faces in return the threat of impeachment in this House, the dignity of this House is jeopardized. When we hear a declaration that 'I do not care if we have no executive offices and no bonds for 60 days, not at this time,' the financial integrity of our country and the integrity and esteem with which the public holds this House is severely jeopardized. I refer, of course, to the words of the Speaker of the House, Newt GINGRICH.

This motion and an ability to take up a clean resolution to adjust the debt limit before we run into financial ruin later this month would do something to undo the damage that has already occurred.''.

Mr. BENTSEN was recognized and said:

''Mr. Speaker, I join my colleague [Mr. DOGGETT] in introducing this privileged resolution and in urging its approval so that the U.S. Government can keep paying its bills and not default for the first time in its history.

''Rule IX of the rules of the House, which governs questions of privilege, states:

Questions of privilege shall be, first, those affecting the rules of the House collectively, its safety, dignity, and the integrity of its proceedings; and second, those affecting the rights, reputation, and conduct of members, individually, in their representative capacity only.

''We offer this privileged resolution because we can think of no issue that reflects more on the dignity and integrity of this House and on the reputation of every single Member than the creditworthiness of the United States.

''There is no question in my mind that the dignity and the integrity of this House and the reputation of every one of us would be irreparably harmed if we allowed our Government to default. And it would be especially irresponsible for this House to recess and leave town with this threat of default hanging over our Government.

''The creditworthiness of the United States should not be a pawn in a political game or a point of leverage to force huge cuts in Medicare, Medicaid, and education to pay for a tax cut we can't afford. We must pass a clean bill to increase the debt ceiling and allow the United States to honor its obligations, and we can do that by voting for this resolution today.

''Only the Congress can lift the debt limit and avoid default, and a failure to act in a timely manner does threaten the integrity of this body and the reputation of every one of us. If anyone doubts that, simply consider the consequences of default.

''Government will come to a halt yet again. Interest rates will rise. Credit will become more expensive. Our economy could very well slip into a recession. And our Nation's unmatched reputation in world financial markets would be tarnished forever.

''I hope there is not one in this body who doubts that if we allow these calamities to happen that the integrity of this body will not be damaged.

''I also hope there is no doubt that the reputation of every one of us will be harmed as well. Our reputation will be harmed with every single consumer we represent who has to pay more in higher interest rates for home loans, car loans, student loans and credit card purchases. Our reputation will be harmed with every State and local government official we represent because they will not be able to obtain financing for the services they provide. And our reputation will be harmed with every single taxpayer who will have to pay more for Government services.

''I would submit to the Chair that, under a careful reading of rule IX, No. 1, 'questions of privilege,' this resolution is a question of privilege because it addresses a serious matter affecting the dignity and integrity of this House and the reputation of every Member. In addition, I would argue that the Chair should favorably review this question of privilege because, at this time, there is no other plan for this House to consider clean debt limit legislation before February 29, 1996, when treasury Secretary Robert Rubin has told Congress that the Federal Government will go into default. Yet, Congress may recess without consideration of the vital legislation.

''So I would ask you, Mr. Speaker, to carefully read section IX of the House rules. It states clearly that—

Questions of Privilege shall be, first, those affecting the rights of the House collectively, its safety, its dignity, and the integrity of its proceedings, and second, those affecting the rights, reputation, and conduct of Member.

This resolution seeks to protect the integrity of the House and the reputation of its Members by preserving the creditworthiness of the United States. This is the argument that my colleague from Texas and I are making. This is truly a question of privilege because the reputation of the House and its dignity would be forever harmed if we fail to act and to honor our obligations.''.

Mr. EDWARDS was recognized and said:

''Mr. Speaker, I will be brief in my point. I think this resolution does deal with the integrity of this House in a very significant way. Unless I am mistaken, it was not too many years ago when colleagues on the Republican side of the aisle of this House came to this floor and argued that we should have privileged resolutions and measures to consider the so-called House bank scandal, because a number of House Members had purportedly bounced thousands of dollars of personal checks.

''I would suggest to the Speaker and to our colleagues that if having Members of this House bounce thousands of dollars in personal checks goes directly to the integrity of this House, how in the world could we not conclude that having the U.S. Government for the first time in two centuries bounce billions of dollars of checks to people to whom we owe money, and entities all across this world, an action that would undermine the integrity of our creditworthiness and our reputation as a nation, how can the personal bounced checks go directly to the integrity of the House and not have our Nation's bouncing checks go to the integrity of the House?

''I would argue, therefore, Mr. Speaker, that this resolution clearly deals directly with the question of protecting the integrity and the dignity of this House, and would suggest that to rule otherwise might be inconsistent with the arguments we heard from our Republican colleagues just a few years ago.''.

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

''The resolution offered by the gentleman [Mr. DOGGETT] alleges that the failure of the House to take specified legislative actions brings it discredit, impairs its dignity and the integrity of its proceeding, and lowers it in public esteem. On that premise it resolves that the House be considered to have passed two legislative measures.

''Under rule IX, questions of the privileges of the House are those 'affecting the rights of the House collectively, its safety, its dignity, [or] the integrity of its proceedings.' But a question of the privileges of the House may not be invoked to effect a change in the rules of the House or to prescribe a special order of business for the House. This principle has been upheld on several occasions cited in section 664 of the 'House Rules and Manual,' including March 11, 1987; August 3, 1988; and, in particular, June 27, 1974—where a resolution directing the Committee on Rules to consider reporting a special order was held not to present a question of privilege.

''The resolution offered by the gentleman [Mr. DOGGETT], like those offered on February 7 and December 22, 1995, and on January 3,1996, is also aptly addressed by the precedent of May 6, 1921. On that occasion Speaker Gillett held that a resolution presenting a legislative proposition as a question of constitutional privilege under the 14th amendment did not qualify as a question of the privileges of the House. The Chair will quote briefly form the 1921 ruling:

[W]here the Constitution orders the House to do a thing, the Constitution still gives the house the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction * * * to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that, but it is still a question for the House how and when and under what procedure it shall be done * * *.

''Speaker Gillett's ruling is fully recorded in Cannon's Precedents, at volume 6, section 48.

''Applying the precedent of 1921 and the others just cited, the Chair holds that the resolution offered by the gentleman [Mr. DOGGETT] does not affect 'the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings' within the meaning of clause 1 of rule IX. Rather, it proposes to effect a special order of business for the House—deeming it to have passed two legislative measures—as an antidote for the alleged discredit of previous inaction thereon. The resolution does not constitute a question of privilege under rule IX.

''To rule that a question of the privileges of the House under rule IX may be raised by allegations of perceived discredit brought upon the House by legislative action or inaction, would permit any Member to allege an impact on the dignity of the House based upon virtually any legislative action or inaction.''.

PRIVILEGES OF THE HOUSE

(¶10.11)

A RESOLUTION ALLEGING THAT, IN LIGHT OF INTERNATIONALLY OBJECTIONABLE FRENCH PROGRAM OF NUCLEAR TEST DETONATIONS IN THE PACIFIC, FOR THE HOUSE TO RECEIVE THE PRESIDENT OF FRANCE IN A JOINT MEETING WITH THE SENATE WOULD BE INJURIOUS TO ITS DIGNITY AND TO THE INTEGRITY OF ITS PROCEEDINGS, AND RESOLVING THAT THE SPEAKER WITHDRAW THE PENDING INVITATION AND REFRAIN FROM SIMILAR INVITATIONS, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY NOT BE INVOKED TO PROPOSE A COLLATERAL CHANGE IN A PREVIOUS ORDER OF THE HOUSE OR TO PRESCRIBE A NEW ORDER FOR FUTURE CASES.

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

On January 31, 1996, Mrs. MINK rose to a question of the privileges of the House and submitted the following resolution (H. Res. 350):

Whereas virtually every nation in the world has adhered to a moratorium on nuclear tests since September 1992;

Whereas, on June 13, 1995, President Jacques Chirac of France ended his nation's adherence to the moratorium by ordering a series of nuclear tests in the South Pacific;

Whereas France has since conducted six nuclear tests on the Pacific atolls of Mururoa and Fangataufa in French Polynesia;

Whereas France has acknowledged that radioactive materials from some of the tests have leaked into the ocean;

Whereas, as a result of the tests, the people of the Pacific are extremely concerned about the health and safety of those who live near the test sites, as well as the adverse environmental effects of the tests on the region;

Whereas, in conducting the tests, France has callously ignored world-wide protests and global concern;

Whereas the United States is one of 167 nations that have objected to the tests;

Whereas the tests are inconsistent with the 'Principles and Objectives for Disarmament', as adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons;

Whereas, in proceeding with the tests, France has acted contrary to the commitment of the international community to the non-proliferation of nuclear weapons and the moratorium on nuclear testing;

Whereas the President of France, Jacques Chirac, is scheduled to appear before a joint meeting of the Congress on February 1, 1996; and

Whereas, in light of the tests, the appearance of the President of France before the Congress violates the dignity and integrity of the proceedings of the House: Now, therefore, be it

Resolved, That, by reason of the recent nuclear tests conducted by France in the South Pacific, the Speaker of the House shall take such action as may be necessary to withdraw the invitation to the President of France, Jacques Chirac, to address a joint meeting of the Congress, as scheduled to occur on February 1, 1996.

Sec. 2. On and after the date on which this resolution is agreed to, the Speaker of the House may not agree to the appearance before a joint meeting of the Congress by any head of state of government whose nation conducts nuclear tests.

Mrs. MINK was recognized and said:

''Mr. Speaker, I offer this question of the privileges of the House because I believe that the invitation to President Jacques Chirac to address the joint session of the Congress on February 1, 1966 violates the integrity of the House.

''Despite world wide objection to the resumption of nuclear tests, President Chirac proceeded with callous disregard to the concerns and consequences of his actions.

''The House of Representatives Chambers must be reserved to those individuals whose actions and political courage bring dignity to this institution. Invitations to address joint sessions are reserved to those persons who have demonstrated their leadership and character as deserving of honor and reverence.

''I believe that many Members of Congress are as offended as I am by the idea of President Chirac coming to this Chamber to address this Nation. After refusing to listen to the pleas of hundreds of nations, and in particular the people of the Pacific rim, why should the Congress afford him a podium from which to advance his unwelcome views?

''This offense is not just against the people of French Polynesia. It is an offense against all the people of the world who believed that there would be an end to the nuclear arms race. For France to resume nuclear tests after previously announcing an end to these tests, is a moral travesty that shakes the very foundation of world governments.

''For France to argue that they needed to do these tests to ensure the reliability of their nuclear arsenal is to state that the French Government has repudiated the basis of the Test Ban Treaty which is that nuclear war is impossible and that no government should be planning for such an inevitability.

''If those nations who possess the nuclear bomb are allowed with opprobrium to re-test their arsenal, then the appeal to others not to seek nuclear capability is an empty gesture at best. At a critical time when we want to curb the nuclear adventures in China and other countries, how do we justify playing host to a Western Power who has already conducted 192 tests, most of them in the Pacific, 140 of them underground and yet insisted that it needed 8 more tests to prove its reliability, and to perfect its computer based simulation technology.

''Sadly President Chirac's decision opens the way for other nations to squander our precious environment for their own purposes. Why is France's national security of greater importance than other nations?

''The sixth and last nuclear blast that was set off by the French Government on January 27, 1996, in Fangataufa Atoll in French Polynesia had the equivalency to 120,000 tons of TNT, more than six times the Hiroshima bomb.

''This defiance of international policy, and deliberate renunciation of their own government's prior announcement of a test ban moratorium must not be received by this Chamber with regular order.

''On the contrary, I believe, as I have stated in this resolution that the invitation should be withdrawn on the basis that his presence in this Chamber would constitute approval of his conduct in this regard.

''Other than this resolution we had no opportunity to express our disapproval of this invitation. I urge this House to approve this resolution and serve notice to the world of our solemn adherence to a nuclear free world.''.

Mr. LEWIS of Georgia was recognized and said:

''Mr. Speaker, I want to join with my colleagues to strongly protest France's actions in the South Pacific. I am pleasedthat France has stopped testing its nuclear weapons. But I must say—it is too late. The damage has been done.

''France ignored the pleas of the governments and people of the South Pacific and throughout the world. We live on this planet together. We share its bounty. These are our oceans, our land, our people. We must respect each other.

''President Chirac did not listen to the groans and moans, the hopes, the dreams and the aspirations of those who are longing for a planet free of nuclear waste, free of nuclear destruction, free of nuclear poison. This man—this President of France and his government—refused to listen to the community of nations.

''And now, he wants to come to our house. To the people's house. President Chirac, our people do not support nuclear testing. Our people do not support radiation in the waters. Our people do not support a government that ignores the community of nations.

''Six times, France has poisoned our earth. Six times, nuclear poison has seeped into the waters of this little planet. This poison remains with each and every one of us.

''If France truly wants to atone for its wrongs, they must apologize to the people of the South Pacific. They must join with them to right the wrongs, to help heal the environment, to help heal the hurt.

''As France's actions demonstrate, nuclear testing should be banned from this planet forever. We must never again engage in this desolate deed. It is time to evolve to another level, to a better world where we lay down the tools of poison and destruction and respect the community of nations.

''Nuclear testing is obsolete. Nuclear testing is evil. To paraphrase the words of Mahatma Gandhi, 'Noncooperation with evil is as much a moral obligation as cooperation with good.'

''So I cannot be silent. I cannot close my eyes to France's deeds.

''I know France is our ally, but even with our good friends, we must have the courage to say that a wrong is wrong. We must have the courage to do what is right. I don't know about any other Member, but for me and my house, I will not be seated here tomorrow when Mr. Chirac comes to this House.''.

Ms. JACKSON-LEE was recognized and said:

''Mr. Speaker, I rise to speak on the privileged resolution of the gentlewoman [Mrs. MINK].

''Mr. Speaker, I think that rule IX in particular speaks to the integrity and collective impact on this body.

''Mr. Speaker, I respect the people of France as I do all of our world citizens, and I also know that there is some good to nuclear testing.

''I think, Mr. Speaker, that we recognize that over the past decade, the international community has agreed that nuclear-weapon testing is a practice that must be ceased for the good of both humanity and Mother Earth. As evidence, the nations of the world are currently in Geneva negotiating the Comprehensive Test Ban Treaty. Additionally as early as 1985, the countries of the South Pacific Forum negotiated and signed the Rarotonga Treaty establishing the South Pacific Free Zone.

''Mr. Speaker, this body has invited many individuals to be at the helm and provide insight and information to this august body, this Nation, and, of course, the American people. It is a responsibility of this body to ensue that factual information is exuded from this body. And I believe that in allowing this leader to come, it goes against the factual basis of this country's standing on nuclear testing.

''In spite of this international effort to end nuclear testing on our planet, the French Government, of which this leader will represent, chose to ignore the interests and the pleas of many Pacific nations and conduct its six full-scale detonations of its TN75.

''Mr. Speaker, in light of this singularly egotistical decision, I believe that it is inappropriate for this body to invite President Chirac to speak before it. It is a question of presenting of the facts to the American people. His presence here only serves to defend, however subtly, these deplorable tests. I believe that although this Government did not vigorously speak out against these tests, we can now help to correct that error by giving symbolic support to our Pacific allies. Why should we be party to repairing the credibility of President Chirac when he has marginalized both the Pacific neighbors to these tests and the international community?

''Mr. Speaker, I think it is important that we in this body have the responsibility to uphold the laws of this land, the policies of this land, and the policies of this land have been to date that we have not supported nuclear proliferation or the testing of nuclear weapons.

''For this body's integrity to stand as under rule IX and privileged resolutions, I would say to you that we have the responsibility to disinvite this President, for this impacts the collective integrity of this body.

''It should be noted also, Mr. Speaker, that although President Chirac has decided to stop the nuclear tests, it was hardly due to respect fro any nation other than his own. Before the tests even began, he stated France, and France only, would, indeed, conduct six to eight tests, and the gentleman has been good to his word.

''Mr. Speaker, this is an honorable institution and under rule IX I think it is our responsibility again to preserve its integrity. I would ask that the privileged resolution be considered and, of course, accepted by this body, and that we uninvite President Chirac in order to maintain the collective responsibility of the United States House of Representatives.

''Mr. Speaker, I respect the people of France as I do all of our world citizens. I also know there is some good in nuclear technology. Mr. Speaker, over the past decade, the international community has agreed that nuclear-weapon testing is a practice that must be ceased, for the good of both humanity and Mother Earth. As evidence, the nations of the world are currently in Geneva negotiating the Comprehensive Test Ban Treaty. Additionally, as early as 1985, the countries of the South Pacific Forum negotiated and signed the Rarotonga Treaty, establishing the South Pacific Free Zone.

''Yet, in spite of this international effort to end nuclear testing on our planet, the French government chose to ignore the interests and pleas of many Pacific nations and conducted six full-scale detonations of its TN75 warheads.

''Mr. Speaker, in light of this singularly, egotistical decision, I believe that it is inappropriate for this body to invite President Chirac to speak before it. His presence here only serves to defend however subtly, these deplorable tests. I believe that although this Government did not vigorously speak out against these tests, we can now help to correct that error by giving symbolic support to our Pacific allies. Why should we be party to repairing the credibility of President Chirac when he has marginalized both the Pacific neighbors to his tests, and the international community. It should be noted that although President Chirac has decided to stop the nuclear tests, it was hardly due to his respect for any nation other than his own. Before the tests even began, he stated that France would indeed conduct six to eight tests, and the gentleman has been good to his word.

''Mr. Speaker, this is an honorable institution, let us preserve its integrity.''.

Mr. FALEOMAVAEGA was recognized and said:

''Mr. Speaker, as I have spoken earlier concerning the issue now before this body, the question of privilege, in terms of the tradition of the House and whether or not the President of France should be honored or be given the privilege of addressing a joint session of Congress tomorrow, as I speak, Mr. Speaker, as it is true with almost every young American learning about civics, the history of our Nation itself, how it was conceived, the fact that this Nation itself has a tradition of being a former colony of the British Empire, the fact that there are some very fundamental traditions that I think I can say without equivocation about what America stands for, the principles of democracy and human rights and all due respect for other human beings to live in their respective areas or regions, as I speak before my colleagues in this body, I notice there are only two murals or two picture frames that are part of the decor of our Chamber, and that of the great President, our first President of the United States, George Washington, and I see on the other corner of this Chamber a great leader, a great French patriot by the name of Marquis de Lafayette, a great patriot who supported wholeheartedly the cause of the American colony for its interests in wanting very much to be free from the shackles of British colonialism, and the fact that representation without taxation, as a principle, simply was not in order, and the fact that our country was conceived in blood, and we fought for those freedoms against British colonialism.

''So I think in the spirit of tradition and what we talk about the great Lafayette that came and helped us tells us something about what it means to be a free human being, what it means to go against colonialism, what it means to believe in the principles of democracy, human rights, and the right of human beings to live. I think this is the core of the issue that is now before us, and the privileged resolution expressing this sense, strong sense, among the Members of this Chamber that the Speaker ought not extend an invitation to the President of France to address us at a joint session tomorrow.

''I support wholeheartedly the provisions of this resolution, and I ask my colleagues in this Chamber to help us by making this point. The point is that this man really did not have to permit six nuclear explosions, to do this nuclear testing, despite the fact of protestations of some 167 nations, 28 million people who live in the Pacific region, 200,000 of their own citizens in French Polynesia who also opposed the testing, and ironically of all, Mr. Speaker, 60 percent of the French people themselves did not want President Chirac to conduct this nuclear testing. It is an abomination. It is an outrage.

''Mr. Speaker, I ask my colleagues, do not support the Speaker's invitation by allowing this man to address the Chamber tomorrow.''.

Mr. UNDERWOOD was recognized and said:

''Mr. Speaker, as an American citizen and as a Pacific Islander, I must rise today in strong support of the privileged resolution offered by the gentlewoman [Mrs. MINK].

''This resolution speaks to the issue of this body's integrity because of President Chirac's behavior, and in order to argue that President Chirac should, in fact, should be disinvited, we must analyze President Chirac's duplicitious and cynical behavior in the conduct of nuclear testing in the South Pacific.

''A speech before a joint session of Congress is President Chirac's way of trying to win back the good graces of this body and of world opinion and to recover some very lost credibility. After he has ignored world opinion for over 4 months by proceeding with these series of tests, he does not deserve the honor of speaking before this body. Just days prior to their final nuclear test, thousands of miles from the French capital, France acknowledged radioactive waste was leaked, and in fact, frequently vented into the lagoon adjacent to the test site. Of course, this did not stop France from finishing their last test.

''And now the French President wants this Congress as his audience. With the precedent of inviting someone responsible for a potentially major environmental disaster in the Pacific, you have to wonder who the congressional leadership will invite next. Can we expect to hear a joint session speech by the captain of the Exxon Valdez, the manager of Three Mile Island, or maybe we will have the opportunity to attend a joint session by the director of the Chernobyl nuclear power plant.

''I ask this body, I implore this body to support the privileged resolution offered by the gentlewoman [Mrs. MINK].''.

Mrs. CLAYTON was recognized and said:

''Mr. Speaker, I will be brief, and maybe you can hear both of us. I will abbreviate my remarks.

''I just want to join in strong support of the privileged resolution that is offered by the gentlewoman [Mrs. MINK] and also to say that the dignity and integrity of who we invite, who speaks from that well says volumes about what is important to us as Americans.

''Americans have gone on record of not advocating the proliferation of nuclear testing, and yet the President of France has negated that altogether, although France itself has signed that treaty.

''So I implore all of my Members and colleagues that this will say volumes about our integrity when we sign a treaty that we would honor that and certainly we should not give the well to someone who violated the treaty.''.

Mrs. COLLINS of Illinois was recognized and said:

''Mr. Speaker, my concern, as was pointed out a few minutes ago, Lafayette over there was one who believed in justice and the fact that we would have a free country here or should have. I thought it was very interesting that it was the French, indeed, who sent us the Statue of Liberty, you know, the great symbol of freedom for our country.

''Yet here is the President of that great country who has decided to do some nuclear testing. You know, we believe in fairness, but we believe in not having nuclear proliferation in our country, and to have that very President of that country to come before us in a joint session sends a message that we endorse what he did. We do not endorse what he did.

''I think, therefore, that we should certainly follow and support the privileged resolution offered by the gentlewoman [Mrs. MINK]. I think it makes a great deal of sense to do so.

''It seems to me we ought to disinvite the President; in fact, we urge the Speaker to disinvite, if he can, the President of France, because it is something that we do not want to be associated with.''.

Mrs. MEEK was recognized and said:

''Mr. Speaker, first of all, anyone who is within earshot of my words, we should strongly and vehemently oppose any visit by the French President Chirac.

''We stand firmly to support the gentlewoman [Mrs. MINK] and her resolution which does not stand for anything extraordinary. It stands up for a clean environment. It stands for the health and safety of the residents of this country. It stands for honor among all the world's peoples, and to think that we are recognizing him as someone to come here and address a joint meeting of Congress is, to me, really abominable and that we would allow that to happen. He should not be invited. We should put the strength of our voices against this by not even appearing here tomorrow and to show strength behind the resolution offered by the gentlewoman [Mrs. MINK].

''Do not be discouraged. The way to take care of this is to boycott his visit. He will address this body. He has not thought about the human rights of this country. We have come a long way in that. He has not thought about our environmental concerns, how far we have come. We will not turn back. He has not thought about health and safety.

''So he has been able to say this to the Pacific islanders, well, we will go ahead and run these tests on your shores. Think about it, it may be your shores next.''.

Mr. PAYNE of New Jersey was recognized and said:

''Mr. Speaker, as a member of the International Relations Committee, I question the invitation to French President Jacques Chirac's address to the joint session of Congress on tomorrow.

''I am strongly opposed to any nuclear tests in the South Pacific. The French have already conducted a total of 6 nuclear tests.

''They have directly violated international law. The United States has

ratified Conventions and Comprehensive Test Ban Treaties. Chirac's tests are contradictory to the codes outlined in the 'Principles and Objectives for Disarmament.'

''This was adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons.

''We are living in a post-cold-war era. The United States and its allies have made a commitment to nuclear nonproliferation. France has breached the contract by not adhering to the moratorium.

''On June 13, 1995, President Jacques Chirac ordered a series of nuclear tests in the South Pacific. This has outraged members of the international community.

''Chirac is endangering the land on and above the French Polynesia's coral atolls. They have conducted approximately 187 nuclear detonations since 1966.

''Radioactive materials from their tests have caused environmental damage.

''The coral reefs in the sea and the bordering islands have been affected by the nuclear explosions.

''Nuclear proliferation will not be tolerated in this post-cold war era. Despite many critical attempts to halt nuclear testing in the Pacific Basin by 166 nations, French nuclear testing remains.

''The threat of nuclear exposure is a concern not only to the people of Pacific but to all of us in the international community.

''We must curb the nuclear arms race with China, Iran, North Korea, and now even France.

''Mr. Speaker, if we allow Chirac to come and speak to the Members of Congress, we will be saying OK to the nuclear arms race. We should not support this measure.''.

Mr. ABERCROMBIE was recognized and said:

''Mr. Speaker, because I believe that the issue under consideration as embodied in the privileged resolution most certainly is in order to be discussed, should we pass this privileged resolution, and the decision as to whether or not we should pass the privileged resolution and whether or not we should pass the privileged resolution and whether it is properly before us is yours to make.

''I would like to argue, Mr. Speaker, as follows: That in the House rules and manual which the Parliamentarian has been kind enough to provide to me, there are numerous citations in here with respect to precedents as to the question of personal privilege, questions of privilege, in the absence of a quorum, et cetera.

''But fundamentally and elementally what is before the Chair is as follows: The question of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, integrity of its proceedings.

''I do not think that is necessarily at issue here. Probably a rather abstract argument or intellectual argument could be made it is.

''But I rest my case to the Chair on the second part, those affecting the rights, reputation, and conduct of Members individually in their representative capacity only.

''Mr. Speaker, we have in the Pacific, aside from the representation with the capacity to vote on this floor existing in Hawaii, Members from Guam and American Samoa. In addition, we have certain jurisdiction over island groupings in the Pacific under the Department of the Interior.

''Mr. Speaker, I maintain to the Chair and to the Members that the rights and reputation and conduct of Members individually in their representative capacity is seriously impaired if they cannot succeed in being able to make an argument to the floor Members assembled as to whether or not Mr. Chirac should be able to appear.

''I do believe it is well within the boundaries, because those Members cannot vote on this floor. Their representative capacity is solely on the basis of being able to persuade us on behalf of the peoples of the Pacific that there are matters which require our attention. This privileged resolution is directed exactly at that issue. Questions about radioactivity, and so forth, would be discussed under that privileged resolution as to why an affirmative vote is sought.

''So, Mr. Speaker, I most sincerely request your favorable ruling with respect to the question of privilege, and ask that it be allowed to be voted on, because this is the only way that the peoples of the Pacific, through their representatives, particularly from Guam and American Samoa, who do not have the right to vote on this floor, will be able to make a representation that they are otherwise obligated and required to do so by virtue of their presence here on the floor.

''It is clear, it seems to me, given the massive implications of radioactive leakage in the Pacific with the numerous explosions that have taken place in these tests, that other than through this representation through the privileged motion, the desirability or undesirability of having Mr. Chirac speak will not be able to be adequately addressed, and it seems to me a very powerful argument can be made for that, should we be allowed to proceed.''.

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

''The Speaker has been authorized to declare a recess by order of the House to accommodate the joint meeting with the Senate in order to receive President Chirac. This standing order was established by unanimous consent on Friday, January 26, 1996. No objection was heard, and the Speaker was authorized to declare a recess to receive President Chirac.

''If there had been objection by any Member to the appearance of President Chirac before a joint meeting of Congress, a resolution reported from the Committee on Rules and adopted by the House might have been required to establish the order for the joint meeting. As is customary for all joint meetings to receive foreign dignitaries and heads of state, the letter of invitation to President Chirac was not transmitted until both Houses had agreed to receive the invitee.

''Procedures exist within the rules of the House to permit the House to vote on the authorization of joint meetings where objection is made to that arrangement. The Chair does not believe it proper to collaterally challenge such standing order of the House under the guise of a question of privilege.

''As recorded on page 362 of the House Rules and Manual, on February 3, 1993, Speaker Foley ruled that a question of privilege could not be used to collaterally challenge the validity or fairness of an adopted rule of the House by delaying its implementation. In addition, as recorded on page 361 in the House Rules and Manual, a question of the privileges of the House may not be invoked to effect a change in the Rules of the House.

''The gentlewoman's resolution would, in effect, constitute a new rule of the House restricting the issuance of invitations to future joint meetings, and, therefore, does not constitute a question of the privileges of the House.

''Also, no question of personal privilege of individual Members under rule IX is involved at this time.''.

Mrs. MINK 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?

Ms. PRYCE 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. HASTINGS of Washington, announced that the yeas had it.

So the motion to lay the appeal of the ruling of the Chair 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

(¶11.12)

A RESOLUTION ALLEGING THAT THE FAILURE OF THE HOUSE TO TAKE A SPECIFIED LEGISLATIVE ACTION BRINGS IT DISCREDIT AND LOWERS IT IN PUBLIC ESTEEM, AND RESOLVING THAT THE HOUSE BE CONSIDERED TO HAVE PASSED THE SPECIFIED LEGISLATIVE MEASURE, DOES NOT GIVE RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY NOT BE INVOKED TO PRE-

SCRIBE A SPECIAL ORDER OF BUSINESS FOR THE HOUSE, SINCE OTHERWISE ANY MEMBER WOULD BE ABLE TO ALLEGE IMPACT ON THE DIGNITY OF THE HOUSE BASED UPON ANY LEGISLATIVE ACTION OR INACTION.

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

On February 1, 1996, Mr. GEPHARDT rose to a question of the privileges of the House and submitted the following resolution (H. Res. 356):

Whereas the inability of the House to pass an adjustment in the public debt limit unburdened by the unrelated political agenda of either party, an adjustment to maintain the creditworthiness of the United States and to avoid disruption of interest rates and the financial markets brings discredit upon the House;

Whereas, the failure of the House of Representatives to adjust the federal debt limit and keep the nation from default impairs the dignity of the House, the integrity of its proceedings and the esteem the public holds for the House; Now, therefore, be it

Resolved, That upon the adoption of this resolution the enrolling clerk of the House of Representatives shall prepare an engrossment of the bill, H.R. 2409. The vote by which this resolution is adopted by the House shall be deemed to have been a vote in favor of such bill upon final passage in the House of Representatives. Upon engrossment of the bill, it shall be deemed to pass the House of Representatives and been duly certified and examined; the engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action; and (upon final passage by both Houses) the bill shall be signed by the presiding officers of both Houses and presented to the President for his signature (and otherwise treated for all purposes) in the manner provided for bills and joint resolutions generally.

Mr. GEPHARDT was recognized and said:

''Mr. Speaker, let me explain why this is a question of privilege and why this Congress must act to extend the debt limit, with no threats or conditions, to preserve the integrity of this entire Government.

''Rule IX of this House states very clearly that matters of privilege are those affecting the House collectively, those affecting its dignity and integrity, and those affecting the reputation of Members in their representative capacity.

''I ask every Member of this Congress today, how can the dignity and integrity of this Congress be maintained if we tear down the dignity and integrity of this country? How can any single Member of the 104th Congress maintain our reputation and honor if we go down in the history books as the Congress that broke America's word, the very first Congress that dared to tarnish America's trust in the world.

''Mr. Speaker, I know there are enough Democrats and Republicans to extend the debt limit and avoid this crisis right now, if we could only have that vote on the floor. It is unfair to all of us to have our rights, our reputations, our good names dashed for what I believe is a partisan purpose.

''Some of our Republican colleagues are threatening to default on America's financial obligations, to turn our backs on seniors who need their Social Security checks, taxpayers who deserve their refunds, people throughout the world have invested in America.

''There is no question that economic chaos would follow even a day of default. Interest rates on credit cards, car loans, and mortgages would skyrocket. The dollar would plummet. World financial markets could go into a tailspin. The damage would most likely be permanent, because such reckless delinquency would be without historical precedent in our country.

''We had a bloody Civil War in the last century, when America was torn in half, probably our greatest crisis. But all through it and after it, we kept our credit whole. During two world wars when our economy was stretched to the limit, we found room to honor our word to the people who had invested in our debt. Through recessions and a great depression, we have guarded America's financial faith and integrity because it is as sacred as the Constitution itself.

''This is not partisan hyperbole. Even the threat of default is damaging our credibility day by day, more and more with each passing day.

''We cannot afford to play politics with that credibility. We cannot afford to delay to stand for our national word and honor.

''What crisis is bigger than two world wars and the Great Depression? A disagreement over a budget. We Democrats think it is wrong to cut Medicare for huge tax breaks, especially since we think it is unnecessary to balance the budget. Republicans legitimately disagree. This is a valid debate. It is one we should resolve. But defaulting on our obligations, hurting millions of average Americans, damaging our most precious possession, our word and our credibility, in no way to resolve it.

''After all, shutting down the Government twice did not resolve it. Why would an international economic crisis resolve it?

''Mr. Speaker, parliamentary privilege exists for exactly this kind of crisis. This is more than an economic issue. It is a profoundly moral issue.

''If we bargain away America's integrity for the latest political squabble, if we can bring millions of families to the brink of economic crisis because we cannot agree on this year's budget, thin in my opinion we cease to serve the United States of America, and we no longer have honor to maintain.

''This crisis, Mr. Speaker, is the very essence of privilege in this parliamentary body, and I urge the Chair, on behalf of our country and the promise and word of our country, to rule in its favor.''.

Mr. KENNEDY of Massachusetts was recognized and said:

''Mr. Speaker, there can be no greater cause for a parliamentary privilege than the constitutional crisis that is being perpetrated by the elements of this House that have chosen a path to default on America's debt in order to get their particular view rammed through the House of Representatives and the Senate of the United States. Mr. Speaker, we have got to deal with this crisis.

''The truth of the matter is that originally we were told that the reason why the Republicans so much wanted to have the debt issue brought forward was to insist upon a balanced budget. President Clinton has agreed to a balanced budget.

''We were then told, though, it was not a balanced budget, it was a balanced budget within 7 years. President Clinton agreed to a balanced within 7 years.

''We were then told it was not a balanced budget within 7 years but it was with the CBO numbers. President Clinton agreed to a balanced budget in 7 years using CBO numbers.

''Then we were told it was not a balanced budget, 7 years, CBO numbers, but it had to have a tax cut. President Clinton agreed to a tax cut.

''It is not a big a tax cut as the one the Republicans want, so the Republicans are insistent upon challenging the debt of this country, breaking the back of 200 years of history, breaking the parliamentary process that has been set up that says if we have disagreements between bills passed by the House of Representatives and the United States Senate, that we have in fact a President that can sign that bill or he can veto that bill. If he vetoes the bill, we have the right to override that veto. If we do not have the votes to override, we then compromise.

''The truth of the matter is there is no willingness to compromise.

''Mr. Speaker, I am talking about a question of privilege. I am talking about my dignity and my integrity, the integrity of this body, the integrity of every Member on the Democratic and Republican side.

''You are willing to break the back, break the debt of America in order to ram through your narrow political guerrilla tactics. It is time for a little dignity on the floor of this House, Mr. Speaker, and I want to be heard.

''Mr. Speaker, I believe very strongly that this is an issue of parliamentary privilege. I could not agree more strongly with the words of the gentleman [Mr. GEPHARDT], that this is an issue, the most important issue we have faced this year, the most important issue that we have faced in many years.

''If we allow the debt of this country to be defaulted upon, we will hurt the future of our country's children, and we will hurt our senior citizens.

''Please pass a full debt extension. Allow us to pay our bills as every generation prior to ours has done throughout the history of this country.''.

Mr. SOLOMON was recognized and said:

''Mr. Speaker, in the interest of time, I will make the argument brief as to why this resolution does not constitute a question of privilege under House rule IX, but just as I do that, let me preface those remarks by calling atten-

tion to the bill that will be on the floor directly after we finish with these two issues here. It states in the line 6, 'Congress intends to pass an increase in the public debt limit before March 1, 1996,' and let me say that they will do this over my objections because I am just appalled that we are once again going to extend this debt limit.

''But having said that, let us talk about this issue. The precedents are absolutely clear that a resolution raising a question of privilege may not be used to change those rules. This resolution would change House rules by automatically passing a specified bill. Nowhere in House rules is it contemplated or specified that legislation may be called up, let alone passed, by means of a question of privileged resolution. The Chair has already so ruled on numerous occasions during the last several weeks. I therefore would urge that this resolution be ruled out of order, Mr. Speaker.''.

Mr. KANJORSKI was recognized and said:

''Mr. Speaker, I know that this is an issue that other parliamentarians have ruled on in the history of this great House, but as we reflect, my friends on both sides, and to remove this from a partisan issue, the issue of the Constitution and the issue of the House of Representatives predates the existence of either parties that exercise influence in this House today.

''We are in the 208th year of the American Constitution, the 104th Congress of the United States. We are here by virtue of the fact that our constituents elected us to come here and present ourselves under article I of the Constitution of the United States and take an oath of office under that Constitution. Article I provides for the powers of the House of Representatives, one of which is to provide for the debt of the United States. Those of us in this House today, more than a majority, I dare say, because I have a letter addressed to the Speaker signed by more than 191 members of the minority side of the House, and I am aware of the fact that several dozen of my good friends on the majority side join me in this cause.

''So clearly if a resolution for the raising of the debt limit presented to the House clean, it could and would receive a majority vote of the House of Representatives honoring the commitment we made in our oath of office under article I of the Constitution of the United States.

''For the leadership of the House, for the Rules Committee or for the rules of the House to frustrate article I and the individual oath and the collective oath of this entire House and to argue that this does not fall within the purview of the privilege of the House going to the integrity and the dignity of individual Members or collectively of this House is the most fallacious and ridiculous argument I have ever heard in my years in public life.

''I argue that we put aside today as we are about to leave on a 3-week vacation and send a message to America that the House of Representatives is going to pursue and follow its oath of office, the article I of the American Constitution, and allow for an open vote a resolution allowing for the provision to pay the debts of the U.S. Government of the United States.''.

Mr. RANGEL was recognized and said:

''Mr. Speaker, I am going to try desperately hard to be nonpartisan in my remarks, because I think we have reached that point as a Congress that the general public is just fed up with all of us and are not taking the time to determine whether it is the so-called Republican leadership or whether it is the House of Representatives, the Senators or even whether it is the Government of the United States.

''All of us had the opportunity to explain what our job is here in the House, and we are honored to serve in this House, and whether we deal with adults or whether we deal with children, compromise has never been a dirty word in explaining the work of the subcommittees, the full committees, what we do in conference and what we send to the President of the United States. If we are going to change the rules here, you are changing the rules not just for individuals and parties, you are changing the rules for every one of the Members of this House whether they are participating in this or whether they are not, and you are not giving them choices. You are not playing by the rules. You are not playing by the rules we were sworn in to endorse. Those rules are simple rules.

''You do not like what the President has done. You do not like the veto; you override the veto, that is what you do, and if you cannot override the veto, you try to come back and work out something.

''Oh, I know, you are in a hurry. You cannot talk about it. You cannot talk about compromise. All of a sudden this beautiful word has now become a stigma, because a handful of people have snatched what they think is principle, and they are threatening the United States of America's integrity throughout this world.

''You can do what you want with your party or with your members. But it is unfair, and it takes away from our prerogative as sworn Members of this House to threaten the economic life of the United States of America and the free world by holding a debt extension hostage in order to reach your political end.

''Politics are played at the polls, and they should not be the reputation of the United States that is being played on parliamentary maneuvers.''.

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

''The resolution offered by the gentleman [Mr. GEPHARDT] alleges that the failure of the House to take a specified legislative actions brings it discredit and lowers it in public esteem. On that premise it resolves that the House be considered to have passed a legislative measure.

''Under rule IX, questions of the privileges of the House are those 'affecting the rights of the House collectively, its safety, its dignity, [or] the integrity of its proceedings.' But a question of the privileges of the House may not be invoked to effect a change in the rules of the House or to prescribe a special order of business for the House. This principle has been upheld on several occasions cited in section 664 of the House Rules and Manual, including June 27, 1974 where a resolution directing the Committee on Rules to consider reporting a special order was held not to present a question of privilege.

''In this Congress, resolutions have been offered that attempt to advance legislative propositions as questions of privileges of the House on February 7 and December 22, 1995, on January 3, 1996, and in particular, on January 24, 1996. The latter resolution similarly deemed a legislative measure passed to redress previous inaction. When ruling out that resolution as not constituting a question of privilege, the Chair posited that permitting a question of the privileges of the House under rule IX based on allegations of perceived discredit by legislative action or inaction would permit any Member to advance virtually any legislative proposal as a question of privileges of the House.

''Applying the precedents just cited, the Chair holds that the resolution offered by the gentleman [Mr. GEPHARDT] does not affect 'the rights of the House collectively, its safety, dignity, [or] the integrity of its proceedings' within the meaning of clause 1 of rule IX. Rather, it proposes to effect a special order of business for the House—deeming it to have passed a legislative measure—as an antidote for the alleged discredit of previous inaction.

''The resolution does not constitute a question of the privilege under rule IX.''.

Mr. VOLKMER appealed the ruling of the Chair.

The question being put, viva voce,

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

Mr. SOLOMON 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. BARRETT of Nebraska, announced that the yeas had it.

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

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 229 / Nays ..... 187 }

¶11.13 [Roll No. 26]

So the motion to lay the appeal of the ruling of the Chair 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

(¶11.14)

A RESOLUTION ALLEGING THAT THE FAILURE OF THE HOUSE TO TAKE A SPECIFIED LEGISLATIVE ACTION BRINGS IT DISCREDIT AND LOWERS IT IN PUBLIC ESTEEM, AND RESOLVING THAT THE HOUSE STAY IN SESSION UNTIL IT CONSIDERS THE SPECIFIED LEGISLATIVE MEASURE, DOES NOT GIVE RISE TO A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX MAY NOT BE INVOKED TO EFFECT A CHANGE IN THE RULES OF THE HOUSE OR TO IMPOSE A PARTICULAR LEGISLATIVE SCHEDULE ON THE HOUSE BY PRECLUDING AN ADJOURNMENT OF THE HOUSE UNTIL A SPECIFIED LEGISLATIVE MEASURE IS CONSIDERED.

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

On February 1, 1996, Ms. JACKSON-LEE rose to a question of the privileges of the House and called up the following resolution (H. Res. 354):

Whereas the inability of the House to pass a bill to raise the public debt limit will cause the Federal Government to default on its obligations and affect the dignity and integrity of House proceedings; and

Whereas, the inability of the House to pass a bill to raise the public debt limit will cause severe hardship on Federal employees, Federal contractors, and the American people and cause millions of American citizens to hold the House in disrepute: Now, therefore, be it

Resolved, That upon the adoption of this resolution, the Speaker of the House shall take such action to keep the House in session until the House considers a clean bill regarding the debt ceiling to avoid default of the full faith and credit of the United States.

Ms. JACKSON-LEE was recognized and said:

''Mr. Speaker, rule IX, section 1 in particular, speaks to questions of privilege affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

''But second, Mr. Speaker, it talks about affecting the rights, reputation and conduct of Members individually. And, therefore, we can see in that rule that there may be actions taken collectively by this body that would put this House in ill repute in the eyes of its constituents, in the eyes of other Members, and in the eyes of collectively, of the American people.

''Mr. Speaker, I would affirm that recessing this House in light of the failure of the leader's privileged resolution to pass a clean debt ceiling will befall upon this House in the eyes of the American people a reputation that we would not be proud of. The House of Representatives will be held in disrepute by world leaders, international financial institutions, and most importantly the citizens of this country, if it does not pass a bill relating to the debt ceiling.

''Mr. Speaker, it is my contention that this is a grave matter, and in many ways affects the dignity and integrity of these House proceedings. The Secretary of the Treasury has stated that the Federal Government will be in default of its financial obligations if the debt ceiling limit is not raised and a $5.8 billion interest payment made very soon.

''In accordance with the responsibilities of his office, Secretary Rubin has already sent a letter on January 22, 1996, to the congressional leadership stating under the current conditions the U.S. Treasury will no longer be able to fulfill all of its financial obligations.

''Clearly, Mr. Speaker, we have been on notice and we are on notice that actions by this body would put it in disrepute and have it viewed as not performing its responsibilities.

''As we are aware, Mr. Speaker, the financial reputation of an organization is based solely upon the financial history it has established. Mr. Speaker, it has been an undeniable fact that this House was given 38 days of notice of the impending financial dilemma.If this body fails to pass a bill, which we have already done so by rejecting the leader's privileged resolution, then we would not be in good standing.

''May I remind the Speaker that rule IX of the House states questions of privilege to the dignity and reputation of this House.

''Mr. Speaker, might I also say that, if on February 26, when we have the obligation of sending out to millions of Americans Social Security checks, I can tell my colleagues that if those checks go out with no clean debt ceiling, they will bounce. If that is not a blight on the integrity of this House, then I do not know what it.

''Mr. Speaker, if I may personally say, having had the privilege of going to Bosnia, visiting with the people of those nations, Bosnia, the former Yugoslavia and Croatia, when making a very weighty decision by this body as to whether we would go in as peacekeeping troops in this effort, I had the privilege of talking to the men and women who are now serving in Bosnia. The only thing they asked of us is: Will the American people be with us?

''Mr. Speaker, here we stand on the House floor about to recess and go home and jeopardize the opportunity and the responsibility to pay those military personnel by March 1. Mr. Speaker, I think that we have come to a point legitimately under rule IX that we must stand up because we provide a harm to the American people. the harm is the inability to pay Social Security; the inability to pay veterans' benefits; the inability to pay our military personnel; and, yes, the disrepute that will fall upon this House and this Nation when it is not able to pay its responsibilities and uphold the full faith and credit of this Nation.

''Mr. Speaker, I would ask that we not recess and we stand with the American people. Do not bring a lack of dignity on this House on the American people.''.

Mr. WOOLSEY was recognized and said:

''Mr. Speaker, here we go again. The folks who brought two Government shutdowns are now threatening to bring our Nation to the brink of default one more time. They are doing this in one more attempt to force their extreme agenda on the American people.

''That is right, once again the Gingrich Republicans have the Nation teetering on the edge of crisis, and instead of working to avoid disaster, the Speaker and his gang want to leave town this weekend.

''My colleagues heard me. They want to leave the Nation's full faith and credit, as well as the fate of millions of Social Security and veterans' beneficiaries, hanging by a thread until Congress reconvenes 3 weeks form now.

''Mr. Speaker, that is right. Mr. Speaker, I would like to ask why the motion to adjourn is a privilege and the resolution to prevent adjournment is not a privilege. I would suggest that we be able to speak on either side of adjourning or not adjourning, equally. And I would hope that I could then have another Member of our caucus speak to this same issue.

''Mr. Speaker, I would like to ask why, if the motion to adjourn is a privilege, that the motion not to adjourn is not the same privilege.''.

Mr. SOLOMON was recognized and said:

''Mr. Speaker, I rise to argue briefly that the resolution does not constitute a question of the privileges of the House under rule IX.

''As recently as 4:50 p.m. today, a few minutes ago, the Chair rules against a resolution purporting to raise a question of privilege, on the grounds that it effected a change in House rules by providing for passage of a specified bill.

''The resolution before us is only a slight modification of the previous resolution, by requiring the Speaker to take action to keep the House in session until the House considers certain legislation. As such, the resolution attempts to change House rules by altering the duties of the Speaker as specified in House rule number I.

''Presumably, the Speaker would even be required to not recognize anyone who offered a constitutionally privileged motion to adjourn. This is not only changing House rules, but it actually violates the Constitution of the United States. I would, therefore, urge the Chair to rule against the resolution in conformity with the Chair's

previous rulings and House precedents, and I would urge the Speaker to rule.''.

Mr. WALKER was recognized and said:

''Mr. Speaker, the resolution is obviously a resolution of the same nature as those that have been ruled on previously by Speakers extending back for several decades.

''The cause being brought by the gentlewoman [Ms. JACKSON-LEE] is under rule IX. This is obviously not a question of privilege under the provisions of rule IX, and so, therefore, I request that the Chair rule against this matter as a question of privilege.

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

''The resolution offered by the gentlewoman [Ms. JACKSON-LEE] alleges that the failure of the House to take a specified legislative action impairs its dignity and the integrity of its proceeding and lowers it in public esteem. On that premise, it resolves that the Speaker keep the House in session until it considers a pertinent legislative measure.

''The resolution offered by the gentlewoman [Ms. JACKSON-LEE], like those offered on February 7, and December 22, 1995, and on January 3 and January 24, 1996, and earlier today, attempts to advance a legislative proposition as a question of the privileges of the House.

''For the reasons just stated by the Chair when ruling that the resolution offered by the gentleman [Mr. GEPHARDT] did not constitute a question of privileges of the House, the Chair holds that the resolution offered by the gentlewoman [Ms. JACKSON-LEE] does not affect the rights of the House collectively, its safety, dignity, or the integrity of its proceedings within the meaning of clause 1 of rule IX. Rather, it proposes to impose a particular legislative schedule on the House, precluding an adjournment of the House until a specified legislative measure is considered, as an antidote for the alleged disrepute of previous inaction.

''Therefore, the resolution does not constitute a question of privilege under rule IX.''.

Ms. JACKSON-LEE appealed the ruling of the Chair.

The question being put, viva voce,

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

Mr. SOLOMON 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. BARRETT of Nebraska, announced that the yeas had it.

Ms. JACKSON-LEE objected to the vote on the grounds that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 229 / Nays ..... 181 }

¶11.15 [Roll No. 27]

So the motion to lay the appeal of the ruling of the Chair 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

(¶20.14)

TO A PROPOSITION COMPREHENSIVELY ADDRESSING A SPECIFIED SUBJECT (FOOD PRODUCTION AND DISTRIBUTION), AN AMENDMENT ADDRESSING AN UNRELATED SUBJECT (NUTRITION ASSISTANCE) IS NOT GERMANE.

On February 29, 1996, Mr. ROBERTS made a point of order against the motion to recommit, and said:

''It is my understanding there is a nutrition program extension; that is, the Food Stamp Program included. This is not included in H.R. 2854. It is an entitlement program that amounts to about 50 percent of the agriculture appropriations each year. This is a 7-year extension, not germane to the rest of the bill. I insist on my point of order.''.

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

''If the gentleman [Mr. ROBERTS] insists that the nutrition programs dealing with the feeding of the people with the food that is produced by our farmers should be stricken from this farm bill, I will extract that from our recommittal so that no longer is an issue because I understand the point of order.''.

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

''The amendment proposed in the motion to recommit, among other things, amends the Food Stamp Act. The bill as amended does not amend that act, nor does it otherwise address nutrition assistance programs.

''The bill, as perfected, addresses production and distribution of agricultural products and not the food programs.

''Therefore, the point of order is sustained.''.

POINT OF ORDER

(¶26.8)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''QMB's, who are qualified Medicare-Medicaid beneficiaries, are seniors. We are dealing with legislation that deals with people who are employed by employers to collect data for purposes of determining primary and secondary payers, and I believe the gentleman's statements are not germane.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The gentleman [Mr. CAMP] must confine his remarks to the subject of the bill.''.

POINT OF ORDER

(¶26.9)

REMARKS IN DEBATE THAT MAINTAIN AN ONGOING NEXUS TO THE PENDING PROPOSITION ARE CONSIDERED RELEVANT.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''Mr. Speaker, is the question propounded by the gentleman [Mr. DOGGETT] germane to this legislation and therefore a question that should be answered?''.

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

''Mr. Speaker, surely it is permissible in the course of one of these debates, and I can understand the gentleman's [Mr. THOMAS] desire not to get into this destruction of the health care of our seniors across the country by raising this issue, but surely it is appropriate under the rules of the House to make an inquiry of someone who is opposed to this legislation as to what the legislation affects. That is all I have asked, is whether or not the seniors in America are going to be affected by changing this data bank to seniors who would lose out if there are no standards to protect them in nursing homes.''.

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

''The gentleman [Mr. DOGGETT] is at a disadvantage. He arrived on the floor not hearing the gentleman's [Mr. STARK] opening statement, in which he said he was not opposed to this legislation. There is no opposition to this legislation.

''The purpose of this debate under the rules is to discuss the matter in front of us, and all this gentleman [Mr. STARK] is trying to do is to maintain decorum and order in the House and request that the Speaker enforce the Rules of the House so that we may have an orderly debate and not traverse the countryside in any and all directions by any individual who may have an honest and earnest attempt to discuss this issue or may be motivated by other reasons.''.

The Speaker pro tempore, Mr. CAMP, overruled the point of order, and said:

''The gentleman has made his point of order. The Chair is prepared to rule.

''The question is relevant to the extent of coverage of the data bank under this bill, and the gentleman [Mr. DOGGETT] may inquire in order.''.

Mr. THOMAS was recognized further and said:

''Mr. Speaker, continuing my point of order, it is for employees only. The question is about nonemployees. How can it be germane?''

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The chair will ask the gentlemen [Mr. DOGGETT] and [Mr. STARK] to proceed in order.''.

POINT OF ORDER

(¶26.10)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

Mr. Speaker, the items that the gentleman [Mr. PALLONE] is ticking off on his finger have no relationship to the information to be collected in this data bank, or any other data bank.''.

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

''Mr. Speaker, I am concerned that that in fact is not the case. The fact of the matter is when you talk about the data bank, which I understand for this specific purpose is linked to how many employees receive private health insurance as opposed to Medicare and what the impact of that is going to be, we have the same thing now with the proposal by Senator Kassebaum and Senator Kennedy and the gentlewoman [Mrs. ROUKEMA], where we are trying to get passed on the House floor health care insurance reform that will eliminate preexisting conditions and that will allow for portability. The Republican leadership, form what I can see, will not allow it to come to the floor.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The Chair will again rule that the gentleman's [Mr. PALLONE] remarks be confined to the bill at hand.''.

POINT OF ORDER

(¶26.11)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''Mr. Speaker, I rise to this point of order with the understanding that apparently Members are no longer held to the rule of germaneness. The correct dialogue is nowhere near the intersection of nexus with the legislation, in this gentleman's opinion. I would ask a ruling of the Chair.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The Chair would remind the Members that on November 14th, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant connection or nexus between the subject of the bill and his remarks on health care generally, The Chair would ask the Members to proceed with that in mind.''.

POINT OF ORDER

(¶26.12)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''Mr. Speaker, this gentleman is constrained once again to request that the Speaker, in this gentleman's opinion, understand that the simple mention of a data bank does not make the discussion germane to this bill in front of us, to the extent that it would allow the gentleman [Mr. STARK], who quite rightly is pushing the envelope as he is trying to do, to discuss the sales of Medigap policies and potential unscrupulous salesmen who might sell these products.''.

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

''Mr. Speaker, I would suggest to the Chair that in whichever way the Chair sees fit to rule, the Chair certainly understands the issues and has been extremely fair, and I would have no quarrel with him in any event.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''The notion of data banks generally and the notion of data banks contained in the bill are not necessarily the same issue. Again, the Chair would ask the gentleman [Mr. STARK] to confine his remarks to the legislation at hand.''.

POINT OF ORDER

(¶26.13)

REMARKS IN DEBATE ARE NOT NECESSARILY RENDERED IRRELEVANT BY THEIR INVOCATION OF A BROADER RHETORICAL CONTEXT FOR DISCUSSION OF THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''Mr. Speaker, the Speaker knows well my point of order. It is the subject matter and the content of the bill and the question propounded by the gentleman [Mr. DOGGETT], which has no relevance or germaneness, as we say in our rules, to the subject matter before us.''.

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

''Mr. Speaker, inoculation is germane to this because many of these employers kept records or were to keep records of who was paying for the inoculations in the Republican Medicare plan, so many people will be denied inoculations. It is, in fact, very important that we point out that the inoculations they are talking about are not the same inoculations that little children are not going to get when the Medicaid cuts come down from the Republicans.''.

The SPEAKER pro tempore, Mr. CAMP, in response to the point of order said:

''In response to the point of order, the Chair cannot respond to the rhetorical nature of the question stated by the gentleman [Mr. DOGGETT] by necessarily ruling it irrelevant.''.

POINT OF ORDER

(¶26.14)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On March 12, 1996, Mr. THOMAS made a point of order, and said:

''Notwithstanding his elegant eloquence, I believe the gentleman [Mr. STARK] has once again strayed from the germaneness under the rules of the House.''.

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

''I am talking about data base requirements by an employer, an issue raised by the previous speaker, and I believe it is quite germane as it deals with the requirements that employers may be faced with in keeping medical data banks as required by the Federal Government.''.

Mr. THOMAS was recognized further and said:

''I thought the Speaker had already ruled that a discussion of data banks in general as a concept for collecting data is not necessarily germane to a specific data bank which is the subject of this bill.''.

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

''The gentleman is correct. The Chair will state again that on November 14, 1995, the Chair sustained a similar point of order where a Member was unable to maintain a constant nexus between the subject of the bill and the subject of health generally. The Chair has at least three times today, and does again, sustain that point of order.''.

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶32.9)

A RESOLUTION ASSERTING THAT A SENATE-PASSED BILL CONTAINS PROVISIONS RAISING REVENUE IN DEROGATION OF THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE SUCH BILLS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX. THE HOUSE RETURNED TO THE SENATE A SENATE-PASSED BILL ELIMINATING THE BOARD OF TEA EXPERTS AND REPEALING THE TEA IMPORTATION ACT OF 1897.

On March 21, 1996, Mr. CRANE, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 387):

Resolved, That the bill of the Senate (S. 1518) to eliminate the Board of Tea Experts by prohibiting funding for the Board and by repealing the Tea Importation Act of 1897, in

the opinion of the House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The Speaker pro tempore, Mr. BURTON, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and recognized Mr. CRANE for thirty minutes.

After debate,

On motion of Mr. CRANE, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The Speaker pro tempore, Mr. BURTON, announced that the yeas had it.

So the resolution was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

POINT OF ORDER

(¶37.10)

THE TEST OF GERMANENESS IN THE CASE OF A MOTION TO RECOMMIT A BILL WITH INSTRUCTIONS IS THE RELATIONSHIP OF THE INSTRUCTIONS TO THE BILL AS A WHOLE.

TO A DIVERSE BILL ADDRESSING SUNDRY UNRELATED PROGRAMS BY AMENDING A VARIETY OF EXISTING LAWS WITHIN THE JURISDICTIONS OF SEVERAL COMMITTEES, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT WITH INSTRUCTIONS ESTABLISHING AS A MEASURE OF THE AVAILABILITY OF CERTAIN OF THE AUTHORITIES CONFERRED BY THE BILL THE LEVEL OF THE FEDERAL STATUTORY MINIMUM WAGE, BUT NOT DIRECTLY AMENDING THAT LABOR STANDARD, IS GERMANE.

On March 28, 1996, Mr. ARCHER made a point of order that the motion to recommit was not germane, and said:

''Mr. Speaker, I make, actually, two points of order: a point of order that the motion to recommit with instructions is not germane to the bill; and, second, that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act.''.

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

''Mr. Speaker, this bill is very broad in its scope. This bill provides that the President be given a line-item veto authority. This bill provides for an increase in the amount Social Security recipients could earn before their Social Security benefits are reduced. Third, it allows small businesses to seek judicial review of regulation.

''Mr. Speaker, this bill has to do with taxpayers. There is nothing more important to taxpayers and citizens in this country than to be able to have revenues in their pockets. What we are offering and what we are suggesting under this motion to recommit is that we be given the chance to vote on the increase in minimum wage, which has not been raised for the last 5 years. The minimum wage is a very important part of a variety of laws in this country that deal with ability of people to make ends meet.

''The third piece of this bill that was added in the Committee on Rules allows small business to seek judicial review of regulations. In that sense, Mr. Speaker, it seems to me that those people who are affiliated with small business on the employment side ought to have redress to getting a decent wage in this country. You cannot live and raise a family on $9,000 a year or less.

''Let me just add another point to my argument, Mr. Speaker, subtitle C of the bill requires that the Department of Labor certify whether any of its rules, including rules governing the minimum wage, where a small business could go to court seeking a stay of the Department of Labor's rules governing the minimum wage.

''It seems to me that, because of the addition of that subsection and the broadening of the bill, the minimum wage indeed is in order as a discussion point in a motion to recommit.

''I would further add, Mr. Speaker, that my recommittal motion is logically relevant to the bill and establishes and establishes a condition that is logically relevant to subtitle C. Under the House precedent, my motion, I think, meets this test. If we are meeting the test for seniors, it seems to me we ought to be meeting the test for those women, primarily, millions of them raising kids on their own making less than $8,000 a year. They ought to be given the chance to have this debated and voted on by the House of Representatives.

''I have difficulty not talking emotionally about this issue because of what I see in the country. But I will confine my remarks to subsection C of the bill that requires that the Department of Labor certify. And I would tell my friend from Texas, the Department of Labor has to certify whether any of its rules governing the minimum wage. And that, it seems to me, is the direct connection in this bill with the needs of working people in this country who are working for minimum wage and deserve to have the opportunity to have that wage increase.''.

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

''Mr. Speaker, I make a point of order that the motion to recommit with instructions is not germane to the bill.

''Mr. Speaker, the motion to recommit is not germane because it seeks to introduce material within the jurisdiction of a Committee that is not dealt with in the bill. That is, the subject of the amendment, the minimum wage, falls within the jurisdiction of the Committee on Economic and Educational Opportunities, while the subject matter of the bill falls only within the jurisdiction of the Committees on Ways and Means, Budget, Rules, Judiciary, Small Business, and Government Reform and Oversight.

''In addition, the motion to recommit seeks to amend the Fair Labor Standards Act, which is not amended by the bill.

''Finally, there is the gentleman's argument about rule making. The rule making authority under this bill is general and not agency specific. Therefore, the motion to recommit is not germane to the bill, and it should be ruled out of order on that basis.''.

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

''Mr. Speaker, it would seem to me, if we are debating this bill on raising the debt ceiling limit, that something to do with the minimum wage is about as germane to the debt ceiling limit lifting as the line-item veto is and as allowing seniors to make more money for Social Security purposes. I cannot see why one would not be germane and why these other things are germane. In fact, we should have a clean lifting of the debt ceiling and then we would not have to worry about germaneness after all.

''So it would seem to me that we cannot on the one hand attach all kinds of extraneous things to the lifting of the debt ceiling and then on the other hand claim that the minimum wage is not at least as relevant to the lifting of the debt ceiling as the line-item veto and senior citizens are. I just do not think it is fair if we are going to talk about playing by fair rules. I think we ought to be fair. While they may want to stifle free speech on the other side of the aisle, I think we have a right to ask for equity here.''.

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

''The Chair is prepared to rule on the point of order raised by the gentleman [Mr. ARMEY] on germaneness. The gentleman from Texas makes a point of order that the amendment proposed in the motion to recommit offered by the gentleman [Mr. BONIOR] is not germane to the bill. The test of germaneness in the case of a motion to recommit with instructions is a relationship of those instructions to the bill as a whole.

''The pending bill permanently increases the debt limit. It also comprehensively addresses several other unrelated programs, specifically, the Senior Citizen's Right to Work Act, which amends the Social Security Act, the Line-Item Veto Act, which amends the Congressional Budget and Impoundment Control Act, and the Small Business Growth and Fairness Act of 1996, which amends the Regulatory Flexibility Act and the Small Business Act, and it establishes congressional review of agency rule making.

''The motion does not amend the Fair Labor Standards Act. The motion does not directly amend the laws that go directly to the jurisdiction of the

Committee on Economic and Educational Opportunities.

''The Chair would cite page 600 of the Manual the following:

An amendment that conditions the availability of funds covered by a bill by adopting as a measure of their availability the monthly increases in the debt limit may be germane so long as the amendment does not directly affect other provisions of law or impose unrelated contingencies.

''Therefore, the Chair rules that this motion is germane and overrules that point of order.''.

POINT OF ORDER

(¶37.11)

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

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

On March 28, 1996, Mr. ARCHER made a point of order against the motion to recommit as violating section 425 of the Congressional Budget Act, and said:

''Mr. Speaker, I make a point of order that the motion to recommit with instructions constitutes an unfunded intergovernmental mandate under section 425 of the Congressional Budget Act. Section 425 prohibits consideration of a measure containing unfunded intergovernmental mandates whose total unfunded direct cost exceeds $50 million annually. The precise language in question is the text of the instruction that amends the Fair Labor Standards Act to increase the minimum wage.

''According to the Congressional Budget Office, an increase in the minimum wage from $4.25 to $5.15 would exceed the threshold amount under the rule $50 million. In fact, CBO estimates that it would impose an unfunded mandate burden of over $1 billion over 5 years.

''Let me also point out that the CBO estimates that this provision would result in a .5 percent to 2 percent reduction in the employment level of teenagers and a smaller percentage reduction for young adult. These would produce employment losses of roughly 100,000 to 500,000 jobs.

''Therefore, I urge the Chair to sustain this point of order, and I urge my colleagues to vote against consideration of this unfunded mandate on State and local governments.''.

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

''The gentleman [Mr. ARCHER] makes a point of order that the motion violates section 425 of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the motion having that effect. Under section 426(b)(4) of the Act, the gentlemen [Mr. ARCHER] and [Mr. BONIOR] will each control ten minutes of debate on the point of order. Pursuant to section 426 (b)(3) of the Act, after debate on the point of order the Chair will put the question of consideration, to wit: 'Will the House now consider the motion?'.''.

WORDS TAKEN DOWN

(¶37.12)

ALTHOUGH REMARKS IN DEBATE MAY NOT ASCRIBE UNWORTHY PERSONAL MOTIVES TO A MEMBER OR AN IDENTIFIABLE GROUP OF MEMBERS, THEY MAY ADDRESS INDIVIDUAL OR COLLECTIVE POLITICAL MOTIVES WHILE REFRAINING FROM IMPROPER PERSONAL REFERENCES.

On March 28, 1996, Mr. DeLAY during debate addressed the House and, during the course of his remarks,

Mr. BONIOR demanded that certain words be taken down.

The Clerk read the words taken down as follows:

The gentleman [Mr. ENGEL], who just spoke before I did, said in his speech that we owe the American workers this vote and we owe the American worker to raise the minimum wage. I submit he got that from the convention that was just held in this town by the AFL-CIO who said that they would raise over $35 million to take this majority out. That is what this vote is all about. This group over here on the other side of the aisle has been screaming and yelling for the last many weeks.

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

''The Chair does not believe that anything in those remarks constitutes any personal reference to any other Member of this body.''.

Mr. BONIOR was recognized and said:

''Mr. Speaker, the Clerk needs to go back further, because there was reference and the use of the word 'hypocrite,' and the Clerk has not gone back far enough to pick up the word that I objected to. The word 'hypocrisy' was used, excuse me, Mr. Speaker.''.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, responded to the remarks of the gentleman [Mr. BONIOR], and said:

''The Chair would remind the gentleman that on points such as that, the point of order from the gentleman making the point of order has to be timely. The Clerk has gone back several sentences to transcribe what the gentleman had said, and the gentleman's demand certainly was not timely in this instance.''.

POINT OF ORDER

(¶37.13)

UNDER CLAUSE 4 OF RULE XIV, THE CHAIR RULES ON THE PROPRIETY OF WORDS SPOKEN IN DEBATE AS TRANSCRIBED AND READ BY THE CLERK, AND NOT AS OTHERWISE ALLEGED TO HAVE BEEN UTTERED.

TO BE TIMELY, A DEMAND THAT WORDS SPOKEN IN DEBATE BE TAKEN DOWN AS UNPARLIAMENTARY MUST BE MADE AT THE TIME THE WORDS ARE UTTERED AND COMES TOO LATE WHEN FURTHER DEBATE HAS INTERVENED.

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

On March 28, 1996, Mr. BONIOR made a point of order, and said:

''Mr. Speaker, that dialogue that I am referring to could not have taken more than 30 seconds, and it seems to me that I was indeed timely when I rose to my feet as the gentleman was completing his idea, which included referring to the gentleman [Mr. ENGEL] with the term 'hypocrisy'.''.

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

''Under the precedents set, those points of order raised by the gentleman have to be on a timely basis. This is precedent that has been set in this body for a number of years where there are intervening remarks that you are alluding to. So the Chair rules that the gentleman [Mr. DELAY] may proceed.''.

Mr. BONIOR appealed the ruling of the Chair.

The question being put, viva voce,

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

Mr. ARCHER 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. HASTINGS of Washington, announced that the yeas had it.

Mr. BONIOR demanded a recorded vote on the motion to lay the appeal on the table, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 232 / Nays 185

¶37.13 [Roll No. 99]

So the motion to lay the appeal of the ruling of the Chair 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.

The SPEAKER pro tempore, Mr. HASTINGS of Washington, recognized

the gentleman [Mr. DELAY] to proceed in order.

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶40.12)

A RESOLUTION ASSERTING THAT A SENATE-PASSED BILL CONTAINS PROVISIONS RAISING REVENUE IN DEROGATION OF THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE SUCH BILLS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX. THE HOUSE RETURNED TO THE SENATE A SENATE-PASSED BILL AMENDING THE TRADE ACT OF 1974.

On April 16, 1996, Mr. SHAW, rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 402):

Resolved, That the bill of the Senate (S. 1463) to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

When said resolution was considered.

After debate,

On motion of Mr. SHAW, the previous question was ordered on the resolution to its adoption or rejection, and under the operation thereof, the resolution was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

POINT OF PERSONAL PRIVILEGE

(¶57.17)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF THE CIRCULATION OF INSERTION IN THE CONGRESSIONAL RECORD OF A ''DEAR COLLEAGUE'' LETTER ALLEGING THAT THE MEMBER HAD IMPROPERLY SPONSORED AN EVENT IN A FEDERAL GOVERNMENT BUILDING.

On May 14, 1996, Mr. GUNDERSON rose to a question of personal privilege.

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

Mr. GUNDERSON made the following statement:

''Mr. Speaker, last week, in a 'Dear Colleague' communication with the Members of Congress and in an extension of remarks printed in the CONGRESSIONAL RECORD and, again, in remarks included in a special order at the end of congressional business, Congressman Bob DORNAN raised questions about me and my sponsorship of an event in a Federal Government building. The gentleman [Mr. DORNAN] has every right to dislike me if he so chooses. But he has no right to misrepresent the facts, not the motives of others in this, his latest, attempt to smear the gay community. Today, I take this time to set the record straight. I apologize to my colleagues for using valuable floor time in a busy legislative week, but in this circumstance, I have no choice. This is a much bigger issue than a personal or ideological dispute. This is a question of whether individuals in American society should be able to intentionally misrepresent the facts, question others' motives, and intentionally falsify information in an attempt to discredit other elements of society. If there is to remain any element of mutual respect in a diverse society, we must reject intentional efforts to personally destroy those with whom we might disagree.

''Mr. DORNAN uses an article by a free-lance journalist Marc Morano and a video tape produced by the Family Research Council to portray a recent series of events held in this town, in government buildings, as a party of numerous illegal activities. Nothing could be further from the truth. Here is the entire story, with the facts.

''Early this year, four young professional men from the Washington-Baltimore area decided they wanted to do something to make a difference. These gentlemen, in their twenties, are Kenny Eggerl, a producer and owner of KSE Productions—a sales meetings, special events, and fashion show company; David Parham, a director of public policy and education for the Urban Land Institute; Ryan Peal, an account executive with Hill & Knowlton; and Bill Pullen, a manager of rehab services at Mid Atlantic medical services, Inc. They felt the younger generation was not yet doing its part, especially in the fight against AIDS. Their generation is unable financially to support most large fund raising dinners in this town. So they decided to create a weekend of low-dollar events which many could afford. Because of the popularity of dancing events, they chose this avenue for the focus of their activities. Because of the availability of buildings centered around the weekend of April 12-14, they called the event Cherry Jubilee in honor of the cherry blossoms decorating this town at the time.

''Tickets for the events met these financial concerns. Individual ticket were $20 for the Friday night dance; $35, for the Saturday night dance; and $25 for the Sunday morning brunch. In the end approximately $130,000 was raised. Expenses, I am told, will finalize at between $70,000 and $80,000. The net proceeds then will be $ 50,000 to $60,000 raised for two AIDS service organizations: Whitman-Walker Health Clinic, and Food and Friends. Most citizens should be very proud of these efforts and the services they will provide. This was a gift of love, not a weekend of illegal activity. It was a human response of charity, not a call for more Federal funds. It should be an undertaking that both Democrats and Republicans are proud of. I dare say if more such events were held across the country, we could find ways to meet the needs of our fellow man while still balancing the Federal budget!

''Friday night, April 12 kicked off the weekend with a dance at a club called 'Diversite'. Approximately 800 attended. There were no reports of violence or illegal activity.

''Saturday night—April 13; the main event was held at the Mellon Auditorium, part of the Department of Commerce. This place had been recommended to the sponsors by a mutual friend. All of the proper paper work required by the Department was completed and the arrangements were finalized. A liability contract was signed for the evening. A total of nine security personnel were obtained. Security was primarily contracted through a security agency approved by the Commerce Department. The final security detail included nine individuals; two Federal security personnel, six security officers approved by the Department through private contract, and an off-duty policeman. The auditorium was rented by the hour, for a total cost of $7,500 plus $1,600 for cleaning afterward. In addition, a building engineer and a building representative were on duty during the entire time.

''Approximately 2,000 attended the dance. In addition to the security detail mentioned above, approximately 30 event volunteers assisted the sponsors in managing the event. Food and Friends provided eight individuals to assist with tickets and such at the entrance. Whitman-Walker, who served as the fiscal agent, provided three individuals to collect and handle the money throughout the night.

''Sunday morning, a brunch was held in the Rayburn Courtyard. I had been asked if I would obtain a space that might be used as a part of the weekend's activities to benefit Whitman-Walker and Food and Friends. Because these events were in Washington, and some of the attendees would be from out of town, the sponsored desired a place which helped to portray our Nation's Capitol. I was happy to be of assistance. The event was held from 1 to 4 p.m. on Sunday, April 14th in the Courtyard of the Rayburn Office Building. Approximately 500 attended the event. Capitol Hill uniformed police frequently walked through the event. Absolutely no trouble occurred or was reported by anyone. The sponsors made sure everyone understood they were in the offices of the U.S. Congress. Proper dress and decorum were maintained at all times.

''Mr. DORNAN refers to an article written by Marc Morano as the basis for his allegations. Some things should be understood. Mr. Morano is a free-lance journalist who often works as a material source for so-called conservative journalists. To our knowledge, no mainstream press ran Mr. Morano's

story. He never once tried to interview me or any of the event's sponsor. Nor did he talk to any of the security personnel, nor the responsible authorities at the Department of Commerce. Throughout his entire story, not one source is ever identified or quoted. The only knowledge we have of the story being published is in Human Events, and as a basis for a column by columnist Armstrong Williams. According to that column, Mr. Morano was hired by the Family Research Council to do the investigation. The Family Research Council produced a video tape regarding the event.

''There is no record that Mr. Morano purchased tickets for any of the events. He clearly did not use his own name and address at any time. Nor did he seek to obtain any press credentials for the events. Rather he chose to go undercover, unaccounted for, and free to discover his own story. Personally, I am disappointed that he chose to misrepresent himself, and his profession in an attempt to find material to use against others in society. I wish he had the courage, honesty, and decency to simply buy the tickets under his own name, or pursue the story through legitimate journalistic procedures.

''Mr. Morano says in his story, he proceeded on assignment into the gay world for an undercover investigation. I also wish the Family Research Council had been willing to honestly ask for press credentials and cover the weekend. Honesty is something this town and this debate both need.

''But fact is not the basis for the story. Rather hate and prejudice are the motives by which Mr. Morano and Mr. Williams sought to totally misrepresent the fund raising events and their purpose. Allow me to respond to specific allegations in Mr. Morano's article published and circulated by Mr. DORNAN.

''Allegation: The dance party featured public nudity, illegal sexual activity, and evidence of illegal drugs.

''The facts: Absolutely no one other than Mr. Morano makes such allegations. Not one complaint was filed by a security officer, nor were any complaints lodged with them. Security personnel had been given full authority to remove anyone for misconduct; not one person was asked to leave. There is no evidence of even a fight among the 2,000 dance attendees.

''The sponsors intentionally took steps to prevent even the atmosphere conducive to illegal activity. The security personnel and volunteers were strategically placed throughout the entire room to make sure nothing happened. Three foot by four foot posters were placed throughout the auditorium and the restrooms with the message: The possession or use of illegal substances is strictly prohibited. A $14,000 lighting system was purchased to make sure the room was both decorative and well-lit. I would point out to those who watched parts of the Family Research video that the filming occurred without any camera lighting. This should make clear there was no place dark enough for the alleged illegal activity to occur. Nor does the video show any illegal activity. If the video was produced undercover, without lights, is there any doubt such illegal activity would have been filmed if it actually occurred? I don't think so.

''Allegation: A Federal building, the Andrew Mellon Auditorium played host to the dance and was the backdrop for the illegal activity.

''The facts: Again, there is no evidence by anyone, including all security personnel and authorities at the Department of Commerce, of any illegal activity.

''Allegation: The sponsors included Gay Republican Steve GUNDERSON.

''The facts: The four individuals mentioned earlier, were the sponsors through a nonprofit organization called Friends being Friends. Numerous corporations sponsored part of the financial costs of the weekend. My sole role was to serve as the congressional host for the Sunday Brunch by requesting a space in my name. Publicity for the event gave special thanks to me, and to 17 others, for their assistance.

''On Friday and Saturday, I was actually in Wisconsin. I returned to Washington Saturday night, but did not attend the dance. On Sunday morning, if you want to know, I attended church. In the afternoon, Rob Morris and I attended the brunch. We brought a close friend, and former Capitol Hill staffer, who now has AIDS. We purchased our tickets for this event.

''Allegation: The homosexual community's credo seems to be 'Die young and leave a pretty corpse'.''.

''The facts: This is the journalism of bigotry and prejudice. It has no place in American society in the 1990's. It has nothing to do with an event organized to raise private funds for AIDS care organizations, or a story of the event. People with AIDS don't die pretty—they suffer the worst possible pain and illness, as their bodies wither away to nothing. One would hope that over 15 years and over 300,000 deaths into this epidemic, we would all have a better understanding of the disease. I invite Mr. Morano, and Mr. DORNAN, to come visit the victims of this disease. In so doing, they will learn these are not some faceless pretty corpses. Rather, they are the sons, and brothers, and uncles, and lovers, and friends of the greater American family. Tragically, in increasing numbers they are also the mothers, and sisters, and daughters of America, as well.

''Allegation: At about 4 a.m., two men proceeded to engage in illicit sexual behavior in the main auditorium.

''The facts: Absolutely no one but Mr. Morano claims to have seen this incident. But one must wonder why he did not film it. One must wonder why he did not report it to security. Sexual acts are not instantaneous occurrences. Why is no one willing to come forth as witness to this event other than Mr. Morano, who admits to being on assignment? According to the organizers, security and the volunteers were placed at every possible place in the auditorium to prevent even the remote possibility of this type of incident from happening.

''Allegation: A battle between security and partygoers erupted over the restroom lights.

''The facts: The main restrooms for the event were in the basement. Because of this, security personnel were placed there from the beginning of the event and throughout the evening to prevent any kind of occurrence. Security reported no fights, no harassment, no drugs, no smoking, nor any sexual activity. Security made no reports of illegal activity or trouble. At my request, the organizers of the event contacted the responsible authority at the Department of Commerce just yesterday to confirm this information.

''Second, the security system for the evening included person-to-person communication through headsets so that each security guard might know anything that was happening. At no time during the entire event, did a complaint come over the headsets indicating a problem between partygoers and security.

''Allegation: Despite the flaunting of public nudity, illicit sexual activity, illegal drug use, and pornography * * * law enforcement never intervened.

''The facts: Conveniently, only Mr. Morano claims to have seen this illegal activity. He feels compelled to discuss a S/M conference that apparently occurred in 1993 in the same building. He then links that unconnected event to the dance and concludes that the same activities occurred during both events. According to those who attended, the allegation of pornography at the dance is without basis. Given the purpose of the dance event, discussion of S/M or pornography has no place in an article summarizing the weekend's activities.

''As mentioned numerous times before, law enforcement never intervened because there was no basis for intervention.

''Allegation: Every conceivable isolated spot became a dilemma for security. Security officers had to diligently watch the outside courtyard stairwell in the smoking area. The steps led to a dark alley on the side of the building where many of the men were congregating.* * * Orange cones were erected to close the area off, as a security officer was assigned to stand watch.

''The facts: If Mr. Morano had interviewed any of the event sponsors before writing his story, he would have discovered the total error of his perceptions. First, the dance event was sold out. Fire code would not allow any more in the auditorium. Accordingly, security monitored the back entrance to prevent people from entering without tickets. Second, the orange cones alluded to were placed there by a construction company to block access to their construction. They had nothing to do with the dance. Finally, security guards were placed in the alley, near the far door for two reasons. First, this

was the room where all the money was being handled and stored. Second, this entrance was also used for supplies and garbage. Thus, there was much traffic in and out during the evening. Security was there to make sure only the right people used this entrance, and no one without credentials had access to the money room.

''Mr. Speaker, the gentleman [Mr. DORNAN] has sought to question my integrity and that of the sponsors of Cherry Jubilee through misrepresentation of the facts and distortion of the events surrounding that weekend, and their purposes. He has every right in a free society to pursue his opposition to those of us who happen to be gay. He has no right to misrepresent the facts, nor distort information, in a desperate attempt to smear an element of society he dislikes.

''While I am proud of the efforts of these four young men to raise private funds for people in need, my personal involvement in this weekend was very limited. I secured the space for the Sunday brunch. My partner and I attended the brunch, first to support the cause, and second to make sure we could refute any ill-founded allegations if they were to come forth. I would point out to my colleagues that the Rayburn Courtyard is consumed in sunlight between the hours of 1 and 4 in the afternoon. I would further point out that the space is created by four walls with oversized windows on six sides. There was certainly no attempt to hide anything, or in anyway misuse Federal property.

''I rise today, in a question of privilege, not for myself but for others. First, I rise in defense of the four young men who worked tirelessly throughout the spring to produce this event. They are all professionals, in their own right, who did this out of their concern for, and love for, those suffering from AIDS. They raised $60,000 in new resources that we won't have to fund with Federal funds. Every conservative and every Republican should applaud such efforts.

''Their efforts do not deserve to be misrepresented as they have been by Mr. DORNAN, Mr. Morano, and Mr. Williams. The facts simply state otherwise.

''Second, I rise in defense of those in need of these services. We often talk in this chamber about the declining morals of American society. I would remind my colleagues of those words from the New Testament, 'Thou shalt love thy Lord, thy God, with all thy heart, thy soul, and mind. This is the greatest of all commandments. And thou shalt love thy neighbor as thyself. This is the greatest commandment of all'.

''The Greater Washington area, today, unfortunately has the largest concentration of HIV positive people in the country. This is at the same time, a city suffering from financial bankruptcy. Few, if any, have suffered from this financial mismanagement as have the AIDS service organizations. No place in America needs the charity and help of the individual citizens more than in this area, for this cause.

''Cherry Jubilee represented the best of the American tradition; it was the classic public-private partnership to help those who cannot help themselves.

''Cherry Jubilee represented the best of the American family. If family means 'unconditional love' then no group has rallied to care for its own, more than the American gay community. When others cast the AIDS victims out of their houses, out of their communities, and out of their churches; the gay community raised unparalleled funds to meet the needs of its victims.

''Cherry Jubilee represented the best of America's Judeo-Christian ethic. They saw the least of these among us, who need food, and clothing, and shelter. And through such events as this, they tried to provide it. They became the love of God personified, as they became their brothers' keepers.

''And yes, Mr. DORNAN, they pursued a Republican solution to a domestic problem. They didn't demonstrate on the steps of the Capitol for more Federal funds. They didn't ask for more Federal mandates upon the local community. Rather, they took it among themselves to become a part of the solution. They did it on their own. They were one of George Bush's thousand points of lights. They were one of Newt GINGRICH's shining lights upon a hill. They heard Bob DOLE tell them to 'do all they could, and then some'. And that is what they did.

''This country desperately needs its people to stop the yelling, and simply ask, 'How can I help?' May I suggest that to begin, we stop questioning other people's motives. Second, may I suggest that we seek the facts, all the facts, before we make unfounded accusations. The sponsors of these events are willing to do it again, if there is support. But if all this should reap is misrepresentation, controversy, and lies, they will simply stop. In that case, either we at the Federal level must increase our financial payments, or the victims must suffer even more.

''Let us as leaders set the right example by our words, and our conduct. And I hope that in a small way, this time has served to correct the inaccuracies and distortions about this event, its activities, and my role therein.''.

POINT OF ORDER

(¶63.6)

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

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

On May 23, 1996, Mr. PORTMAN made a point of order against the amendment as violating section 425(a) of the Congressional Budget Act of 1974, and said:

''Mr. Speaker, pursuant to section 425(a) of the Congressional Budget Act, it is not in order for the House to consider any amendment that would increase the direct costs of Federal Intergovernmental mandates in excess of $50 million annually. The precise language in the amendment before us on which this is based is 'Paragraph 1 of section 6(a) of the Fair Labor Standards Act of 1938 is amended to read as follows: Not less than $.75 an hour during the year beginning July 1, 1996, and not less than $5.15 an hour after the expiration of such year'.

''It is upon this basis and the impact of this amendment would have on State and local government as estimated by the Congressional Budget Office that I raise this point of order, and ask for a ruling from the Chair.''.

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

''The gentleman [Mr. PORTMAN] makes a point of order that the amendment violates section 425(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order. Under section 426(b)(4) of the Act, the gentlemen [Mr. PORTER] and a Member opposed each will control ten minutes of debate on the point of order. Pursuant to section 426 (b)(3) of the Act, after debate on the point of order the Chair will put the question of consideration, to wit: 'Will the House now consider the amendment?'.''.

Mr. PORTMAN was recognized further to speak, and said:

''Mr. Speaker, last year 394 Members of this House voted to pass the Unfunded Mandates Reform Act of 1995, which, for the first time, ensures that before we vote on measures that impose unfunded mandates on State and local government, that we have three things: First, we have an analysis of what the cost is; second, we have an informed debate on whether the mandate should be imposed; and third, and that is what we are up to today, we have a recorded vote on whether to impose such a mandate.

''It does not mean we never mandate, but it means we do so in the full light of day, and that is what this is all about. Having this point of order is about keeping the promise Congress made a year ago to know the cost in-

formation, to have a separate debate, and to make a decision in the clear light of day as to whether we impose this additional mandate.

''I have a letter here from the Congressional Budget Office which states as follows: 'This amendment would impose both an intergovernmental and a private sector mandate, as defined in the Unfunded Mandates Reform Act, that would exceed the $50 million annual threshold for intergovernmental mandates beginning in fiscal year 1997. For 1998, the first full year in which the minimum wage would be $5.15, the direct cost of the mandate would total $310 million for State and local governments, and $3.7 billion for the private sector.' That is from CBO.

''Thanks to the Unfunded Mandates Reform Law, we now have the facts, and we now have the opportunity as a Congress to decide, do we want to impose these additional costs on the private sector and also on State and local government?

''Mr. Speaker, I just want to remind my colleagues that if you do not believe we should impose these costs, this would be a no vote.''.

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

''Mr. Speaker, I have a question that those of us on this side of the aisle have, which is why some of our Republican friends over here will not allow the House to have a clean, simple, up-or-down vote on the minimum wage? If they are opposed to the minimum wage, then fine. Why do they not stand up and vote no, rather than hide behind procedural maneuvers and these parliamentary tactics?

''This is a dilatory motion, a dilatory motion. The House will not even be allowed to debate, much less vote, on the Riggs amendment to raise the minimum wage.

''This motion, Mr. Speaker, demonstrates in our view an extraordinary double standard. The Committee on Rules routinely, and I want to emphasize that, routinely waives unfunded mandate law for bills supported by the Republican leadership. In fact, they have taken three rollcall votes to waive the unfunded mandate laws in the last 3 months. Our friend on the Republican side voted for all of those waivers. It was okay then when they wanted to move things that they thought were needed or were important. But now they are using that law to block a vote on the minimum wage, a proposal, by the way, supported by 80 percent of the American people. The unfunded mandate law was never intended, never intended, as a tool for the majority to prevent a vote on an issue just because they do not like it.

''The question before the House is a simple one: Will the House be allowed, will we be allowed, to consider the Riggs amendment to raise the minimum wage by 90 cents, 50 cents the first year, 40 cents the second year? Stop these procedural games, these delays. Vote 'yes' on this issue.''.

Mr. PORTMAN was recognized further to speak, and said:

''Mr. Speaker, I want to remind the last speaker, this is part of the Unfunded Mandate Reform Act. It is not a dilatory tactic. It is to decide whether we want to impose a mandate. I think it is great we are having this informed debate. We are going to hear from other speakers now.''.

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

''Mr. Speaker, you can get an argument in this body over just about anything, but I think most of us would agree that three strikes, you are out in America's favorite pastime.

''I want to talk about the three strikes of the issue at hand, minimum wage. Strike one, it is bad policy. There really is no serious debate that when you increase the cost of labor, you decrease the number of jobs. There really is no serious debate about that anywhere, except here in this Congress.

''Strike two, it is bad politics. The people who really take it in the shorts on this are small businessmen. The people that are creating 80 percent of the jobs that we have in this country, they are the ones that are going to take it in the shorts when we increase the minimum wage. There is no debate about that either. That is strike two.

''Strike three, it is bad PR. Do you want to know why there is such a high level of cynicism about the way Washington works across this country? It is because Washington continues to say one thing, and do another, and that is exactly what we are about to vote on the Riggs amendment.

''Vote 'no' on the Riggs amendment.''.

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

''Mr. Speaker, let me first of all acknowledge that I did support the unfunded mandates reform legislation which passed this House by an overwhelmingly bipartisan margin during the first 100 days of this session of Congress as part of our Contract With America, so I want to make clear at the outset, I support the general principles of unfunded mandates reform.

''However, let me see if I can draw a distinction between what I believe was the purpose of that legislation and the minimum wage amendment that I have offered, which is now pending before the House.

''We in the Western United States, especially in northwest California, are pretty familiar with the onerous impact of Federal environmental regulations, as well as other unfunded mandates. Those are mandates that are imposed on State and local governments. In fact, the Unfunded Mandates Review Panel has looked at Federal environmental regulations, such as the Clean Air Act, Endangered Species Act, and others, and have ruled, issued a report, saying that those Federal environmental regulations do in fact constitute an unfunded or underfunded mandate imposed on State and local governments by Washington, by the Federal Government.

''But in this instance, what we are talking about doing is modestly increasing the minimum wage to keep pace with inflation and restore some of the purchasing power to the minimum wage that has been eroded over the years by inflation. My belief is that over time, by increasing the minimum wage and by implementing meaningful welfare reform, we will be moving more people from welfare to work, helping those people obtain again full employment, and, in the long term, become taxpaying, contributing members of society.

''Mr. Speaker, over the long term, the increase in the minimum wage, again, if coupled with meaningful welfare reform, is going to produce more taxpayers, and that is going to increase Federal tax receipts over the long term, and that will offset the effects of a so-called unfunded mandate.

''The whole idea of an unfunded mandate provision in law today is to protect against mandates being imposed on State and local governments that they must then pay for with their own tax receipts. I do not believe that increasing the minimum wage, helping people make that transition from welfare to work, helping them become taxpaying, contributing members of society, does in fact constitute an unfunded mandate.''.

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

''Mr. Speaker, you know, when we convened this Congress we and the Nation were so proud that we finally gave unfunded mandates relief to America. We now have an opportunity to reaffirm our conviction that America should not have an unfunded mandate of this magnitude foisted on them.

''I take exception to all the arguments that say there is no downside to raising the minimum wage. In addition, of course, to the perverse employment effects on the least advantaged workers in America, there is in fact a cost to be borne in the private sector.

''Once again we are contemplating a course of action where Washington gets to feel good about its generosity, while others bear the cost. Once again we get to feign compassion by bleeding our hearts with other people's money.

''This is not an acceptable course of action, and I encourage everybody who believes we ought not to be imposing unfunded mandates on the rest of the Nation to vote 'no' on imposing this on funded mandate on America.''.

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

''Mr. Speaker, I urge my colleagues to defeat the point of order so we may proceed on the vote on increasing the minimum wage. Human beings have basic needs; they must eat, they must have shelter, they must have clothes. These needs are universal. They apply equally to employees of State and local governments and the private sector.

''If workers are to meet these needs without public assistance, they must be able to earn a living wage for their labor. Increasing the minimum wage is

not a true unfunded mandate. The failure to ensure a living wage is ultimately far more expensive to local government, State governments, private businesses, and society as a whole than a modest increase in the minimum wage.

''Mr. Speaker, I will gladly and proudly vote to waive the point of order because it would be an outrage for this House to block a vote on the minimum wage.''.

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

''Mr. Speaker, I rise in support of the point of order and want to make two points, one my colleague, the gentleman from Arizona [Mr. SHADEGG], pointed out: That Abdul Ugdah will not be able to give jobs to inner-city youths, and that this unfunded mandate of a minimum-wage increase discriminates against blacks and minorities. And for that reason alone, we should vote against it.

''But earlier in this year we passed a Contract With America that said we would not impose a tax increase on local taxpayers, we would not impose an unfunded mandate on those local governments. This vote is a vote of integrity, and I call upon my Republican colleagues and my Democratic colleagues to support that bill, all 340 of us, to vote to sustain this point of order and show the voters we were not being dishonest, we were not being politicians when we passed the unfunded mandate bill; that we meant to keep our word then, and today we intend to keep our word and sustain this point of order.

''If this vote loses, then I think most Americans will know that we did not mean to uphold the Contract With America when we passed it.''.

Mr. SAM JOHNSON of Texas was recognized to speak to the point of order and said:

''Mr. Speaker, I rise in strong support of the point of order. I remind my colleagues that 1 year ago we did vote overwhelmingly to uphold it, and it is not just the fact we are losing dollars for the States and cities, it is a vote to place a massive $12.3 billion unfunded Government mandate on private business as well. It is a vote to destroy 620,000 jobs.

''And those jobs are jobs that part-time workers, teenagers, welfare recipients, in spite of what my colleague says, and unskilled workers, will never have. Those are the people we ought to be creating jobs for. We ought to be eliminating the costly mandates that we here in Washington shove down the throats of our taxpayers.

''This wage increase is bad economics, bad policy, and bad for the American worker. I ask the Congress not to do what is easy but do what is right for America: Vote 'no' on this. Americans do not want, do not need, and do not deserve unfunded mandates.''.

Mr. RIGGS was recognized further to speak and said:

''Mr. Speaker, I wanted to mention that the letter cited by my good friend and colleague, the gentleman from Ohio [Mr. PORTMAN], from June O'Neill of the Congressional Budget Office, opining that the minimum wage constitutes an unfunded mandate does not take into account the possible passage of the Goodling amendment which brought this about.''.

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

''Mr. Speaker, I urge my colleagues to recognize this as an unfunded mandate and to stand on principle. We are telling governments all across America, cities, States, counties, that they must pay a wage but we are not providing the money to pay that wage.

''We are doing what we told the American people in the Contract With America we would not do. This is not rocket science, it is simple and straightforward. It is a matter of keeping our word.

''An unfunded mandate imposed upon the States is unfair and it is wrong. It not only will cost the employees of Mr. Ugdah their jobs, but it breaks our faith, and anybody who voted against unfunded mandates has to recognize this is a vote of hypocrisy. We must vote to sustain this point of order if we voted to ban unfunded mandates.''.

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

''Mr. Speaker, the gentleman from Arizona speaks of hypocrisy. Let me point out that he and the gentleman from Ohio and the gentleman from Indiana, who spoke a few moments ago, and the distinguished majority leader, they have voted three times in this Congress to waive the very unfunded mandates rule that they now inject into this debate for the sole purpose of thwarting a minimum-wage increase.

''Mr. Speaker, I think the majority leader has at least been candid with the American people with regard to his position on giving America a raise, for he said he would resist that increase in the minimum wage with every fiber in his body. And it was obvious when he spoke here, and he is a fairly fibrous guy, that he has not only done anything that he could to prevent a minimum-wage increase, he has done everything that he could do to prevent a minimum-wage increase. And this is the latest of those tactics.

''Our colleague, his right-hand man, the gentleman from Texas [Mr. DELAY], the majority whip, denied there were even families out there that were living on the minimum wage. And, indeed, they are barely living on the minimum wage. And to top it all off, the Chair of the Republican Conference, the gentleman from Ohio [Mr. BOEHNER], said, 'I will commit suicide before I vote on a clean minimum-wage bill'.

''That is what this is all about. It is do anything, do everything possible in order to thwart the desire of the American people for a raise.

''There have been three times in this session that they have voted, every single person, including the gentleman that has raised this point of order, every single person who has spoken in favor of this point of order, there have been three times that they were not so concerned about the mandates bill that they were not willing to waive it.

''But this morning they have a wave of a different kind. They propose to wave goodbye to the desire of the working people of this country to have a working wage. We believe, in the American economy, that it does not have to all trickle down. It can bubble up. And the idea is to help some of those people at the bottom of the economic ladder rise upward.''.

Mr. PORTMAN was recognized further to speak and said:

''Mr. Speaker, I yield myself such time as I may consume to say quickly to my colleague that both the gentleman from Missouri [Mr. CLAY] and the gentleman from Texas [Mr. DOGGETT] have talked about the Unfunded Mandates Relief Act, as has the gentleman from Michigan [Mr. BONIOR]. All three of them voted for the act, and I am glad they did. I am glad we are having this debate today.

''I would say that the one rule that I know of where we waived a point of order, there were no unfunded mandates in the underlying legislation. And in that case, indeed, Mr. DOGGETT or anyone else could have raised a point of order on the rule.''.

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

''Mr. Speaker, I rise in support of this point of order. This is an unfunded mandate. One billion to municipalities cost $13 billion nationwide.

''We agreed to live under the same laws as what we passed. We must live under the laws that we have passed in this Congress. That is why we were sent here, that is what makes us different. Do not try to deceive the American people again.

''Support the point of order. This is an unfunded mandate.''.

Mr. RIGGS was further recognized to speak and said:

''Mr. Speaker, I yield myself such time as I may consume to say that, first, with respect to the minimum wage amendment constituting an unfunded mandate imposed on the public sector, I am not aware of any State or local government that has contacted the Congress to express their reservations.''.

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

''Mr. Speaker, let me say I come to this Congress as a strong supporter of the restriction on unfunded mandates, and I come to this Congress as a former finance officer.

''I am strongly opposed to this point of order because I think it stretches that rule beyond recognition. That rule was never intended to freeze in perpetuity our current minimum wage.

''If we sustain this point of order, I think it will open the door to many more unfunded mandates.''.

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

''Mr. Speaker, over the last 16 months there has certainly been some disagreement about what we have done in this new Congress. But I have to tell my colleagues that on our side of the aisle, what we have done here on the House floor every day was what we thought was in the best interest of the American people.

''We have been honest with the American people and that is why we passed the unfunded mandate legislation. If we are going to continue to uphold our responsibility to the American people, let us be honest with them today.

''Let us vote no, not to waive the point of order against this. Let us stand up and do the right thing once again.''.

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

''Mr. Speaker, as my colleagues can see from the CBO position, increasing the minimum wage by 90 cents is a monstrous unfunded mandate, more than a billion dollars to the public sector, which clearly much exceeds our $50 million threshold and more than $12 billion to the private sector.

''When 100 percent of the Republicans and 85 percent of the Democrats in the House agreed on the unfunded mandates issue, the American people had good reason to believe that Washington was changing the way it does business. Now, this Memorial Day weekend, do I have to go home and explain to local officials why Congress ignored the unfunded mandates law? This Memorial Day weekend, do I have to go home and try to reassure my constituents that even though Congress broke its promise, the American people should still believe that Washington is being reformed?

''I urge the 394 Members who supported the Unfunded Mandates Act, Public Law 104–4, to support our point of order. Increasing the minimum wage is an unfunded mandate. Vote 'no' on the consideration of this unfunded mandate.''.

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

''Mr. Speaker, I encourage my colleagues to vote 'yes' and to allow the Riggs amendment to be considered. The Riggs amendment will allow us to vote to increase the minimum wage. Anyone who supports increasing the minimum wage, must vote 'yes' on this motion.

''The bottom line is we are encouraging a 'yes' vote to increase the minimum wage. We need a 'yes' vote on this motion.

Mr. PORTMAN was recognized further to speak and said:

''Mr. Speaker, I want to say briefly, because there has been some confusion in some of the discussion, that a 'no' vote is the right vote if Members do not want to impose additional mandates on State and local government.

''There are also huge private sector mandates here which were required to be analyzed by the Unfunded Mandates Relief Act, but a 'no' vote is the correct vote if Members do not want to impose these additional mandates.

''In closing, I would just say that this is exactly the kind of debate we hoped to have with the Unfunded Mandates Relief Act. We now have it out in the open. This is an unfunded mandate on State and local government. If Members do not want to impose those mandates, they now have the opportunity to stand up and be counted.''.

After debate,

The question being put, viva voce,

Will the House now consider said amendment?

The SPEAKER pro tempore, Mr. WALKER, announced that the nays had it.

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

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 267 / Nays ..... 161 }

¶63.7 [Roll No. 191]

So the question of consideration was resolved in the affirmative.

POINT OF ORDER

(¶73.5)

UNDER CLAUSE 1 OF RULE XIV, REMARKS IN DEBATE IN THE HOUSE MAY NOT INCLUDE PERSONAL REFERENCES TO MEMBERS OF THE SENATE.

On June 12, 1996, Mr. LINDER made a point of order during the remarks of the gentleman [Mr. SCHUMER], and said:

''Mr. Speaker, is it appropriate to deal specifically with Members of the other body by name in making or casting aspersions on the motives?''.

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

''Members should not so refer to specific Members of the other body by name. The gentleman [Mr. SCHUMER] will proceed in order.''.

WORDS TAKEN DOWN

(¶82.13)

REMARKS IN DEBATE CHARACTERIZING ANOTHER MEMBER AS ''ONE OF THE MOST IMPOLITE I HAVE EVER SEEN'' CONSTITUTE AN UNPARLIAMENTARY PERSONALITY WITHIN THE MEANING OF CLAUSE 1 OF RULE XIV.

On June 27, 1996, Mr. OBEY during debate addressed the House and, during the course of his remarks,

Mr. HAYWORTH demanded that certain words be taken down.

The Clerk read the words taken down as follows:

And to the gentleman [Mr. HAYWORTH], every time somebody says something you don't like, you open your mouth and you start shouting from your seat. You are one of the most impolite Members I have ever seen in my service in this House.

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

''In the opinion of the Chair, the last sentence of the gentleman [Mr. OBEY] constitutes a personality in violation of clause 1 of rule XIV.''.

By unanimous consent, the words ruled unparliamentary were stricken from the CONGRESSIONAL RECORD.

By unanimous consent, Mr. OBEY was permitted to proceed in order.

The SPEAKER pro tempore, Mr. LAHOOD, responding to a parliamentary inquiry of the gentleman [Mr. GEJDENSON] as to the proper course when a speaking Member is disrupted, said:

''The Chair will take the initiative to maintain order in the Chamber when Members are speaking. The Chair would enlist the assistance of all Members in maintaining the spirit of mutual courtesy and comity that properly dignifies the proceedings of the House. Members who are under recognition should not be disrupted by other Members.''.

PRIVILEGES OF THE HOUSE

(¶82.16)

A RESOLUTION ALLEGING INACTION ON THE PART OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WITH RESPECT TO A PARTICULAR CASE, AND RESOLVING THAT THE COMMITTEE BE INSTRUCTED TO TRANSMIT CERTAIN MATTERS RELATING TO THE CASE TO AN ''OUTSIDE COUNSEL'' ALREADY INVOLVED WITH OTHER MATTERS RELATING TO THE CASE, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On June 27, 1996, Mr. JOHNSTON rose to a question of the privileges of the House and submitted the following resolution (H. Res. 468):

Whereas the Constitution of the United States places upon the House of Representatives the responsibility to regulate the conduct of its own Member;

Whereas the House has delegated that responsibility, in part, to the Committee of Official Conduct, which is charged with investigating alleged violations of any law, rule, regulation, or other standard of conduct by a Member of the House;

Whereas the Committee on Standards of Official Conduct has failed to discharge that duty with regard to serious allegations of wrongdoing by the Speaker of the House;

Whereas, although an outside counsel has been appointed to investigate the Speaker, the Committee has failed to allow that outside counsel to investigate serious charges concerning the Speaker's political action committee, GOPAC, and its relationship to several tax-exempt organizations;

Whereas a formal complaint concerning these charges has been languishing before the Committee for more than six months;

Whereas new evidence of violations of federal tax law--in addition to the information contained in the formal complaint--has also been recently reported by investigative journalists around the country;

Whereas the failure to take action on these matters has raised serious questions about

the impartiality of the Committee on Standards of Official Conduct: Therefore, be it

Resolved, That the Committee on Standards of Official Conduct is hereby instructed to immediately transmit the remaining charges against Speaker Gingrich to the outside counsel for his investigation and recommendations.

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

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. JOHNSTON demanded a recorded vote on agreeing to the motion to table the resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas ..... 229 / Nays ..... 170 }

¶82.17 [Roll No. 287]

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

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

POINT OF PERSONAL PRIVILEGE

(¶82.18)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS THAT HIS CHARACTER AND MOTIVES HAD BEEN IMPUGNED BY PRESS ACCOUNTS CHARACTERIZING CERTAIN OF HIS ATTITUDES AS BIGOTRY.

On June 27, 1996, Mr. DORNAN rose to a question of personal privilege.

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

Mr. DORNAN made the following statement:

''Mr. Speaker, I will be showing no charts or pictures of the principal focus of my discussion tonight, because of a discussion I have had with staff and leadership and references to a prior battle over photographs that we were funding by a young Catholic man named Robert Mapplethorpe who had died of AIDS and we were using tax dollars to defend some of the crueler photographs of this very, very gifted photographer. But we were told that it would hurt the decorum of the House to show what taxpayers are being asked to pay for. I accept that. But I have them here to remind American citizens watching on C-SPAN, Mr. Speaker, that there is a level of hypocrisy in this country and a moral decline that we may be the last Chamber in the world to have a decorum while all else melts around us.

''The man, and my friend Newt GINGRICH knows this, who I would have supported for minority whip way back in 1989, and if he had won, he would be the Speaker today, and the gentleman [Mr. GINGRICH] knows this, is the man I most respect in this House, Henry HYDE.

''Henry just gave me some brotherly advice, that, Mr. HYDE, I would dearly love to take. He said, Bob, go to the well and say that one of our own colleagues called you a hater, a bigot and a liar. Simply say, I am not a hater, I am not a bigot, and I am not a liar, and I forgive anybody who used those words against me, and take a walk. He says, 'You will be a hero. Everybody likes to be a hero.'

''So I showed him my remarks, I mentioned Moses, I mentioned that in God we trust, I mentioned Abraham, I mentioned a few lines from the end of Cecil B. DeMille's classic 10 Commandments and they did give themselves up to vile affections,' and I showed him what I had slaved over. I told him I begin it with the words that my school teachers told me years ago:

''If you want to have everything going for you, just say, Come, Holy Spirit.

''I showed Henry a letter. I said, 'How about if I open with this letter and then take your advice?'

''That's good, do that.

''Well, I will open up with the letter, and, so help me God, Mr. HYDE, I will then make up my mind.

''Here is a letter from this month, June 7, about a speech I made on AIDS on D-day, the night before. It was about my 200th speech. The gentleman [Mr. GUNDERSON] has made about seven, eight speeches in 16 years. I am about to break 200 tonight, I think, warning about the spread of the world's greatest health problem, at least in this country, particularly because in involves young men in the prime of their lives.

''This is from a young man dying of AIDS. His name is John R. Gail, Jr. He is from Centerville, Ohio. It says:

Mr. Dornan, I caught your speech on AIDS yesterday on C-SPAN. I must commend you. I am a 29-year old hemophiliac who was infected with HIV in 1983. Last September I was diagnosed with my first opportunistic infection cryptosporidia, an intestinal virus which causes severe stomach cramping, chronic diarrhea, and the wasting syndrome.

I have already lost nearly 40 pounds and I am on long-term disability from work. Obviously this infection, after 13 years of being asymptomatic, has made me another AIDS statistic.

Mr. Dornan, above being a hemophiliac or having AIDS, I am a Christian. And I must tell you, it is refreshing to hear the truth being told about homosexuality and the homosexual agenda, as you did last night. Not many representatives would stand up and say the things you did yesterday, which I applaud.

I am not a bitter person and have forgiven the man who infected me. I can forgive a homosexual, but not their sin. It was a homosexual's perverse actions, polluting the blood supply, which will, without God's intervention, bring about my untimely death.

I am asking you, Congressman, to inquire about the status of the Richard Ray Relief Fund which could compensate the hemophiliac HIV-positive community for the wrongdoings of the pharmaceutical companies, the Red Cross, the CDC, the FDA and the National Hemophilia Foundation. The fraud and negligence perpetrated by these organizations was, and I am sure you are well aware, documented by the IOM in July of 1995. The bill has over 230 cosponsors, I think it is up to 240 now, but it seems to be stalled by the hand of a Republican. Please help us move H.R. 1023. I hope you are on it.

I appreciate your attention to this great matter of importance to me and thousands of innocent hemophiliacs infected with the HIV virus. God bless you, John R. Gail, Jr.

''Now, look, a lot of you folks tease me about my memory. I hate war, but I am fascinated by people that will put their lives on the line and die for our freedom of speech. I know that being a combat-trained fighter pilot, never tested in combat, that I have an extra, extra respect and affection for those like Duke and Sam, Pete PETERSON, who were called upon, just by the year of their birth, to put their lives and their freedom for 6 and 7 years, in two of those cases, on the line for my freedom of speech.

''Because of my affections for the military and the fact that my father won three Purple Hearts, they were called wound chevrons then in World War I, two for poison gas, I have memorized some statistics, and it has absolutely torn me up over AIDS. Listen to my words, please. If somebody is watching on TV, Mr. Speaker, I hope they take this down.

''World War II, biggest killing in all of history; 292,131 combat killed-in-action deaths. Two hundred ninety-two thousand, one hundred thirty-one. AIDS, as of the 30th of this month, 360,000 dead and counting, including 4,000 children.

''How about our war between the States, the Civil War? Combat deaths, not the 30,000 or more that died of pneumonia, Andersonville prison camp. Civil War combat deaths, 215,000 is the round figure, but to be precise, 214,938. AIDS, 360,000 dead and counting, 4,000 children; 4 million children worldwide in just 3 years.

''How about all the other seven wars put together? Revolutionary War, War of 1812 with Mexico, with Spain, skipping over the Civil War, my dad's war, Vietnam that still torments us, and Korea, how about that total of all the other seven wars? It's 146,346; 143,346. AIDS, 360,000 and counting.

''My motives are pure. I want to stop this death toll. In those 200 speeches, maybe I was not caring or Christian enough to tell you that we have got to work on this and get more money for care, of course. In Africa and Asia, millions of people are going to die alone, nobody holding their hand, no rabbi, minister or priest at their side, no loving parents ashamed of not embracing them instantly when they were first infected.

''How many of you knew honestly till this moment, till I tell you now that by the turn of the century, and what a ghastly way to go into the third millennia, 60 million people will be in-

fected, 12 million with AIDS, and millions dead including those 4 million children I mentioned.

''Mr. HYDE, I have got to go on, Henry. I dedicate this speech to John Gail.

''Mr. Speaker, I rise to claim my privilege under House rule 9 to address the House and reply to some, it says scurrilous but I will soften it, pretty tough attacks on my honor. We just spent 40 minutes tonight talking about the word 'impolite,' my friend David, my friend J.D. back and forth. Forty minutes on 'impolite.' 'Impolite' is not up there with hater, bigot and prejudiced person, smear artist. No, no, this is different.

''Mr. GUNDERSON's on me from this very lectern May 14 have worked their way throughout the national media. He compounded his insults by telling a stringer for the Washington Post, according to her puff piece printed on June 2, that I am 'full of prejudice and hatred.' That is so far over the line, Mr. Speaker, it would necessitate usually a 40-cannon broadside. I will try to be a little more gentle than that.

''It is worth noting that in 16 years of service together, Mr. GUNDERSON and I have never exchanged a cross word off this floor. We have never been impolite, discourteous, or uncivil toward each other, not once. Mr. GUNDERSON will confirm this, just ask him. In fact, ask anyone around here, and if they are honest, these are the adjectives of my staff and my wife and kids. Ask anyone. If they are honest, they will tell you I am one of the most cheerful, optimistic, enthusiastic, upbeat, irrepressible, good natured, and affable Members with whom they serve, discounting this area right here. And loyal.

''Yes, for certain I am passionate at times and, yes, unrelenting in my deep concern about the deterioration of our culture, and that concern is sometimes dismissed in a negative way by a few adversaries and quite often in the liberal press. They sometimes have a problem with objective truth and motivations about a lot of us around here.

''As I pointed out occasionally to supportive friends who have asked me about the passion, I have told them it is only unusual, even in this historic Chamber that has weathered a civil war and civil rights battles, only unusual here, because today so many Members of Congress, like so many American citizens, lack passion about anything, in spite of that violent world out there.

''The Khobar housing area comes to mind. And because there are so many here, while aspiring to be nobles, I know we all have seen 'Brave Heart,' while aspiring to be nobles have no heart, let alone a brave one, and turn a deaf ear to William Butler Yates' warning that everywhere the ceremony of innocence is being drowned. First, a tiny prologue.

''The trigger for Mr. GUNDERSON's point of privilege against me was a 'Dear Colleague' letter. I did not want to discuss this stuff on the floor. I did not want to read the Morano report on the floor. I circulated a factual report on a so-called homosexual circuit party of more than 2,000 bumping and grinding partners misusing the largest Federal auditorium in our capital.

''On Thomas Jefferson's birthday, April 13, to celebrate licentious and lewd behavior at a mockingly called event, Cherry Jubilee. The ads would show you it has nothing to do with our blossoms, cherry blossoms.

''Mr. Speaker, after a fair evaluation of all the facts, I can unequivocally state, I have been down to the Mellon twice, the auditorium, that the report issued by journalist Marc Morano, who was not alone, had another journalist with him, that it was true and accurate. Let me repeat that, contrary to Mr. GUNDERSON's second-hand defense of the 9 hours which he said he did not attend at the majestic Andrew W. Mellon Auditorium, the eyewitness, multi-corroborated by even some homosexual journalists in the Washington Times the day after Mr. GUNDERSON's point of personal privilege. They were waiting with their evidence for somebody to trigger it. They thought I would do it with a special order. Mr. GUNDERSON did it.

''So Mr. Speaker, I now step out into the mine fields of political correctness, evil mine fields, I believe, alone, but I hope and pray alone not for long. Come, Holy Spirit.

''On May 2 last month, here in our awe-inspiring Rotunda, which is our secular cathedral nave, this 104th Congress, at a very, very moving ceremony, awarded our congressional gold medal to the Reverend Billy Graham and his wonderful, devoted wife of 53 years, Ruth. During that inspiring ceremony, while thanking us and addressing Vice President Al GORE and his beautiful wife Tipper and all our leadership, Mr. GINGRICH, Bob DOLE, our former Senate leader, and his wife Elizabeth, and Messrs. ARMEY, GEPHARDT, DELAY, BONIOR briefly, Senators LOTT, DASCHLE, all the Senate leaders and dozens of Members of both Houses. I see some of the faces here that were there.

''Reverend Billy Graham stated with great emotion, 'We are a nation on the brink of self-destruction.' He was not talking about most-favored-nation status for China. He was not talking about another B-2 bomber, and he was not talking about a 4.3-cent gasoline tax. He was not even really talking about the budget deficit, the debt, which is immoral to do this to our children yet unborn. We know what he was talking about, partly the subject matter that brought me to the floor tonight, I repeat, Dr. Graham, 'America is a Nation on the brink of self-destruction'.

''A national poll last month stated that 76 percent of our fellow Americans believe that our country is in spiritual and moral decline. This Member agrees; I am one of the 76 percent. I love my country. Who here could not? And I am sick at heart at its lack of direction in moral matters, in State and civic affairs involving character. No references tonight to any other parts of this town.

''I beg my colleagues to read carefully this cover article in the June 17 edition of the Weekly Standard. It is titled, 'Pedophilia Chic: The Norming of Foul Perversion, Child Molestation.' It seems that no longer is there any conduct considered a flat-out evil. In our Hollywood-type popular culture, there are hardly any taboos that remain. The words 'objective disorder' fall on deaf ears at the networks and at the New York Times.

''It was just 12 days after Reverend Graham's warning that Mr. GUNDERSON rose on the House floor. In a 'Dear Colleague' and at this lectern, he repeatedly called me a liar, of course using other words, impugned my character with the direct use of words like 'smear,' 'lies,' 'biased conduct' and 'an international effort to personally destroy'.

''Here is one quote: 'The gentleman from California has no right to misrepresent the facts in this, his latest attempt to smear the homosexual community'.

''Of course he used the adjective 'gay' as a noun, in place of the perfectly neutral non propaganda noun 'homosexual.' Seven times he said 'misrepresent the facts'. Mr. GUNDERSON's words or variations thereof were in the Washington Times, the Post, Congress Daily, Associated Press; moved to slander from sea to shining sea. In my home county, a young reporter embellished on the slander and put words in his mouth. Said he called my effort a character assassination. Then the reporter went on to repeat the obnoxious charge that I was out to 'smear the homosexual community'.

''Mr. Speaker, I think it is kind of low-life, this tact, I know Mr. GUNDERSON was prodded to do it. He said in his opening that he was going to let sleeping dogs lie, or words to that effect, and I think I am entitled, the 'impolite' cost us 40 minutes tonight, then I think I am entitled to make my case for my motivation.

''So let the facts speak for themselves. He says that I and others used stereotypes when analyzing conduct. Well, just what would be considered typical versus stereotypical conduct? Being fired from a Federal job for a tryst with a secretary. Excuse me, with the chief of staff. How about a 1991 public report of drink-throwing at an inside-the-Beltway bar that was about to be closed and was closed for pornographic pictures on its wall? How about another more recent drink-throwing rerun at a sodom and masochism bar December 16, last December, 6 months ago? Again, the altercation created sleazy newspaper stories involving a Congressman. Is that considered classy conduct? Does it diminish the integrity of our House as a whole? You bet it does. What would happen to an officer of the military involved in similar

squabbles? Is this stereotypical behavior or just typical?

''Mr. Speaker, no one believes that any Member of Congress is risking his or her life by serving in this Senate or House. Out in the field, yes, sir. Leo Ryan comes to mind, Larry McDonnell. No we do risk our lives. I flew on the aircraft that killed Ron Brown and 34 other people, with Sonny CALLAHAN and two or three other Members I see here tonight, four flights less than a month before that killing took place, that terrible accident. But there are people who serve under us that we make adhere to a tougher standard that do risk their lives. A slim majority of Members of Congress, eight people, swing four either way, sent thousands of troopers of our 1st Armored Division by Clinton into harm's way in Bosnia. And yet Congress is going to ignore this cherry romp of hedonism right down here on Constitution Avenue?

''Our toleration of low standards here in Congress over the years that I have observed is at the core of my challenge today, Mr. Speaker. Our Federal buildings, and I have been told today they are going to do it again next April for the third time, our Federal buildings must never, never be used to facilitate, if not glorify, immorality.

''We in Congress are culpable for any immorality taking place on public citizen-owned property in Washington. And if we fail as custodians of these beautiful citizen-owned buildings, you bet, culpable. And what dangerous policy are we following if we dismiss the consequences of glorifying homosexuality right here in our Capitol?

''My colleagues need only reflect on the lives of those Members of Congress, past and present, who found or still find alluring, if not addictive, this lifestyle. I say this with no joy. Three of our Members have died from AIDS, another barely escaped expulsion.

''I will leave the rest for the written record because it involved a child, a 16-year-old teenage page, in Spain. I never heard of a page going on a domestic CODEL. How do you get to go on an overseas congressional delegation and lose your innocence? Another Member was dishonored with a very severe House reprimand; involved a pimp/prostitute. A lot of pity from people from a West Point sense of honor. Leave the rest for the record.

''Then we saw two other Members have their careers ended by election defeats after they were discovered trolling for teenagers at so-called hot action bars. One of them, a friend of mine, was the father of three teenagers. The other, first Republican in 100 years in his seat, looked like a brother of mine, redhead, busted by our Capitol Hill police in one of the men's rooms in the Longworth Building. Sad. At a porno theater, where people were diving out of windows, some died, and eventually died himself of AIDS.

''Now, there is another word, Mr. Speaker, that I learned in preparing for tonight. It is a Greek word. Ephebephilia. E-p-h-e-b-e-p-h-i-l-i-a. It means someone who targets 18- and 19-year-olds. I guess in some of our Appalachian Mountain States, where the age of consent is 15 or 16, you target that narrow band, kind of the way Hugh Hefner does with heterosexual baby faced young girls for his centerfolds who look younger than their 18 that they have to be legally. He has been caught twice using a minor.

''Now ephebephilia, like pedophilia, is a moral sin of seduction, a transgression in Greece against 18- and 19-years-olds. Why do you not study the decay of classical Greek culture, my colleagues? Whether it is ephebephilia or pedophilia, in God's eyes it is all the same.

''There are a lot of Members who stay in privacy. I respect that. It is just when they are using it to advance an agenda, trying to have it all ways, kind of like truth in advertising, that I got upset once on this floor. I am going to leave the rest for the record.

''I have a Member on our side, could be a chairman of a major House committee next year. Given today's tragic loss, one of my best friends in the cloakroom, who, by the way, told me to do this. Bill Emerson told me to do this. I swear to God he told me to do this. This list does not include Members who keep privacy. Credit to their good judgment. One of our Members claims they are all Republicans. Quite a bloodhound, I guess. Tends to occasionally to take away their privacy; use the word ' out.' And I hope he never does it. I thought there was one code that was unbroken in the homosexual community, and that is everybody gets to make their own call in privacy.

''My colleagues, homosexuality is not this adjective 'gay.' At least in this Chamber, where people's careers have brought them to this pinnacle, it has been very sad, not happy. I would like to how I, a God fearing American, a very lucky husband of 41 years, a father of 5 stalwart God loving children, adults all, a grandfather of 10, No. 11 in the hangar, and a very hard working double House chairman, who is trying his very best to slow the AIDS toll, how could I possibly smear activists, as Mr. GUNDERSON accused me, given what they have done, and many continue to do, to themselves?

''In that June 12 Post Magazine story, 'Mr. GUNDERSON asserts DORNAN is full of prejudice and hatred.' That one quote alone, as the parliamentarians told me, entitled me to an hour. And in the same breath he used 'Is DORNAN dangerous? Sure, because he can use passion to intimidate and to roll over those who are unwilling or unable to stand up to him'.

''That is pathetic. I know this is going to sound patronizing, but I mean it from the bottom of my heart. I pray for Steve GUNDERSON and all others who like my colleague live on the edge. But I must fight back here tonight. I must fight back. These charges have their intent to destroy not my reputation only, but it brands my work in Congress as driven by the twin evils of hatred and bigotry.

''It is not going to work. It is not in my nature to allow something like that to go unanswered. I went through jet pilot training to serve in peacetime, ready to defend our freedom of speech. I went through that pilot training when Mr. GUNDERSON was 2 years old. I marched with Dr. Martin Luther King when Mr. GUNDERSON was 12. The next year, in 1964, I had FBI people tell me the Ku Klux Klan has a contract out on this Republican's head in a beautiful state because I was putting my life on the line against bigotry, registering to vote African-Americans.

''Mr. Speaker, in the 1880's, when immoral dueling was commonplace, this would not have happened. Never would I have had my honor assaulted this way. I will leave out the line.

''Mr. Speaker, the impact of casual sex propaganda and mainstreaming and, in some cases, romanticizing of AIDS is having a deadly effect upon our young, and lately upon our very young. I will tell you some quotes from Dr. Fauci up at NIH later, and that is why I circulated the facts about that circuit party.

''It is also my intent to reinsert the truth of what happened at that dance, and we are not talking ballroom dancing here, Mr. Speaker. So that no one will be misled, Mr. GUNDERSON, in his assault, associates me with two honorable journalists, one of them a courageous African-American writer, the other an excellent investigative reporter. And he attacks both of them as motivated by hate and prejudice, the journalism of hate, bigotry and prejudice.

''In his attack he invited the two writers to come and visit the victims of the AIDS disease. I checked with the other two; we have all done that. And he said we should learn that these are not some faceless pretty corpses but rather sons, brothers, uncles, lovers and friends, and, in increasing numbers, also mothers, sisters, and daughters. Strangely, he left out dads and aunts, and in the case of two of our Congress who are dead from AIDS, their prior important roles as husbands and fathers.

''It should comfort the gentleman from [Mr. GUNDERSON] to know, if his real goal is the truth, that this Congressman has forgotten more about the worldwide medical impact of AIDS than the Member [Mr. GUNDERSON] has ever known. And I might add, as some of my colleagues claim, that I forget little, if anything.

''According to that June 2 article, Mr. GUNDERSON said he has had four of his closest friends waste away and die from AIDS and another is HIV positive. What a gut-ripping, heartbreaking experience. But maybe he has kept these tragedies within his circle. I do not recall him publicly warning anybody, young or adult, not from this lectern, that the wages of promiscuity, for heterosexuals, too, is now death.

''Does he defend the Magic Johnson rationale; I am simply an innocent victim and we are all in this together; it is really an innocent disease? Or, rather, champion what I think is the more honorable approach of heavyweight prize fighter Tommy Morrison, who stated through tears, it is my fault, my conduct, my immoral behavior. If I can save one young person from doing what I did and save them from becoming infected with this killing disease, then my suffering will not have been in vain. No coming back to the boxing ring for one short season. As that big beautiful smile, and the most incomparable smile I have ever seen in my life on Magic Johnson gave us for a while on the basketball court.

''And where was Mr. GUNDERSON or any other Member in 1986, when I pleaded with my colleagues, mostly on my side, come to Paris with me to visit the Louis Pasteur Clinic to investigate this explosion of this pandemic. Where were they when I went to Geneva later that year, with my wife, Sally, to learn all we could about this health nightmare by getting extensive briefings at the World Health Organization? How about visits to the Centers for Disease Control? I never saw anybody sign in down there except Newt GINGRICH. It is in his district, or was. How many times has any Member, to gain AIDS knowledge, visited the National Institutes of Health, just a short 15, 20 minute drive from Capitol Hill up to Bethesda? Well, I have made all these informative trips several times over the last decade.

''And what did Mr. GUNDERSON do with his unjustified, now illegal, Jim Wright-initiated 2 years of congressional pay raise in 1989 and 1990? Well, my 2 years of those raises went to AIDS hospices.

''Mr. Speaker, I do not know what my colleague does in his free time to educate himself about the worldwide aspects of this, but I have been carefully tracking this nightmare for 13 years. Just last month I visited the Armed Forces Medical Intelligence Center at Fort Detrick where I received a startling and tragic update about the exponential spread of AIDS worldwide.

''In just 3 1/2 years form now, I told you this, 60 million will be infected, 12 million full-blown AIDS. Sadly, most of them with little or no health care. And dead? Nobody can really track the dead worldwide. No one knows for certain how many millions by 2000 in the year of our Lord will be gone.

''I also learned the following stunning, shocking medical fact. The military forces of Zimbabwe were 75 percent infected. Not 7.5, not 17. Three out of every four of that officer corps, their sergeants and their kids are infected with AIDS. You know what this did? Because of this, their forces are rejected permanently by the U.N. for any future peace keeping assignments. And at least six more nations are going to be stigmatized any day now on a no-go list with unacceptable for peace keeping duty.

''Zimbabwe peacekeepers brought the specter of AIDS infection and death to Somalia. How sad. Death in the name of peace. Make love, not war. That means more pressure on our American infection-free forces to travel worldwide on peacekeeping missions? Is that not obvious, Mr. Speaker? It is a powerful reason to keep our own military mercifully 100 percent HIV-AIDS infection free.

''A 100 percent non-AIDS infected military is my proper goal as the chairman of Military Personnel. And I take a lot of, to quote a four-star, bovine scatology from the homosexual lobby for my perfectly logical and fair legislation and a lot of that scatology from the other body.

''Where was Mr. GUNDERSON or any other Member of the 99th Congress back in 1985 when I gave the first of almost 200 of my floor speeches warning about how our blood supply was contaminated and was beginning to spread the epidemic that year at a ferocious rate? Who came to this floor anywhere and discussed unsanitary promiscuous behavior or debated using infected needles and the cross contaminating of both cohort? Where have all the homosexual activists been over the last 15 years?

''Well, there are now thousands of homosexuals who are working tirelessly and heroically to comfort and, yes, love the ill with a pure philos love, a Christian love, a Judeo-Christian love, and God bless them. But other than telling us we are all culpable, these are the leaders, and all at risk, for some of it has been just business as usual. Trying to get money out of us, which we give most generously, and I have been there 100 percent, and they still push, some of them, public relations mumbo-jumbo instead of tried-and-true solid public health policy.

''Mr. Speaker, anybody can tell my colleague [Mr. GUNDERSON] that I have spoken with more young men before they died of AIDS than most that serve here. When a person grows up and has lifelong roots in Manhattan, New York, and Beverly Hills, CA, as I did and as I do, you will see in 10 years more tragedy involving drug abuse and fast track heterosexual casual sex than you will see in the wholesome dairylands of Wisconsin in 100 years, at least until these not so gay 90s'.

''In fact, Mr. Speaker, it is interesting to know over the last 10 years, Mr. GUNDERSON has spoken on this floor about AIDS about eight times. Unbelievable for a self-proclaimed person who is involved. If you do not count a one-sentence in passing mention of AIDS in 1989. Then, amazing as this seems, his very first speech, and a short one at that, was his annoying, at least to me, Christian second-to-none speech, and that was only 2 years ago.

''I, on the other hand, addressed this Chamber on the subject of AIDS, I repeat, about 200 times. That is Mr. GUNDERSON's rate times 24. This speech tonight alone contains more references to AIDS both in quantity and quality that Mr. GUNDERSON's eight short speeches over 16 years all run together.

''I repeat, in 1985, I offered a successful and nearly unanimous amendment in this House, 11 years ago, to close those disease-infected, unsafe-sex-with-multiple-strangers bathhouses, the aforementioned anvils from hell that broke and slowly killed so many midnight cowboys in New York City and San Francisco.

''Frankly, given the contrast and the attention we both have given to this tragic retrovirus nightmare, the widely used homosexual protest bumper sticker 'silence equals death' has a special resonance, don't you think. I have never been silent because I truly believe in tough love. Meaningful compassion demands positive action.

''When Mr. GUNDERSON attacks my belief system on what constitutes serious sin and what constitutes the corruption of youngsters through bad example, he also attacks my religion. The Catholic Church and Pope John Paul II are unrelentingly slandered by the top and the middle management of the homosexual food chain, to see the disgusting, apocryphal scene in Berlin with stark naked people throwing blood red paint on the holy father's vehicle. Main driving force is this issue to that atrocity. However, thanks to God's unrelenting love, and I have seen this when death is near, it is back to the arms of holy mother church, Dominus vobiscum.

''What does Mr. GUNDERSON really know about my love for the dying or my empathy for human suffering or my work with the families of our missing in action in Vietnam and now Korea where he left hundreds behind under a Republican hero, a five-star general, President Eisenhower? What does he know about my empathy for human suffering? Jesus died for sinners, actually for each individual sinner.

''I am a sinner. Most of us around here commit at least little, small sins on a pretty regular basis, do we not? Every one of us, every day with every suffering person can and should say, there but for the grace of God go I. My motives are based on compassion and on love for my fellow man and a pure desire to defend innocent youth and children.

''I resent anybody out there hiding behind the facade of caring, thinking about other things. Does every Member truly grasp the enormity of the suffering that was involved with those 360,000 Americans slowly wasting away, and counting. I can't absorb the enormity of that level of suffering. Who but a handful among us in Congress, I repeat, even knew that 60 million are going to be infected at the turn of the century. What a way to enter that millennium, I repeat. And the calamity is behavior-driven in the main. No ifs, ands or buts about that harsh argument.

''Notwithstanding the pandemic nature of this worldwide plague, the truth is, and honest reporters have known this for years, AIDS simply is

not, not everyone's disease. Is it a plague? Of course it is. Is it an epidemic, an international pandemic? Beyond question, but it simply is not everybody's disease.

''Read the May 1 story which will be in my full remarks in the Wall Street Journal. Almost everybody in this room has a better chance of being hit by their own personal lightning bolt, a direct message from God to come home as fast as you can, a lightning bolt, before they have a chance of becoming HIV positive.

''Let us apply some logic. Two thoughtful leaders from AIDS Project LA in my office last night told me that if AIDS is everybody's disease, then it is nobody's disease. They just do not want it to be called totally, to use their words, a gay disease. They say it is not everybody's disease. Is AIDS your disease, Mr. Speaker? I did not mean to single you out. No. Is it my disease? No.

''How about all of the floor staff and clerks around us? Of course, probably not. How about the entire membership of Congress, all 435 of us? Okay, here is where we pick up a few at risk. I was told a long time ago that there were some HIV positives between the House and the Senate; the person is long gone who told me that. He said that only about 50 Members had even been tested.

''So if we include all of our staffers, about 30,000, we would probably pick up a handful who are infected. That is also because government, like Hollywood, like Broadway, like big cities, it attracts a disproportionate number of homosexuals who want to work here for their country beyond the 1 or 2 percent estimates nationwide.

''I am sure you get my point, Mr. Speaker. But if you say that this group or that group is a high risk, you have just stigmatized a small percentage of our population as high risk for venereal disease. The only fatal sexually transmitted disease in the United States is AIDS. So by accepting logical truth, you can be called a bigot, a hater, or prejudiced.

''Those are vile words hurled at me, at an African-American columnist, at a hard-working reporter, and my good friends at the Family Research Council and at you who instinctively believed Marc Morano's report about illegal conduct at the Mellon auditorium.

''By the way, would it not be equally scandalous to rent out this architectural showpiece, the Mellon auditorium, for a Hustler, Penthouse, or Playboy, no-holds-barred celebration of free love with centerfold models, as the bartenders were on April 13, in neon day-glo underwear. That is all they had on, with or without the drug use, with or without the half-naked gyrating, with or without the crude name like Screw Alley for the beautiful arched carriage entrance on the east side of the courtyard, without anything like that, we are going to give that place to Hustler or to Guccioni's Penthouse? I don't think so, the kids would say.

''Now, if I can have an animus towards the promotion of fornication and adultery that is promoted in Hustler, why can I not have an animus toward glorifying homosexuality, particularly circuit parties. I refer you to the U.S. Supreme Court decision, I have my eye on the clock, Romer versus Evans, May 20, just last month, most timely and very instructive. Pro-family folks, especially you in Colorado who crafted that, do not be discouraged by what I am about to say. But sadly, Colorado's amendment 2 was imprecisely written and its exact wording is what allowed six justices to choose process over substance with that majority decision.

''Let me explain at this key point, Mr. Speaker, what I am about to say, brightly illuminated by this Supreme Court decision, will lend itself to a resolution of the question before us today. That is, Mr. GUNDERSON questioning my motives, my character. For the purpose of law, you could debate this for days. There is no such thing as homosexual orientation in law. It does not exist. In law, homosexuality is no more nor less than a sex act. Loving friends living together for years can be bonded by philos love with never even a thought of eros love. So under the law, you cannot be H-O-M-O without the S-E-X-U-A-L, any more than under law you can be hetero without the sexual.

''This is a crucial distinction in the law. Why? Because laws and public policies are based on human actions, not the penumbra of orientation, inclinations, tendencies or temptations never acted upon.

''President Jimmy Carter comes to mind. That is what you get for giving an interview like Bill Buckley to Playboy. What goes on in the thought processes of the human brain, that is not law. Law involves conduct, behavior and, yes, sometimes, rarely, speech, such as treason, libel or yelling fire and in a crowded enclosure.

''There are no laws against what a man or woman thinks nor will there ever be in a truly free country. In the eyes of the law, thoughts do not rape or molest. Desires do not sexually exploit another person or spread disease. Only human actions can do those things. All of the consequences pertaining to the behavior of male homosexuality center on sex acts. In James Carvillean-speak, it is the conduct, stupid.

''Unfortunately, Colorado's amendment 2 carried the term orientation. It allowed justice Kennedy and five others to perpetuate the myth of some kind of innate homosexual personhood. I do not have to tell you, Mr. Speaker, how ridiculously inane that notion is.

''Imagine, if you will, some of these beautiful babies, occasionally held in their parents arms or in our cloakroom of late, imagine those babies. Can anyone really make a scientific case that somehow those parents are holding budding little bisexuals, cross-dressers or pedophiles just waiting for puberty to reveal their true orientation?

''Such arguments are made regularly, usually by homosexual priests or homosexual scientists or homosexual doctors and are rarely, if ever, exposed as mostly psychobabble and pseudoscience, certainly not by my friends at Newsweek, Time or the other liberal weeklies, including in the law concepts of orientation and class of persons like amendment 2, it spawned the death of that amendment.

''But the argument with which I took the greatest exception in the flawed Kennedy-written majority decision and the focus that is most relevant to this question of privilege here tonight, Mr. Speaker, is Kennedy's use of the words animus and animosity to describe the motivation of the framers of amendment 2, 53 percent of Colorado's voters who voted for the amendment, and the beliefs of the polling of the overwhelming majority of Americans.

''Animus, this is the same charge that Mr. GUNDERSON has leveled at me, using rougher language. In that long reviewing June 2 Post magazine puff piece, to be specific again, he said that my effort in exposing the truth about this weekend was just my latest attempt to smear the homosexual community. That I am motivated by hatred, a much nastier word than animus, not by a sincere desire to protect Government property from scandal or abuse and, of course, not by sincere conviction that all Members of Congress should prevent our Congress from giving bad example to the youth of our Nation by sending them the destructive message that promiscuous sex, hetero, homosexual, bi-, tri- or commune sex is normal and healthy and regularly allowed to showcase itself in our taxpayer-owned buildings.

''I repeat, we have learned the hard way that the wages of that sinful message is death, 360,000 and counting.

''So, Mr. GUNDERSON tells this Chamber and, through C-SPAN, the Nation, that I am out to smear.

''I read to you, Mr. Speaker, what Justice Scalia said in his dissenting opinion about this animus. Scalia writes in his opinion that Coloradans are entitled to be hostile toward homosexual conduct and that the court's portrayal of Coloradans as a society fallen victim to pointless, hate-filled gay bashing is so false as to be comical. Comical, he writes.

''Mr. Speaker, Justice Scalia thought his opinion to be so important he took the time to read it in its totality aloud to the Supreme Court, and it was much longer than the majority decision. Please reflect on Justice Scalia's words, Mr. Speaker. He is saying that you and I and all Coloradans are entitled, he even italicized that word in his opinion, entitled to be hostile toward conduct, not hostile toward any person but hostile toward the conduct.

''Only craven, cowardly bullies hurt or bash individuals, and they should be severely punished with the full force of the law. A law-abiding citizen does not even physically abuse a guilty drunk driver at an accident scene involving

the death or injury of a child, and that is a pretty tough provocation. He makes a citizen's arrest and grits his teeth and cries and waits for the police.

''So let me state for the RECORD again, Mr. Speaker, before a million or so people at this time of night watching, and I am not referring to any individual in particular. It is the conduct, stupid, or it is the conduct, sweetheart.

''Mr. GUNDERSON knows in his heart of hearts, I hope, that, if he were being physically assaulted out there on the street, Bob DORNAN would be one of the very first, if not the first, to defend and protect him even at risk of my life, even limping all the way. And if you doubt that, just ask Congressman CUNNINGHAM, Congressman MORAN and about a half dozen of our Capitol Hill Police Officers.

''I, like most Americans, I am sorry, I do have an animus toward homosexual conduct and at that ostentatious, in-your-face conduct that was exhibited at the Cherry Jubilee group grope.

''In his floor statement, the gentleman [Mr. GUNDERSON] attempts to portray the homosexual conduct at that stately building as, quote, a gift of love, not a weekend of illegal activity. Even the remotest touch of common sense is going to tell any American, Mr. Speaker, that the 8,160 foot square foot Mellon auditorium, this beautiful hall is only 7,600, Senate Chamber 4,300, 8,160. When filled with 2000-plus writhing, bumping and grinding dancers, hundreds of them half naked, that is anything but a gift of love.

''I would like to show you that nonoffensive picture in color there, blowup of one of the slides, unless of course you define lust as love, which is kind of similar to a Member of Congress using love as an excuse to responding to an ad in a homosexual newspaper which was signed off by 'hot bottom'.

''That is not love, that is lust.

''Just why would I have animus and not a homosexual jamboree? Fair question, easy answer.

''The gentleman, Mr. GUNDERSON, claimed the Cherry Hop raised about $50,000. Forty-five; I have just talked with the Whitman-Walker Clinic. Again he claimed, or he said that, and think about this, Mr. Speaker, $45,000. If just one person after a night of, quote, copping feels; that is the description by an anonymous homosexual columnist reporting on the hop for the homosexual metro weekly paper quoted in the Times after Mr. GUNDERSON's remarks, after a night of copping feels on the dance floor, if just one human being after furtively sharing a little cocaine, and it is all in the report, with an all too friendly drug tripper in a latrine stall, if only one person after that gala back in a motel or a hotel shared the virus, then that mere $45,000raised is but a drop in the bucket. It is not even half a year.

''For one person who does not even have AIDS yet, if they are in one of our hopeful Government programs, they would not even cover the fraction of the cost that one single AIDS patient would require through his medical decline and death.

''I hope you get that because the head of the Whitman-Walker Clinic, Jim Graham, in a very pleasant conversation tonight, did not get it. He said it is not where you get it, it is if you got it.

''You come together in a Federal building and one person gets it, there goes all the money from the whole event, and Mr. GUNDERSON said they spent $14,000 on the lights alone, just on the lighting. You should have seen the place that night. All those six massive door columns lighted with the lights of the rainbow.

''Now, God demands compassion and prayers for the infected patient and for the dying. Jesus commands it. What you do for these the least among you, do for me. Every AIDS victim lying in a bed is Jesus Christ. Every little finger you lift to help them, you are helping Jesus. It is right there. Of course we have to have love and compassion, but focused animosity is logical when it is directed at the behavior of arrogant risk takers. Jim Graham agreed with me on this. Those hell-bent for leather put lust before long life, folks, and therefore they overload, if not bankrupt, their whole systems.

''Dr. Tony Fauci told me just a few weeks ago up at NIH—I met some of the lucky patients up there, they called themselves lucky; I had to wince at that one—he told me that there are now many young homosexuals becoming HIV-positive because of mere frustration, mere annoyance, at having to avoid AIDS with less risky sex. So mentally exhausted with safer sodomy, they succumb to high-risk lust for this inevitable fate.

''Mr. GUNDERSON says we must not lecture one another if there is to remain any element of mutual respect, unquote. Well, if lecturing is out, fine. Then I simply plead with young Americans at risk stop hurting one another, stop killing one another, stop the promiscuity. This goes for young homosexuals: Stop the dangerous and the unhealthy conduct. Stop holding up homosexual conduct or heterosexual sleeping around before the youth of our country as wholesome and normal and healthy.

''Yes, there should not be hostile Roscoe—I am sorry, using the first name on military bases—thank you for that amendment. I think it is going to survive.

''Let me turn around another GUNDERSON insult. He accused me of trying to personally destroy those with whom I might disagree. Well, those of us who truly believe that we are our brother's keepers, and I thought that is why we all ran for election here, to help our brothers and sisters. I am not trying to destroy your risk-takers; trying to save your immortal souls and your mortal lives in the measure.

''Mr. Speaker, the gentleman [Mr. GUNDERSON], said I had a large hand in intentionally misrepresenting facts and falsifying information. He repeated that 6 times. For the record, these salacious advertisements—I was going to show them—at my side are exactly what I am talking about when I criticize the melee at the Mellon. Cherry Jubilee consisted of three inclusive events.

''Mr. Speaker, I will put in the RECORD the 3 phases of this weekend. I will call to people's mind the Tailhook incident; as ugly as that was, the outrageous double standard that we tolerate, given the code of honor that we Americans demand from our military, how pathetically low our standard of ethics is here and in the Senate. Even Packwood avoided being expelled for over a year. Then he quit, among tearful goodbyes. 'Goodbye, Mr. Abortion, goodbye, Mr. Womanizer, good riddance.'

''I talk about the second event, the main event, talk about my going down there, talking to this wonderful lady who has had the main stewardship under the GSA, not, as Mr. GUNDERSON said, Commerce, the GSA, how they balked at her asking him to wrap it up at midnight. Then she tried to compromise, 1 o'clock, and finally it was 9 hours till 6 a.m., on the Lord's day.

''Then I talk about the recovery brunch; that is their name; supposedly at the Longworth. I guess the gentleman [Mr. GUNDERSON], realized he needed a bigger venue, violated all of our House rules about nothing in the courtyard at Rayburn till 4:00, started at 1:00. They blocked the reporter, Marc Morano, from going in.

''I stood in front of that Mellon; this is where I tried to have a joint House-Senate session for Mr. Gorbachev. No dictator had ever spoken there where Churchill and MacArthur stood. So I knew this Mellon years ago; was 87, and yet I stopped, I was the lead man, with a little help from Mr. GINGRICH and Mr. WALKER to be truthful, not much help; it was my show. I stopped Gorbachev. I did not want him here. Some of my colleagues yelled to me in the elevator, 'Well, I want to hear what he has to say, Bob.' I said, 'Good. You ever heard of the Mellon Auditorium?' This is 9 years ago. 'Let's go down there; its bigger than the House floor'.

''Well, I went down there, and this lovely lady told me, and I do not want to get her in trouble, that the next day was a pig sty, that the floor was covered with a slime from mixed drinks. It was a whole bigger floor than this. She say they called the Whitman-Walker Clinic; he admitted this to me on the floor today. He said, 'Well, we cleaned it up; didn't we?' And it is Sunday at triple time, out of AIDS money that has been raised, triple time. They had to go down there and clean it while 600 of the 2,000 of the partyers were recovering in our Rayburn courtyard.

''And that Mellon is straight across from the National Museum of American History, on our No. 1 boulevard, Constitution. I paced it off, 106 paces to the north wall of the American History Museum, and guess what is on the

other side of that wall? Old Glory, the Star Spangled Banner, the original that Francis Scott Key wrote. It is 30 by 34 feet. It is on the wall facing the Mellon. And what did he write in the Star Spangled Banner? 'In God we trust.' There are the words up there: 'In God we trust.' It is Constitution Avenue; as my colleagues know, along with Philadelphia, Pennsylvania Avenue, it is the No. 1 boulevard for this country.

''Put the rest in the RECORD here.

''Continues the description of that whole wild night. Sad.

''And Mr. Graham told me they are going to do ti again next April in one of our Federal buildings. Think Tailhook. The careers of four-star admirals, one of them with 400 combat missions in the most dangerous air environment in the history of mankind, had his career ended.

''No sink back for you, war hero, and you weren't even at the event.

''Well, we do not think you were tough enough on it, and that is 5 years ago, when we are still destroying the careers of people who put their lives on the line to die for freedom of speech. But nobody pays attention to this majestic auditorium down there.

''Eyewitnesses. Boy, Mr. Speaker, I have got a great close here about Abraham, Moses, a couple of lines from, as I said, the Ten Commandments. It will all be in the RECORD tomorrow. I hope some of my colleagues assign a staffer to read it if they are too busy to. It lays out the whole case with other eyewitnesses, and then it comes to Steve's words, that this was the love of God personified. Wow. That is not my American tradition, to paraphrase him, or my American family. It sure as hell and heaven is not my Judeo-Christian ethic or code of ethics. This does not represent the God of Abraham or Moses up there in the central place of honor, full-faced, marbled, looking right at me right now.

''He is looking at you too, Mr. Speaker. This does not represent the God of love, certainly not the Father of Jesus or love in any faith I have ever heard of. This is pagan in every sense of that word. This is a bad rerun of worshipping Mailik and Baal.

''Mr. Speaker, the tension between me and three of our colleagues here, I guess, is a reflection of the national debate on our moral spiritual decline. It is a debate that seems to have been, temporarily, I pray, stifled, it not snuffed out, in the great Democratic Party, very much alive in my Republican party. Some people rub their hands waiting for a big fight in San Diego, but there can be no compromise in this struggle.

''Members in this institution, a lot of them, on all the moral issues, even partial-birth infanticide to go away; there are some even more laid back, if not cowardly, who say, so what? That is a Carvillean quote, I guess, 'So what?' And I pity the children in the love department with people who say, 'So what?'

''Unfortunately, a struggle over the virtue, the future of our Nation as a land of godly people, can only subside when one side wins and the other loses, and history tells us that the battle will wax and wane until the Second Coming.

''I know what I am doing by getting out of here, I know the danger it holds for me and my large family. I will finish in an hour special order next week. Enjoy your Fourth of July, and I welcome anybody to come over and debate me and see if we can slow down the death of 360,000 and counting.

''Mr. Speaker, I rise to a question of personal privilege.

''Mr. Speaker, I rise to claim my privilege under House Rule IX, section 1, to address the House in reply to the scurrilous attacks on my honor, my truthfulness, and my motives by the retiring Member, Mr. GUNDERSON. His verbal attacks on me last May 14, from this very lectern, have worked their way throughout the national media. He compounded his insults by telling a stringer for the Washington Post, according to her puff piece on him, printed on Sunday, June 2, that I am quote, 'full of prejudice and hatred.' That's so far over the line, Mr. Speaker, that it necessitates a 40-cannon broadside in response.

''Mr. Speaker, it's worth noting, that in more than 16 years of service together, Mr. GUNDERSON and I have never exchanged cross words off this floor, nor have we ever been impolite, discourteous, or uncivil toward each other—not once. Mr. GUNDERSON will confirm this. Just ask him. In fact, ask anyone around here and, if they're honest, they will tell you that I am one of the most cheerful, optimistic, enthusiastic, upbeat, irrepressible, good natured, and affable Members with whom they serve. And loyal. Yes, for certain, I'm passionate at times, and, yes, unrelenting in my deep concern about the deterioration of our culture. And that concern is sometimes dismissed in a negative way by a few adversaries around here, and often spun negatively by doctrinaire liberals in the media who care little about objective truth or the real intent of a heart that even some detractors have called a braveheart. As I've pointed out occasionally to supportive friends, my passion is only seen as unusual, even in this historic debate chamber that's weathered a civil war, because today so many Members of Congress lack passion about anything, in spite of that violent world out there. Also because there are so many here, who, while aspiring to be nobles, have no heart, let alone a brave one, and turn a deaf ear to William Butler Yeats' warning that 'everywhere the ceremony of innocence is drowned'.

''First, a brief prologue. The trigger for Mr. GUNDERSON's point of personal privilege was my 'Dear Colleague' letter, circulating a factual report on a so-called 'homosexual circuit party' of more than 2,000 bumping and grinding partyers misusing the largest Federal auditorium in our capital on April 13 to celebrate licentious and lewd behavior, at the mockingly named 'Cherry Jubilee'.

''Mr. Speaker, after a fair evaluation of all available facts, I can unequivocally state that the report issued by journalist Marc Morano is true and accurate. Let me repeat that. Contrary to Mr. GUNDERSON's absurd, second-hand defense of the 9 hour display of hedonism at the majestic Andrew W. Mellon Auditorium, the eye-witness, multi-corroborated account of reporter Marc Morano is unassailable. And to insure that there are no misunderstandings about the substance and accuracy of Mr. Morano's report, I am going to read that vivid account for you now.

An all night homosexual 'circuit' party called 'Cherry Jubilee' Main Event took place in Washington, D.C. on April 13,1996. The dance party featured public nudity, illicit sexual activity and evidence of illegal drug use. The sponsors of the homosexual festivities included a GOP congressman and a host of corporations. A federal building, the Andrew W. Mellon Auditorium, played host * * * and was the backdrop for the illegal activity. The sponsors included * * * American Airlines, Snapple, Miller Lite Beer, Starbucks Coffee, and Ben & Jerry's Ice Cream. 'The Main Event' was followed by a 'Capitol Hill Recovery Brunch' in the Rayburn House Office Building. Representative Gunderson secured the Rayburn building for the 'recovery brunch.'

The Mellon Auditorium is a taxpayer owned and federally operated building complete with classical ornate Doric columns directly across the street from the Museum of American History on Constitution Avenue. 'The Main Event' was being described by the City Paper as a 'New York style homosexual circuit party * * * usually drug infested.'

Main Event tickets were very hard to come by. The event sold out, which left a scramble for ticket scalpers outside the entrance. Two thousand men attended, most between the ages of 25-35 years old. Many of the men who attended were of obvious affluence. Limousines and even a Rolls Royce lined Constitution Avenue as the party goers arrived.

The clothing was trendy with skin tight black jeans and tanktops. The bartenders wore bright neon underwear and nothing else. Many of the men arrived with leather and rubber pants and neon rubber loin cloth underwear only. Most of the shirts came off as the men headed for the dance floor.

Body piercing was ubiquitous with piercing in nipples, navels and ears. Chains and dog collars were also prevalent. Cross dressing was common sight, as a heavy presence of transvestites and other 'transgendered' men attended. Men with wigs and dresses in heavy make up strolled through the auditorium. Several pairs of lesbians attended as well, parading in very skimpy clothing.

Most attendees greeted each other with open mouth kisses. No fights or altercations * * * the men were generally very neat, with meticulous hair and clothing. There were few if any men who could be described as overweight.

As the constant thump, thump, thump of the techno music heated the crowd, the dancing became increasingly lewd and suggestive. As the night wore on, the dancers began simulated sexual gyrations. The dance floor became a torrent of intense groping and stroking. Some couples dancing on table tops, mimicking anal sex through their clothing while others pantomimed oral sex. At one point while dancing on a table top,

one of the lesbians lifted her bra and exposed her breasts. Meanwhile, several inflated condoms were batted about like volleyballs.

At about 4 am, two men proceeded to engage in illicit sexual behavior in the main auditorium. One man lowered his head (onto the crotch of another man and began to perform oral sex). This act occurred just off the dance in full view of the crowd. No one seemed to be fazed by it one bit.

The restroom stalls at the Mellon Auditorium were constantly being occupied by two men at a time. (Gropes and groans) could be heard emanating from the stalls with double occupancy. Stall doors would open and two men would nonchalantly exit.

Every conceivable isolated spot became a dilemma for security. Security officers had to diligently watch the outside courtyard stairwell in the smoking area. The steps led down to a dark basement alley way on the side of the building where many of the men were congregating. The progression of couples heading into the darkness, eventually forced security to intervene. Orange cones were placed to close the area off, as a security officer was assigned to stand watch. Public urination was common as the men relieved themselves outside and even in front of the stately building facing Constitution Avenue. * * *

Despite signs posted everywhere stating, 'Use or possession of illegal substances strictly forbidden,' evidence of illegal drug use was present. Snorting could be heard throughout the evening in the restroom stalls. A one point a straw fell on to the bathroom floor from inside a stall. There was also clandestine exchanges of money and substances in dark corners of the dance floor throughout the night.

Despite the flaunting of public nudity, illicit sexual activity, and illegal drug use at both these homosexual events, (April 1993 and April 1996) law enforcement never intervened. Contrast this with the controversy that inevitably follows when someone attempts to celebrate Christmas with a nativity scene in a public building or park (or the Tailhook scandal which took place in a private Hilton Hotel).

* * * The April 1996 Cherry Jubilee weekend proves that the homosexual agenda is advancing in Washington. The use of two federal buildings during the Cherry Jubilee weekend in Washington, D.C. reveals how the homosexual lobby has been in 'mainstreaming' their agenda. Voters, consumers and stockholders should hold the government and corporations such as American Airlines accountable when they underwrite events like Cherry Jubilee. The voters need to ask which side of the 'culture war' the Republican Party is on and what real change the so-called 'GOP Revolution' has wrought. The GOP leadership on Capitol Hill needs to explain how an event which featured illicit sexual activity, public nudity and evidence illegal drug use was allowed to occur in a federal building on the 253rd anniversary of Thomas Jefferson's birthday.

''Now, ironically, Mr. Speaker, this disgraceful misuse of taxpayer-owned property might never had happened if I had come to this well and alerted Congress to a growing phenomenon of misuse of Federal facilities to advance homosexuality, and exposed a prior outrage at the majestic Andrew W. Mellon Auditorium back on April 25, 1993, when an all day, sadism freak show defiled the auditorium and our Capitol City. I also should have alerted Congress to a June 1995 abuse of the impressive headquarters building of the Department of Interior. I was diverted from reporting on this latter outrage by the pace of House voting, the Presidential race, and my chairmanship of two very active subcommittees.

''Last year, throughout the month of June, in the impressive lobby of the Interior Department, there was an in-your-face display glorifying homosexuality. A large, lavender painted, free-standing billboard praised, with large photographs, four homosexuals high in our Government and held them up as role models. One, a female is no longer in Washington having left to lose an election in San Francisco. Another is still an Assistant Secretary at the Patent Office. And the other two are male homosexuals serving here in Congress. Unfortunately, the short bios under the Congressmen's photos were lies. The bios deceptively stated that both Congressmen courageously came out of privacy and voluntarily, with great pride, revealed their homosexuality here on the floor of Congress. Of course, the truth is quite different, Mr. Speaker. One of them was censured by this House for his statutory rape of a 16-year-old boy, one of our pages, and Secretary of the Interior Bruce Babbitt knows that; and the other Member was severely reprimanded by the House for conduct unbecoming a Congressman because of his involvement with a male prostitute-pimp who is running a full service procurement operation out of the Member's D.C. apartment, that and much more. The eccentric Bruce Babbitt authorized the homosexual propaganda display knowing that neither Member of Congress came out of secrecy freely, but were brought out of privacy by crimes. This outrage at the Interior Department building went unchallenged here in Congress, and therefore went unknown to American taxpayers. If I had protested those prior abuses of taxpayer-owned facilities, just maybe, 10 months later, a similar outrage wouldn't have taken place on Constitution Avenue, again at the beautifully gilded Mellon Auditorium.

''Better late than never.

''So Mr. Speaker, I now step out into the mine fields of evil political correctness, alone, but I hope and pray, not alone for long. Come Holy Spirit. On May 2, last month, here in our awe-inspiring Rotunda, America's secular cathedral nave, this 104th Congress, at a very, very moving ceremony, awarded our Congressional Gold Medal to the Rev. Billy Graham and to Ruth Graham his devoted and wonderful wife of 53 years. During the inspiring ceremony, while addressing Vice President GORE and his wife Tipper, Speaker Newt GINGRICH , former Senate Leader Bob DOLE and his wife Elizabeth, and all of our congressional leaders including Mr. ARMEY, Mr. GEPHARDT, Mr. DELAY, Mr. BONIOR, Senators LOTT and DASCHLE and all of the other Senate leaders, and dozens of Members of both Houses, Rev. Billy Graham stated with great emotion, 'We are a nation on the brink of self-destruction.' I repeat Dr. Graham: America is 'a nation on the brink of self-destruction.' A national poll last month stated that 76 percent of our fellow Americans believe that our country is 'in spiritual and moral decline.' This Member of Congress agrees. I am one of the 76 percent.

''I love my country and I'm sick at heart at its lack of direction in moral matters, in state and civic affairs involving character. For example, I beg my colleagues to read carefully this cover article in the June 17 edition of Weekly Standard. It's titled 'Pedophilia Chic.' The norming of foul perversion. It seems that no longer is there any conduct considered a flat out evil. In our liberal popular culture, hardly any cultural taboos remain. The words 'objective disorder' fall on deaf ears at the networks and at the New York Times.

''On May 14, 12 days after Rev. Billy Graham's warning, Mr. GUNDERSON repeatedly called me a liar—using other words—and impugned my character with the use of words such as 'smear,' 'lies' and 'biased conduct' and 'an intentional effort to personally destroy.' Specifically, Mr. GUNDERSON claimed that 'the gentleman from California has no right to misrepresent the facts, in this, his latest attempt to smear the homosexual community.' Unquote. Of course, he used the adjective 'gay' as a noun in place of the neutral non propaganda non 'homosexual.' Seven times he used the phrase 'misrepresent the facts'.

''Mr. GUNDERSON's words or variations thereof were repeated in many news stories throughout America including the Washington Times, the Washington Post, Congress Daily, and the Associated Press which moved his slanders from sea to shining sea. In my home county newspaper, the Orange County Register, a reporter embellished on the slander, 'Gunderson * * * called the Dornan effort a character assassination' and the Register reporter repeated Mr. GUNDERSON's absurd and obnoxious charge that I am out to, quote, 'smear the homosexual community.'

''Mr. Speaker, this is all so low-life, this attack on my honor, that I am entitled to discuss the reliability of how Mr. GUNDERSON deals with the truth and with facts and how he reports events and how I deal with facts and my reputation for dealing with the truth. Mr. GUNDERSON said here that I, quote, 'sought to question [his] integrity.' Well, I did not on the House Floor. But now, let the facts speak for themselves.

''Let's start with Mr. GUNDERSON's reporting skills. He reports that nothing illegal took place at a frenetic party he did not even attend. By comparison, let's analyze his anonymous report to the Washington Post of a meeting of seven Republicans that he did attend. The relevancy to my point of privilege will be self-evident, Mr. Speaker.

''Let me defend our Speaker, my friend Mr. GINGRICH from a viciously exaggerated, self-serving tale that the front page.

''Here is the January 18, 1996, edition of the Washington Post. Look at this front page story. Preferred position—first story, upper left, two columns, lead title 'Inside the Revolution,' I quote the largest headline, 'Stung and Beset, Speaker Breaks Down and Weeps,' by Michael Weisskopf and David Maraniss. Maraniss is the author of the incendiary book 'Inside the White House'.

''This supposed news story, that purportedly was about the dropping of wildly obscure ethics charges against the Speaker, I soon learned was exaggerated to the point of grotesque untruth. Quote, 'An old congressional ally who had stopped by the office to talk about farm issues rose from his chair and hugged them both (the Speaker and his wife). Gingrich could no longer hold back his emotions. He began sobbing uncontrollably,' the Post reports.

''Now, whom do you think that old congressional ally was, Mr. Speaker? That so-called 'ally' who went to the Washington Post and grossly distorted private emotion in the Speaker's office was none other than Steve GUNDERSON. The truth was twisted, much to Speaker GINGRICH's detriment, and the distortion did damage to the Speaker's reputation, his manliness, and raised the question of his emotional stability. That's some ally, Mr. Speaker. And it wasn't even true.

''Obviously, 'sobbing uncontrollably' is not the John Wayne image a leader hopes to maintain in order to lead 435 men and women of very strong wills, many with very single minded dispositions.

''A supposed ally ratting out a leader, as a blubbering softie, would by itself be disloyal in the extreme, but when it's not even true that is indicative of an ally who is 'integrity challenged.' Mr. GUNDERSON's problem, as a volunteer informant for a liberal newspaper, was that there were other eyewitnesses in the Speaker's office during the non-sobbing, such as Representative and soon-to-be Kansas Senator, Pat ROBERTS, and my hard charging colleague from California, Richard POMBO.

''Both Congressmen told me directly that yes, that day there were some tears of justifiable frustration. 'Weeping?' No way. 'Sobbing uncontrollably?' Absolutely not. Mr. ROBERT's final statement to me just a few day ago: 'There was no uncontrollable sobbing'.

''So much for Mr. GUNDERSON's reporting skills, and of course, his loyalty.

''Mr. GUNDERSON whines that straight Members, such as I, unfairly use, quote, 'stereotypes,' unquote, when analyzing homosexual conduct. Well, Mr. Speaker, just what would be considered typical versus stereotypical conduct? How about getting fired from your very first Federal job for an office morale-destroying, homosexual tryst with the chief of staff? How about a 1991 news report of a drink-throwing squabble at an inside-the-beltway homosexual hangout, which was about to be closed because of the pornographic pictures on its walls? How about a more recent drink throwing rerun at an S/M bar, that's a sadism bar, on December 17, 1995? That's last December, just 6 months ago. Again the barroom altercation created sleazy newspaper stories involving a U.S. Congressman. Is that considered classy conduct? Does it diminish the integrity of our Congress as a whole? You bet it does. What would happen to an officer in the U.S. military involved in similar bar squabbles? Is this stereotypical behavior or just typical?

''And don't you just loathe the 'typical' double entendre names of some of these homosexual watering holes? 'The Green Latrine.' What's that mean? Come and get it, all systems are green and go! 'The Badlands'—do they really know in their hearts that trolling bars is 'bad' for them? How about the bars with hot tubs and private two-man cubicles in upper rooms and side chambers—the same types of bathhouses I helped to close with near unanimous legislation on this floor back in 1985—those non-Glory Holes had particularly offensive names such as: 'The Mineshaft,' 'The Anvil,' and worse. Are those bathhouse dives typical or stereotypical?

''Mr. Speaker, since Mr. GUNDERSON said I questioned his integrity, let us thoroughly analyze this word 'integrity.' In the May 13, 1996, edition of one of our military newspapers, the following powerful thoughts were expressed by a four star leader in an article on 'integrity.' His article also covered 'honesty' and 'professionalism'.

''I want to quote a few germane paragraphs for this reason: the so-called Tailhook Scandal, still bedeviling and ripping our great U.S. Navy, is 5 years old, 5 years old, and it is still destroying careers. Imagine for a moment, Mr. Speaker, if the out-of-control homosexual romp that we judge today had happened on any U.S. military base or post anywhere throughout the world. What would the repercussions had been? Batten down the hatches. That thought gives new, sickening meaning to the words 'double standard.' But, first, those powerful words from a real leader, a four-star, combat-tested Chief of Staff. Apply his challenging thoughts to U.S. Congressmen and Senators.

''The majority of our members understand well that integrity is essential in [military] an organization where we count on fellow members and that honesty is the glue that binds the members into a cohesive team.

''And they easily take responsibility for their actions and exhibit the courage to do the right thing.

''Yes, most [Air Force] professionals place service before self and willingly subordinate personal interests for the good of their unit, [the Air Force] and the Nation and, if called upon, are willing to risk their lives in defense of the United States.

''Furthermore, professionals in our service strive to excel in all that they do, always understanding that our responsibility for America's security carries with it the moral imperative to seek excellence in all our [military] activities.

''* * * Because of what we do, our standards must be higher than those that prevail in society at large. (Shouldn't this mean Congress, Mr. Speaker?) The American people expect this of us, and rightly so. In the end, our behavior must merit their trust, respect and support.

''[Air Force] leaders [commanders] and supervisors must ensure that their colleagues [troops] understand the requirements of our [military] profession—and measure up to them. * * *

''* * * when an individual exhibits professional negligence, misbehavior (or disobedience), this is not a mistake! That is a crime, and crimes are matters of serious concern for superiors.

''In short, if a service member willfully ignores standards, falsifies reports, engages in inappropriate off-duty behavior, then we must immediately take appropriate disciplinary action—certainly that would include hitting on teenage pages?

''* * * as a force, we must insist on disciplined and principled behavior.

''When an individual fails to meet the higher standards expected of [military] professionals, then we must hold him or her accountable and document the offense in their records * * *. And revisit it if provoked again.

''Ours is not a 'have it your way' kind of service. Members cannot be allowed to pick and choose which aspects of our [Air Force] standards, [Air Force] instructions, Defense Department directives or the Uniform Code of Military Justice laws they will comply with.

''That would undermine the good order and discipline that is so crucial to any outfit. If you are unwilling—to comply with our [Air Force] standards; to embrace the values of our profession; to meet the unique requirements of [military] service; or to accept the resulting limits on individual behavior--then get out!

''Our responsibility for safeguarding America is far too important and too critical to allow it to be jeopardized by those unwilling to measure up.

''Mr. Speaker, I will revisit in my closing words three of those powerful sentences and identify the flag officer who delivered them. Mr. Speaker, no one believes that any Member of Congress is risking his or her life by serving in the Senate or the House, so how dare we live by a lower, a much lower, standard of ethics and professionalism than we demand of our younger military men and women who serve under our jurisdiction, and who do risk their very lives. A slim majority of Members of Congress allow thousands of troopers of our 1st Armored Division to be sent by Clinton into harm's way in Bosnia, and yet our Congress ignores garbage like this 'Cherry romp' of hedonism

right here down on Constitution Avenue. Our toleration of low standards here in Congress is at the core of my challenge today. Our Federal buildings must never, never be used to facilitate and glorify immorality. We in Congress are culpable, for any immortality taking place on public property in Washington, if we fail as custodians of these beautiful citizen owned buildings. And what dangerous path are we following if we dismiss the consequences of glorifying homosexuality here in Washington, D.C., our capital.

''My colleagues need only reflect on the lives of those Members of Congress, past and present, who found, or still find, homosexuality alluring, if not addictive. Three of our Members have died of AIDS. Another barely escaped expulsion while suffering the dishonor of a severe House censure for seducing a minor, i.e., the statutory rape of that teenage page sent here by his parents in our care. And, by the way, that young page was seduced on a codel to Spain. How was that outrage put together? I've never heard of a page traveling with a domestic congressional delegation let alone with an overseas congressional delegation.

''Another Member was dishonored with a severe House reprimand for sponsoring and using a pimp and is pitied by those who have a West Point sense of honor. Both Members should have been expelled so as to maintain the world's respect for our U.S. Congress, not to mention the Nation's respect. Two other Members saw their careers ended by election defeats after they were discovered trolling for teenagers at so-called hot action bars, one of them a father of three teenagers. Even if they had only hit on 18, 19, or even 20-year-olds, that is still ephebephilia. Look the word up, Mr. Speaker, Ephebephilia, like pedophilia, is a mortal sin of seduction, a transgression against teenage youths 18 and 19 years old. Study the decay of classical Greek culture. Then there are four Members who stay in privacy but can never aspire to run for higher office because the political leaders in their States know their secret.

''And then there was the Hill staffer who was fired from his very first Federal job in 1979 for a homosexual affair with an administrative assistant, his AA, bringing about the expected and usual collapse of office morale due to favoritism. Their liaison even included a mock honeymoon to Jamaica. This staffer returned a year and a half later as an elected Congressman and had a 16-year run until his double life became known. Now, although 15 years from retirement age, he can't run for reelection, although he yearns to do so an would have ended up as chairman of a major House committee.

''This list does not include several Members who are deep in privacy, probably a credit to their good judgment. One of our Members from New England claims they're all Republicans. He's quite a bloodhound, this Member. And he periodically threatens to expose—out he calls it—these 4 or 5 Members—actually he claims 12 or more, if they don't vote the way he insists on certain security risk issues. He also threatens to out them if Chairman DORNAN dares to hold hearings on whether people are a security risk if they conceal scandalous personal secrets such as alcoholism, financial chicanery, adultery, or bisexuality. Isn't that a form of not-so-subtle blackmail, Mr. Speaker?

''Yes, my colleagues, homosexuality is sad, not happy or gay, even when someone's career has brought them to these hollow Chambers.

''And why do we fear discussing, here in Congress, what spreads the AIDS virus? How many will have died by mid-year 1996? Dr. C. Everett Koop advises us to include AIDS death statistics about 20,000 individuals who succumbed to AIDS in the early eighties and whose physicians, attempting to understandingly avoid family embarrassment, reported those deaths as a result of final condition such as cancer or pneumonia, rather than report them as AIDS-related deaths. If we tally those 20,000 in the aggregate total, then in just a few days, by June 30, 1996, 360,000 Americans, including more than 4,000 defenseless children, will have died a horrible death brought about by an infectious fatal venereal disease known by the bland sounding acronym, AIDS. Mr. Speaker, World War II total combat deaths, total killed in action, were 292,131; U.S. AIDS deaths toll 360,000 and counting. U.S. Civil War combat deaths, both sides, North and South because all combatants were Americans, our War Between the States killed in action, 214,938; U.S. AIDS 360,000 and counting.

''And all seven of our other wars from the Revolutionary War, the War of 1812, war with Mexico, with Spain, World War I, Korea through Vietnam, total killed in action, 143,346; U.S. AIDS, 360,000 dead and counting. And the death toll is far worse in Asia and Africa—world-wide over 5 million dead, and counting. And this unparalleled killer has been driven, in the United States, in the main, by homosexual behavior. Except for those 4,000 defenseless children and the innocent victim recipients of infected tissue or infected blood products, such as hemophiliacs, it's conduct driven. And, except for, sadly, the innocent victims of lying philanderers, who callously infected their unknowing partners in the name of love. It's conduct driven.

''Mr. Speaker, how can I, a God-fearing American, a very lucky husband of 41 years, a father of 5 stalwart, God-loving adult children, a grandfather of 10—No. 11 is in the hangar—and a very hard-working double House chairman who is trying his best to slow the AIDS death toll, how could I possibly smear homosexual activists, as Mr. GUNDERSON accuses, given what they've done and continue to do to themselves?

''In that June 2 Washington Post Magazine story, Mr. GUNDERSON asserts, '[DORNAN] is full of prejudice and hatred.' That one quote alone would justify my point of personal privilege. And in another Post attribution, apparently in the same breath, Mr. GUNDERSON muses, and I quote, 'Is [DORNAN] dangerous? Sure. Because he can use passion to intimidate and to roll over those who are unwilling or unable to stand up to him.' Pathetic, Mr. Speaker. I pray for Steve GUNDERSON , and all others who like my colleague, live on the edge, but I must fight back. Mr. GUNDERSON's scurrilous charges have as there intent the destruction of my reputation by branding my work in Congress as driven by the twin evils of hatred and bigotry. Well, it won't work, because it's not in my nature to allow lies to go unanswered. I went through jet pilot training when Mr. GUNDERSON was 2 years old. I marched with Dr. Martin Luther King when Mr. GUNDERSON was 12, and the next year, 1964, I put my life on the line against bigotry. Mr. Speaker, in the 1800's, when immoral dueling was commonplace, Mr. GUNDERSON would never have assaulted my honor with such vile language. It's beyond butch, to coin a phrase.

''Mr. Speaker, the impact of casual sex propaganda and the mainstreaming and in rare cases even the romanticizing of AIDS have had a deadly effected upon our young, lately upon our very young, and that's why I circulated the facts about the so-called circuit party weekend of April 12, 13, and 14.

''As a point of fact, Mr. Speaker, the use of the word 'cherry' has nothing to do with our beautiful and famous blossoms, but rather it's used for its sexual connotation as shown in these soft-core pornographic ads for the 34 events. And take notice, in shock I hope, of the large commercial, public shareholder corporations contributing to this sexual license and gross irresponsibility—American Airlines, Starbucks Coffee, Snapple, Miller Lite Beer, and Ben & Jerry's Ice Cream. I pray to God, literally, that these corporate giants innocently followed the lead of the Whitman-Walker Clinic, which, if it continues its propaganda and irresponsibility, should be denied their steady diet of our tax dollars.

''Also, the use of the religious word 'jubilee' is blatant sacrilege. A jubilee is a 50-year celebration of forgiveness in the Hebrew faith, and a 'jubilee' is a 25-year celebration of joyful prayer in my Catholic faith, that same Catholicism that is the No. 1 target of Act Up, the homosexual gestapo. No act of hatred or desecration is beyond the pale for Act Up, including blasphemy and desecration of the Holy Eucharist, inside churches.

''It is also my intent to reassert the truth regarding the April 13 Saturday dance, and, Mr. Speaker, we're not talking ballroom dancing here, so that the real facts will not remain in question by anyone misled by Mr. GUNDERSON about what really went on.

''Of course, this was not the first time this historic Federal building has been desecrated during Clinton's tenure, as Mr. GUNDERSON briefly conceded

in his attack. When he referred to April 25, 1993, he twice used the letters 'S and M,' without explaining what the letters stand for. What Mr. GUNDERSON referred to was a sadism and masochism all-day freak show inside the stately Mellon. Someone, maybe some Clinton toady, had authorized an all day leatherman, S and M open house, with multiple displays of perversion including hard core pornography slide shows promoting unsafe sodomy, maximum unsafe sodomy. Most of this bizarre deviancy is quite foreign to average Americans. And all of that 1993 S and M madness was on a day when the Tailhook scandal tribulations were expanding.

''During his May 14 attack, Mr. GUNDERSON associates me with two honorable journalists, one of them a courageous African-American writer, the other an excellent investigative reporter. Then he attacks both of them as motivated by 'hate and prejudice' and by the journalism of 'bigotry and prejudice.' In his attack, Mr. GUNDERSON invited the two writers and me 'to come visit the victims of this (AIDS) disease'—we've done that—so that we might, quote, 'learn that these are not some faceless pretty corpses,' but rather sons, brothers, uncles, lovers, and friends * * * and in increasing numbers also mothers, sisters, and daughters.' Strangely, he left out dads, aunts, and, in the cases of two of the Congressmen dead from AIDS, their prior roles as husbands and fathers.

''It should comfort Mr. GUNDERSON to know, if truth is his real goal, that this Member from California has forgotten more about the worldwide medical impact of AIDS than the Member [Mr. GUNDERSON] has ever known. And I might add, my colleagues say, I forget little, if anything. According to the June 2 Post article, Mr. GUNDERSON has had four of his six closest friends waste away and die from AIDS and another is HIV positive. That's heartbreaking, but obviously he has kept these tragedies within his inner circle and has never once publicly warned anybody, young or adult, that the wages of promiscuity is death. He certainly never warned anyone from this lectern. Does he defend the Magic Johnson rationale that 'I'm simply an innocent victim, and we're all in this together, it's everybody's disease' or rather champion the honorable approach of heavyweight prizefighter Tommy Morrison, who stated through tears, 'It's my fault. My conduct. My immoral behavior. If I can save one young person from doing what I did and stop them from becoming infected with this chilling disease, then my suffering will not be in vain.

''Where was Mr. GUNDERSON or any other Member in 1986 when I pleaded with colleagues to come to Paris with me to visit the Louis Pasteur Clinic to investigate the exploding AIDS pandemic? Where were they when I went to Geneva that year with my wife Sallie to learn all that we could about this health nightmare by asking for extensive briefings at the World Health Organization? How about visits to the Centers for Disease Control in Atlanta? How many times has any Member, to gain AIDS knowledge, visited the National Institutes of Health, just a short 20-minute drive north from Capitol Hill to Bethesda, MD. I have made these informative trips several times over the last decade, another to NIH just last month.

''What did Mr. GUNDERSON do with his unjustified, Jim Wright-initiated, 2 years worth of congressional pay raise back in 1989 and 1990? Which would now be illegal, by the way, since we passed James Madison's 27th Amendment. Well, my 2 years of those raises went to AIDS hospices.

''Mr. Speaker, I don't know what Mr. GUNDERSON does in his free time to educate himself about the worldwide spread of AIDS, but I have been carefully tracking this health nightmare for 13 years. Just last month I visited the Armed Forces Medical Intelligence Center at Fort Detrick where I received a startling and tragic update about the exponential spread of AIDS worldwide.

''In just 3 1/2 years from now, 60 million people will be HIV infected and 12 million will be suffering with full-blown AIDS; sadly most of them will die with little or no medical care. And dead? No one knows for certain how many millions by 2000 A.D. I also learned the following stunning, shocking medical fact: the military forces of Zimbabwe are 75 percent infected. That means three out of every four soldiers, three out of every four officers—will die of AIDS. Because of this, Zimbabwe's forces are rejected permanently by the United Nations for any future peacekeeping assignments, with at least six more nations to be stigmatized any day now on a no-go list as, quote, 'unacceptable for peacekeeping duty.' Zimbabwe brought the specter of AIDS infection and death to Somalia. How sad, death in the name of peace, make love not war. That means more pressure on our American, infection-free forces, to travel worldwide on peacekeeping missions. Isn't that obvious, Mr. Speaker? And its a powerful reason to keep our military 100 percent HIV/AIDS infection free, right, Mr. Speaker? A 100 percent no-AIDS infected military is my proper goal as the chairman of Military Personnel, and I take a lot of bovine scatology from the homosexual lobby for my perfectly logical and fair legislation.

''Just 3 weeks ago, I met once again with Dr. Toni Fauci, our hard-working Immunology and Infectious Diseases Institute chief and one of our very best researchers at NIH, to discuss a new, advanced HIV treatment involving IL2, Interluken 2. It looks promising, Mr. Speaker, just like proteus inhibitors, but it means more gut wrenching, extremely tedious research with infected volunteers, who incidentally told me they felt lucky to be in this expensive, but promising, life-extending government research program. It won't be a cure however, but life extending only. It's tragic how the networks constantly keep using the word cure. Dr. Fauci says this is cruel and builds false hope. We pray for a vaccine breakthrough, but a cure for someone once they're infected—never. The micro-microscopic HIV stays inside the helper T-cells until death.

''Where was Mr. GUNDERSON or any other Member of the 99th Congress back in 1985 when I gave the first of almost 200 of my floor speeches warning about the conduct that had contaminated our blood supply and was beginning to spread the AIDS epidemic that year at a ferocious rate?

''Has Mr. GUNDERSON ever publicly discussed anywhere, unsanitary, promiscuous behavior, or ever debated using infected needles and the cross-contaminating of both cohorts? Where have these homosexual activists been over the last 15 years? Other than telling us we're all culpable, and all at risk, it's been business as usual. And there was no behavior modification to speak of until the killing virus went pandemic. Even then, many homosexual activists pushed, and still push, public relations mumbo-jumbo instead of tried and true solid public health policy. Thank God, that in the final care stage, and during the prior 'stage three' phrase, there are now thousands of homosexuals who are working tirelessly and heroically to comfort and, yes, love, the ill, with a pure philos love, a Christian love. God bless them.

''Mr. Speaker, you can tell my colleague [Mr. GUNDERSON] that, like him, I've spoken with more young men before they died from AIDS than most who serve here. When a person grows up and lifelong roots in Manhattan and Beverly Hills, as I did and as I do, you will see in 10 years more tragedy involving drug abuse and fast-track, casual sex, than you'll see in the wholesome dairylands of Wisconsin in 100 years. At least until these not-so-gay-nineties.

''Now this District of Columbia is another story. Mr. GUNDERSON said that the District has the largest concentration of HIV/AIDS positive people in the country. True. Where was his voice of warning over the last 16 years to stem or slow that AIDS growth right here where we work? Since 1981, his first year in Congress, coincidentally the year NIH discovered and defined AIDS, he has offered no coherent public advise to slow this plague. No tough love—mostly silence. No support for heavyweight fighter Tommy Morrison's prayerful, humble plea for morality in behavior. A call for abstinence? Hardly.

''In fact, Mr. Speaker, it's interesting to note that over the last 10 years Mr. GUNDERSON has spoken on this House floor about AIDS only eight times! Unbelievable for a self-proclaimed compassionate and caring man. If you don't count a one-sentence-passing mention of AIDS in 1989, then, amazing as it seems, his very first speech, and a short one at that, was his annoying

March 24,1994, 'Christian-second-to-none' speech. That's only 2 years ago. Bob DORNAN, on the other hand, has addressed this Chamber on the subject of AIDS just under 200 times. That's Mr. GUNDERSON's rate times 24. This speech today alone contains more references to AIDS, both in quantity and quality, than Mr. GUNDERSON's eight short speeches over his 16 years—all run together. And I repeat, in 1985 I offered a successful and nearly unanimous amendment in this House—1985, Mr. Speaker—11 years ago—to close disease-infested unsafe-sex-with-multiple-strangers-bathhouses--those aforementioned 'Anvils' from hell that broke and slowly killed so many midnight cowboys in New York City and San Francisco. Frankly, given this contrast in the attention that we've both given to this tragic retro-virus nightmare, the widely used homosexual, protest bumper sticker 'Silence Equals Death' has special resonance. I have never been silent because I truly believe in 'tough love.' Meaningful compassion demands positive action.

''When Mr. GUNDERSON attacks my belief system on what constitutes serious sin and what constitutes the corruption of youngsters through bad example, he also attacks my religion. The Catholic Church and Pope John Paul II are unrelentingly slandered by the top and the middle management of the homosexual food chain. However, thanks to God's unrelenting love, when death is near, its back to the arms of Holy Mother Church. Dominus vobiscum. Just what does Mr. GUNDERSON really know about my love for the dying or my empathy for human suffering? Jesus died for sinners, actually for each individual sinner. I'm a sinner—95 percent of us commit at least small sins on a pretty regular basis. Every on of us, every day, with every suffering person can and should say 'There but for the grace of God go I.' My motives are based on compassion and on love for my fellow man, and a pure desire to defend youth and children. I resent anybody out there who hides behind a facade of 'caring' just to fend off revelations exposing a narrow special interest agenda. That's hypocrisy to the nth power.

''Just a few weeks ago in The Hill newspaper there was a brief story about how some AIDS organization has made me their number one legislative target for defeat this November. I wonder if these special interest lobbyists bothered to check my voting record on AIDS research and medical care funding. I know they did, and they found that I have a 100-percent record in support of AIDS funding for research and care. So what could this AIDS group be thinking in targeting me? It's obvious. Their agenda does not have fund raising for AIDS as its primary concern. Their priorities are driven by the activist homosexual agenda. They can't stand it when I or anyone else tells the truth about the public policy issues surrounding homosexual activism. The AIDS lobby rates the votes of Members on bizarre issues like acceptance of this phony spin-off 'bisexuality,' or total acceptance of homosexuality in every facet of American life from adopting to scouting to Big Brothers, Inc., to the sacrament of matrimony.

''Does every Member really truly, grasp the enormity of the suffering that was involved as 360,000 Americans slowly wasted away with AIDS? I can't fully absorb the enormity of that level of suffering. Who but a handful among us in Congress, until my remarks today, knew that worldwide, in just 3 years, 60 million people will be infected with the AIDS virus? What a ghastly way to begin the third millennia! And this calamity is behavior driven, conduct driven, no ifs, ands, or buts about that harsh truth.

''Mr. Speaker, does any Member of this body know how much it cost to care for an AIDS victim throughout their sickness from the first HIV positive test until their death. In our advance country, on the low end, it's $119,000, and that's if they survive only 3 years or less. But for several hundred patients in special government programs, it's over $100,000 per year to fend off the beginning of full blown AIDS! And Mr. GUNDERSON's friends claim the all-night scene at the Mellon Auditorium raised a mere $50,000, actually $45,000? That's one-half of 1 year of care for just one government patient who is only HIV positive. Not much to brag about when the homosexual partying cost over an admitted $80,000! And again, according to Mr. GUNDERSON, $14,000 was for the lighting alone. I wonder did that include the multicolored rainbow lighting of those magnificent Mellon Auditorium Doric columns along Constitution Avenue?

''By the year 2000, the AIDS plague will have cost our national economy about $107 billion. It has already cost us over $75 billion, about $35 billion of that in research. Since 1986, insurance claims involving AIDS have increased more than 400 percent totaling an estimated $9.4 billion! Children orphaned by AIDS will reach 4 million youngsters worldwide by the year 2000—80,000 in the United States alone. That's 4 million innocent babies, toddlers and other precious children of tender age left without parents!

''And homosexual publications like the Blade or the Advocate question my motives—my passionate concern. How arrogant.

''Mr. Speaker, some of us read on the front page of the May 1st Wall Street Journal many enlightening facts. Let me read one to you:

> A major study that was just being completed [in 1987] put the average risk from a one-time heterosexual encounter with someone not in a high-risk group at one in five million without use of a condom, and one in 50 million for condom users.

''That's beyond the odds of being struck by a lightning bolt. Let that sink in—Most of us are more in danger of being hit by lightning than being zapped by AIDS.

''I continue quoting the Wall Street Journal:

> Homosexuals, needle-sharing drug users and their sex partners, however, were in grave danger. A single act of anal sex with an infected partner, or a single injection with an AIDS tainted needle, carried as much as a one in 50 chance of infection. For people facing these risks, it was fair to say AIDS was truly a modern-day plague.

''There it is again, behavior is the driving malignant constant with this plague.

''Mr. Speaker, let me repeat that Wall Street Journal conclusion, 'For people facing these risks, it was fair to say AIDS was truly a modern-day plague.' For what people? For, quote, 'homosexuals, needle-sharing drug users and their sex partners.' The truth is, and honest reporters have known this for years, AIDS simply is not, not, everyone's disease. It is a plague. Of course it is. Is it an epidemic, an intercontinental pandemic? Beyond question. But it simply is not everyone's disease.

''Mr. Speaker, let's apply some single logic. A thoughtful leader from AIDS project Los Angeles told me just this week that if AIDS is everybody's disease, it's nobody's disease! Is AIDS your disease? No. How about all of the floor staff and clerks around us? Most, probably not. How about all the entire membership of Congress, all 535 of us? Now here's where we pick up a few at risk. I was told some time ago that between the House and Senate there are HIV infections, and that was with only about 50 or so Members ever having been tested. If we include all of our staffers, about 30,000 on the Hill, we'd probably pick up another handful or so who are infected. And that's mainly because government work and big cities like the District of Columbia attract to work here a disproportionate number of homosexuals beyond the 1 percent to 2 percent estimates nationwide.

''Mr. Speaker, I'm sure you get my point. But what you may not realize is that in making this point you have just stigmatized a small percentage of our population as 'high-risk for venereal disease,' including AIDS, the only fatal sexual transmitted disease. Yes, my friend, by accepting logical truth you too can be called a bigot, a hater, or prejudiced. Those are the vile words which were hurled at me, at an African-American columnist, at a hard working reporter, at my friends at the Family Research Council, and at those who instinctively believed Marc Morano's report about the illegal conduct at the Mellon Auditorium.

''By the way, wouldn't it be equally scandalous to rent out this architectural showpiece for a Hustler, Penthouse, or Playboy no-holds-barred celebration of free-love with centerfold models in neon underwear as bartenders * * * with or without the drug use, and with or without the half naked gyrating, and with or without a crude name, Screw Alley, for the arched, carriage entrance, east side courtyard?

''If I can have an animus toward the promotion of fornication and adultery that's promoted in Hustler, why can I have an animus toward homosexual

glorification? I refer you to the United States Supreme Court decision, Romer v. Evans, May 20, 1996. It is most timely and very instructive.

''The decision didn't go the way I expected. Naturally, I stand with Justice Scalia's brilliantly logical and hard hitting dissent. Anthony Kennedy's six Justice to three Justice opinion represents just a part of the raging debate that involves DORNAN and GUNDERSON and that is not ricocheting around our Nation * * * a nation Rev. Graham says is 'on the brink of self-destruction'.

''For example, homosexual pedophilia has cost my Catholic religion, a faith I dearly love, over one and a half billion * * * billion * * * dollars and counting. Those are tithing dollars, God's money, spent trying to ease the pain and stem the outrage of the victims of clerical homosexual pedophilia. Who is to blame? Besides the molesters themselves to whom Jesus would take this belt to drive them from His Father's house? Well, try the liberal rectors of Catholic seminaries who decided years ago to reject common sense and accept homosexuals who merely promised to be good, or promised to try to be good. And how the same type of prideful social experimenters are constantly shopping for liberal judges trying to force homosexual acceptance on our military forces.

''Pro-family folks, especially those in Colorado who crafted their amendment 2, ought not to be discouraged by what I am about to explain, but, sadly, Colorado's amendment 2 was imprecisely written and its inexact wording is what allowed six Justices to choose process over substance in handing down their majority opinion.

''Amendment 2 unfortunately used modern homosexual terminology. It stated:

No Protected Status Based on Homosexual, Lesbian, or Bisexual Orientation. Neither the State of Colorado, through any of its branches or departments, nor any of its agencies, political subdivisions, municipalities or school districts, shall enact, adopt or enforce any statute, regulation, ordinance or policy whereby homosexual, lesbian or bisexual orientation, conduct, practices or relationships shall constitute or otherwise be the basis of or entitle any person or class of persons to have or claim any minority status or claim of discrimination. This Section of the Constitution shall be in all respects self-executing.

''The problem with the language, Mr. Speaker, is the use of the terms 'orientation' and 'class of persons.' And let me just say at this point, Mr. Speaker, that what I am about to explain, brightly illuminated by this current Supreme Court decision, will lend itself a resolution of the question before us today—that is, Mr. GUNDERSON questioning my motives and his attacks on my character.

''For the purposes of law, there is no such thing as homosexual orientation. In law, it doesn't exist. In law, homosexuality is no more and no less than a sex act. Loving friends living together for years can be bonded by Philos love with never even a thought of Eros love. So under the law, you can't be H-O-M-O without the S-E-X-U-A-L any more than under law you can be hetero without the sexual. This is a crucial distinction in the law. Why? Because laws and public policies are based on human actions, not the penumbra of orientations, or inclinations, or tendencies, or temptations never acted upon * * * Not what goes on in the thought processes of the human brain. Law involves conduct * * * behavior * * * and, yes sometimes speech such as treason, libel, or yelling fire and in a crowded enclosure.

''There are no laws against what a man thinks, nor will there ever be in a truly free country. In the eyes of the law, thoughts don't rape or molest. Desires don't sexually exploit another person or spread disease. Only human actions can do those things. All of the consequences pertaining to the behavior of male homosexuality center on sex acts. In James Carvellian speak, it's the conduct, stupid.

''Unfortunately, Colorado's amendment 2 carries the term 'orientation' which allowed Justice Kennedy and five other Justices to perpetuate the myth of some kind of innate homosexual personhood. I don't have to tell you, Mr. Speaker, how ridiculously inane that notion is. Imagine, if you will, some of the beautiful little babies occasionally held in this parents arms up there in our gallery. * * * Can anyone really make a scientific case that somehow those parents are holding budding little bisexuals or cross dressers or pedophiles just waiting for puberty to reveal their true sexual desires. But such arguments are made regularly, usually by homosexual scientists or homosexual doctors, and are rarely, if ever, exposed as mostly psychobabble and pseudoscience—certainly not by Newsweek or Time and the other liberal weekly news magazines.

''Of course, the concept of orientation within amendment 2 led to the inclusion of the expression 'class of persons.' I shouldn't have to spend too much time explaining this notion because the Supreme Court has pointed out clearly through precedent that homosexual behavior is not a protected class of activity. To fairly assume protected status, homosexuality would have to be broadly viewed as politically powerless—which is absurd—and immutable and unchangeable—equally absurd given that a person can go from heterosexuality to homosexuality and everything in between all in the timeframe of just one Cherry Jubilee Weekend, even calling himself bi- or tri-sexual, or he can us the offensive and corrupt new term 'transgenerational.' And, lastly, homosexuality would have to be viewed as a 'protected status' which usually means economically disadvantaged—this is perhaps the most patently absurd concept of homosexuality, certainly in the United States or Europe.

''Including in the law the concepts of 'orientation' and 'class of persons' spawned the legal death of Colorado's amendment 2. But the argument with which I took greatest exception in the flawed Kennedy-written majority decision, and the focus that is most relevant to this question of privilege today, is his use of the words 'animus' and 'animosity' to describe the motivation of the framers of amendment 2 and the 53 percent of Colorado voters who voted for the amendment—and the beliefs of an overwhelming majority of Americans.

''Animus—this is the same charge that Mr. GUNDERSON has leveled at me using rougher language in his floor speech, his 'Dear Colleague,' and the long, revealing, June 2 Washington Post Magazine puff piece. To be specific again, he said that my effort in exposing the truth about the 'Cherry Jubilee Weekend' was just my 'latest attempt to smear the homosexual community,' that I'm motivated by hatred, a nastier word for 'animus,' not by a sincere desire to protect government property from abuse and, of course, not by a sincere conviction that all Members of Congress prevent our Government from giving bad example to the youth of our Nation by sending them the destructive message that promiscuous sex, hetero-homo-bi-tri or commune sex, is normal and healthy and regularly allowed to showcase in our public buildings. I repeat, we have learned the hard way that the wages of that sinful message are death—360,000 deaths and counting.

''So Mr. GUNDERSON tells this Chamber, and the whole country through C-SPAN, that my sole motivation is to smear. Let me read to you, Mr. Speaker, what Justice Antonin Scalia wrote in his dissenting opinion about this animus supposedly expressed by voters in Colorado who hold traditional Judeo-Christian beliefs. Please apply all of the clarity of Justice Scalia's thoughts to my situation here today.

The Court's [majority] opinion contains grim, disapproving hints that Coloradans have been guilty of 'animus' or 'animosity' toward homosexuality, a thought that has been established as Un-American. Of course it is our moral heritage that one should not hate any human being or class of human beings. But I had thought that one could consider certain conduct reprehensible—murder, for example, or polygamy, or cruelty to animals—and could even exhibit 'animus' toward such conduct. Surely that is the only sort of 'animus' at issue here: moral disapproval of homosexual conduct, the same sort of moral disapproval that produced centuries-old criminal laws that we held constitutional in

Bowers [the 1986 case upholding Georgia's sodomy law and what is still law in half of our states and in our Armed Forces' 'Uniform Code of Military Justice.'].

''Justice Scalia continues by writing in his opinion that 'Coloradans are...entitled to be hostile toward homosexual conduct' and that the 'Court's portrayal of Coloradans as a society fallen victim to pointless, hate-filled gay bashing is so false as to be comical.' Unquote. Comical, Scalia wrote. Mr. Speaker, he thought his opinion to be so important that he

took the time to read it aloud to the U.S. Supreme Court, to read aloud his entire dissenting opinion which was much longer than the majority opinion.

''Mr. Speaker, please reflect on Justice Scalia's carefully chosen words. He is saying that you and I, and all Coloradans, are entitled—he italicized this word in his opinion—'entitled to be hostile toward homosexual conduct...' Not hostile toward any person, but hostile toward the conduct. Only craven, cowardly bullies hurt or bash individuals and they should be severely punished with the full force of the law. A law abiding citizen doesn't even physically abuse a guilty drunk driver at an accident scene involving an injured child—and that's a tough provocation. He makes a citizen's arrest and waits for the police.

''So let me state for the record again, Mr. Speaker, before the million plus interested citizens watching C-SPAN, and not referring to any individual in particular, ... It's the conduct, stupid. Mr. GUNDERSON knows in his heart of hearts that if he were being physically assaulted out on the street, Bob DORNAN would be one of the very first, if not the first, to defend and protect him even at risk of my own life. If you doubt that, just ask Congressman CUNNINGHAM and about half dozen of our Capital Hill police officers.

''I, like most Americans, do have animus towards homosexual conduct ...and at the ostentatious in-your-face conduct that was exhibited at the Cherry Jubilee group grope. In his floor statement, Mr. GUNDERSON attempts to portray the homosexual conduct at the stately Mellon Auditorium as a 'gift of love, not a week-end of illegal activity.' Even the remotest touch of common sense will tell any American, Mr. Speaker, that the 8,160 square foot Mellon Federal auditorium, which is bigger than the 7,600 square footage of this House chamber and almost twice as big as the 4,300 square foot Senate chamber, when filled with 2,000-plus writhing, bumping and grinding, homosexuals, hundreds half-naked, is anything but a 'gift of love'... unless, of course, you define lust as love—which is similar to a Member of Congress using love as an excuse for responding to a male pimp's sex ad in the homosexual Blade newspaper, an ad which was signed off by 'Hot Bottom'... face it, that's lust, not love.

''Just why would I have animus about a sleazy homosexual jamboree? Fair question with a very easy answer. Again, Mr. GUNDERSON claimed the Cherry Hop raised about $50,000. The truth is that it raised only $45,000. But think about this, Mr. Speaker, if just one person after that night of quote 'copping feels'—that's the term of an anonymous columnist reporting on the hop for the homosexual Metro Weekly newspaper and cited in The Washington Times—...after a night of 'coping feels' on that dance floor, if just one person, after furtively sharing a little cocaine with an all-too-friendly same-sex tripper in a latrine stall, if only that one person after the gala, back at a motel or hotel shared the virus that keeps on giving—the fatal AIDS virus... then... that mere $45,000 raised is but a drop in the bucket. Why? Because it won't even cover a fraction of the cost that one single AIDS patient will require throughout his medical decline and death.

''God demands compassion and prayers for the infected patient and for the dying patient. Jesus commands it... 'What you do for these, the least of mine, you do for me.' Yes, of course, love and compassion. But focused animosity is logical when directed at the behavior of the arrogant risk-takers, those hell-bent-for-leather to put lust before long life and therefore overload, if not bankrupt, our health systems. Dr. Toni Fauci told me 3 weeks ago at NIH that many homosexuals now become HIV positive because of mere frustration, mere annoyance at having to avoid AIDS with less risky sex. So, mentally exhausted with safer sodomy, they succumb to high risk lust with its inevitable fate. Mr. GUNDERSON says that we 'must not lecture one another,' quote, 'if there is to remain any element of mutual respect.' Unquote. Well if lecturing is out, then I simply plead with young Americans at risk: Stop hurting one another. Stop killing one another. Stop the promiscuity. Stop the dangerous and unhealthy conduct. And stop holding up homosexual conduct before the youth of our country as wholesome and normal and healthy.

''Let me turn around another GUNDERSON insult: He accused me of trying, quote, 'to personally destroy those with whom (I) might disagree... we, who truly believe we are our brother's keeper,... are not trying to destroy you risk-takers, we're trying to save your immortal souls, and your mortal lives in the measure.

''Mr. Speaker, let's address the central allegation of Mr. GUNDERSON's May 14 floor speech; that I had a large hand in intentionally 'misrepresenting the facts' and intentionally 'falsifying information' surrounding the 'Cherry Jubilee Weekend.' I repeat, he actually used those false words 'misrepresenting the facts' six times.

''For the record, Mr. Speaker, these salacious advertisements at my side are exactly what I'm talking about when I criticize the melee at the Mellon.

''The Cherry Jubilee Weekend consisted of three inclusive events; First, a Friday, April 12, Welcome Party held primarily for this homosexual circuit party's out of town guests, as the promoters at Friends Being Friends have explained. The Welcome Party was advertised as being held in two locations, or as the promoters say, two of Washington's popular local hangouts, the homosexual bars Trumpets and JR's. Mr. Speaker, I have here advertisements for these bars as printed in the city's premier homosexual newspaper The Washington Blade. Note, Mr. Speaker, alongside the ad with this naked male model is another ad with a male homosexual dressed in women's lingerie for the bar Trumpets. These bars were the starting point for Mr. GUNDERSON's gift of love and love thy neighbor as yourself weekend. Mr. Speaker, please think again at this point about Tailhook and the outrageous double standard that we tolerate, especially given the code of honor we Americans demand from our military, and the pathetically low standard of ethics enforced here and in the Senate. Even Packwood avoided being expelled for over a year, then he quit amid tearful goodbyes. Bye, bye, Mr. Abortion.

''The second event of the Cherry Jubilee Weekend was the Main Event held Saturday night and which ran until dawn Sunday morning. This was the so-called dance at the surrealistically lighted Mellon. Mr. Speaker, remember that the event's sponsors claim they spent $14,000 just on lighting—not the bright lights of a debutante's ball as suggested by Mr. GUNDERSON —but the hypnotic, psychedelic lighting so befitting the hedonism that it was partially illuminating?

''The third event comprising the package weekend was the Sunday Recovery Brunch hosted by Mr. GUNDERSON in our House Rayburn Courtyard. This function was initially advertised as being held in Mr. GUNDERSON's, quote, 'unique Agriculture Committee Room located inside the Longworth House Office Building.' I assume Mr. GUNDERSON decided a much larger site was needed.

''The Washington Blade newspaper wrote a post-mortem of these events, quote, 'Cherry Jubilee kicked off Friday, April 12, with a Welcome Cocktail Party at Trumpets'—that's the 17th St. bistro advertised here, Mr. Speaker, with this cowboy dressed in women's underwear. Back to the Blade, 'This was followed by a Welcome Dance Party at Diversite, a 14th Street club. (The Washington Magazine says it's D.C.'s 'best bar for the scene.') The Main Event, an all-night dance attended by over 2,000 people, took place at the historic Andrew W. Mellon Auditorium' (note that even they say 'historic'... and its straight across from the National Museum of American History on America's number 1 boulevard, Constitution Ave. And, Mr. Speaker, the Mellon's impressive front doors are exactly 106 paces across Constitution, I personally paced it off, from the mammoth 1814 original 'Star Spangled Banner,' the actual thirty foot by thirty four foot Ft. McHenry flag that inspired Francis Scott Key to write our National Anthem, including the words, '... And this be our motto: In God we trust!' Back to the Blade, quote, 'The weekend wound down with the Capitol Hill Recovery Brunch held at the Longworth House Office Building foyer and patio from 1 to 6 pm,' unquote. (Actually the Rayburn Courtyard).

''The Blade continued its description of the weekend, 'Cherry Jubilee attracted people from as far away as

Switzerland and San Francisco.' Mr. Speaker, that's a reference to the traveling bi- and homosexual so-called 'circuit party' crowd. One of the weekend's sponsors crowed, I quote, 'Pretty much someone from every city came.'

''That was a description of the weekend from one of their very own newspapers, so let's be honest concerning what we're describing. And, let's be very clear about something else... Most of Mr. GUNDERSON's point of personal privilege was spent in criticizing and contradicting the written report and video record of journalist Marc Morano, who was an eyewitness of the Saturday night event. Accompanying Marc was another reporter named Jerry. This character assassination of Mr. Morano is phony and transparent from the start given that Mr. GUNDERSON admitted early on that he, Mr. GUNDERSON, was nowhere near Saturday night's 'Main Event' of hedonism.

''Contrary to what Mr. GUNDERSON speculated about Mr. Morano sneaking in, Morano not only bought one ticket at the door, but actually bought another ticket from a scalper for his assistant Jerry, who is obviously a corroborative eyewitness. Why, Mr. GUNDERSON asks, didn't Mr. Morano just proclaim up front why he was there with a video camera? Obviously, he would have been thrown out, just as he was blocked from even entering Mr. GUNDERSON's soiree in our Rayburn Courtyard the next day. As it was, Marc was only able to shoot limited footage. Again, the lighting was purposefully dim, as you can plainly see in this single video still frame that I've had blown up from Mr. Morano's video report just for inquiring minds and honest journalists.

''Parenthetically, Mr. Speaker, do you know what scene this blow up reminds me of? The final scene of the movie 'The Ten Commandments.' I can hear that unique voice-over narration of Cecil B. DeMille as he paraphrased Exodus Chapter 32 with a touch of Leviticus. Mr. Speaker, you may apply these words, if you choose, to the lapses of dignity at the Tailhook disgrace, but they fit more accurately, times 100, the degradation that disgraced our Capitol at the Mellon Auditorium—twice— April 1993 and April 1996.

''The narration picks up after the Bible tells us Aaron 'Let the people run wild.' With reverent foreboding, C.B. DeMille narrates:

> They were as children who had lost their faith. They were perverse and crooked and rebellious against God. They did eat the bread of wickedness and drank the wine of violence. And they did evil in the eyes of the Lord.

''On screen the young girl being sacrificed pleads, 'Have you no shame?' We hear that word 'shame' applied to Christians quite often by homosexual activists. How perverse.

''Scene up on Mount Sinai, God orders Moses, 'Go, get thee down, for thy people have corrupted themselves'.

''DeMille:

> And the people rose up to play. They were as the children of fools and cast off their clothes. The wicked were like a troubled sea whose waters cast up filth and dirt. They sank from evil to evil and were viler than the earth. They had become servants of sin. And there was manifest all manner of ungodliness and works of the flesh. Adultery and lasciviousness, uncleanness, idolatry, and rioting, vanity and wrath. And they were filled with iniquity and vile affections and Aaron knew that he had brought them to shame.

''Remember that Time magazine cover, 'What Ever Happened to Shame?'

''By the way, Mr. Speaker, I know I speak for most Members when I state that the only Moses we like to hear about on this House floor is our Moses of Exodus, the Moses up there in the center place of honor on our north wall. Moses in marble relief looking down on us. Hopefully to inspire us. Moses the lawgiver, Moses of the Ten Commandments, commandments, Mr. Speaker; not suggestions about matters like infanticide and adultery and sodomy. Moses the Prophet. I am beyond annoyance hearing on this floor Herb Moses or Rob Morris. Why must we hear about 45-year-old and fiftyish boy friends? I only know the first names of about 20 spouses, and not the single maiden name of a Member's spouse. Enough already with Rob and Herb's family values.

''Mr. Speaker, an important point. Mr. GUNDERSON was adamant that there were no orange cones put out to stop public sodomy, but only to warn of construction hazards. Well, Mr. Morano told me, and I personally confirmed this on a visit to this impressive building, that the outside orange construction cones were not for hazard warning of construction work as Mr. GUNDERSON asserted, but were indeed to ward off hard partyers seeking the remote and dark refuge of an outside dead-end stairwell that they themselves dubbed 'Screw Alley.' Again, I personally observed that it is not an alley, but an elegant arched side carriage entrance and courtyard—there is a courtyard carriage entrance with handicap ramps on each side of the magnificent auditorium. This is where much of the reported public urination was taking place, right there next to our historic Constitution Avenue. The two-carriage entrance courtyards were also the smoking sections for multi-risk fast-laners. One eyewitness said that so many people were up and down the dark stairwells that orange cones were set up by an APEX rent-a-cop, to quote, 'detour the traffic,' unquote. Mr. Speaker, there was no construction work outside and certainly nothing 'constructive' going on inside.

''In the course of his floor statement, Mr. GUNDERSON said, quote, 'Mr. DORNAN uses an article to portray a recent series of events held in this town, in Government buildings, as a party of numerous illegal activities. Nothing could be further from the truth.' Unquote.

''So, to again use Mr. GUNDERSON's very words, 'It's time to set the record straight'.

''The very day after he delivered his statement, the Washington Times, May 15, corroborated the charges of illegal drug activity independent of reporter Marc Morano and his associate's eyewitness accounts. Illegal drugs were used at the taxpayer-owned and GSA-operated historic Andrew W. Mellon Auditorium. And, by the way, Mr. Speaker, Mr. GUNDERSON kept saying the Commerce Department runs the Mellon. Another of his misstatements. It's run by the General Services Administration. This proves again that community lawyers or Whitman-Walker wrote his May 14 protestation.

''I met personally with the very professional lady who has been the principal GSA supervisor there for over 10 years. She told me when she came to the Mellon Sunday morning it was filthy, with mixed-drink-sticky-slime covering most of the auditorium floor. She demanded and got Whitman-Walker to pay for a cleaning crew on Sunday, at a triple overtime rate.

''As for displays of public sex—who among the participants would come forward and incriminate themselves? As for the one off-duty officer, still unidentified and probably nonexistent, and the six APEX rent-a-cops--wouldn't you expect six or seven people to be overwhelmed by 2,000-plus undulating and mock-humping revelers? And the fact remains that, for many homosexuals, the attraction to partners who are strangers for public sex is pathological. Here is a book, published by homosexual press, for the sole and explicit purpose of leading willing participants to semisecret hot spots across the Nation for public, homosexual sex. This thick magazine is titled 'Steam,' Mr. Speaker. It says that there is a European locations edition.

''And look at this thick magazine of depraved classified ads spun off from the homosexual Advocate magazine, Mr. Speaker, most are offensive ads for soliciting sex with strangers. The Advocate spun off this AIDS-spreading depravity into a separate slick magazine so they could attract political interviews like the one with Clinton this very month. A very creepy mailed-in interview, by the way. Par for his course.

''No person in their right mind believes that 2,000 upscale homosexuals gathered together in one place for all-night revelry, in such an elegant, taxpayer-owned edifice, weren't pairing up for later action.

''Just to listen to Mr. GUNDERSON's own words, quote, 'The sponsors intentionally took steps to prevent even an atmosphere conducive to illegal activity.' Unquote. This is definitely not standard party protocol at your American Legion Hall dance or at any NCO Club dance or a Kiwanis or Rotary Club night out. How about our own Capitol Hill Club? Think Tailhook again, Mr. Speaker, and the price paid by heroic combat pilots who have lost their ca-

reers. Why would Mr. GUNDERSON have to tell us all of this, if these so-called homosexual circuit parties, drawing thousands, weren't traveling, lust-liaisons known for their illegal drug activities? Why would they need, as he describes it, quote, 'strategically placed security personnel?' Or why would they need, as Mr. GUNDERSON says, quote, 'Three-foot-by-four-foot posters placed throughout the auditorium and throughout the restrooms with the message: The possession or use of illegal substances is strictly prohibited?' Again, the infamous Tailhook mess did not require signs posted around the Vegas Hilton. Why would these posters be needed to control partyers described by Mr. GUNDERSON as—and the Speaker knows that I'm not making this up, check the May 14th RECORD —'the love of God personified' (pause) and a people whom, quote, 'every conservative and every Republican should applaud.' How Mr. GUNDERSON kept a straight face through all of these sacrilegious comparisons I'll never know.

''It reminds me of their new and equally offensive gambit of referring to an obsession with an unnatural sex act as a 'gift from God.' What small 'g' god would that be, the god pan? What sacrilegious, errant nonsense. This transparent propaganda is usually advanced by homosexual clerics and phony sex therapists of the 'if-it-moves-mate-with-it school.

''Here's Mr. GUNDERSON's next claim: quote, 'My sole role was to serve as the congressional host for the Sunday Brunch by requesting a space in my name.' Unquote.

''In press accounts, my self-appointed adversary repeatedly points out that he was not a sponsor of the Cherry Jubilee Weekend. But just as Justice Scalia writes about homosexual orientation versus homosexual conduct, use of the words 'host' versus 'sponsor' is a 'difference without a distinction.'

''Again, as advertised, the Cherry Jubilee Weekend was three events in one. To buy one ticket was to buy a Weekend Ticket, or a ticket to all events. Not to mention that to buy a ticket, for whatever purpose, was to give your money to the entire weekend's activities. Similarly, and a clever politician such as Mr. GUNDERSON knows this, to host one event—in other words, to let your name be officially used—is to lend your name to the entire weekend 'Jubilee' and to this offensive, pagan advertising that you see beside me. Further, Mr. GUNDERSON left out some very interesting information that our House Oversight Committee should look into. There are mandatory House rules which specifically guide the use of Federal property on this Hill—in this case, the Rayburn Courtyard where Mr. GUNDERSON stated in his words that fund raising was the entire purpose for the 'Jubilee' which included his Recovery Brunch, all on one E-ride ticket. Nor or our rooms to be used for 'entertaining tour groups,' Again, the 'Cherry Jubilee Weekend' was reported in the Washington, D.C. City Paper as part of a traveling 'homosexual circuit party.' Would that be a tour group, Mr. Speaker? What do you think, Mr. GINGRICH?

''And groups using our rooms are not permitted to charge an 'admission fee.' Mr. GUNDERSON stated in his floor speech that the Recovery Brunch cost $25 per person. That's interesting, because one ticket for the 'Jubilee' entitling a participant to brunch at Mr. GUNDERSON's recovery, cost $100, not $25. Do you think, Mr. Speaker, that Brunch sponsors were collecting last minute unofficial admission fees at the door that Sunday afternoon? Who ran the accounting for that money collection?

''Do you also think for a moment that if someone did not pay the admission fee for the brunch they would have been allowed in, Mr. Speaker? It simply does not compute.

''A guest list is required to be submitted by the sponsor of any event when held during 'off-hour periods,' such as Sundays. And events in the Rayburn Courtyard are not allowed before 4 p.m. Was a list of attendees submitted, Mr. Speaker? I doubt it. And why was the event allowed to begin at 1 p.m., 3 hours before the authorized hour of 4 p.m.? Was Mr. GUNDERSON given a waiver to go around the rules this way? I doubt it. But if so, by whom?

''To those Members who may be toying with the thought that I'm splitting hairs, let me remind you, Mr. Speaker, of the nature of the procedural question of privilege involved here. Mr. GUNDERSON over and over accused me of being the primary distributor of false information and deliberate untruths.

''If the chair will recall, there was a previous DORNAN-GUNDERSON dust up here on the House floor 2 years ago. It was prompted by his self-serving comment that he places himself among the Christian avatars in Congress, and these are his exact words, quote, 'I'm second-to-none-in-quote-unquote, advocating Christian values around here' * * * here meaning Congress. Some may recall my-truth-in-advertising response to Mr. GUNDERSON's words. And now, in this latest go around, here he is again invoking Christianity, but this time implying I am somehow un-Christian, and implying that I and others were attacking defenseless individuals whom Mr. GUNDERSON describes as 'those in need of these services'—meaning AIDS services.

''Specifically, he stated—and Mr. Speaker, I hope everyone will take note of his exact words—'Cherry Jubilee represented the best of this American tradition.' Then 'Cherry Jubilee represented the best of the American family.' And, a few sentences later, 'Cherry Jubilee represented the best of America's Judeo-Christian ethic.' Excuse me? Give us struggling believers a break. I repeat his most offensive statement. Mr. GUNDERSON states that the participants at Cherry Jubilee 'became the love of God personified.' 'The love of God personified'! How outrageously offensive! How sacrilegious! These odious comparisons make the next weird comparison a belly laugh...the half naked dancers and prancers were, quote, 'Newt's shining lights on a hill.' Unquote. Are Newt's lights anything like Governor Winthrop's 'shining city on a hill'? I wonder if Winthrop is still spinning in his grave? He probably hasn't stopped spinning since that infamous 1983 censure of the Member from Plymouth Rock.

''Mr. Speaker, as I said I'm a grandfather who treasures the innocence of American youngsters and I happily accept our 'in loco parentis' role with our idealistic pages, so I will refrain from discussing reporter Marc Morano's roughest descriptions of the so-called 'love of God personified.' But this picture gives us a tiny, tiny hint.

''And this still-frame from Marc Morano's video camera was taken very early on the night of April 13. All I can say is, this is not my American tradition or my American family. And this is sure as hell and heaven not my Judeo-Christian ethic or code of ethics. This does not represent the love of God, certainly not fear of the God of Abraham, the Father of Jesus, or love in any faith that I've ever heard of. This is pagan in every sense of that word. This is a bad rerun of worshipping Molech and Belial.

''Mr. Speaker, the tension between me and the three revealed-by-conduct homosexuals in the House is a reflection of the national debate on our moral and spiritual decline. A debate that has tragically been stifled, if not snuffed out completely, in the Democratic Party. Fortunately, it is still very much alive within my Republican Party and it's raging white hot in many communities throughout our land. There can be no compromise in this struggle * * * that is why so many faint-of-heart Members in this institution want all moral issues, even partial-birth infanticide abortions, to just go away! Even lazier and more cowardly are those shallow fools who say, so what! I pity their children in the love department. Unfortunately, a struggle over virtue and the future of our Nation as a land of Godly people can only subside when one side wins and the other side loses. And history tells us the battle will wax and wane until the Second Coming.

''Mr. Speaker, I know what I am doing by upping the ante in this hellacious fight. I know the danger it holds for me and for my very large family, both politically and personally. But the stakes are too high for anyone to remain on the sidelines who makes claim to a fighters heart that is I pray brave. The stakes are thousands of human lives at jeopardy * * * at jeopardy to the ravages of an irreversible, fatal venereal disease and * * * far more heart-breaking, there are the souls in jeopardy * * * the immortal souls. The stakes are also * * * our beloved America, as we know it.

''One of our cockiest Members is fond of whining in exasperation what do all of these extremists have to fear from two people of the same sex who love each other?

''Given that he undoubtedly is including me among his designated 'extremists,' I have an answer for him, from a pro-homosexual book, an observation that both sides in the struggle should be able to accept.

''Homosexuality impinges on such questions as what it means to be male or female, what can be considered to be sexual pathology, what the purposes of sexuality are * * * thus homosexual relationships challenge the moral and emotional basis for the way our culture deals with sexuality. Pretty straightforward, Mr. Speaker.

''I would further add that there are many other reasons to oppose the norming of the abnormal. Reasons such as respect for the desires of the God of both the Old and New Testaments * * * or respect for the course of nature itself or what Jefferson's Declaration calls 'nature's God,' or for the survival of the traditional family of one man and one woman bound together in mutual respect and love, sacrificing their selfish interests to procreate, nurture, and maintain what our founders called 'posterity,' i.e. all of our innocent children yet unborn. This is a legacy that has been time-tested, for millennia, and by its very success it is undeniably the proven path.

''The difference between philos love, which is the non-sexual bonding of dear friends, and homosexuality is that the latter is grounded in a sex act, and variations on that eros theme, in conduct that is defined in that dictionary behind me as 'sodomy,' and sodomy can never be anything but a selfish, hedonistic, and impotent ritual that bears only the lifeless fruits of disease and emotional distress. I pray for all those, Mr. Speaker, who continue to choose a lifestyle and conduct, so sad and so devoid of true happiness, of true gaiety, which is the joy of life * * * joie de vivre * * * the gaiety that flows from God's love.

''Mr. Speaker, to our traditional friends who may be listening right now—those who are often maligned and ridiculed in liberal media for their constancy and courage in defending decency and virtue—Remember that our forefathers paid a terrible price to win their liberty * * * our liberty. It cost most their fortunes or and many their very lives, but never their honor. Every tiny segment that we give up of our standard of decency hastens the demise of our very basic freedoms. Remember, we traditionalists fight to protect the entire spectrum of moral living. Therefore, each political compromise forced upon us—each traditional virtue that we surrender or even compromise—is a loss of something we treasured and thus we are weakened for the next inevitable confrontation. In the culture war in which we are engaged, we must remind ourselves over and over that only a virtuous people can be a free people. Remember Alexis de Tocqueville's insightful prediction, 'As long as America is good, America will be great.' Our Founders knew that well. It is the nature of this struggle that we will always be on the defensive. Do not feel discouraged or downhearted because we refuse to be positive about sodomy or abortion-on-demand just to please liberal reporters. The hard reality is that in this decency battle, the hedonists win something every time we compromise, and the rest of us lose a bit more of our virtue, another one of the foundations of our freedom. Mr. Speaker, the unrelenting chipping away at moral tradition by our adversaries succeeds only when we are complacent or when we continue our delusionary trips to that big three-ring circus tent, a tent that some want to be so large that it will allow practitioners of any perversion to slither in and even be welcomed. Today the Ephebephiles, heterosexual ephebephiles or homosexual ephebephiles, tomorrow, Hello Pedophiles! Come on in, it's a very big tent.

''We, who know what objective truth is, must make a firm commitment every day * * * to never, ever compromise in this intense conflict to preserve a culture that is not just safe for children but for their families * * * a culture with virtue, a culture that pleases God.

''And what possible claims can homosexual activists make toward Christian loyalty. A true Christian must be able to say with believability, 'try to walk in the footsteps of my Savior Jesus Christ.' For someone to claim without shame, that the disgusting display of hedonism at the majestic, publicly-owned Andrew W. Mellon Auditorium had anything to do with Jesus Christ or his followers is to exercise raw evil egotism. Dr. Billy Graham had it exactly right. We are 'a nation of the brink of self-destruction.' But we need not self-destruct nor commit national suicide. Honest Abe Lincoln, at only age 38, warned us to steel ourselves against national self-destruction.

''Mr. Speaker, let me repeat those words from a four-star general that I used in my opening, 'we must insist on disciplined and principled behavior.' * * * The majority of our Members understand well that integrity is essential in an organization where we count on fellow members and that honesty is the glue that binds the members into a cohesive team.

''And they easily take responsibility for their actions and exhibit the courage to do the right thing.

''Yes, most professionals place service before self and willingly subordinate personal interests for the good of their unit, the Air Force and the Nation and, if called upon, are willing to risk their lives in defense of the United States.

''Thank you, General Ron Fogelman for inspiring me in a period when I certainly find myself on a solo deep-strike recon mission.

''Mr. Speaker, true love will always protect the innocent. I will always challenge the child corruptors, my shield is always the chastening and fearful words of Jesus Christ in Matthew 18:6, 'Whosoever shall cause one of these little ones who believe in me to sin, it were better for him that a millstone were hanged about his neck, and that he were drowned in the depth of the sea'...I will do a post mortem on these matters, if I have to, in a Special Order, so as to clear up, with the truth, any late breaking developments. Thank you for your attention, Mr. Speaker, and may God truly bless and watch over our bountiful land. I yield back the balance of my time, but I will never yield my sense of decency.''.

POINT OF ORDER

(¶87.11)

TO A BILL ADDRESSING THE AUTHORITY OF A STATE TO DECLINE TO RECOGNIZE SAME-SEX MARRIAGES SANCTIONED IN OTHER STATES AND DEFINING THE TERMS ''MARRIAGE'' AND ''SPOUSE'' FOR PURPOSES OF FEDERAL LAW, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT PROHIBITING DISCRIMINATION IN EMPLOYMENT ON THE BASIS OF SEX IS NOT GERMANE.

On July 12, 1996, Mr. CANADY, made a point of order against the motion to recommit with instructions, and said:

''The motion to recommit is not germane to the bill. The bill relates solely to the subject of marriage. The motion to recommit seeks to add language which relates to employment discrimination to a bill dealing with marriage. Clearly, this is a proposition on a subject different from that under consideration, in violation of clause 7 of rule XVI, and I ask the chair to rule the motion to recommit out of order.''.

Ms. Jackson-Lee was recognized to speak to the point of order and said:

''Madam Speaker, with great pain in my heart, I would maintain that we are germane, and it is with deepest regrets and great pain that I hear that human dignity is not germane. But at this point, Madam Speaker, with this pain and this disappointment, I will not contest the point of order.''.

The Speaker pro tempore, Ms. GREENE, said:

''The gentlewoman [Ms. JACKSON-LEE] concedes the point of order, and the point of order of the gentleman [Mr. CANADY] is sustained.''.

WORDS TAKEN DOWN

(¶94.25)

REMARKS IN DEBATE SUGGESTING THAT A MEMBER LACKED ''NERVE,'' BECAUSE HE MADE A CERTAIN STATEMENT IN DEBATE ON THE FLOOR RATHER THAN IN THE PRESS GALLERY TO AVOID A LAWSUIT, CONSTITUTE AN UNPARLIAMENTARY PERSONALITY WITHIN THE MEANING OF CLAUSE 1 OF RULE XIV.

On July 25, 1996, Mr. KANJORSKI during one minute speeches addressed the House and, during the course of his remarks,

Mr. SOLOMON demanded that certain words be taken down.

The Clerk read the words taken down as follows:

I was aware of what you were going to say today. You know full well the reason you came down here on the floor and said what you said is that you didn't have the nerve to go up in the Press Gallery and make those charges because you would be subject to a law suit.

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

''In the opinion of the Chair, the remarks question the integrity of the gentleman [Mr. CLINGER] and constitute a personality in debate.''.

By unanimous consent, the words were stricken from the RECORD.

POINT OF ORDER

(¶106.3)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. WISE], during one minute speeches, and said:

''Mr. Speaker, is it not correct that the rules of the House under regular order prevent people from speaking on the floor of the House with respect to matters before the Ethics Committee?''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The gentleman is correct.

''The gentleman [Mr. WISE] may proceed in order.''.

POINT OF ORDER

(¶106.4)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 12, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. WISE], and said:

''Mr. Speaker, the gentleman [Mr. WISE] continues to proceed out of order of the House and should be called to order by the Chair.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The Chair at this time will repeat the admonition from the Chair of June 26, 1996.

''It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House. This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special order speeches.

''Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum, of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

''Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning from any other place.

''On January 27, 1909, the House adopted a report that stated the following: 'It is the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members.' (Cannon's Precedents, volume 8, at section 2497). This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward each other.

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

The Speaker pro tempore, Mr. LATOURETTE, recognized Mr. WISE to proceed in order.

POINT OF ORDER

(¶106.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. WALKER, made a point of order during the remarks of the gentleman [Mr. LEWIS of Georgia] during one minute speeches, and said:

''Mr. Speaker, the gentleman [Mr. LEWIS of Georgia] is engaging in debate which is outside the rules of the House and should be admonished by the Chair.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

The gentleman [Mr. WALKER] is correct. Consistent with prior rulings, the gentleman [Mr. LEWIS of Georgia] is advised to proceed in order.''.

POINT OF ORDER

(¶106.6)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, the gentleman [Mr. LEWIS of Georgia] continues to proceed out of order, and the Chair should require that the gentleman observe the regular order of the House.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The gentleman [Mr. LEWIS of Georgia] must either proceed in regular order or be seated.''.

The Speaker pro tempore, Mr. LATOURETTE, responded to a parliamentary inquiry by the gentleman [Mr. VOLKMER] regarding the ruling of the Chair, and said:

''That is correct. The gentleman continues to refer to a pending investigation before the Standards Committee.

The Speaker pro tempore, Mr. LATOURETTE, responded to a further parliamentary inquiry by the gentleman [Mr. VOLKMER] regarding the ruling of the Chair, and said:

''It is the Chair's opinion and ruling that it is part of the prohibited debate. The gentleman [Mr. LEWIS of Georgia] is invited to proceed in regular order.''.

POINT OF ORDER

(¶106.7)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, the gentleman [Mr. LEWIS of Georgia] continues to proceed out of order in the House. The gentleman is not following the Chair's admonishment that Members have an obligation to the House and to the institution to proceed in order.

''The point of order is that the gentleman is out of order.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The point of order is again sustained, and the gentleman [Mr. LEWIS

of Georgia] is again advised to please proceed in regular order or be seated.''.

POINT OF ORDER

(¶106.8)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. LINDER made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, this is the fourth time that the gentleman has referred to matters on the floor that were in the Ethics Committee and ignored the admonition of the Chair. Maybe it is perhaps time for him to be seated.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The gentleman's point of order for the fourth time is sustained and correct and the gentleman [Mr. LEWIS of Georgia] is again invited to proceed in regular order.''.

POINT OF ORDER

(¶106.9)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. STUPAK], during one minute speeches, and said:

''Mr. Speaker, the gentleman is referring to matters again before the Standards Committee and the Speaker has ruled again and again that it is out of order. The gentleman should either continue in order or sit down.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The point of order is well taken. To the extent that the gentleman [Mr. STUPAK] refers to a pending matter before the Standards Committee, he is asked to refrain from those observations and proceed in order.''.

POINT OF ORDER

(¶106.10)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. LINDER, made a point of order during the remarks of the gentlewoman [Ms. DELAURO], during one minute speeches, and said:

''Mr. Speaker, the gentlewoman [Ms. DELAURO] is referring directly to matters before the Committee on Standards of Official Conduct.''.

The Speaker pro tempore, Mr. LATOURETTE, sustained the point of order, and said:

''The gentleman is correct. The gentlewoman is directed to continue in order.''.

POINT OF ORDER

(¶106.11)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 12, 1996, Mr. LINDER, made a point of order during the further remarks of the gentlewoman [Ms. DELAURO], and said:

''Mr. Speaker, I would ask you to enforce the rules of this House, because each of these Members has found ways to go back to the references to the Committee on Standards of Official Conduct, when they should be called out of order and asked to sit down.''.

The Speaker pro tempore, Mr. LATOURETTE, responded to the point of order, and said:

''The Chair has repeatedly asked Members to respect the rules of the House and rulings of the Chair. There are opportunities available to the Chair to enforce the rules of the House. The appropriate manner in which to enforce it at this moment in time is a point of order made be another Member.''.

POINT OF ORDER

(¶106.12)

IT IS NOT A BREACH OF DECORUM TO MAKE HISTORICAL REFERENCE TO A PAST CASE CONCERNING THE OFFICIAL CONDUCT OF A FORMER MEMBER.

On September 12, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. MILLER of California], during one minute speeches, and said:

''Mr. Speaker, the gentleman is not adhering to the rulings of the House again with respect to speaking on the floor regarding matters before the Committee on Standards of Official Conduct.''.

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

''Mr. Speaker, the words I have uttered up until the time I was interrupted are not my words. They are in fact the words of Speaker GINGRICH on July 28, 1988, in a letter from Speaker GINGRICH to the Honorable Julian DIXON, the former Chair of the Committee on Standards of Official Conduct. Therefore, Mr. Speaker, this is proper.

''If I can continue to be heard on the point of order, Mr. Speaker, I am not speaking on a matter that is currently before the Committee on Standards of Official Conduct. I am speaking to a matter that was before the Committee on Standards of Official Conduct in 1988, where the question was raised at that time as to whether or not that committee had, one, limited the scope of inquiry by the special counsel, where the question was raised as to the contract between the special counsel and the committee, and whether or not the committee was—.''.

The Speaker pro tempore, Mr. LATOURETTE, overruled the point of order, and said:

''The gentleman will kindly suspend. The Chair is prepared to rule.

''The Chair is acceding to the gentleman's [Mr. MILLER of California] points. The gentleman may proceed in that context.''.

POINT OF ORDER

(¶108.8)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 17, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. LEWIS of Georgia] during one minute speeches, and said:

''Mr. Speaker, is it within the rules of the House to refer to matters before the Committee on Standards of Official Conduct on the floor of the House?''.

The Speaker pro tempore, Mr. MILLER of Florida, responded to the point of order, and said:

''That is not in order and the gentleman [Mr. LEWIS of Georgia] must proceed in order.''.

Mr. LINDER continued with the point of order, and said:

''Mr. Speaker, further point of order. Is the gentleman in the well speaking out of order?''.

The Speaker pro tempore, Mr. MILLER of Florida, sustained the point of order, and said:

''The Chair rules the gentleman, [Mr. LEWIS of Georgia] out of order.''.

Mr. LINDER addressed the Chair, and said:

''Mr. Speaker, if the gentleman continues, will the Chair rule that he sit down?''.

The Speaker pro tempore, Mr. MILLER of Florida, responded, and said:

''The Chair will take that under advisement.

''The gentleman, [Mr. LEWIS of Georgia] may proceed in order.''.

POINT OF ORDER

(¶108.9)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 17, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, the gentleman is ignoring the rule of the Chair and he is

referring to matters before the Committee on Standards of Official Conduct, and it strikes me that it is the appropriate time to have him sit down.''.

The Speaker pro tempore, Mr. MILLER of Florida, sustained the point of order, and said:

''The Chair sustains the point of order. The gentleman's time has expired.''.

POINT OF ORDER

(¶109.4)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 18, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. LEWIS of Georgia] during one minute speeches, and said:

''Mr. Speaker, several days in a row the gentleman [Mr. LEWIS of Georgia] has risen on the floor of the House to address matters that are inappropriate because the rules of the House specifically prohibit speaking of matters before the Committee on Standards of Official Conduct.

''The gentleman does not seem to get that point. And on each occasion that I have raised this point of order, the Speaker has agreed with me. I would like the Speaker to make a ruling on this matter today.''.

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

''If the gentleman [Mr. LINDER] is familiar with the rules, he should know that the customary way to object is to ask that the Member's words be taken down.''.

The Speaker pro tempore, Mr. HASTINGS of Washington, sustained the point of order, and said:

''The Chair is prepared to rule on the gentleman's point of order. The Chair will repeat the admonition of the Chair from September 12, 1996.

''It is an essential rule of decorum in debate that Members should refrain from references in debate to the conduct of other Members where such conduct is not the question actually pending before the House by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House. This principle is documented on pages 168 and 526 of the House Rules and Manual and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special order speeches.

''Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum, of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

''Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning from any other place.

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

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

''This is Cannon's Precedents, volume 8, section 2497. This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward each other.

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

''So the Chair would request the gentleman [Mr. LEWIS of Georgia] proceed in order.''.

POINT OF ORDER

(¶109.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.UNDER RULES I AND XIV, THE SPEAKER MAY, IN DISPOSING OF A POINT OF ORDER ARRAIGNING A BREACH OF DECORUM IN DEBATE, DENY FURTHER RECOGNITION TO A MEMBER WHO PERSISTS IN SUCH BREACHES, SUBJECT TO THE WILL OF THE HOUSE ON THE QUESTION OF PROCEEDING IN ORDER.

On September 18, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, it is entirely possible that the gentleman in the well does not know what the rules are. But I think you just ruled that he was speaking out of order, and I would like to have the Chair readdress his addressing matters before the Committee on Standards of Official Conduct.''.

The Speaker pro tempore, Mr. HASTINGS of Washington, sustained the point of order, and said:

''The Chair sustains the point of order from the gentleman [Mr. LINDER] and asks the other Member [Mr. LEWIS of Georgia] to please keep his remarks in order.''.

The Speaker pro tempore, Mr. HASTINGS of Washington, responded with the following statement to a parliamentary inquiry made by Mr. VOLKMER as to whether there is historical precedent whereby the Chair had ordered a Member to be seated prior to the expiration of the Member's time:

''On September 12 and on September 17 of this year, the Chair sustained points of order against Members who repeatedly made references in debate to a matter pending before the Committee on Standards of Official Conduct.

''On those occasions, the Chair indicated that pursuant to the rule such Members could be required to take their seats where they declined to proceed in order at the directive of the Chair after points of order had been sustained against the references while demanding that an offending Member be seated is normally insisted upon only where there is a formal demand that the words be taken down pending disposition that the words be taken down. Pending disposition of the matter by the Chair and the House, it is within the Chair's authority under rule I and rule XVI to deny that Member further recognition as a disposition of the question of order, subject to the will of the House on a question proceeding in order.

''A Member's comportment in the face of repeated admonitions by the Chair to proceed in order has itself been the subject of a ruling of the Chair that the Member may not be recognized to proceed unless permitted to do so by the House. That is cited on page 319 of the Manual. Once a Member has been recognized and has the floor, rule I and rule XVI permit the Chair to respond to repeated points of order while permitting the House to determine the propriety of the Chair's rulings and its willingness to permit the Member to proceed in order.

''Thus, if the Chair were to direct that an offending Member be denied the floor for the duration of the time for which he was recognized, he would do so in the context of a ruling that would permit the House to determine whether the Member should proceed in order.

''Without objection, the gentleman [Mr. LEWIS of Georgia] may proceed in order for the balance of his time.''.

POINT OF ORDER

(¶109.6)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 18, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during one minute speeches, and said:

''Mr. Speaker, the gentleman in the well is referring to matters before the Committee on Standards of Official Conduct, which is prohibited by the rules of the House.''.

The Speaker pro tempore, Mr. HASTINGS of Washington, sustained the point of order, and said:

''The Chair sustains the point of order and asks the gentleman [Mr. VOLKMER] to keep his remarks in order.

POINT OF ORDER

(¶110.4)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 19, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. PALLONE], during one minute speeches, and said:

''Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct, which is against the rules of the House.''.

The Speaker pro tempore, Mr. INGLIS, sustained the point of order, and said:

''The Chair sustains the gentleman's point of order just raised. The gentleman [Mr. PALLONE] may proceed in order.''.

POINT OF ORDER

(¶110.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 19, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. PALLONE], and said:

''Mr. Speaker, in spite of the admonition of the Chair, the gentleman continues to refer to matters before the Committee on Standards of Official Conduct.''.

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

''My only point, Mr. Speaker, is that a motion has been filed that this report should be released.''.

The Speaker pro tempore, Mr. INGLIS, sustained the point of order, and said:

''The Chair sustains the point of order raised by the gentleman [Mr. LINDER] and the gentleman [Mr. PALLONE] must suspend any reference to that matter since the resolution is not under consideration in the House at this time.''.

POINT OF ORDER

(¶110.6)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 19, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during one minute speeches, and said:

''Mr. Speaker, the gentleman has been here long enough to know the rules of the House. He shows it on the floor of the House all the time. He is abusing the rules of the House by referring to matters before the Committee on Standards of Official Conduct.''.

The Speaker pro tempore, Mr. INGLIS, sustained the point of order, and said:

''The Chair sustains the point of order, and would permit the gentleman [Mr. VOLKMER] to proceed in order.''.

POINT OF ORDER

(¶110.7)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 19, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''The gentleman is continuing to refer to matters before the Committee on Standards of Official Conduct.''.

The Speaker pro tempore, Mr. INGLIS, sustained the point of order, and said:

''The Chair would sustain the point of order of the gentleman [Mr. LINDER] and would remind Members that it is inappropriate to refer to the Members of the Committee on Standards of Official Conduct and their work.''.

PRIVILEGES OF THE HOUSE

(¶110.17)

A RESOLUTION ALLEGING INACTION ON THE PART OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WITH RESPECT TO A PARTICULAR CASE, AND RESOLVING THAT THE COMMITTEE BE INSTRUCTED TO TRANSMIT CERTAIN MATTERS RELATING TO THE CASE TO AN ''SPECIAL COUNSEL,'' GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 19, 1996, Mr. LINDER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 524):

Whereas, a complaint filed against Representative GEPHARDT alleges House Rules have been violated by Representative GEPHARDT 's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws or regulations and;

Whereas, the Committee on Standards of Official Conduct has in complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative GEPHARDT's financial transactions violated standards of conduct or specific rules of the House of Representatives and;

Whereas, the complaint against Representative GEPHARDT has been languishing before the committee for more than seven months and the integrity of the ethics process and the manner in which Members are disciplined is called into question; now be it

Resolved, that the Committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of this matter.

Resolved, that all relevant materials presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

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

''The resolution constitutes a question of privilege under rule IX.''.

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. ARMEY demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	395
	Nays	9
	Answered present	10

¶110.18 [Roll No. 423]

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

PRIVILEGES OF THE HOUSE

(¶110.20)

A RESOLUTION ALLEGING FAILURE ON THE PART OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WITH RESPECT TO A PARTICULAR CASE TO RELEASE TO THE PUBLIC THE REPORT OF AN ''OUTSIDE COUNSEL,'' AND RESOLVING THAT THE COMMITTEE BE INSTRUCTED TO RELEASE THAT REPORT, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 19, 1996, Mr. LEWIS of Georgia, rose to a question of the privi-

leges of the House and submitted the following resolution (H. Res. 526):

Whereas on December 6, 1995, the Committee on Standards of Official Conduct agreed to appoint an outside counsel to conduct an independent, nonpartisan investigation of allegations of ethical misconduct by Speaker Newt GINGRICH;

Whereas, after an eight-month investigation, that outside counsel has submitted an extensive document containing the results of his inquiry;

Whereas the report of the outside counsel cost the taxpayers $500,000;

Whereas the public has a right—and Members of Congress have a responsibility—to examine the work of the outside counsel and reach an independent judgment concerning the merits of the charges against the Speaker;

Whereas these charges have been before the Ethics Committee for more than two years;

Whereas a failure of the Committee to release the outside counsel's report before the adjournment of the 104th Congress will seriously undermine the credibility of the Ethics Committee and the integrity of the House of Representatives: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct shall immediately release to the public the outside counsel's report on Speaker Newt GINGRICH, including any conclusions, recommendations, attachments, exhibits or accompanying material.

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

''The resolution constitutes a question of privilege under rule IX.''.

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. BONIOR demanded a recorded vote on motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative	Yeas	225
	Nays	179
	Answered present	10

¶110.21 [Roll No. 424]

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

POINT OF ORDER

(¶110.26)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 19, 1996, Mr. WALKER, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during special order speeches, and said:

''Mr. Speaker, the gentleman [Mr. VOLKMER] is discussing matters that are not appropriately addressed under the rules of the House.''.

The Speaker pro tempore, Mr. BARRETT of Nebraska, sustained the point of order and said:

''The Chair will sustain the point of order inasmuch as the gentleman may not discuss such matters not currently pending.

''The gentleman [Mr. VOLKMER] may proceed in order.''.

POINT OF ORDER

(¶110.27)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE, INCLUDING BY REMARKS RECAPITULATING THE CONTENT OF A RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE THAT IS NO LONGER PENDING.

On September 19, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''The gentleman [Mr. VOLKMER] continues to be out of order.''.

The Speaker pro tempore, Mr. BARRETT of Nebraska, sustained the point of order, and said:

''The Chair will sustain the point of order and share at this point the ruling of November 17, 1995:

The prohibition against references in the debate to the official conduct of other Members, where such conduct is not under consideration in the House includes reciting the content of a resolution raising a question of the privileges of the House which is no longer pending, having been tabled by the House.

''The gentleman [Mr. VOLKMER] may proceed in order.''.

POINT OF ORDER

(¶110.28)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 19, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''Mr. Speaker, the gentleman [Mr. VOLKMER] continues to be out of order, and it is an embarrassment to the House to have the gentleman continue to disobey the rules knowingly and completely with malice.''.

The Speaker pro tempore, Mr. BARRETT of Nebraska, sustained the point of order, and said:

''The Chair sustains the point of order and requests that the gentleman [Mr. VOLKMER] proceed in order as indicated by the Chair earlier.''.

POINT OF ORDER

(¶110.29)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 19, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

Mr. WALKER made a point of order, and said:

''The gentleman is obviously attempting to simply disobey the rules, and the gentleman obviously has no comport to the Oath of Office that he took earlier in this Congress and, you know, is embarrassing the House with his present disobeying of the rules, and I insist on my point of order.''.

The Speaker pro tempore, Mr. BARRETT of Nebraska, sustained the point of order, and said:

''The point of order by the gentleman is sustained, and the Chair would remind the gentleman [Mr. VOLKMER] that he may not speak to matters which are now under consideration by the Committee on Standards of Official Conduct or to the motivation of Members who bring questions before the House.''.

POINT OF ORDER

(¶110.30)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 19, 1996, Mr. WALKER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''The gentleman continues to be out of order.''.

The Speaker pro tempore, Mr. BARRETT of Nebraska, sustained the point of order, and said:

''The Chair sustains the point of order.''.

POINT OF ORDER

(¶113.8)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 24, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during one minute speeches, and said:

''The gentleman in the well is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the rules of the House.''.

The Speaker pro tempore, Ms. GREENE, sustained the point of order and said:

''The Chair sustains the point of order and directs the gentleman [Mr. VOLKMER] to proceed in order.''.

POINT OF ORDER

(¶113.9)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 24, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''Madam Speaker, it may be that the gentleman does not understand the English language, but I thought the Chair just sustained a point of order and instructed him not to refer to matters before the Committee on Standards of Official Conduct but to continue in order, and for his to continue referring to these matters is out of order.''.

The Speaker pro tempore, Ms. GREENE, sustained the point of order, and said:

''The Chair once again sustains the point of order of the gentleman [Mr. LINDER]. The gentleman [Mr. VOLKMER] is not speaking in order, and the Chair again directs the gentleman [Mr. VOLKMER] to proceed in order in accordance with the rules of the House.''.

POINT OF ORDER

(¶113.10)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 24, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''Madam Speaker, it does not seem like anyone should have to remind someone three times in a 1-minute speech that he is abusing the rules of the House, but that is the point I am raising.''.

The Speaker pro tempore, Ms. GREENE, sustained the point of order, and said:

''The Chair will inform the gentleman [Mr. VOLKMER] that the Chair sustains the point of order of the gentleman [Mr. LINDER]. The gentleman [Mr. VOLKMER] is not, under the rules of the House, to make references to matters currently under review before the Committee on Standards of Official Conduct or to members of that committee, as the gentleman [Mr. VOLKMER] well knows.

''The gentleman [Mr. VOLKMER] has 20 seconds remaining.''.

POINT OF ORDER

(¶113.11)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, WHETHER IN THE MEMBER'S OWN WORDS OR BY RECITATION OF UTTERANCES IN OTHER MEDIA.

On September 24, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mrs. SCHROEDER], during one minute speeches, and said:

''Madam Speaker, it is my understanding last week that the Chair ruled that even if newspapers make references to matters before the Committee on Standards, it is inappropriate under House rules to bring those matters to the floor of the House. It is entirely acceptable for the gentlewoman [Mrs. SCHROEDER] to speak on this issue as much as she wants outside the House of this Congress. But on this floor, it is against the rules.''.

The Speaker pro tempore, Ms. GREENE, sustained the point of order, and said:

''The Chair sustains the point of order of the gentleman [Mr. LINDER], and directs the gentlewoman [Mrs. SCHROEDER] to proceed in order in accordance with the rules of the House.''.

POINT OF ORDER

(¶113.12)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, WHETHER IN THE MEMBER'S OWN WORDS OR BY RECITATION OF UTTERANCES IN OTHER MEDIA.

On September 24, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. WAXMAN], during one minute speeches, and said:

''The gentleman's [Mr. WAXMAN] time has expired, but the point of order is the same one, that he is referring to matters against the rules of the House.''.

The Speaker pro tempore, Ms. GREENE, sustained the point of order and said:

''The Chair will sustain the point of order, and requests that all Members show respect for and abide by the rules of the House.''.

The Speaker pro tempore, Ms. GREENE, responded to a parliamentary inquiry by the gentleman [Mr. WAXMAN] as to the precedents regarding the ruling of the Chair, and said:

''Prior rulings of the Speaker have sustained the point of order in this and prior Congresses that press accounts relating to matters currently before the Standards of Official Conduct Committee are not a proper subject for debate on the floor. That is why the gentleman's [Mr. LINDER] point of order was sustained.

The Speaker pro tempore, Ms. GREENE, responded to a further parliamentary inquiry by the gentleman [Mr. WAXMAN] as to the precedents regarding the ruling of the Chair, and said:

''The duty of the Chair is to enforce the rules of the House as they are written and have been interpreted. The rules of the House, as the Chair has ruled in this and prior Congresses, make it out of order for any Member to refer to any subject currently before the Standards Committee, whether through the Member's own words, or through the recitation of words printed in any other medium outside the floor of this House, except when a question of privileges is pending.

''The Chair will continue to abide by and enforce the rules of the House.''.

POINT OF ORDER

(¶113.37)

THE PROHIBITION AGAINST REFERENCES IN DEBATE TO THE OFFICIAL CONDUCT OF A MEMBER THAT IS NOT PRESENTLY UNDER CONSIDERATION BY THE HOUSE INCLUDES REVIEWING MATTERS PREVIOUSLY (BUT NO LONGER) UNDER CONSIDERATION BY THE HOUSE.

On September 24, 1996, Mr. SOLOMON, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during debate, and said:

''Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct, and that is against the House rules. We need to stay to the germaneness of this expedited procedure.''.

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

''My earlier comments were perhaps not in order, but where the gentleman has interjected himself, I am speaking of matters that have already been resolved by the Committee on Standards of Official Conduct and are no longer pending before the Committee on Standards of Official Conduct.''.

The Speaker pro tempore, Mr. GILLMOR, sustained the point of order, and said:

''The Chair is prepared to rule, and the question is whether the matters are properly pending before the House. The issue is not just whether they are now or only at a prior time were ever before the committee, since the matters are not now properly before the House as a question of privilege, and debate on those matters, therefore, is not in order at this point.''.

POINT OF ORDER

(¶113.38)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On September 24, 1996, Mr. SOLOMON, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''Mr. Speaker, clause 14 says that we have to be germane to the issue. I would make a point of order that the gentleman's delivery is not germane to this issue.''.

The Speaker pro tempore, Mr. GILLMOR, sustained the point of order, and said:

The gentleman's point of order is well taken, and the Chair would ask the gentleman [Mr. VOLKMER] to be in order.''.

POINT OF ORDER

(¶113.39)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 24, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. WARD], during debate, and said:

''The gentleman is referring one more time to matters before the committee on ethics. I believe that is against the rules of the House.''.

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

''I just want to submit to the Speaker that this debate is about yielding unprecedented authority to the Speaker of the House. The Speaker's integrity, the person to whom we are proposing to yield that authority, his integrity is at the heart of the matter. If we cannot get to his integrity, then how can we determine whether we ought to be yielding these unprecedented, overwhelming authorities to him?

''If we do not like what he has been doing. If he has been out disrespecting the House of the United States, then why should we give him some unprecedented authority called martial law? That is at the very heart. His responsibility, his ethics, are at the very heart of the matter.

''I would submit, Mr. Speaker, that this is germane to the issue and the matter before this House.''.

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

''Mr. Speaker, I would ask that the gentleman [Mr. LINDER] clarify his point of order so I can know what it is that I have said to which he objects.''.

Mr. LINDER was recognized further and said:

''Mr. Speaker, over the course of the last 10 days or so, when the minority party has tried to bring to the floor of this House a discussion of matters before the Committee on Ethics, the Chair has consistently ruled that not only referring to the matters before the Committee on Ethics, but referring to press reports about those matters is against the rules of the House.''.

''The gentleman is standing there with a large print of an editorial out of a newspaper that does precisely that: To make the case, in print, for the people watching this, about matters before the Committee on Ethics. It strikes me that, if the Chair is going to rule that we cannot talk about it, the same argument would obtain that just displaying it is abusing the rules of the House.

Mr. WARD was recognized further and said:

''Mr. Speaker, I thought the gentleman was responding to my saying that the Speaker had been found guilty of a number of ethics violations, according to a letter from the Ethics Committee dated December 6, 1995.

''I was not referring to the document here displayed. I was referring to his allowing the senior GOPAC official to act as the chief of staff in the Speaker's office, for which he was found guilty. I was referring to abusing the House floor to sell videotapes. That is what I was referring to.''.

The Speaker pro tempore, Mr. GILLMOR, sustained the point of order, and said:

''The Chair is prepared to rule, having heard the arguments on both sides.

''The Chair would say that the point of order is well taken; that the gentleman [Mr. WARD] may debate the advisability of granting generic authorities proposed in the pending resolution but may not dwell on the merits of measures that might arise under those authorities.

''The recent series of rulings by the Chair rest more squarely on the stricture against personalities in debate than on the requirements of relevance. With respect to cases disposed of, today's standard is not a new standard under the precedents. The point is not necessarily whether the matter is still pending elsewhere. The point is that the matter is not pending on the floor here and now as a question of privilege and the point of order is well taken.

The gentleman [Mr. WARD] may proceed in order.''.

POINT OF ORDER

(¶113.40)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 24, 1996, Mr. CUNNINGHAM, made a point of order during the further remarks of the gentleman [Mr. WARD], and said:

''Mr. Speaker, we are prevented from speaking about other Members on the other side, about previous ethics violations. Is it not against the rules of the House to do so?''.

The Speaker pro tempore, Mr. GILLMOR, sustained the point of order, and said:

''The Chair would remind all Members that it is not in order to discuss past or present official conduct cases of sitting Members unless the matter is pending before the House as a question of privilege.''.

PRIVILEGES OF THE HOUSE

(¶113.51)

A RESOLUTION ALLEGING INACTION ON THE PART OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WITH RESPECT TO A PARTICULAR CASE, AND RESOLVING THAT THE COMMITTEE BE INSTRUCTED TO TRANSMIT CERTAIN MATTERS RELATING TO THE CASE TO AN ''SPECIAL COUNSEL,'' GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 24, 1996, Mr. LINDER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 531):

Whereas, a complaint filed against Representative Gephardt alleges House Rules have been violated by Representative Gephardt's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws and regulations and;

Whereas, the Committee on Standards of Official Conduct has in other complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative Gephardt's financial transactions violated standards of conduct or specific rules of the House of Representatives and;

Whereas, the complaint against Representative Gephardt has been pending before the committee for more than seven months and the integrity of the ethics process and the manner in which Members are disciplined is called into question; and

Whereas, on Friday, September 20, 1996 the ranking Democrat of the Ethics Committee, Representative James McDermott in a public statement suggested that cases pending before the committee in excess of 60 days be referred to an outside counsel; now be it

Resolved that the Committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of the charges filed against the Democratic Leader Representative Richard Gephardt.

Resolved that all relevant materials presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

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

''The resolution constitutes a question of privileges of the House.''.

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. ARMEY demanded a recorded vote on agreeing to said resolution, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the affirmative ..... { Yeas ..... 390; Nays ..... 11; Answered present 7

¶113.52 [Roll No. 428]

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

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

POINT OF ORDER

(¶114.4)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 25, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. VOLKMER], during one minute speeches, and said:

''The gentleman [Mr. VOLKMER] is referring to matters before the Committee on Standards of Official Conduct, which is explicitly against the House rules.''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''The Chair sustains the point of order, and the gentleman [Mr. VOLKMER] must proceed in order.''.

POINT OF ORDER

(¶114.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IF A MEMBER PERSISTS IN INDECOROUS SPEECH DESPITE REPEATED ADMONITIONS FROM THE CHAIR, THE CHAIR MAY PUT TO THE HOUSE THE QUESTION WHETHER THE MEMBER MAY PROCEED IN ORDER.

On September 25, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. VOLKMER], and said:

''Mr. Speaker, at what point does the Chair decide that these scurrilous attacks on personalities and this abuse of the House rules becomes so out of order that people are asked to take their seat?''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''As stated on September 8 by the Chair, at some point the Chair will put it to the entire House to determine whether Members who continually violate the rules will continue to proceed in order.''.

POINT OF ORDER

(¶114.6)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 25, 1996, Mr. CHRYSLER, made a point of order during the remarks of the gentleman [Mr. LEWIS of Georgia] during one minute speeches, and said:

''Mr. Speaker, referring to matters before the Ethics Committee, which is specifically forbidden in the House rules, is my point of order.''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''The Chair will reiterate the principle in this matter. The Chair will repeat the admonitions of the Chair from June 26, 1996, September 12, September 17, and September 24.

''It is an essential rule of decorum in debate that Members should refrain from reference in debate to the conduct of other Members, where such conduct is not the question actually pending before the House, by way of a report from the Committee on Standards of Official Conduct or by way of another question of the privileges of the House.

''This principle is documented on pages 168 and 526 of the House Rules Manual, and reflects the consistent rulings of the Chair in this and in prior Congresses and applies to 1-minute and special order speeches.

''The fact that a resolution has been noticed pursuant to rule IX does not permit such references where that resolution is not actually pending.

''Neither the filing of a complaint before the Committee on Standards of Official Conduct, nor the publication in another forum of charges that are personally critical of another Member, justify the references to such charges on the floor of the House. This includes references to the motivations of Members who file complaints and to members of the Committee on Standards of Official Conduct.

''As cited on page 526 of the Manual, this also includes references to concluded investigations of sitting Members by the Standards Committee (July 24, 1970). Clause 1 of rule XIV is a prohibition against engaging in personality in debate. It derives from article I, section 5 of the Constitution, which authorizes each House to make its own rules, and to punish its Members for disorderly behavior, and has been part of the rules of the House in some relevant form since 1789. This rule supersedes any claim of a Member to be free from questioning from any other place.

''On January 27, 1909, the House adopted a report that stated the following: 'It is the duty of the House to require its Members in speech or debate, to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members,' from Cannon's Precedents, Volume VIII, at section 2497. This report was in response to improper references in debate to the President, but clearly reiterated a principle that all occupants of the Chair in this and in prior Congresses have held to be equally applicable to Members' remarks in debate toward the Speaker and each other.

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

''The gentleman [Mr. LEWIS of Georgia] may proceed in order.''.

POINT OF ORDER

(¶114.7)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 25, 1996, Mr. CHRYSLER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, he is referring to matters that are before the Ethics Committee which are specifically forbidden in the House rules, is my point of order.''.

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

''Let me say to the gentleman [Mr. CHRYSLER] from the other side, there comes a time when an injustice is so great, when you must even challenge the rule to demonstrate that injustice. I know the gentleman from the other side and the Members from the other side would not like this report to come out.''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''The Chair again sustains the point of order, and the gentleman [Mr. LEWIS of Georgia] will proceed in order.''.

POINT OF ORDER

(¶114.8)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 25, 1996, Mr. CHRYSLER, made a point of order during the remarks of the gentlewoman [Ms. DELAURO], during one minute speeches, and said:

''Mr. Speaker, the gentlewoman [Ms. DELAURO] is violating House rules by referring to matters before the Ethics Committee which are specifically forbidden by House rules.''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''The Chair will sustain the point of order, and asks the gentlewoman to proceed in order.''.

POINT OF ORDER

(¶114.9)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 25, 1996, Mr. CHRYSLER, made a point of order during the remarks of the gentlewoman [Mrs. SCHROEDER] during one minute speeches, and said:

''Mr. Speaker, the gentlewoman [Mrs. SCHROEDER] is violating House rules by referring to matters before the Ethics Committee which are specifically forbidden in House rules.''.

Mrs. SCHROEDER was recognized to speak to the point of order and said:

''My question is, what does this House do when not only just a regular Member of the House but the chief officer of the House, the third in line for the presidency, has these serious charges and we cannot see them even though they were publicly funded? Why can we not discuss them on this House floor and why are we told we must go outside to discuss them as we had to do Medicare cuts?''.

The Speaker pro tempore, Mr. CAMP, sustained the point of order, and said:

''For reasons previously stated, the Chair sustains the point of order and asks the gentlewoman to proceed in order.''.

POINT OF ORDER

(¶115.5)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 26, 1996, Mr. HOKE, made a point of order during the remarks of the gentleman [Mr. POMEROY] during one minute speeches, and said:

''Mr. Speaker, I make the point of order that discussion of the House Ethics Committee's proceedings on the floor of the House is not in order in the House. Is that correct?''.

The Speaker pro tempore, Mr. GOODLATTE, sustained the point of order, and said:

''The Chair sustains the point of order. The gentleman [Mr. POMEROY] may proceed in order.''.

POINT OF ORDER

(¶115.6)

UNDER CLAUSE 1 OF RULE XIV A MEMBER MAY NOT DISPLAY A COMMUNICATIVE LAPEL BUTTON WHILE UNDER RECOGNITION FOR DEBATE.

On September 26, 1996, Mr. HOKE, made a further point of order during the further remarks of the gentleman [Mr. POMEROY], and said:

''Mr. Speaker, I make a further point of order that the House rules provide that buttons may not be worn at the time that speeches are made on the floor of the House.''.

The Speaker pro tempore, Mr. GOODLATTE, sustained the point of order, and said:

''The Chair sustains the point of order. The gentleman should remove the button.''.

POINT OF ORDER

(¶115.35)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On September 26, 1996, Mr. THOMAS, made a point of order during the remarks of the gentleman [Mr. BARRETT of Wisconsin], and said:

''Mr. Speaker, the gentleman [Mr. BARRETT of Wisconsin] is not speaking to the legislation in front of us, and he knows it.''.

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

''I am tying this into the reforms that are going on in this body. The previous speaker spoke to the many reforms that he thought were necessary. I acknowledge that there are reforms that are necessary. I also think that this is very consistent with those reforms and whether we have reform in this body.''.

The Speaker pro tempore, Mr. GUTKNECHT, sustained the point of order, and said:

''The gentleman [Mr. BARRETT of Wisconsin] should confine his remarks to the subjects contained with this bill. The Chair sustains the point of order.''.

POINT OF ORDER

(¶115.36)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

THE RULE OF RELEVANCE IN DEBATE IS NORMALLY ENFORCED BY POINT OF ORDER FROM THE FLOOR RATHER THAN ON THE INITIATIVE OF THE CHAIR.

On September 26, 1996, Mr. FAZIO, made a point of order during the further remarks of the gentleman [Mr. BARRETT of Wisconsin], and said:

''Mr. Speaker, a number of Members have spoken on the issue of reform, as it has come before the body during this entire Congress. Speakers who proceeded the gentleman [Mr. BARRETT of Wisconsin] have certainly strayed from the subject of this bill. They have talked about a range of legislation. To allow the gentleman [Mr. BARRETT of Wisconsin] to proceed would only be fair in light of what has happened in prior discussion of this legislation.''.

The Speaker pro tempore, Mr. GUTKNECHT, responded to the point of order, and said:

''Points of order were not made concerning the statements that were made previously. A point of order was made at this particular point.

''Under the precedents, the Chair does not take the initiative regarding relevancy of debate. The point of order was raised by the gentleman [Mr. THOMAS].''.

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

''Mr. Speaker, I think that this is very relevant because I think that the issue here is whether Members who have been accused of committing crimes or have been convicted of committing crimes can—.''.

The Speaker pro tempore, Mr. GUTKNECHT, responded, and said:

''The Chair has ruled. The gentleman [Mr. BARRETT of Wisconsin] will confine his remarks to subjects in this bill.''.

POINT OF ORDER

(¶115.37)

UNDER CLAUSE 1 OF RULE XIV, DEBATE MUST BE CONFINED TO THE QUESTION UNDER CONSIDERATION.

On September 26, 1996, Mr. THOMAS, made a point of order during the further remarks of the gentleman [Mr. BARRETT of Wisconsin], and said:

''Mr. Speaker, the gentleman [Mr. BARRETT of Wisconsin] well knows the Speaker ruled that out of order, yet he continued to read. The comity of the House is threatened by the gentleman [Mr. BARRETT of Wisconsin], yet he speaks of potential crimes. And he does it by willfully violating the rules of the House.''.

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

''Again, my whole point here is I think that this is a good bill. I support this bill. In fact, I am a cosponsor of a similar version of this bill. I think that we should pass this legislation.

''My point, in a generic sense, is that we as a body have to make sure that we police ourselves as well. And to police ourselves as well means that we have to disclose reports that we have paid for. Why would we spend $500,000 on a report and not release it to the public? That is my only point.''.

The Speaker pro tempore, Mr. GUTKNECHT, sustained the point of order, and said:

''The point of order is sustained. The gentleman [Mr. BARRETT of Wisconsin] will confine his remarks to the bill before the House.''.

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶116.19)

A RESOLUTION ASSERTING THAT A SENATE-PASSED BILL CONTAINS PROVISIONS RAISING REVENUE IN DEROGATION OF THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE SUCH BILLS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX. THE HOUSE RETURNED TO THE SENATE A SENATE-PASSED BILL PROVIDING THAT A NEWLY ESTABLISHED FOUNDATION BE EXEMPT FROM FEDERAL TAXATION.

On September 27, 1996, Mr. ARCHER rose to a question of the privileges of the House and submitted the following resolution (H. Res. 545):

Resolved, That the bill of the Senate (S. 1311) entitled the ''National Physical Fitness and Sports Foundation Establishment Act'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully returned to the Senate with a message communicating this resolution.

The Speaker pro tempore, Mr. NEY, ruled that the resolution submitted did present a question of the privileges of the House under rule IX, and recognized Mr. ARCHER for thirty minutes.

After debate,

On motion of Mr. ARCHER, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said resolution?

The Speaker pro tempore, Mr. NEY, announced that the yeas had it.

So the resolution was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

POINT OF ORDER

(¶117.26)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 28, 1996, Mr. WALKER, made a point of order during the remarks of the gentleman [Mr. BONIOR], and said:

''The gentleman in the well is engaging in debate which is beyond the rules of the House in that he is discussing matters that are presently active before the Ethics Committee.''.

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

''This resolution, Mr. Speaker, is about what happens to the House after the House of Representatives adjourns. Clearly, the issue which I am addressing is important in resolving that question. The Speaker of the House has traditionally, under the resolutions of recent years, been able to call us back into session is indeed there was a national or international emergency to do so. However, the agreement was reached in terms of giving the Speaker that power. It seems to me with the cloud hanging over the head of this institution because of the alleged violations by the Speaker on tax fraud and misleading the committee and other issues, that in fact the committee has just today broadened in terms of its interest in GOPAC.

''Mr. Speaker, I am trying to make the point that this resolution is about the Speaker's authority to bring us back.

''We are attempting to amend that particular resolution in order, because the Speaker is at question here on a very important point.

''In order to trigger the House back into session, if indeed the special counsel issues its report to the Committee on Standards of Official Conduct, it is entirely within the scope of the discussion that we are having on this particular rule.''.

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

''Matters pending before the Committee on Standards of Official Conduct regarding the official conduct of sitting Members may not be debated on the House floor if there is not pending a question of the privileges of the House. This has been the consistent ruling of the Chair in this and prior Congresses.

''The fact that the committee may have issued an interim status report does not justify such references in debate. This also includes references to proposed House action on and scheduling of matters relating to the conduct of Members.

''The gentleman [Mr. BONIOR] may proceed in order.''.

POINT OF ORDER

(¶117.27)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

On September 28, 1996, Mr. VOLKMER, in response to the Chair's ruling on the gentleman's [Mr. WALKER] point of order, made a further point of order, and said:

''Mr. Speaker, according to the resolution presently pending before the House that, in the event that the Committee on Standards of Official Conduct would make a full report to the House subsequent to adjournment sine die, and in that report would either call for the resignation, reprimand, or expulsion of the Speaker, that this House, under this resolution, would not be able to come back in and take up that report.

''Now, the debate is, correct me if I am wrong, I think the debate is whether or not this resolution should be amended as to whether or not the House should be able to come back in to take up such a report and take action on that report.

''No, what my point of order is, is the Chair now saying we cannot discuss the aspect of this resolution that is pending before the House?''.

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

''The question is not necessarily merely one of relevance. The question is one of personalities and decorum in debate. Members must avoid personalities within the meaning of rule XIV and the precedents thereunder.''.

The SPEAKER pro tempore, Mr. BURTON, directed the gentleman [Mr. BONIOR] to proceed in order.

POINT OF ORDER

(¶117.28)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. BONIOR], and said:

''The gentleman is referring to matters appropriately before the Committee on Standards of Official Conduct, and he is explicitly out of order.''.

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

''The Chair sustains the point of order, and personal references to the Speaker are out of order.

''The gentleman [Mr. BONIOR] may proceed in order.''.

POINT OF ORDER

(¶117.29)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the remarks of the gentlewoman [Ms. DELAURO], and said:

''Mr. Speaker, the gentlewoman is referring to matters before the Committee on Standards of Official Conduct, and she is specifically ignoring the rules of the House.''.

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

''The Chair sustains the point of order. The gentlewoman [Ms. DELAURO] must proceed in order.''.

POINT OF ORDER

(¶117.30)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentlewoman [Ms. DELAURO], and said:

''Mr. Speaker, further point of order. The gentlewoman is now referring to matters before the Committee on Standards of Official Conduct with respect to the outside counsel and she is explicitly ignoring the rules of the House.''.

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

''The Chair again sustains the point of order and requests the gentlewoman [Ms. DELAURO] in the well to proceed in order.''.

POINT OF ORDER

(¶117.31)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. SOLOMON, made a point of order during the further remarks of the gentlewoman [Ms. DELAURO], and said:

''Mr. Speaker, this is not an adjournment resolution. The gentlewoman is out of order.''.

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

''For reasons previously stated, the Chair sustains the gentleman's point of order.''.

POINT OF ORDER

(¶117.32)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. BONIOR], and said:

''The gentleman is referring to matters before the Committee on Standards of Official Conduct. He is ignoring the House rules one more time. At what point, Mr. Speaker, do we go back to regular order, to obeying the House rules so we can conduct our business?''.

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

''Mr. Speaker, I did not interrupt the gentleman from Florida [Mr. GOSS] when he made point of order reference to the work that he was doing in the subcommittee, because I thought it was important for this body to hear.

''I merely cite point of order citation of the report that they made Thursday to make this point: And that is that the people of the sixth district of Georgia have a right to know what this body and what the outside counsel will determine on a candidate who is running for office in that district. And it is wrong for this body and this institution to adjourn and to give the authority to adjourn to the person whose case is before this body.''.

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

''The Chair sustains the gentleman's [Mr. LINDER] point of order against the gentleman from Michigan's [Mr. BONIOR] remarks. The time of the gentleman has expired.''.

POINT OF ORDER

(¶117.33)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct, which is explicitly forbidden by House rules.''.

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

''The Chair will sustain the gentleman's [Mr. LINDER] point of order. The gentleman [Mr. LEWIS of Georgia] in the well will proceed in order.''.

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

''Mr. Speaker, this is unbelievable. This is unreal. This is out of the ordinary. Why can't a Member, all of the Members, not read from a report of a standing committee of this body?

''I would like to continue, because I believe we have a mandate, a mission, and a moral obligation.''.

The SPEAKER pro tempore, Mr. BURTON, responded, and said:

''The Chair has sustained the point of order, and the gentleman [Mr. LEWIS of Georgia] may proceed in order on his own time.''.

POINT OF ORDER

(¶117.34)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''The gentleman is continuing to refer to matters in spite of recent admonitions by the Chair that he is not complying with the House rules. He continues to abuse the House rules referring to matters before the Committee on Standards of Official Conduct.''.

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

''The Chair sustains the point of order.''.

POINT OF ORDER

(¶117.35)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF A MEMBER WHERE THAT CONDUCT IS NOT PRESENTLY UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR ANOTHER QUESTION OF THE PRIVILEGES OF THE HOUSE.

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

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, the gentleman is referring to matters before the Committee on Standards of Official Conduct one more time. This is the third or fourth admonition by the Chair. Apparently, he does not understand the rules. Would you please explain them one more time?''.

Ms. JACKSON-LEE was recognized to speak to the point of order and said:

''Mr. Speaker, what I am having difficulty in understanding from the gentleman from Georgia [Mr. LINDER], the document that the gentleman from Georgia [Mr. LEWIS] in the well is

speaking about is a public document, and I am trying to understand, Mr. Speaker, why there would be any ruling that would disagree with any Member being allowed to be in the well of the House speaking to a public document and requesting a procedural amendment while we are in the midst of discussing an adjournment resolution.

''I believe that the gentleman [Mr. LEWIS] is appropriate in his remarks.''.

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

''The Chair is prepared to rule. The Chair will repeat the prior ruling. Matters pending before the Committee on Standards of Official Conduct regarding the official conduct of sitting Members may not be debated on the floor where there is not pending a question of the privileges of the House.

''This has been the consistent ruling of the Chair in this and prior Congresses. The fact that the committee may have issued an interim status report does not justify such references in debate. This also includes references to proposed House action on scheduling of matters relating to the conduct of Members.

''The gentleman [Mr. LEWIS of Georgia] may proceed in order.''.

Mr. HEFNER appealed the ruling of the Chair.

The question being put, viva voce,

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

Mr. WALKER 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. BURTON, announced that the yeas had it.

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.

The SPEAKER pro tempore, Mr. BURTON, directed the gentleman from Georgia [Mr. LEWIS] to proceed in order.

POINT OF ORDER

(¶117.36)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''Mr. Speaker, I reassert my same point of order. The gentleman [Mr. LEWIS of Georgia] is referring to matters before the Committee on Standards of Official Conduct.''.

Mrs. JOHNSON of Connecticut was recognized to speak to the point of order and said:

''I would like to remind the Members of this House on both sides of the aisle that rules adopted under the Democrats when they were in the majority, supported by Democrats and Republicans alike, govern the work of the Committee on Standards of Official Conduct and require that its work be made public.

''And if the House will have the courage and the civility to let us complete our work, we will complete our work, the matter will be made public, and the Committee on Standards of Official Conduct will hold every Member of this House to those standards.''.

Mrs. SCHROEDER was recognized to speak to the point of order and said:

''Mr. Speaker, the gentleman from Georgia [Mr. LEWIS of Georgia] is making a point that this Speaker has violated those bipartisan rules, or has been accused of that, and that we have been waiting for 2 years, 2 years for this committee to act.''.

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

''The Chair is prepared to rule on the point of order.

''The point of order of the gentleman from Georgia [Mr. LEWIS of Georgia] is sustained. The gentleman [Mr. LEWIS] in the well from Georgia must proceed in order.''.

POINT OF ORDER

(¶117.37)

IT IS NOT IN ORDER IN DEBATE TO REFER TO MATTERS OF OFFICIAL CONDUCT PENDING BEFORE THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.

On September 28, 1996, Mr. LINDER, made a point of order during the further remarks of the gentleman [Mr. LEWIS of Georgia], and said:

''The gentleman [Mr. LEWIS of Georgia] in the well is making characterizations of allegations that are nowhere in any reports that anyone knows of. He is characterizing the Speaker and he is out of order.''.

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

''The gentleman in the well from Georgia must proceed in order.''.

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶117.84)

A RESOLUTION ASSERTING THAT A SENATE-PASSED BILL CONTAINS PROVISIONS RAISING REVENUE IN DEROGATION OF THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE SUCH BILLS GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX. THE HOUSE RETURNED TO THE SENATE A SENATE AMENDMENT TO A HOUSE BILL DEEMING THE RECEIPT OF CONSIDERATION FOR CERTAIN LAND TRANSFERS TO BE TAX-FREE, CONTRARY TO THE TREATMENT OF SUCH TRANSFERS UNDER EXISTING TAX LAW.

On September 28, 1996, Mr. CRANE rose to a question of the privileges of the House and submitted the following resolution (H. Res. 554):

Resolved, That the Senate amendment to the bill (H.R. 400) entitled the ''Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995'', in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill with the Senate amendment thereto be respectfully returned to the Senate with a message communicating this resolution.

After debate,

On motion of Mr. CRANE, the previous question was ordered on the resolution to its adoption or rejection, and under the operation thereof, the resolution was agreed to.

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

Ordered, That the Clerk notify the Senate thereof.

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 22, 1996, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, January 3, 1996.

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

DEAR MR. SPEAKER: Pursuant to Rule L (50) of the Rules of the House of Representatives, this is to formally notify you that Thomas B. Boutall of my district office in Fairview Park, Ohio, has been served with a subpoena that was issued by the Cuyahoga County Court of Common Pleas (Ohio) in the matter of *Nix* v. *Hill*.

After consultation with the Office of General Counsel, it has been determined that compliance with the subpoena is consistent with the precedents and privileges of the U.S. House of Representatives.

Very truly yours,

MARTIN R. HOKE,
Member of Congress.

On January 31, 1996, the SPEAKER pro tempore, Mr. HAYWORTH, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Meredith Cooper, my Chief of Staff, Royal Hart, my Deputy Chief of Staff, and the custodian of the records in my Washington office, have all been served with grand jury subpoenas duces tecum issued by the U.S. District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compli-

ance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

BARBARA-ROSE COLLINS.

On February 6, 1996, the SPEAKER pro tempore, Mr. MORELLA, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 1996.

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

Dear Mr. Speaker: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Matt Felber, District Scheduler in my Fairview Park. Ohio office has been served with a subpoena issued by the Cuyahoga County, Ohio Court of Common Pleas in the case of *Nix* v. *Hill*.

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.

Kindest personal regards.

Very truly yours,

MARTIN R. HOKE,
Member of Congress.

On March 5, 1996, the SPEAKER pro tempore, Mr. ROGERS, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 27, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for Baltimore City, Maryland. This subpoena relates to her employment by former Representative Kweisi Mfume.

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

Sincerely,

ROBIN H. CARLE,
Clerk of the House.

On March 12, 1996, the SPEAKER pro tempore, Mr. CAMP, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court of Cook County, Illinois.

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

Sincerely,

JOHN EDWARD PORTER.

On March 12, 1996, the SPEAKER pro tempore, Mr. CAMP, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House of Representatives, that Woody Stickles, District Staff Assistant in my Clarksville, Tennessee office, has been served with a subpoena issued by the Montgomery County, Tennessee Circuit Court in the case of *Irvin* v. *Tennessee Management Co.*

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

Sincerely,

ED BRYANT.

On March 27, 1996, the SPEAKER pro tempore, Mr. ROGERS, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
March 27, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I, as custodian of records for the Office of the Clerk, U.S. House of Representatives, have been served with three grand jury subpoenas duces tecum issued by the U.S. District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that the Clerk's Office has no documents responsive to the subpoenas. Through counsel, I will so notify the appropriate Assistant U.S. Attorney.

Sincerely,

ROBIN H. CARLE,
Clerk of the House of Representatives.

On March 29, 1996, the SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 26, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia. This subpoena relates to her employment by a former Member of the House.

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

With kindest personal regards,

Sincerely,

KENNETH E. BENTSEN, Jr.,
Member of Congress.

On April 16, 1996, the SPEAKER pro tempore, Mr. CAMP, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 1996.

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

DEAR MR. SPEAKER: this is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that four members of my Albuquerque District Office have been served with subpoenas issued by the Second Judicial District Court (Bernalillo County, New Mexico) in the case of New Mexico v. Martin.

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,

STEVEN SCHIFF.

On April 18, 1996, the SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
April 15, 1996.

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

DEAR MR. SPEAKER: This letter notifies you, pursuant to Rule L [50] of the Rules of the House of Representatives, that a subpoena issued by the U.S. District Court for the District of Colorado in the case of United States v. Abbey was mailed to me at my Westminster, Colorado, district office.

I have been advised by the Office of the General Counsel of the House that the method of service of the subpoena did not comply with Rule 17(d) of the Federal Rules of Criminal Procedure. I have asked the Office of General Counsel to so advise the attorney who mailed the subpoena to me.

Sincerely yours,

DAVID E. SKAGGS.

On April 18, 1996, the SPEAKER pro tempore, Mr. TAYLOR of North Carolina, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, April 18, 1996.

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

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

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

Sincerely,

BOB LIVINGSTON,
Chairman.

On May 14, 1996, the SPEAKER pro tempore, Mr. COMBEST, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 10, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules

of the House of Representatives, that Jim Dyer, currently the staff director of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of United States versus McDade.

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,

BOB LIVINGSTON,
Chairman.

On May 15, 1996, the SPEAKER pro tempore, Mr. NEY, laid before the House a communication, which was read as follows:

DEAR MR. SPEAKER: This to formally notify you pursuant to Rule L (50) of the Rules of the House that an Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

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

Sincerely,

SCOTT M. FAULKNER,
Chief Administrative Officer.

On May 20, 1996, the SPEAKER pro tempore, Mr. LAUGHLIN, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 17, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Superior Court of California, County of San Diego.

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

Sincerely,

DUNCAN HUNTER,
Member of Congress.

On May 22, 1996, the SPEAKER pro tempore, Mr. HOBSON, laid before the House a communication, which was read as follows:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 21, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued by the County Court of El Paso County, Colorado.

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

Sincerely,

SCOTT MCINNIS,
Member of Congress.

On May 22, 1996, the SPEAKER pro tempore, Mr. WALKER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 13, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Michael Russen, a Field Representative in my Scranton, Pennsylvania District Office has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States v. McDade.*

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,

JOSEPH M. MCDADE,
Member of Congress.

On June 10, 1996, the SPEAKER pro tempore, Mr. COBLE, laid before the House a communication, which was read as follows:

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that the Office of Finance has been served with a subpoena issued by the Superior Court of the District of Columbia.

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

Sincerely,

SCOT M. FAULKNER.

On June 13, 1996, the SPEAKER pro tempore, Mr. JONES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE OVERSIGHT,
Washington, DC, June 10, 1996.

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

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

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

Sincerely,

BILL THOMAS, *Chairman.*

On June 13, 1996, the SPEAKER pro tempore, Mr. JONES, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, June 12, 1996.

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

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

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

Sincerely,

SCOT M. FAULKNER.

On July 9, 1996, the SPEAKER pro tempore, Mr. SHAW, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, July 8, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House, that the office of Congressman BILL YOUNG has been served with a subpoena issued by the United States District Court for the Middle District of Florida.

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

With best wishes and personal regards, I am

Very truly yours,

C.W. BILL YOUNG,
Member of Congress.

On July 10, 1996, the SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Teresa Baker, a Senior Legislative Assistant in my Washington Office, has been served with a subpoena issued by the U.S. District Court for the Eastern District of Pennsylvania in the case of *United States* v. *McDade.*

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,

JOSEPH M. MCDADE,
Member of Congress.

On July 10, 1996, the SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that Michael L. Stern of the Office of General Counsel has been served with a subpoena for records issued by the United States District Court for the Northern District of Illinois.

After consultation with the Office of General Counsel, I have determined that compli-

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

With warm regards,

ROBIN H. CARLE,
Clerk.

On July 10, 1996, the SPEAKER pro tempore, Mr. CAMPBELL, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Jim Dyer, currently the staff director of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

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,

BOB LIVINGSTON,
Chairman.

On July 10, 1996, the SPEAKER pro tempore, Mr. CAMPBELL, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 10, 1996.

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

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House of Representatives, that Deborah Weatherly, currently a staff assistant of the Appropriations Committee and formerly a staff assistant for Congressman Joseph McDade of Pennsylvania, has been served with a subpoena issued by the U.S. District court for the Eastern District of Pennsylvania in the case of *U.S.* v. *McDade.*

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,

BOB LIVINGSTON,
Chairman.

On July 30, 1996, the SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that the custodian of records in my Washington office has been served with a grand jury subpoena duces tecum issued by the U.S. District Court for the Eastern District of Michigan.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena may be consistent with the precedents and privileges of the House with respect to some documents sought by the subpoena, but that the subpoena may seek other documents that are privileged from production by the Speech or Debate Clause of the Constitution.

Sincerely,

BARBARA-ROSE COLLINS,
Member of Congress.

On August 1, 1996, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Doug Thompson, Legislative Director in my Washington, D.C. office, has been served with a subpoena issued by the Superior Court of the District of Columbia in the matter of Johnson, et al. v. Public Housing Authorities Directors Association, et al.

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,

JOHN TANNER,
Member of Congress.

On September 4, 1996, the SPEAKER pro tempore, Mr. WICKER, laid before the House a communication, which was read as follows:

CHIEF ADMINISTRATIVE OFFICER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

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

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

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

Sincerely,

SCOT W. FAULKNER,
Chief Administrative Officer.

On September 4, 1996, the SPEAKER pro tempore, Mr. WICKER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, August 22, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the Circuit Court for the Seventeenth Judicial Circuit for Broward County, Florida.

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

Sincerely,

PETER DEUTSCH,
Member of Congress.

On September 4, 1996, the SPEAKER pro tempore, Mr. WICKER, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
August 27, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by Superior Court of Muscogee County, Georgia.

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

Sincerely,

MAC COLLINS,
Member of Congress.

On September 4, 1996, the SPEAKER pro tempore, Mr. WICKER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 4, 1996.

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

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

I am consulting with the General Counsel to determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

TODD TIAHRT,
U.S. Congressman.

On September 18, 1996, the SPEAKER pro tempore, Mr. MCINNIS, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 18, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that Reid Stuntz, currently the minority general counsel of the Committee on Commerce and formerly the staff director and chief counsel for the Subcommittee on Oversight and Investigations for the Committee on Energy and Commerce, has been served with a subpoena issued by the U.S. District Court for the District of Columbia in the matter of United States v. Jeffrey M. Levine, Cr. No. 94–034.

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

Sincerely,

THOMAS J. BLILEY, Jr.

On September 18, 1996, the SPEAKER pro tempore, Mr. MCINNIS, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 18, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that a trial subpoena (for documents and testimony) issued by the U.S. District Court for the District of Columbia in the matter of United States v. Jeffrey M. Levine, Cr. No. 94–034, has been served on me.

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

Sincerely,

THOMAS J. BLILEY, Jr.

On September 18, 1996, the SPEAKER pro tempore, Mr. MCINNIS, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 18, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that a trial subpoena (for documents and testimony) issued by the U.S. District Court for the District of Columbia in the matter of United States v. Jeffrey M. Levine, Cr. No. 94–034, has been served on me as custodian of records for the Subcommittee on Oversight and Investigations of the Committee on Commerce.

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

Sincerely,

THOMAS J. BLILEY, Jr.

On September 18, 1996, the SPEAKER pro tempore, Mr. MCINNIS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 18, 1996.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that a subpoena (for documents and testimony) issued by the U.S. District Court for the District of Columbia in the matter of *United States v. Jeffrey M. Levine,* Cr. No. 94–034, has been served on me.

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

Sincerely,

JOHN D. DINGELL,
Member of Congress.