

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

## NAYS—71

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

## NOT VOTING—23

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

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.

## ¶94.23 PRIVILEGES OF THE HOUSE

Mr. CONDIT, pursuant to clause 2(a)1 of rule IX, rose to a question of the privileges of the House and submitted the following resolution (H. Res. 546):

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

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

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

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

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

The SPEAKER pro tempore, Mr. HANSEN, recognized Members who desired to be heard on whether the resolution presented a question of privilege.

Mr. SOLOMON was recognized and said:

"Mr. Speaker, questions of privilege under rule IX are those affecting the rights of the House collectively, its

safety, its dignity, and the integrity of its proceedings, and the rights, reputation, and the conduct of Members. A question of privilege, Mr. Speaker, may not be raised to effect a change in House rules.

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

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

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

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

Mr. DEUTSCH was recognized and said:

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

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

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

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

Mr. CONDIT was recognized and said:

"Mr. Speaker, I understand the point of the chairman of the Committee on Rules. This is an attempt to allow all the Members of this House to have ac-

cess to the information. It is an attempt to speed the process along so we can bring it to closure. The American people want us to bring this issue to closure.

"There is no reason why every Member of this House cannot have that information. We are not grade school kids. We understand it, and we know ultimately we need to make a decision. So my intent, Mr. Speaker, is simply to speed this process along so that we can make a decision and get back to the business of living our lives and running this country."

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

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

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

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

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

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

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

## ¶94.24 H. RES. 144—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. HANSEN, pursuant to clause 5, rule I,