QUESTIONS OF ORDER

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

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

QUESTIONS OF ORDER

PRIVILEGES OF THE HOUSE

(¶2.4)

A RESOLUTION PROPOSING DIRECTLY TO DISPOSE OF A CONTEST OVER THE TITLE TO A SEAT IN THE HOUSE GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On January 28, 1998, Mr. GERHARDT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 341):

H. RES. 341

Whereas, Loretta Sanchez was issued a certificate of election as the duly elected Member of Congress from the 46th District of California by the Secretary of State of California and was seated by the U.S. House of Representatives on January 7, 1997; and

Whereas, a notice of contest of election was files with the Clerk of the House by Mr. Robert don't on December 26, 1996; and

Whereas, the task force on the contested election in the 46th District of California met on February 26, 1997, in Washington, D.C.; and

Whereas, Mr. Robert Dornan made unsubstantiated charges of improper voting from a business, rather than a resident address; underage voting; double voting; and large numbers of individuals voting from the same address; and

Whereas, these charges are without merit, as it was found that those voting from the same address including United States Marines residing at a marine barracks and nuns residing at a domicile of nuns; that business addresses were legal residences for the individuals, including the zoo keeper of the Santa Ana Zoo; that duplicate voting was by different individuals and those accused of underage voting were of age; and

Whereas, the Committee on House Oversight has issued unprecedented subpoenas directing the Immigration and Naturalization Service to compare its records with Orange County voter registration records, the first time in any election in the history of the United States that the INS has been asked by Congress to verify the citizenship of voters; and

Whereas, the INS has complied with the committee's request and, at the committee's request, for over eight months, has engaged in a manual check of its paper files and has provided worksheets containing supplemental information on that manual check to the Committee on House Oversight; and

Whereas, the Committee's investigation has been extended far beyond a review of those who actually voted in this contested election; and

Whereas, the district attorney of Orange County had ended his investigation and an Orange County grand jury has refused to return any indictments and allegations of a conspiracy to engage in voter fraud have been proven groundless; and

Whereas, the Committee on House Oversight has received a report from the Secretary of State of California, in response to the committee's request, which yielded no new information; and

Whereas, the committee's requests have caused this contest to be needlessly extended for four additional months while the Secretary of State of California provided no new information regarding the citizenship status of registrants or voters; and

Whereas, the task force on the contested election in the 46th District of California and the committee have been reviewing these materials and have all the information they need regarding who voted in the 46th District and all the information required to make judgments concerning those votes; and

Whereas, the Committee on House Oversight has after 13 months of review and investigation failed to present any credible evidence demonstrating that Congresswoman Sanchez did not win this election and continues to pursue never ending and groundless areas of investigation; and

Whereas, contestant Robert Dornan has not shown or provided credible evidence that the outcome of the election is oth4er than Congresswoman Sanchez's election to the Congress; and

Whereas, the Committee on House Oversight should complete its review of this matter and bring this contest to an end; and now, therefore, be it

Resolved, That the election contest concerning the 46th District of California is dismissed.

The SPEAKER pro tempore, Mr. NUSSLE, ruled that the resolution constitutes a question of the privileges of the House under rule IX.

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

The question being put, viva voce,

Will the House lay on the table the resolution?

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

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

A quorum not being present,

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

When there appeared { Yeas ..... 214 / Nays ..... 189 }

¶2.5 [Roll No. 2]

So the motion to lay on the table the resolution 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

(¶26.3)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF PRESS ACCOUNTS CONCERNING ALLEGATIONS BY OTHER MEMBERS THAT HE HAD BEEN ''BUYING VOTES.''.

On March 26, 1998, Mr. SHUSTER rose to a question of personal privilege.

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

Mr. SHUSTER made the following statement:

''Mr. Speaker, many years ago, Joseph McCarthy in Wheeling, West Virginia stood up and waved papers and said he had the names of 57 Communists in government. Well, he got lots of headlines but, of course, he was eventually proved to be a liar. I am reminded of that event, although I certainly make no such charge here today.

''Mr. Speaker, three of our colleagues have made numerous statements in the media that we have been, quote, 'buying votes,' to get them to support our BESTEA transportation legislation in exchange for projects which we have given them. Indeed, conversely, that we have been threatening Members that if they did not vote with us, they would not get the projects.

''Let me make this very clear. I challenge these Members to name one person, one person whom I went to and said they will get a project in exchange for their vote. I challenge them to name one person who I threatened that they not get a project if they voted against us.

''Indeed, if we look back at the battle we had here last year on the budget resolution where we had our transportation amendment, I urges my colleagues to go look at Members who voted against us and then look at the projects they are receiving today. This is simply a blatant falsehood.

''Now, no doubt many Members support our legislation because it is important to their district because it is important to America, because they are getting projects that they have requeste4d and which have been vetted through our 14-point requirement.

''It seems that in life sometimes there are those who, when one takes a different view from their view, they must somehow ascribe some base motivation. They simply cannot believe that because someone disagrees with them, that another's motives can be as pure as theirs. Indeed, sometimes it seems as though the smaller the minority they represent, the more incensed they become, because they view themselves as more pure, more righteous, more sanctimonious than the larger

majority of us who are mere mortals. But, I do not ascribe any of these motives to our colleagues. I prefer to believe that they simply are misinformed.

''Mr. Speaker, the supreme irony, the supreme irony is that the three individuals who have been attacking us, attaching our motives, attacking our integrity, have submitted projects to us for their own congressional district.

''Mr. Speaker, I yield to the distinguished gentleman from Minnesota [Mr. OBERSTAR], ranking member of the full committee.''

Mr. OBERSTAR was recognized and said:

''Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. SHUSTER] for yielding.

''Mr. Speaker, I join in the gentleman's indignation, to put it mildly, over these attacks that are totally unjustified, unfounded, and inappropriate for Members of this body to make.

''First of all, the projects in question have gone through a very thorough and careful vetting process according to a 14-point outline that the committee fashioned, which includes a requirement that the project be on the State's priority or State's future project development list. The points that are included in the review of projects are all the points that States use to measure validity of projects that their transportation departments will fund.

''After reviewing all of these projects and insuring that they meet standards accepted by States and that these are projects necessary in a Member's district, we accept the Member's judgment as to what is necessary for his or her district, and those projects are included in this package, as was done in 1991 in the previous transportation bill.

''Mr. Speaker, I could understand Members disagreeing with the process, but I do not approve, I am offended by the use of language and by the accusations made. The gentleman from Pennsylvania had been a vigorous advocate for transportation since before he was elected to Congress in 1972 and since taking his place on the then-Committee on Public Works and Now-Committee on Transportation and Infrastructure. Under his chairmanship, he has waged a nationwide campaign for increased investment in the Nation's portfolio of bridges, highways, buses, transit systems, but above all, its safety.

''The Gentleman's drive to increase spending out of the highway trust fund, tax dollars that have been collected at the pump but not paid into projects for which driving America had already teen taxed, is clear and well known and widely respected, open and clear for everyone to review.

''So when the gentleman from Pennsylvania or I, together on a bipartisan basis, present our program to our respective caucuses and to this body and ask for their support, we do so very clearly, very openly, without any hidden agenda. And for Members then to say that they have been somehow browbeaten, whipped into line, or threatened is totally inappropriate and totally untrue.

''As a strong and vigorous advocate for his viewpoint, I respect the gentleman from Pennsylvania and I respect those who take a differing viewpoint. They are entitled to that viewpoint. They are also entitled to the fair share of funding that we have designated without any questions, without any squid pro quo.

''We respect and always have respected the Members' right to vote their district and their conscience. We would ask them, and I do not think there is anything inappropriate to ask a Member to support this legislation, but we respect their right not to.

''Mr. Speaker, I think the gentleman from Pennsylvania had conducted himself with the highest dignity, with the appropriate character of a Member of Congress of this distinguished body, in the same manner that he has done for his 26 years in the House of Representatives. I join him in reproving those who have used such inappropriate language. It is an assault upon the integrity of the chairman of this committee, a Member who has championed the cause for all of America for better transportation, better investment in the future of our economy, and I salute the gentleman from Pennsylvania.''.

Mr. SHUSTER rose and said;

''Mr. Speaker, I reclaim my time, I thank the gentleman from Minnesota for those words.''

Mr. TRAFICANT rose and said:

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

Mr. SHUSTER said:

''I yield to the gentleman from Ohio.''

Mr. TRAFICANT was recognized and said:

''Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER] for being a chairman and taking care of the jurisdictional authority which he is in charge of. I am tired of the 'pork barrel' labels on the gentleman from Pennsylvania and on the gentleman from Minnesota [Mr. OBERSTAR].

''Mr. Speaker, I had five bridges in the original ISTEA bill, and one of the major news networks came to my district and said, boy, you are getting all of this pork. And I said, come on down. Then I showed them bridges with a sway, with a 2-ton weight limit. The next bridge down had a 5-ton weight limit. And I got those bridges built. I got the money for them. And they are still not built; they are now under process. That is how many years it takes.

''Well, I want to announce here that as soon as the wrecking crew appeared on the Center Street Bridge, the first time the backhoe hit one of the steel structures, the bridge collapsed.

''They said, thank god citizens were not killed. Enough of this pork barrel madness. Ohio had 28 major projects announced last year, and my district did not get one of them; and I have the most infrastructure needs in the country. No Member of Congress should go home and flout this pork barrel if they are not taking care of it. Because that is why we are elected.

''And by God, I am just glad we are building the Center Street bridge and no one in my district got hurt. I want to say this as a former Pitt grad, my colleague stands for what a chairman should be; and all chairmen should deal with their jurisdictional authority and dispatch the duties like he has.

''I stand with him, proud to be associated with him, and I commend him and the gentleman from Minnesota [Mr. OBERSTAR] for the fine job they have done on this bill.

Mr. SHUSTER reclaimed his time and said:

''Mr. Speaker, I thank the gentleman for his statement.''

Mr. OBERSTAR rose and said:

''Mr. Speaker, if the Chairman would continue to yield, let me just emphasize once again, never on our side or on the chairman's side of the aisle was any Member told that conclusion of their project was contingent upon or dependent upon their vote. No Member was asked how they intended to vote in advance. Projects were included for Members on the basis of the merits of the project, not on how they would vote.

''Mr. Speaker, I include the following for the RECORD.

Washington, DC, March 7, 1996.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Recently, the Oklahoma Department of Transportation submitted an authorization request to your Committee to extend the Broken Arrow Expressway from I–44 southeast approximately 8.0 miles to the Tulsa County Line.

I am forwarding the enclosed request on to your Committee for its consideration. I am confident that the merit of the project will speak for itself.

Sincerely,

STEVE LARGENT,
Member of Congress.

INFORMATION REQUESTS FOR TRANSPORTATION PROJECTS STATE OF OKLAHOMA

Project Description: SH 51 (Broken Arrow Expressway) extending from I–44 southeast approximately 8.0 miles to the Tulsa County Line.

EVALUATION CRITERIA AND RESPONSES ARE AS FOLLOWS

Name and Congressional District of the Primary Member of Congress sponsoring the project, as well as any other Members supporting the project (each project must have a single primary sponsoring Member).

U.S. Representative Steve Largent.

Identify the State or other qualified recipient responsible for carrying out the project.

Oklahoma Department of Transportation.

Is the project eligible for the use of Federal-aid funds (if a road or bridge project, please note whether it is on the National Highway System)?

This project is eligible for Federal-aid funds and it is on the National Highway System.

Describe the design, scope and objectives of the project and whether it is part of a larger system of projects. In doing so, identify the specific segment for which project

funding is being sought including terminus points.

Design/Scope: Reconstruct the existing 4 lane highway and add 2 additional lanes to provide a 6 lane facility. This project will complete the final improvements to upgrade the Broken Arrow Expressway which connects the Tulsa central business district with Broken Arrow, Oklahoma and the residential developments in the western portion of Wagoner County. The specific section we are requesting funding for extends from I–44 southeast 8.0 miles to the Tulsa/Wagoner County Line.

What is the total project cost and proposed source of funds (please identify the federal, state, or local shares and the extent, if any, of private sector financing or the use of innovative financing) and of this amount, how much is being requested for the specific project segment described in item #4?

The estimated total cost of this project is $160,000,000 and the average daily traffic volume on this section of highway is in excess of 78,000 vehicles daily.

Does the project have national or regional significance?

This project is on the National Highway System and it serves as a connector route between I–44, I–444, I–244, US 64, US 169 and the Muskogee Turnpike. Consequently, this highway serves both local commuter traffic and interstate travel which makes it significant from a national and regional level.

Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Although an environmental assessment has been completed on this project, a reassessment will be required. The EA includes the mainline, but does not include the interchange at US 169. Clearance of the SH 51/US 169 interchange will likely require intermodal issues and a major investment study (MIS).

Describe the economic, energy efficiency, and environmental, congestion mitigation and safety benefits associated with completion of the project.

Widening this expressway to 6 lanes, reconstructing the major clover leaf interchanges, and providing full directional interchanges will significantly increase capacity, reduce congestion and improve the safety of this major highway serving the Tulsa metropolitan area.

Has the project received funding through the State's Federal aid highway apportionment, or in the case of a transit project, through Federal Transit Administration funding? If not, why not?

The State of Oklahoma has expended in excess of $34,000,000 in State and Federal funds on this project to perform preliminary engineering work, acquire right-of-way, relocate utilities, and reconstruction work on several sections of the highway in the past few years.

Is the authorization requested for the project an increase to an amount previously authorized or appropriated for it in federal statue (if so, please identify the statute, the amount provided, and the amount obligated to date), or would this be the first authorization for the project in a federal statute? If the authorization requested is for a transit project, has it previously received appropriations and/or received a Letter of Intent or entered into a Full Funding Grant Agreement with the FTA.

The authorization requested for this project would be the first one received by the State of Oklahoma on the Broken Arrow Expressway.

Washington, DC, February 25, 1997.

Hon. BUD SHUSTER,

Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: Enclosed, please find a copy of an ISTEA funding request by the City of Charlotte, North Carolina, which we both represent. As the attached proposal indicates, the City of Charlotte is seeking funds for a South Corridor Transitway, one of the first of its kind in the United States. This project would link Uptown Charlotte to Southeast Charlotte via a 13.5 mile express bus transitway, relieving traffic congestion and providing improved access to the City's Uptown area.

We respectfully submit this proposal by the City of Charlotte and ask for your due consideration of this request. Please do not hesitate to contact either one of us with questions or concerns. We would both be pleased to speak with you further concerning this project.

Thank you in advance for your consideration.

Sincerely,

SUE MYRICK,
Member of Congress.

MELVIN WATT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1997.

Hon. THOMAS E. PETRI,

U.S. House of Representatives, Chairman-Subcommittee on Surface Transportation, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: I encourage you to read the following testimony and letter. The enclosed detail very carefully the importance of Oklahoma's surface transportation.

I request that you give the State Highway 51 demonstration project proposal your full consideration.

In advance, I would like to thank you and your colleagues on the Transportation and Infrastructure Committee for your diligence and hard work on the upcoming ISTEA reauthorization.

Sincerely yours,

TOM A. COBURN, MD,
Member of Congress.

STATE OF OKLAHOMA,
OFFICE OF THE GOVERNOR,
Oklahoma, OK, February 21, 1997.

Hon. THOMAS E. PETRI,

U.S. House of Representatives, Chairman-Subcommittee on Surface Transportation, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN PETRI: The significance of our surface transportation system should not be under estimated. Careful investment in our infrastructure increases productivity and economic prosperity at local and regional levels. Despite the importance of our transportation system to the nation's economic health, investment has fallen well short of what is truly needed. Dealing with these needs will require numerous approaches, including special project funding.

As you begin the monumental task of reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991 (ISETA), we, the undersigned, wish to lend our support to the following special funding request which is in addition to our existing obligation limit and is critical to the transportation needs of the State of Oklahoma.

SH 51 extending from Coweta east approximately 14.6 miles to Wagoner, Oklahoma.

We commend your committee for its role in enacting ISTEA and for the subsequent improvements made with the passage of the National Highway System Bill last year. A sound national transportation policy is critical to our state's economy and our nation's ability to compete globally. To that end we urge you to evaluate our request and take the appropriate action.

Sincerely,

FRANK KEATING,
Governor.

NEAL A. MCCALEB,
Secretary of Transportation.

HERSCHAL CROW,
Chairman, Oklahoma Transportation Commission.

DEMONSTRATION PROJECT TESTIMONY, STATE HIGHWAY 51, WAGONER, OKLAHOMA

Submitted by: the Honorable Tom A. Coburn, U.S. House of Representatives and Neal A. McCaleb, Secretary of Transportation, State of Oklahoma

State Highway 51 (SH 51): SH–51 extending east from Coweta to the Arkansas border, has been identified as a Transportation Improvement Corridor. Eastern Oklahoma has an ever increasing population. Tourism has also increased in the Fort Gibson Lake and Tahlequah areas. These two factors form the basis of why reconstruction of SH–51 is of foremost concern.

The route has a high accident rate and contains bridges that are structurally deficient or functionally obsolete. For projected traffic, this two lane route with no shoulders is unacceptable, and could ultimately curb any future economic growth in the northeastern region of Oklahoma.

In addition to tourism dollars, the highway also serves as a major travel corridor and commuter route extending from the Tulsa Metropolitan area east to Broken Arrow, Muskogee and the Arkansas state line.

SH–51 is crucial to the region's business, industry and labor, because it provides access to the Tulsa metropolitan area, McClellan Kerr Navigational System, and several recreational areas in eastern Oklahoma.

Nationally significant, SH–51 connects with I–44, I–244, the Muskogee Turnpike, US–412 and other major routes in eastern Oklahoma.

It is essential that SH–51 be expanded to four lanes to increase capacity, promote tourism, boost economic growth, and to improve safety and congestion. This project is estimated to cost $63 million, and although the state has expended nearly $34 million to improve this corridor, it is simply not enough in view of the overall critical needs of the entire highway system.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON SURFACE TRANSPORTATION INFORMATION REQUESTS FOR TRANSPORTATION PROJECTS, STATE OF OKLAHOMA

Project Description: SH 51 extending from Coweta east approximately 14.6 miles to Wagoner, Oklahoma.

Evaluation Criteria and Responses are as follows:

Name and Congressional District of the Primary Member of Congress sponsoring the project, as well as any other Members supporting the project (each project must have a single primary sponsoring Member).

Response to No. 1: U.S. Representative Tom Coburn.

Identify the State or other qualified recipient responsible for carrying out the project.

Response to No. 2: Oklahoma Department of Transportation.

Is the project eligible for the use of Federal-aid funds (if a road or bridge project, please note whether it is on the National Highway System)?

Response to No. 3: This project is eligible for the use of Federal-aid funds, but it is not on the National Highway System.

Describe the design, scope and objectives of the project and whether it is part of a

larger system of projects. In doing so, identify the specific segment for which project funding is being sought including terminus points.

Response to No. 4: Design/Scope: Reconstruct to 4 lanes. The objectives of this project is to continue improving SH 51 from Tulsa extending west approximately 59.0 miles to Tahlequah, Oklahoma. The specific section for which we are requesting funding extends from Coweta east 14.6 miles to Wagoner, including the Wagoner bypass.

What is the total project cost and proposed source of funds (please identify the federal, state, or local shares and the extent, if any, of private sector financing or the use of innovative financing) and of this amount, how much is being requested for the specific project segment described in Item No. 4?

Response to No. 5: The estimated total cost of this project is $63,000,000.00 and we are requesting $50,400,000.00 in Federal-aid funds. The State of Oklahoma will provide $12,600,000.00 in matching funds to finance this project.

Of the amount requested, how much is expected to be obligated over each of the next 5 years?

Response to No. 6: All of the funds we are requesting can be obligated over the next 5 years.

What is the proposed schedule and status of work on the project?

Response to No. 7: The environmental clearance has been completed on this project. However, a reassessment may be necessary. Following completion of the environmental reassessment, right-of-way and design plans will be prepared and this takes approximately 2 years. Right-of-way acquisition will then take about 18 months to complete. Construction contracts should be ready for letting within 4 to 5 years.

Is the project included in the metropolitan and/or State Transportation Improvement Program(s), or the State long-range plan and, if so, is it scheduled for funding?

Response to No. 8: The right-of-way acquisition and utility relocations for one section of this project are currently on the Statewide Transportation Improvement Program and funding is scheduled for these items. The entire project limit, however, is identified as one of the transportation improvement corridors in the Statewide Intermodal Transportation Plan (long range plan). Due to the high cost of this project and the State's limited funds, the remaining construction, right-of-way, and utility phases of this project are not currently scheduled.

Is the project considered by State and/or regional transportation officials as critical to their needs? Please provide a letter of support from these officials, and if you cannot, explain why not.

Response to No. 9: This project is considered critical to the economic growth of the eastern region of Oklahoma which generates a large amount of tourism in the Fort Gibson Lake and Tahlequah areas. The highway also serves as a major travel corridor and commuter route extending from the Tulsa Metropolitan area east to Broken Bow, Muskogee and the Arkansas State Line.

Does the project have national or regional significance?

Response to No. 10: This project is regionally significant because it provides access to the Tulsa metropolitan area, McClellan Kerr Navigational System, and several recreational areas in eastern Oklahoma. SH 51 is also nationally significant because it connects with I–44, I–244, the Muskogee Turnpike, US 412, and other major routes in the eastern section of Oklahoma.

Has the proposed project encountered, or is it likely to encounter, any significant opposition or other obstacles based on environmental or other types of concerns?

Response to No. 11: The environmental clearance has been completed on this project. However, a reassessment is likely. We do not anticipate any major opposition or other obstacles that will delay construction of this project.

Describe the economic, energy efficiency, environmental, congestion mitigation and safety benefits associated with completion of the project.

Response to No. 12: Widening SH 51 to a 4 lane highway will increase capacity, promote tourism and economic growth in the region, and improve the safety and congestion along this major highway serving the eastern region of Oklahoma.

Has the project received funding through the State's Federal-aid highway apportionment, or in the case of a transit project, through Federal Transit Administration funding? If no, why not?

Response to No. 13: During the past few years the State has expended in excess of $34,000,000.00 to improve this corridor between I–44 in Tulsa and the Arkansas State Line. However, because the overall critical needs of the entire highway system far exceeds the limited funding levels, this project from Coweta to Wagoner has not received funding through the State's Federal-aid highway apportionments.

Is the authorization requested for the project an increase to an amount previously authorized or appropriated for it in federal statute (if so, please identify the statute, the amount provided, and the amount obligated to date), or would this be the first authorization for the project in federal statute? If the authorization requested is for a transit project, has it previously received appropriations and/or received a Letter of Intent or entered into a Full Funding Grant Agreement with the FTA?

Response to No. 14: This is the first authorization we have requested for this project.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 10, 1997.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation, Rayburn House Office Building.
Hon. THOMAS PETRI,
Chairman, Subcommittee on Surface Transportation, Rayburn House Office Building.
Hon. JIM OBERSTAR,
Ranking Democratic Member, House Committee on Transportation, Rayburn House Office Building.
Hon. NICK RAHALL,
Ranking Democratic Member, Subcommittee on Surface Transportation, Rayburn House Office Building.

DEAR MR. CHAIRMAN AND RANKING MEMBERS: On February 25, 1997, the North Carolina Delegation forwarded to your attention copies of the State of North Carolina's highway transportation project priorities.

Included in this package, there were two funding requests that are of particular concern to our districts, the Ninth and Twelfth Districts of North Carolina. These requests regarded funding for construction of the Eastern and Western Outer Loops in Charlotte, Mecklenburg County, North Carolina. The completion of the Outer Loop is the foremost road priority for our region during consideration of transportation funding this year. The purpose of this letter is to formally inform you of our strong support for this critical transportation need for the City of Charlotte.

We thank you in advance for your consideration of this request. Please do not hesitate to contact either of us if we can provide you with further information regarding the Outer Loop project.

Sincerely,

SUE MYRICK,
Member of Congress.
MELVIN WATT,
Member of Congress.

CONGRESS OF THE UNITED STATES,
Washington, DC, August 20, 1997.

Chairman BUD SHUSTER,
Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: We are writing to express our strong support for the I–40 cross bridge project, which was submitted to the Surface Transportation Subcommittee in February. This project is important not only to the State of Oklahoma, but also to the Nation.

The I–40 cross bridge is in a critical state of disrepair. There are serious safety concerns surrounding the continued use of this bridge. Due to these concerns Oklahoma inspects this particular bridge every six months; other bridges are inspected only once every two years.

It is critical to the State and to the Nation that this bridge remains open. Recently, the Oklahoma Department of Transportation determined that approximately 102,000 cars cross this bridge every day. Furthermore, 61% of all the trucks that cross this bridge are out of state trucks. Clearly, this bridge is heavily traveled by more than just Oklahomans.

Both the Governor of Oklahoma and the Secretary of Transportation have endorsed this project and have made it the number one transportation priority for the State of Oklahoma. Unfortunately, due to the magnitude of the project, Oklahoma does not have the funds to tackle it at this time.

We are committed to working with our state officials to ensure that this project receive the attention and funding it needs. We would greatly appreciate your consideration of the merits of this project. The I–40 cross bridge is indeed vital to both Oklahoma and the overall interstate system. Please let us know if we can provide you with additional information.

Sincerely,

REP. J.C. WATTS, JR.
REP. ERNEST ISTOOK, JR.
REP. STEVE LARGENT.
REP. FRANK LUCAS.
REP. WES WATKINS.
REP. TOM COBURN.

Mr. SHUSTER spoke and said:

''Mr. Speaker, I yield back the balance of my time.''.

POINT OF PERSONAL PRIVILEGE

(¶43.16)

A MEMBER ROSE TO A QUESTION OF PERSONAL PRIVILEGE UNDER RULE IX ON THE BASIS OF PRESS ACCOUNTS CONTAINING STATEMENTS IMPUGNING HIS CHARACTER AND MOTIVE BY ALLEGING INTENTIONAL VIOLATION OF RULES AS CHAIRMAN OF A COMMITTEE CONDUCTING AN INVESTIGATION.

On May 12, 1998, Mr. BURTON rose to a question of personal privilege.

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

Mr. BURTON made the following statement:

''Mr. Speaker, the question of privilege deals with statements made in

three editorials published in newspapers within the last week. The editorials contain statements which reflect directly on my reputation and integrity and specifically allege deceptive actions on my part and impugn my character and motive.''.

''The SPEAKER pro tempore, Mr. HELFLEY SPOKE AND SIAD:

''The Chair has examined the press accounts which serve as the basis of the gentleman from Indiana's question of personal privilege and is satisfied that the gentleman states a proper question of personal privilege.

''Therefore, the gentleman from Indiana [Mr. BURTON] is recognized for 1 hour.''.

Mr. BURTON of Indiana spoke and said:

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

''Mr. Speaker, I want to tell my colleagues that I regret having to take this time out of our very busy schedule. I will not take the whole hour, but I think it is extremely important that the issues I am going to talk about be made available to my colleagues and to anyone else who is interested.

''I rise today to take a point of personal privilege and to discuss the Committee on Government Reform and Oversight's investigation into illegal campaign contributions and other crimes. My conduct as chairman has been criticized by many of my Democratic colleagues. Those criticisms have been echoed in the press so I am taking this point of personal privilege to lay out for the American people the facts about this investigation.

''The fact is that this committee has been subjected to a level of stonewalling and obstruction that has never been seen by a congressional investigation in the history of this country. This investigation has been stonewalled by the White House. This investigation has been stonewalled by the Democratic National Committee. This committee has seen over 90 witnesses, 90, either take the fifth amendment or flee the country to avoid testifying, more than 90.

''The fact that all of these people have invoked their fifth amendment right to avoid self-incrimination is a pretty strong indication that a lot of crimes have been committed. Tomorrow the committee will vote on immunity for four witnesses, all of whom have previously invoked their right against self-incrimination. The Democrats on the Committee on Government Reform and Oversight have voted once to block immunity and keep these witnesses from testifying. I hope that tomorrow they will reconsider and vote to allow this investigation to move forward as it should.

''This investigation has seen enough obstruction and enough stonewalling for a lifetime. Before tomorrow's vote, I want to lay out for the American people and my colleagues what has happened in this investigation over the last year, the stalling and the delaying tactics that have been used against us and what has brought us to this point. I want to give a comprehensive summary of events so I am not going to yield to my colleagues during this speech.

''I became chairman of the Committee on Government Reform and Oversight in January of 1997. The President said he would give his full cooperation to all congressional investigations of illegal foreign fund-raising, including ours. So why are we conducting this investigation? Because there is very strong evidence that crimes were committed.

''Let us take a look at some of the allegations that compelled us to begin this investigation: that the DNC had accepted millions of dollars in illegal foreign campaign contributions; that $3 million of the $4.5 million in contributions attributed to John Huang had to be returned because of suspicions about their origins; that the Chinese Government had developed and implemented a plan to influence the elections in the United States of America; that Charlie Trie, a friend of the President's from Arkansas, had funneled close to $700,000 in contributions associated with a Taiwanese cult to the President's legal defense fund; that Charlie Trie's Macao-based benefactor had wired him in excess of $1 million from overseas banks; that Charlie Trie was behind roughly $600,000 in suspicious contributions to the Democratic National Committee; that Pauline Kanchanalak and her family funneled a half a million dollars to the Democratic National Party from Thailand; that Chinese gun merchants, Cuban drug smugglers and Russian mob figures were being invited to intimate White House events with the President in exchange for campaign contributions; that the former associate Attorney General received $700,000 from friends and associates of the President, including $100,000 from the Riady family at a time when he was supposed to be cooperating with a criminal investigation.

''These are serious allegations about serious crimes. The Justice Department recently brought indictments against three of these individuals and a fourth, Johnny Chung has pled guilty.

''In January 1997, I sent letters to the White House requesting copies of all documents relating to this investigation. I asked for documents regarding John Huang, Charlie Trie, White House fund-raisers, et cetera. I gave the White House a chance to cooperate. Chairman Clinger, who preceded me, had written to the White House in October of 1996, and requested all documents regarding John Huang. Press reports had indicated that the White House had already assembled these documents and had them in boxes at the White House before the end of 1996.

''The entire month of February passed and we received only a trickle of documents from the White House. In March it was clear that the White House was not going to comply voluntarily. The President had offered his cooperation at the beginning of the year, but the White House refused to turn over documents to the committee. The White House campaign of stalling had begun. So I issued a subpoena for the documents. I held a meeting with the President's new White House counsel, Mr. Charles Ruff. Mr. Ruff assured me that the President would not assert executive privilege over any of the documents. The White House continued to resist turning over documents despite the lawful subpoena that we sent to them.

''Despite the earlier assurances, they told us they intended to claim executive privilege, even though they had said previously the President would not on over 60 documents that were relevant to the fund-raising scandal. It had always been White House policy not to claim executive privilege whenever personal wrongdoing or potential criminal conduct was being investigated. President Clinton's own counsel, Lloyd Cutler, had reiterated this policy early in the Clinton administration. But now President Clinton was using executive privilege to block our investigation.

''The month of April passed and little or no progress had been made in getting the documents we called for in our subpoena. This was more than four months after my first document request had been sent to the White House.

''In May, I was compelled to schedule a committee meeting to hold White House counsel Charles Ruff in contempt of Congress. More than four months had passed since I asked for the President's cooperation in producing documents and there had been nothing but stalling and more stalling. It was only with this sword hanging over their heads that the White House finally began to make efforts to comply with our subpoena.

''Mr. Ruff agreed to turn over all documents required by the subpoena within 6 weeks. He also agreed to allow committee attorneys to review documents on their privilege log to determine if the committee needed to have them. We reviewed those documents. We did need many of them.

''After months of stalling, we finally got some of them. By June, Mr. Ruff provided me with a letter stating that the White House had and I quote, 'to the best of his knowledge, end of quote,' turned over every document in their possession required by the subpoena. We would find out later that that was not true.

''All the while we were struggling to get documents from the White House, I was subjected to a steady stream of mudslinging and vicious personal attacks from Democratic operatives and others close to the President. The DNC, which at the time was resisting complying with our subpoena, was spending thousands of dollars conducting opposition research on my background to try to intimidate me. They produced a scurrilous 20-page report detailing every trip I had ever taken, the contributions I had received over the

years, my financial disclosure statements and anything else they could find.

''This document, which made outrageous and untrue accusations against me, was faxed around to reporters in an effort to drum up negative publicity about me and intimidate me. So much for cooperation with a legitimate congressional campaign investigation.

''In March, the week my committee's budget was to be voted on by the House, a former executive director of the Democratic National Committee made a slanderous accusation that I shook him down for campaign contributions. His accusation was printed on the front page of the Washington Post. His actions, which are completely untrue and absurd on their face, became the subject of a Justice Department investigation.

''As it turns out, this individual, Mark Siegel, was a former Carter White House aide, a former DNC executive director, a Democratic fund-raiser and a Democratic lobbyist. More importantly, it became known later that he is a close friend and business associate of then-White House attorney Lanny Davis.

''His accusations were clearly politically motivated and timed to hurt the chances for approval of our budget for the investigation. So much for cooperation from the Democrats.

''Other sleazy accusations were being dished out to the press by anonymous Democratic agents. One reporter from my home State received derogatory information about me in an unmarked manila envelope without any return address. One Washington reporter got an anonymous phone call and was told to go to a phone booth, a phone booth in the Rayburn Building, and look in the back of the phone book. He went to that phone booth and found an envelope of defamatory information about me glued to the inside of the back of the phone book.

''Talk about cloak and dagger. This is the type of smear campaign that every committee chairman who has attempted to conduct oversight of the White House has been subjected to.

''They attempted to smear the gentleman from Iowa [Mr. LEACH], they attempted to smear Chairman, former Congressman Bill Clinger, they attempted to smear Senator D'AMATO, they attempted to smear Senator FRED THOMPSON, they even attempted to smear FBI Director Louis Freeh when he sought to convince the Attorney General to appoint an independent counsel. And, of course, Mr. Starr has been smeared, and everybody else that has investigated any aspect of the White House.

''What does this kind of behavior by the Democratic Party say to the American people? Is this cooperation? Were these smear campaigns orchestrated by the White House? That is something the American people have a right to know.

''In February of 1997, my staff learned, by reading The Washington Post, that the White House had sought a briefing from the FBI about the evidence it had gathered about Chinese efforts to infiltrate our political system and to affect the outcomes of elections. For obvious reasons, the FBI resisted giving such a briefing. The criminal investigation potentially implicated members of the White House staff.

''I learned from discussions with FBI Director Louis Freeh that at a time he was traveling in the Middle East, senior officials at the Justice Department attempted to provide this information about the ongoing criminal investigation to the White House, that was part of the investigation, a move that the FBI adamantly opposed.

''According to Director Freeh, when his staff learned that the Justice Department lawyers were planning on giving this information to the White House, Director Freeh's chief of staff called him on his airplane halfway around the world in a last-ditch effort to stop the transfer of this information to the White House, which could have potentially jeopardized the investigation. Director Freeh was forced to make an emergency phone call to the Attorney General from his plane in the Middle East to intervene and stop that process.

''When the Attorney General testified before our committee in December, she told a different version of events. She testified that she initiated the call to Director Freeh on his airplane to consult with him about providing the information to the White House. However, when Director Freeh testified the next day, he confirmed that it was he who initiated the call, after his staff warned him that the FBI was being circumvented so that sensitive information could be provided to the White House against the FBI's wishes.

''Now, let us go back to the White House. The stonewalling and the obstruction from the White House did not stop following our agreement with Mr. Ruff, the President's chief counsel. The letter I received in June of 1997 from Mr. Ruff assured me that, quote, to the best of his knowledge, all documents relevant to our investigation had been provided to the committee. Unfortunately, these assurances were hollow. They were false.

''Throughout the summer, boxes of newly discovered documents dribbled into the committee offices. Often, when the documents contained damaging revelations, they were leaked to the press before being provided to the committee. On one occasion, on a Friday night, we got about 12 boxes of documents. We did not even open them until the next Monday. But in the Saturday morning papers there was information that was in those boxes in the papers, and the White House was accusing us of leaking the information when we had not even opened the boxes.

''When this happened, the documents were normally given to reporters late on a Friday or over a busy weekend to try to deaden their impact on the American people.

''It was not unusual to receive documents pertaining to a White House or a DNC employee shortly after that employee was deposed. This forced us, on a continuing basis, to consider redeposing witnesses, costing additional time and money.

''In the Senate, Senator THOMPSON faced the same obstacles. Last July, the Senate Committee on Governmental Affairs heard 2 days of testimony from DNC Finance Director Richard Sullivan. The evening following Sullivan's testimony, after he testified, the White House delivered several boxes of documents shedding new light on Sullivan's activities. The chairman of the committee in the other body was so infuriated that he canceled his agreement allowing the White House to provide documents voluntarily and he issued his first subpoena to the White House.

''On August 1, more Richard Sullivan documents turned up at the Democratic National Committee. The DNC turned over several boxes of memos and handwritten notes from the filing cabinet in Sullivan's office.

''The idea that the DNC could have overlooked drawers and drawers of relevant documents right in Richard Sullivan's office strains credibility. The Senate was forced to redepose Mr. Sullivan.

''The final straw came in October when the White House videotapes were discovered. The White House had in its possession close to 100 videotapes of the President speaking and mingling with subjects of our investigation at DNC fund-raisers and White House coffees. The President could be seen at the White House fund-raisers with John Huang, James Riady, Pauline Kanchanalak, Charlie Trie, and many others.

''In one tape the President could be seen introduced at a fund-raiser to Charlie Trie and several foreign businessmen as ''The Trie Team.'' This was serious evidence that the White House had withheld from Congress and the Justice Department investigation for over 6 months.

''Despite the fact our subpoena clearly ordered the production of any relevant videotapes, the White House had, for 6 months, failed to reveal their existence. It was only under pressure from a Senate investigator, who had received a tip from a source, that the White House admitted to the existence of the tapes. In other words, they did not turn over the fund-raising tapes until their hand was caught in the cookie jar.

''Charles Ruff has said publicly that he was informed of the existence of the tapes on Wednesday, October 1. Now, remember this. The President's counsel said he was informed of the existence of the tapes on Wednesday, October 1. He met with Attorney General Janet Reno on Thursday, October 2, the day after he found out about the tapes. He did not inform the Attorney General at that meeting that the tapes existed and that they had not been turned over

to the Justice Department. I believe he had an obligation to do so.

''Now, this was a critical week, because the Attorney General was in the process of deciding whether to seek the appointment of an independent counsel and she had to make her decision on Friday, October 3. So the President's counsel knew about the tapes on the 1st, he talked to the Attorney General on the 2nd, she had to make her decision on the 3rd, but he did not tell her about it. And so she made the decision not to appoint an independent counsel. Had she known about those tapes, her decision might have been otherwise.

''On Friday, the Attorney General released a letter declining to appoint an independent counsel. The tapes were not released until the Justice Department—until the weekend. Another stonewalling. In other words, Mr. Ruff had a face-to-face meeting with the Attorney General. He failed to disclose to her that the fund-raising videotapes existed and allowed her to make a very important decision on an independent counsel without having any knowledge of them.

''That is just wrong. It is obstruction of our investigation and all these investigations.

''I called Charles Ruff and the other attorneys from the White House counsel's office to testify before our committee in November, to answer for their failure to produce these tapes. Under questioning from a committee attorney, White House Deputy Counsel Cheryl Mills admitted that she and White House Counsel Jack Quinn had withheld from the committee for 1 year an important document related to the investigation of political uses of the White House database.

''The document in question was a page of notes taken by a White House staffer that indicated the President's desire to integrate the White House database with the DNC's database, which is not legal. This document had a direct bearing on the subcommittee's investigation. Cheryl Mills admitted that she had kept the document in a file in her office for over a year, based on a legal sleight of hand. Her behavior in this instance was another in a long string of incidents that reflected the White House's desire to stall and delay congressional investigations of its alleged misconduct. This kind of behavior is inexcusable for a White House attorney and a public servant.

''It was not the only time the subcommittee has faced obstructionism. The White House official most directly responsible for developing the controversial database was Marsha Scott. Committee attorneys had to attempt to depose Ms. Scott on three separate occasions to overcome her refusal to answer questions.

''This April, Ms. Scott was subpoenaed to attend a deposition. She arrived for the deposition, began to answer questions, and then abruptly got up and walked out of the deposition. This committee has never seen a witness who was under subpoena walk out in the middle of a deposition.

''The subcommittee chairman, the gentleman from Indiana [Mr. MCINTOSH], was forced to call an emergency meeting of the subcommittee at 8 o'clock that night to force Ms. Scott to return and answer the questions.

''This is typical of the kinds of obstruction this committee has encountered while dealing with this White House.

''The White House strategy was accurately described in a recent New York Post editorial as 'The Four Ds: Deny, Delay, Denigrate and Distract.' It appears that the White House's game plan has been to stall and obstruct legitimate investigations for as long as possible and then criticize the length of the investigations, all the while attacking the investigators.

''It has been fairly noted by a number of leading editorial pages that if the President and his subordinates would simply cooperate and tell the truth, these investigations could be wrapped up quickly. The Committee on Government Reform and Oversight continued to have White House documents dribble in as late as last December, 6 months after Charles Ruff had certified they had given us everything.

''Since January of last year, I have been seeking information from the Justice Department about its investigations into allegations that the Government of Vietnam may have attempted to bribe Commerce Secretary Ron Brown to influence policy on the normalization of relations with Vietnam, even though we had not had complete reporting on the 2,300 or 2,400 POWs and MIAs left behind.

''The New York Times reported that the Justice Department had received evidence of international wire transfers related to the case, that there was money transferred from Hanoi to another bank. There was information in the papers about that. Despite the fact that the Justice Department had closed the case, they were resisting providing any information to my committee.

''On Tuesday, July 8, because the Justice Department would not give me the information, I sent a subpoena to the Attorney General and the Justice Department demanding this information.

''Now, get this: 3 days later, after I sent a subpoena to the Attorney General, on Friday, July 11, my campaign had an FBI agent walk in and give us a subpoena for 5 years of my campaign records. Although Mr. Siegel had made his allegations against me in March, there had been no signs of any investigative activity within the Justice Department until I sent a subpoena to the Attorney General about Mr. Brown and that FBI report.

''Was this a case of retaliation? That is a question the American people have a right to have answered, and I think I do, too.

''This committee has faced obstructions from the White House. That is obvious. It is also true that this committee has faced serious obstructions from other governments in this world.

''We tried to send a team of investigators to China and Hong Kong earlier this year. There are important witnesses that need to be interviewed to find out who is behind major wire transfers of money that wound up being funneled into campaigns in this country. The Chinese Government turned us down flat. They would not give visas to our investigators.

''We attempted to get information from the Bank of China about who originated the wire transfers of hundreds of thousands of dollars to Charlie Trie, Ng Lap Seng and others. The Bank of China told us they are an arm of the Chinese Government and they would not comply with our subpoena.

''I wrote to the President and asked for his assistance to break through this logjam with the Chinese Government. We have received no answer and no assistance whatsoever from the White House.

''My friends on the Democratic side of the aisle are fond of complaining about the number of subpoenas I have issued. For the record, I have issued just over 600 since the investigation began a year-and-a-half ago. There is a very simple reason that I have been compelled to issue that many subpoenas. This committee has received absolutely no cooperation from more than 90 key witnesses and participants in efforts to funnel foreign money into U.S. campaigns. And many of these people are personal friends of the President, many of these people worked in the White House, and they have taken the Fifth or fled the country.

''More than 90 witnesses have either taken the Fifth to avoid incriminating themselves or fled the country to avoid testifying because they possibly are involved in criminal activity.

''The Justice Department did not receive much cooperation either. Director Freeh, when he testified before the committee last December, told us that they had issued over 1,000 subpoenas from the FBI.

''Fifty-three people have taken the fifth. These include Webb Hubbell, the President's hand-picked Associate Attorney General; John Huang, the Deputy Assistant Secretary of Commerce, who was in the White House over 100 times during the President's first term; and Mark Middleton, a high-level aide in the office of the White House Chief of Staff.

''I want to be clear about what this means. High-level appointees of the President have exercised their fifth amendment rights against self-incrimination in criminal investigations, in crimes. These people do not want to testify because they do not want to admit to the commission of any crime that they may have been involved in. And these are people that have worked in the White House close to the President, his friends.

''Thirty-eight witnesses have either fled the country or refused to make themselves available to be interviewed in their countries or their residence. There has never before in the history of this country been a congressional investigation that has had to investigate a scandal that is so broad and so international in scope. There has never before been a congressional investigation that has seen and had over 90 witnesses refuse to cooperate or flee the country.

''The fact that we have had so many non-cooperating witnesses is the reason that we have had to issue so many subpoenas. For instance, Charlie Trie, even though he has returned to the United States, has refused to cooperate with the committee. To overcome this problem, we had to issue 117 subpoenas to banks, phone companies, businesses, and other individuals to get information that Mr. Trie could have provided himself to us and to the committee. We have had to issue 60 subpoenas to attempt to get information about Ted Sioeng.

''Ted Sioeng and his family have given $400,000 to the Democrat National Committee. They have also given $150,000 to Republican causes. Not only has Ted Sioeng fled the country, but more than a dozen people associated with them have left as well. I mean, they are all heading for the hills. If Ted Sioeng would come back to the United States and cooperate with this investigation, we would not have to issue all of these subpoenas.

''Eighty percent of the subpoenas I have issued have been targeted to get information about half a dozen individuals who have been implicated in this scandal and who have taken the fifth amendment to avoid testifying.

''Just to be clear, more than 90 people have taken the fifth amendment or fled the country. That is scandalous. It has never happened before in the history of this country. Friends of the President, friends of the administration, contributors, leaders from other countries, have all headed for the hills. This is unprecedented. This should be a clear indication to people of the extent of the lawbreaking that occurred during the last campaign.

''At this point, I would like to say a few things about the release of the Webster Hubbell tapes, which we read about in the papers last week. First, Webster Hubbell was the Associate Attorney General of the United States. He was hand-picked by President Clinton to serve as one of the highest law enforcement officers in our land. Within a year, he was forced to resign in disgrace because of a criminal investigation into fraud at his law firm. He was eventually convicted and served 18 months in prison.

''Between the time he resigned, between the time he left the Justice Department and he was convicted, about 6 or 7 months later, he received $700,000 in payments from friends and associates of the President's for doing little or no work; and many people believe that was hush money. One hundred thousand dollars came from the Riady family in Indonesia, owners of the Lippo Group. This payment came within a few days of 10 meetings at the White House, some including the President himself, involving the President, John Huang, James Riady, and Webster Hubbell. Serious allegations have been made that this $700,000 was hush money meant to keep Mr. Hubbell silent. A criminal investigation is underway. And Mr. Hubbell was just indicted for failure to pay almost $900,000 in taxes.

''The American people have a right to know what happened. They have a right to know why Mr. Hubbell received this money and what he did for it. There is no such thing as a free lunch, and people do not shell out $700,000 for nothing. We would expect the President's hand-picked appointee to a powerful Justice Department position would be the first to volunteer to cooperate with the congressional investigation.

''Instead, Mr. Hubbell, a close friend of the President, former leader at the Justice Department, has taken the fifth amendment and remains silent. This has forced us to seek other sources of information. And that is why I subpoenaed the prison tapes of Mr. Hubbell's phone conversations.

''Out of 150 hours of conversations, my staff prepared just over 1 hour for release to the public, private conversations that had nothing to do with our investigation, and we screened those out. What was contained in that hour of conversations raises troubling questions. Given the seriousness of the allegations, this material deserves to be on the public record.

''On these tapes, we hear Mrs. Hubbell say that she fears that she will lose her job at the Interior Department if Mr. Hubbell takes actions that will hurt the Clintons. We heard Mrs. Hubbell say that she feels she is being squeezed by the White House. Webster Hubbell states, after she says that, that ''I guess I must roll over just one more time.'' ''Roll over one more time.'' These statements raise very disturbing questions about the conduct of the White House and the conduct of the Hubbells. The American people have a right to know the answers.

''Let me say a couple things about the charges of selective editing. Mistakes were made in the editing process. As chairman, I take responsibility for those mistakes. But they were just that, innocent mistakes. In the process of editing 149 hours of personal conversations, the staff cut out a couple of paragraphs that should have been left in. Here are a few points to be kept in mind. We are not talking about transcripts. What were prepared were logs of the conversations, logs, summaries of information on the tapes. They were not verbatim transcripts and they were never identified as such. They were logs of where these conversations came from out of the 150 hours of tapes that was condensed on to one.

''Exculpatory statements about both Mrs. Clinton and other Clinton administration officials were left in the logs. In one case, an exculpatory statement by Mr. Hubbell about Mrs. Clinton was underlined to highlight it. The tapes were never altered. This charge has been repeated time and time again by the Democrats and it is false. The tapes were not altered.

''Once the tapes were made public, reporters were allowed to listen to and record the appropriate sections of the tapes in their entirety. These sections included the statements about Mrs. Clinton and Mr. Hubbell that have been complained about. How can anyone argue that there was an intent to deceive when reporters were allowed to listen to the comments I have been accused of deleting?

''Finally, in an effort to end once and for all these charges of selective editing, I have released the tapes of these 50 conversations in their entirety, even though I did not want to because there is personal stuff in there that I did not think should be in the public domain, but the integrity of the investigation had to be maintained.

''What I find most unfortunate is that this incident has detracted from the important facts about the Hubbell tapes that it appears that Mr. Hubbell and his wife were under a great deal of pressure to keep their mouths shut. This is something that absolutely must be investigated. It is something that the American people absolutely have a right to know. She felt she was being squeezed by the White House, and he felt he had to roll over one more time. He had to roll over one more time.

''And when we have over 90 people fleeing the country or taking the fifth amendment, we have to wonder if Mr. Hubbell is only one of a number that are scared to talk, that are afraid to say anything because of pressure from the White House.

''This brings us to tomorrow's committee meeting. Tomorrow we will try to break through this stone wall one more time by granting immunity to four witnesses. The Justice Department has agreed to immunity. The Justice Department has agreed to immunity. They have been thoroughly consulted. The Justice Department has already immunized two of these witnesses themselves. There is no reason to oppose immunity. Yet 19 Democrats on the Committee on Government Reform and Oversight voted in lock step against immunity. They voted to prevent these witnesses from telling the truth to the American people.

''I want to tell the American people a little bit about who these witnesses are. Two of these witnesses were employees of Johnny Chung. They were involved in his conduit contribution schemes, bringing money from illegal sources into the DNC. They were involved in setting up many of his meetings at the White House and with other government officials.

''Kent La is a very important witness. He is a business associate of Ted Sioeng, one of the people that had fled the country. He is the U.S. distributor

of Red Pagoda Mountain cigarettes. Ted Sioeng has a major stake in these cigarettes. This is the best selling brand of cigarettes in China. This company is owned by the Communist Chinese Government. It is the third largest cigarette selling in the world. This company is owned by the Chinese Government, and it is a convenient way to funnel money into campaigns in the United States by Ted Sioeng, Kent La, and others.

''Ted Sioeng and his associates gave $400,000 in contributions to the Democrat National Committee. Of that amount, Kent La gave $50,000. Was that money from Red Pagoda cigarettes from the Chinese Communist Government? We need to find out. The American people have a right to know.

''Every witness that we have spoken to says that 'If you want to understand Ted Sioeng, you have got to talk to Kent La.' And that is one of the people we want to talk to, but we have to get immunity for him first. Kent La has invoked the fifth amendment. He will not testify without immunity. But the Democrats on our committee will not grant him immunity. The Democrats have voted to block immunity. I cannot, for the life of me, understand why they want to do that.

''This is not a partisan issue. Ted Sioeng did not just give money to Democrats, he gave to both sides. He gave $150,000 to Republican causes as well as the Democrats. So this is not a partisan issue with Kent La and Ted Sioeng. It seems very clear that most of this half a million dollars donated by Ted Sioeng and his associates came from profits of selling Chinese cigarettes around the world. Kent La is the one individual who can tell us if this is true or not. I do not understand why my colleagues want to keep this witness from testifying and protect a major Communist Chinese cigarette company, especially when the gentleman from California, who has been such a forceful advocate of reducing smoking here in the United States, is one of those voting against immunity.

''We have a number of good members on my committee on both sides of the aisle. I think we have conscientious members, both Democrat and Republican, who are outraged by some of the things that have happened during the last election. I hope all of my colleagues are thinking long and hard about their votes, and I hope that they will reconsider and support immunity tomorrow.

''Now, in conclusion, I have tried throughout this discussion to try to make clear to the American people and my colleagues that this is an investigation that has faced countless obstacles, stone walls. We have faced obstruction from the White House. We have faced stalling from the Democrat National Committee. We have faced non-cooperation from foreign governments. We have had over 90 people take the fifth amendment or flee the country because they did not want to testify because of criminal activity.

''However, we will continue. There are very serious allegations of crimes that have been committed, and the American people have a right to know. I hope that tomorrow we will start to tear down the stone wall by granting immunity to these four witnesses and getting on with the investigation. None of this should be covered up. The American people have a very clear right to know if our government was compromised. They have a right to know if foreign contributions influenced our foreign policy, if it endangered our national defense. These are things the American people have a right to know, and we are going to do our dead level best to make sure they get that right and they get to know it.''.

PRIVILEGES OF THE HOUSE

(¶45.7)

A RESOLUTION ALLEGING INTENTIONAL VIOLATION OF HOUSE RULES BY A MEMBER AND ''DISAPPROVING'' THAT CONDUCT GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On May 14, 1998, Mr. GEPHARDT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 431):

H. RES. 431

Whereas the Supreme Court of the United States has noted that, although the power to conduct investigations is inherent in the legislative process, that power is not unlimited, may be exercised only in aid of the legislative function, and cannot be used to expose for the sake of exposure alone;

Whereas the Supreme Court of the United States has further noted that the investigative power of Congress contains ''no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress'';

Whereas Representative Burton is the only member in the history of the House of Representatives who has had the power to unilaterally issue subpoenas and the power to disclose information obtained therefrom, and has abused these powers;

Whereas the Committee on Standards of Official Conduct has determined that it is improper to alter a House document if such alteration changes the meaning or extensively modifies the document;

Whereas the Speaker of the House of Representatives has correctly and steadfastly called for adherence to the Rule of Law and emphasized that no man is above the law;

Whereas those upon whom the House of Representatives has bestowed its Constitutional power to investigate must abide by the Rule of Law, and must exercise the investigative power fairly and judiciously and in a manner that will preserve the dignity of the House and reflect credit thereon.

Whereas the Rules of the House of Representatives provide that documents and other materials obtained pursuant to a Committee subpoena are records of the Committee that may not be publicly disclosed by a chairman without authorization by the Committee;

Whereas the Committee on Government Reform and Oversight has adopted procedures governing the public disclosure of documents and other materials obtained pursuant to a Committee subpoena;

Whereas pursuant to a Committee subpoena, Representative Burton obtained from the Department of Justice tape recordings of the telephone conversations engaged in by Webster Hubbell while in prison;

Whereas the Department of Justice advised Representative Burton of his responsibility to pay special regard to the sensitive nature of the tape recordings, which recordings the Department of Justice could not lawfully disclose to the public;

Whereas Representative Burton intentionally violated the Rules of the House of Representatives and the procedures of the Committee on Government Reform and Oversight and displayed an utter disregard for both the privacy rights of those involved and the ability of the Bureau of Prisons to perform its functions effectively by publicly disclosing the tape recordings and transcripts of telephone conversations between Webster Hubbell and his wife, other family members, friends, and attorneys;

Whereas the transcripts publicly disclosed by Representative Burton in violation of the Rules of the House of Representatives and the procedures of the Committee had been altered and selectively edited so as to mislead Members of the House of Representatives and the public, distort the public record; impair the ability of the House of Representatives to perform its legislative and oversight functions, and violate the integrity of Committee proceedings.

Whereas the materials publicly disclosed by Representative Burton in violation of the Rules of the House of Representative and the procedures of the Committee contained conversations between a husband and wife pertaining to family, personal, medical, and marital problems;

Whereas, through these actions, his failure to abide by the Rule of Law, and his consistent abuse of the investigative powers of the House of Representatives, Representative Burton has brought discredit upon the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the manner in which Representative Burton has conducted the Committee on Government Reform and Oversight's investigation of political fundraising improprieties and possible violations of law.

The SPEAKER pro tempore, Mr. NEY, ruled that in the opinion of the Chair, the resolution constitutes 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 on the table the resolution?

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

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

A quorum not being present,

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

When there appeared { Yeas 223
Nays 196

¶45.8 [Roll No. 153]

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

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

POINT OF ORDER

(¶52.16)

PURSUANT TO SECTION 426(B)(4) OF THE CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OR 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-HELF OF THE 20 MINUTES PROVIDED FOR DEBATE ON THE QUESTION OF CONSIDERATION.

PURSUANT TO SECTION 426 (B)(3) OF THE CONGRESSIONLA 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 June 4, 1998, Mr. SOLOMON made a point of order against consideration of the conference report under section 425 of the Congressional Budget Act of 1974, and said:

''Mr. Speaker, pursuant to section 426 of the Congressional Budget Act, the language on which this point of order is premised is contained in section 502 of subtitle A of title 5, 'Reductions in payments for Administrative Costs for Food Stamps' of the conference report.''

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

''The gentleman from New York makes a point of order that the conference report violates section 425(a) of the Congressional Budget Act of 1974, and according to section 426(b)(2) o9f the Act, the gentleman must specify the precise languate of his objection in the conference report on which he predicates this point of order.

''Having met this threshold burden, the gentleman from New York (Mr. SOLOMON) and a Member opposed will control 10 minutes of debate. Pursuant to section 426(b)(3) of the Act and after debate, the Chair will put the question of consideration, to wit: Will the House now consider the conference report?''

After debate,

The question being put, viva, voce,

Will the House now consider said conference report?

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

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

A quorum not being present,

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

When there appeared { Yeas ..... 324 / Nays ..... 91 }

¶52.17 [Roll No. 203]

So it was the decision of the House to consider said conference report.

POINT OF ORDER

(¶55.9)

PURSUANT TO SECTION 426(B)(4) OF THE CONGRESSIONAL BUDGET ACT OF 1974, A MEMBER WHO MAKES A POINT OF ORDER UNDER SECTION 426(A) OF THE ACT AND SATISFIES THE THRESHOLD BURDEN SPECIFIED IN SECTION 426(B)(2) OF THE ACT BY CITING LANGUAGE IN THE RESOLUTION THAT WAIVES THE APPLICATION OF SECTION 425 OF THE ACT 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 426(A) 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 June 10, 1998, Mr. NADLER, made a point of order during the remarks of the gentleman from Texas [Mr. MCINNIS], and said:

''Mr. Speaker, I make a point of order against consideration of House Resolution 462. Section 425 of that same Act, added by the Unfunded Mandates Reform Act of 1995, states that a point of order lies against legislation which (1) imposes an unfunded mandate in excess of $50 million annually against state or local governments, and (2) does not publish prior to floor consideration, a Congressional Budget Office estimate of any unfunded mandates in excess of $50 million annually for state and local entities or in excess of $100 million annually for the private sector. Section 426 of the Budget Act specifically states that the Rules Committee may not waive this point of order. On page 2, lines 13 through 15 of House Resolution 462, all points of order are waived against the committee amendment in the nature of a substitute. Therefore, I make a point of order that this rules may not be considered pursuant to section 426, as added by the Unfunded Mandates Reform Act of 1995.''.

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

''The gentleman from New York makes a point of order against the resolution under section 425(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentleman from New York [Mr. NADLER] has met the threshold burden to identify specific waiver language in the resolution for the point of order.

''Under section 426(b)(2) of the Act, the gentleman from New York, Mr. NADLER and a Member opposed each will control 10 minutes of debate on the question of consideration. Pursuant to section 426(b)(3) of the Act, after debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?''.

POINT OF ORDER

(¶55.10)

WHERE THE SPEAKER PRO TEMPORE HAS ANNOUNCED THAT THE NAYS PREVAILED ON A VOICE VOTE ON THE QUESTION OF CONSIDERATION OF A RESOLUTION, REMARKS UTTERED WITHOUT RECOGNITION DO NOT CONSTITUTE INTERVENING BUSINESS SUCH AS TO PRECLUDE AN OBJECTION TO THE VOICE VOTE FOR LACK OF A QUORUM.

On June 10, 1998, Mr. MCINNIS, rose and said:

''Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to——''

The SPEAKER pro tempore, Mr. DUNCAN, spoke and said:

''Does the gentleman from Colorado, Mr. MCINNIS, recognize that the noes prevailed on the pending vote?''

Mr. MCINNIS was recognized to speak and said:

''Mr. Speaker, I am a little confused as to the order.''

Mr. NADLER spoke and said:

''Mr. Speaker, we continued. The vote is over.''

Mr. MCINNIS spoke and said:

''I have the Floor, Mr. Speaker, and I make a point of order to that point.''

The SPEAKER pro tempore, Mr. DUNCAN, spoke and said:

''The gentleman from Colorado, Mr. MCINNIS has the floor.

''Does the gentleman from Colorado object to the vote?''

Mr. MCINNIS spoke and said:

''Yes, I do, Mr. Speaker.''

The SPEAKER pro tempore, Mr. DUNCAN, announced:

''The gentleman from Colorado, Mr. MCINNIS, objects to the vote on the ground that a quorum is not present and makes the point of order that a quorum is not present.

''A quorum is not present. Under the rule, the yeas and nays are ordered. Those in favor will vote aye——''

Mr. NADLER spoke and said:

''Mr. Speaker, business intervened. Speech intervened. He did not ask for the vote or object to the quorum until the Chair asked about it. I object to this. He has gone on, all right.''

The SPEAKER pro tempore, Mr. DUNCAN, said:

''The gentleman from Colorado, Mr. MCINNIS, objected to the vote. The gentleman from Colorado, Mr. MCINNIS, objected to the vote.''

Mr. NADLER spoke and said:

''Mr. Speaker, business intervened. Before he objected to the vote, he started saying he asked 30 minutes for speaking time, et cetera. We had already progressed. He did not object to the vote.''

The SPEAKER pro tempore, Mr. DUNCAN, said:

''There was not business that intervened. The gentleman from Colorado, Mr. MCINNIS, did not have the floor for debate since the pending voice vote was against consideration.

''The gentleman from Colorado, Mr. MCINNIS did not have the floor for debate. The gentleman from Colorado objected to the vote.''

Mr. MCINNIS spoke and said:

''That is correct, Mr. Speaker. I had the floor. I was on my feet and had the floor.''

The SPEAKER pro tempore, Mr. DUNCAN, said:

''The Chair will repeat, the gentleman from Colorado, Mr. MCINNIS, has objected to the vote on the ground that a quorum is not present.''

Mr. NADLER spoke and said:

''Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore, Mr. DUNCAN, said:

''The gentleman makes the point of order that a quorum is not present.''

Mr. NADLER spoke and said:

''Mr. Speaker, I object on the ground that the RECORD will show, if the Clerk will read the RECORD, that the gentleman had gone on to another subject, had already started talking about something else, and did not, did not object on the ground that a quorum is not present until the Speaker asked him, do you not want to object that a quorum was not present?

''The vote was already over and cannot be continued at this point. I make a point of order.''

The SPEAKER pro tempore, Mr. DUNCAN, said:

''The gentleman from Colorado, Mr. MCINNIS, had not been recognized to debate the resolution since the House had not voted to consider the resolution. therefore, no intervening business had been transacted.''

''Does the gentleman from New York, Mr. NADLER, insist on appealing the ruling of the Chair?''

Mr. NADLER spoke and said:

''Mr. Speaker, no, I do not.''

The SPEAKER pro tempore, Mr. DUNCAN, said:

''The gentleman from New York, Mr. NADLER, has withdrawn his appeal of the ruling of the Chair.

POINT OF ORDER

(¶74.8)

THE SPEAKER PRO TEMPORE SUSTAINED A POINT OF ORDER AGAINST A MOTION TO RECOMMIT PROPOSING AN AMENDMENT TO REPLACE ONE REVENUE PROVISION IN THE PENDING UNREPORTED BILL WITH ANOTHER SUCH PROVISION, ON THE GROUND THAT IT PROVIDED AN ''INCREASE OR DECREASE IN REVENUES'' IN THE COMING FISCAL YEAR BEFORE ADOPTION OF A CONCURRENT RESOLUTION ON THE BUDGET FOR THAT YEAR IN VIOLATION OF SECTION 303(A) OF THE CONGRESSIONAL BUDGET ACT OF 1974.

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

On July 24, 1998, Mr. HASTERT, made a point of order pending consideration of the motion to recommit with instruction made by Mr. BERRY.

Mr. HASTERT was recognized on his point of order and he yielded to Mr. THOMAS who spoke and said:

''Mr. Speaker, contained among the numerous provisions in the motion to recommit is striking the medical savings accounts. Notwithstanding the gentleman's representation that this will save billions of dollars a year, the Congressional Budget Office says that simply is not so. In fact, it will save less than $1 billion a year. That is the point on which the point of order turns, because the gentleman's addition of the acceleration of the self-employed deduction in fact scores more than $1 billion and therefore is subject to a 303 Congressional Budget Act point of order. It in fact increases the budget before the final budget is adopted in a given fiscal year. It applies clearly in this particular instance. A point of order, therefore, lies against the gentleman and I would urge the Chair to sustain the 303(a) Congressional Budget Act point of order.''.

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

''If I understand the gentleman from California's point is that the striking of the medical savings account provision would not save as much money as accelerating the self-employed insurance deduction by 4 years.

''Mr. Speaker, I would like to include in the RECORD a document that has been received from the Joint Committee on Taxation that shows that striking the medical savings account provision will save $4.1 billion, the self-employed health insurance deduction would cost $3.4 billion, for a net revenue savings to the treasury of $687 million.''.

The SPEAKER pro tempore said:

''The gentleman from Maryland may insert the documents after the point of order but not during debate on the point of order.

Mr. CARDIN spoke further and said:

''Mr. Speaker, on that point, if I am correct, the point of order is being raised as it relates to having——''.

The SPEAKER pro tempore, Mr. KOLBE, said:

''That is correct. The Chair must rely on what is being said to the Chair and so insertion into the RECORD during the debate on the point of order is not in order at this time.''.

Mr. CARDIN spoke further and said:

''I would just quote into the RECORD the document from the Joint Committee on Taxation dated July 23, 1998, and would be glad to make it available to the Parliamentarian.''.

Mr. THOMAS was recognized and said:

''Mr. Speaker, on the point just registered, this is the House and not the Senate. The Senate just read 10-year numbers, the House operates on 5-year numbers, and the point of order still stands.''.

Mr. CARDIN was recognized further and said:

''Mr. Speaker, let me put into the record the 5-year numbers. The 5-year numbers on striking the medical savings account provision would save $1.3 billion, the self-employed would cost $1.2 billion, for a net savings to the treasury of $56 million.''.

Mr. THOMAS was recognized and said:

''Mr. Speaker, the gentleman is reading from a document that I do not believe is current. Would he cite the number and the date?''.

Mr. CARDIN spoke further and said:

''If the gentleman would yield, it is dated July 23, 1998.''.

Mr. THOMAS spoke further and said:

''I tell the gentleman the numbers I just read come from a Joint Tax Committee publication July 24, 1998. But the gentleman is not bad being only one day behind.''.

Mr. CARDIN spoke further and said:

''Mr. Speaker, I have the July 25 numbers.''.

The SPEAKER pro tempore, Mr. KOLBE, spoke and said:

''Does the gentleman from Illinois insist upon his point of order?''.

Mr. HASTERT spoke and said:

''Mr. Speaker, I insist on my point of order.''.

The SPEAKER pro tempore, Mr. KOLBE spoke and said:

''The amendment proposed in the motion to recommit would strike one of the revenue provisions from the bill. The amendment also would insert an alternate revenue change. In this latter respect, the amendment 'provides an increase or decrease in revenues' within the meaning of section 303 of the Budget Act.

''Because this revenue change would occur during fiscal year 1999, a year for which a budget resolution has yet to be finalized, the amendment violates section 303(a)(2) of the Act.

''The point of order is sustained.''.

Mr. CARDIN appealed the ruling of the Chair.

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

The question being put, viva voice,

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

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

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

A quorum not being present,

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

When there appeared { Yeas ..... 222 / Nays ..... 204 }

¶74.9 [Roll No. 337]

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

A motion to reconsider the vote whereby said motion was agreed to

was, by unanimous consent, laid on the table.

PRIVILEGES OF THE HOUSE

(¶94.21)

A RESOLUTION COMPRISING FOUR ARTICLES OF IMPEACHMENT AGAINST AN INDEPENDENT COUNSEL (WHO IS DESIGNATED BY LAW AS AN EXECUTIVE OFFICER REMOVABLE BY IMPEACHMENT) GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 23, 1998, Mr. HASTINGS of Florida, rose to a question of the privileges of the House and called up the following resolution (H. Res. 545):

H. RES. 545

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code §593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate;

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a ''Referral to the United States House of Representatives pursuant to Title 28, United States Code, §595(c).'' As part of that Referral, Mr. Starr submitted a 445-page report (the ''Starr Report'') that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

(a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of evidence that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and his duties as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally undermine the office of President of the United States and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of President and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and people of the United States.

(2) Mr. Starr engaged in a willful and persistent course of conduct that was calculated to and that did wrongfully demean, embarrass, and defame an incumbent President of the United States and that thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand fury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called ''talking points'' outline to improperly influence the testimony of one or more persons scheduled to be deposed in a private civil action. By his willful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

(3) Mr. Starr intentionally, willfully, and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with the incumbent President of the United States. By including the unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an office of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned to the federal courts; that were calculated to and did undermine the institution of the grand jury established by the Constitution of the United States; and that were calculated to and did undermine and bring into disrepute the office of independent counsel and

offices of all those charged with investigating and prosecuting crimes against the United States. The acts by which Mr. Starr violated his oath and his duties and by which he undermined the federal courts and the grand jury and undermined and demeaned the office and role of all federal prosecutors include:

(1) Mr. Starr disclosed and authorized and approved the disclosure and misuse of grand jury materials in violation of Rule 6(e)(2) of the Federal Rules of Criminal Procedure and with contempt for the federal courts and for the rights of those who appear before grand juries of the United States and of those who are subjects of grand jury investigations.

(2) Throughout his investigations, Mr. Starr abused the powers of his office and condoned the abuse of those powers to improperly intimidate and manipulate citizens of the United States who were interviewed or called to testify before a grand jury or who were actual or potential targets of his investigations and to deprive them of rights guaranteed to all citizens of the United States. Mr. Starr and subordinates for whose conduct he is responsible further abused and misused the powers of the office of independent counsel and the powers of the grand jury to improperly invade and needlessly intrude upon the privacy of individuals and to demean the rights guaranteed to all by the First and Fifth Amendments to the Constitution of the United States.

(3) Throughout his investigations, Mr. Starr has abused and misused and has authorized and approved the abuse and misuse of the powers of his office in ways that have demeaned the prosecutorial office and that have undermined and will undermine the ability of other prosecutorial officers of the United States to discharge their duty to take care that laws of the United States be faithfully executed.

(4) In his conduct of the office of the independent counsel, Mr. Starr has needlessly and unjustifiably expended and wasted funds of the United States. Over the past four years, Mr. Starr has expended more than forty million dollars ($40,000,000) in a relentless pursuit of investigations and prosecutions that he knew or should have known did not merit and could not justify such extraordinary expenditures.

By the conduct described in this Article III of these Articles of Impeachment, Kenneth W. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

By his conduct as an officer of the United States of America, including the conduct described in Articles I through III of these Articles of Impeachment, Kenneth W. Starr has violated the oath he took to uphold and defend the Constitution of the United States of America. He has acted and persisted in acting in ways that were calculated to and did embarrass the United States and the people of the United States before the international community and that were calculated to and did undermine the ability of the Legislative Branch, the Executive Branch, and the Judicial Branch to effectively exercise the powers and discharge the duties assigned to each by the Constitution of the United States of America. He has unconstitutionally and improperly exercised powers that were not his to exercise and has acted in ways that were calculated to and did improperly demean a President of the United States and diminish the capacity of the President to effectively discharge the duties that the people of the United States elected him to perform. He has unconstitutionally and improperly exercised his powers and has acted in ways that were calculated to and did demean the House of Representatives and that have effectively deprived the House of Representatives of its right to exercise its sole power of impeachment in a deliberate and bipartisan manner that was consistent with the procedures and precedents it had established in prior proceedings and inquiries to determine whether the President of the United States should be impeached. He has unlawfully and improperly exercised his powers in ways that demeaned the institution of the federal grand jury, that demonstrated contempt of the courts of the United States and the rules that govern their proceedings, and that demeaned the office of independent counsel and offices of all those charged with responsibility for seeing that the laws of the United States are faithfully executed. By his conduct as an independent counsel, Kenneth W. Starr has committed high crimes and misdemeanors against the Constitution and the people of the United States.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

The SPEAKER pro tempore, Mr. HANSEN, ruled that

''The resolution constitutes a question of the privileges of the House under rule IX.''.

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

The question being put, viva voce,

Will the House lay on the table the resolution?

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

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

A quorum not being present,

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

When there appeared { Yeas ..... 340 / Nays ..... 71 }

¶94.22 [Roll No. 453]

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

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

PRIVILEGES OF THE HOUSE

(¶94.23)

A RESOLUTION DIRECTING A STANDING COMMITTEE TO RELEASE EXECUTIVE-SESSION MATERIAL REFERRED TO IT AS SUCH BY SPECIAL RULE OF THE HOUSE WAS HELD TO PROPOSE A CHANGE IN THE RULES AND, THEREFORE, NOT TO GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On September 23, 1998, Mr. CONDIT, rose to a question of the privileges of the House and called up the following resolution (H. Res. 546):

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

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

PRIVILEGES OF THE HOUSE

(¶105.7)

A RESOLUTION REPORTED AS PRIVILEGED BY THE COMMITTEE ON THE JUDICIARY PROPOSING TO AUTHORIZE THAT COMMITTEE TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXISTED FOR THE IMPEACHMENT OF THE PRESIDENT AND TO EMPOWER IT WITH SPECIAL INVESTIGATIVE AUTHORITIES, GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A RESOLUTION REPORTED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY BE CALLED UP AT ANY TIME WITHOUT REGARD TO THE THREE-DAY AVAILABILITY REQUIREMENT OF CLAUSE 2(L)(6) OF RULE XI.

On October 8, 1998, Mr. HYDE, by direction of the Committee on the Judiciary, called up the following privileged resolution (H. Res. 581):

H. RES. 581

Resolved, That the Committee on the Judiciary, acting as a whole or by any subcommittee thereof appointed by the chairman for the purposes hereof and in accordance with the rules of the committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach William Jefferson Clinton, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

SEC. 2. (a) For the purpose of making such investigation, the committee is authorized to require—

(1) by subpoena or otherwise—

(A) the attendance and testimony of any person (including at a taking of a deposition by counsel for the committee); and

(B) the production of such things; and

(2) by interrogatory, the furnishing of such information;

as it deems necessary to such investigation.

(b) Such authority of the committee may be exercised—

(1) by the chairman and the ranking minority member acting jointly, or, if either declines to act, by the other acting alone, except that in the event either so declines, either shall have the right to refer to the committee for decision the question whether such authority shall be so exercised and the committee shall be convened promptly to render that decision; or

(2) by the committee acting as a whole or by subcommittee.

Subpoenas and interrogatories so authorized may be issued over the signature of the chairman, or ranking minority member, or any member designated by either of them, and may be served by any person designated by the chairman, or ranking minority member, or any member designated by either of them. The chairman, or ranking minority member, or any member designated by either of them (or, with respect to any deposition, answer to interrogatory, or affidavit, any person authorized by law to administer oaths) may administer oaths to any witness. For the purposes of this section, ''things'' includes, without limitation, books, records, correspondence, logs, journals, memorandums, papers, documents, writings, drawings, graphs, charts, photographs, reproductions, recordings, tapes, transcripts, printouts, data compilations from which information can be obtained (translated if necessary, through detection devices into reasonably usable form), tangible objects, and other things of any kind.

The SPEAKER ruled and said:

''The resolution, since reported from the Committee on the Judiciary, constitutes a question of privilege and may be called up at this time.''.

Pending consideration of said resolution.

On motion of Mr. HYDE, by unanimous consent,

Ordered, That the time for debate on the resolution be enlarged to two hours.

When said resolution was considered.

After debate,

On motion of Mr. CONYERS, by unanimous consent,

Ordered, That there be ten minutes of debate time be allocated on the motion to recommit if offered by Mr. BOUCHER, equally divided between the proponent and opponent.

After further debate,

¶105.8 CALL OF THE HOUSE

The SPEAKER recognized Mr. HYDE to move a call of the House.

The call was taken by electronic device, and the following-named Members responded—

¶105.9 [Roll No. 496]

Thereupon, the SPEAKER announced that 423 Members had been recorded, a quorum.

Further proceedings under the call were dispensed with.

After further debate,

Mr. HYDE moved the previous question on the resolution to its adoption or rejection.

Mr. BOUCHER moved to recommit the resolution to the Committee on the Judiciary with instructions to report the resolution back to the House forthwith with the following amendment:

Strike the first section and insert the following:

That (a)(1) The House of Representatives authorizes and instructs the Committee on the Judiciary (in this Resolution referred to as the ''Committee'') to take the following steps within the time indicated in order, fully and fairly, to conduct an inquiry and, if appropriate, to act upon the Referral from the Independent Counsel (in this Resolution referred to as ''the Referral'') in a manner which ensures the faithful discharge of the Constitutional duty of the Congress and concludes the inquiry at the earliest possible time, and, consistent with chapter 40 of title 28, United States Code, to consider any subsequent referral made by the Independent Counsel under section 595(c) of such title 28.

(2) The Committee shall thoroughly and comprehensively review the constitutional standard for impeachment and determine if the facts presented in the Referral, if assumed to be true, could constitute grounds for the impeachment of the President.

(b) If the Committee determines that the facts stated in the Referral, if assumed to be true, could constitute grounds for impeachment, the Committee shall investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach the President.

(c) If the Committee finds that there are not sufficient grounds to impeach the President, it shall then be in order for the Committee to consider recommending to the House of Representatives alternative sanctions.

(d) Following the conclusion of its inquiry, the Committee shall consider any recommendation it may commend to the House, including—

(1) one or more articles of impeachment;

(2) alternative sanctions; or

(3) no action.

The Committee shall make such a recommendation sufficiently in advance of December 31, 1998, so that the House of Representatives may consider such recommendations as the Committee may make by that date.

(e) If the Committee is unable to complete its assignment within the time frame set out in subsection (d), a report to the House of Representatives may be made by the Committee requesting an extension of time.

After debate,

On motion of Mr. SENSENBRENNER the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce,

Will the House recommit said resolution with instructions?

The SPEAKER announced that the nays had it.

Mr. BOUCHER 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 negative ..... { Yeas ..... 198 / Nays ..... 236 }

¶105.10 [Roll No. 497]

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House agree to said resolution?

The SPEAKER announced that the yeas had it.

Mr. SENSENBRENNER 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 ..... 258 / Nays ..... 176 }

¶105.11 [Roll No. 498]

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.

PRIVILEGES OF THE HOUSE

(¶107.9)

A RESOLUTION ALLEGING A FAILURE OF AGGRESSIVE EXECUTION OF CERTAIN FEDERAL TRADE LAWS AS IMPUGNING THE INTEGRITY OF THE HOUSE, AND CALLING ON THE PRESIDENT TO TAKE SPECIFIED ACTIONS WITH RESPECT TO IMPORTS OF STEEL, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

THE CHAIR WILL NOT RENDER AN OPINION ANTICIPATING THE EFFECT OF A SUCCESSFUL APPEAL FROM A PROSPECTIVE RULING ON A PENDING QUESTION OF ORDER, AS ANY FUTURE QUESTION OF ORDER WOULD BE SUBJECT TO ARGUMENTS CITING OR DISTINGUISHING PRIOR PRECEDENT.

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

On October 10, 1998, Mr. VISCLOSKY, rose to a question of the privileges of the House and called up the following resolution:

RESOLUTION

A resolution, in accordance with House Rule IX, Clause 1, expressing the sense of the House that its integrity has been impugned because the anti-dumping provisions of the Trade and Tariff Act of 1930, (Subtitle B of title VII) have not been expeditiously enforced;

Whereas the current financial crises in Asia, Russia, and other regions have involved massive depreciation in the currencies of several key steel-producing and steel consuming countries, along with a collapse in the domestic demand for steel in these countries; Whereas the crises have generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel producing countries that are no longer able to export steel to the countries in economic crisis;

Whereas United States imports of finished steel mill products from Asian steel producing countries—the People's Republic of China, Japan, Korea, India, Taiwan, Indonesia, Thailand, and Malaysia—have increased by 79 percent in the first 5 months of 1998 compared to the same period in 1997;

Whereas year-to-date imports of steel from Russia now exceed the record import levels of 1997, and steel imports from Russia and Ukraine now approach 2,500,000 net tons;

Whereas foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of diverted steel trade;

Whereas the European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as much finished steel products from Asian steel producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia;

Whereas the United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets;

Whereas there is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to such situations: Now, therefore, be it

Resolved by the House of Representatives, That the House of Representatives calls upon the President to—

(1) take all necessary measures to respond to the surge of steel imports resulting from the financial crises in Asia, Russia, and other regions, and for other purposes;

(2) pursue enhanced enforcement of United States trade laws with respect to the surge of steel imports into the United States, using all remedies available under those laws including offsetting duties, quantitative restraints, and other authorized remedial measures as appropriate;

(3) pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States;

(4) establish a task force within the executive branch with responsibility for closely monitoring United States imports of steel; and

(5) report to the Congress by no later than January 5, 1999, with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effects on employment, prices, and investment in the United States steel industry.

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

Mr. VISCLOSKY was recognized and said:

''Mr. Speaker, I offer this question of privilege to bring attention to a catastrophic situation facing this Nation. The trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal trade practices. Congressional intent, as represented by the Trade and Tariff Act of 1930, is being ignored at the present time.

''The U.S. steel industry and its workers are suffering because the Asian and Russian financial crises have led those countries to dump their steel on our market. The U.S. has been reluctant to stop this illegal practice. Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices in the United States have fallen 20 percent in the last 3 months alone.

''The European Union has protected itself and its steel industry against dumping by erecting temporary barriers to steel imports during the crisis. Their steel industry is weathering the

storm. In America, the demand for domestic steel has decreased dramatically in mills in Alabama, West Virginia, Utah, Ohio, Iowa, Indiana, and workers have been laid off because of the decreased demand for American steel. American workers should not have to pay the price of the administration's refusal to enforce trade laws which the Congress has enacted and supports. This impinges on the integrity of this House.

''American steel workers, the most efficient in the world, cannot continue to be besieged by foreign steel products while waiting indefinitely for trade cases to be settled. Damage to the American steel industry is extensive, severe and rapidly growing. We need to protect our American steel workers by stemming the tide of illegally dumped steel, and the administration's failure to act again directly impinges on the integrity of this House.''.

Mr. BERRY was recognized and said:

''Mr. Speaker, I rise today to talk about the steel crisis that is escalating out of control and is having a devastating effect on the people of the First Congressional District of Arkansas as well as people around the country. I am a free trader so long as the rules of free trade are rigorously enforced. Fair trade is imperative to support free trade.

''What is not fair is the export of the Asian and Russian crisis to our shores. Currently Japanese and Russian and other foreign steel companies are unable to sell their excess capacity at home. These foreign steel producers are dumping their products on the U.S. market by selling at prices less than their cost and below those in their home markets.

''As a result, this growing steel import crisis is causing injury to our domestic steel companies and the industry. It is threatening the jobs of people in the First Congressional District of Arkansas and across America. As a result, the steel imports in May 1998 increased 28.5 percent from their level of the previous year. Through June 1998 the imports from Japan were up 113.7 percent, while imports from Korea rose 89.5 percent.

''Mr. Speaker, we need to protect American workers and American industry by stopping the illegal dumping of steel from other countries. Now is the time to act. We have the responsibility and the opportunity to correct this problem, and I assure my colleagues that I will do everything I can to help. We can win, but we must fight.''.

Mr. TRAFICANT was recognized and said:

''Mr. Speaker, I am not addressing and will not address the deplorable plight and condition of the steel industry at this time. But I believe there are some precedents in legal arguments concerning the privileges of the House and its Members to advance privileged resolutions. I would like to make those arguments, and I want to make it clear through the legislative intent and history of today's request for a vote that we are challenging past precedents on the rulings and questions of privilege, and today's efforts are another step forward to bring back to the powers of the House those which the Constitution deems are within the jurisdictional authority of the House.

''Having said that, specifically article I, section 8 clearly states that Congress shall regulate commerce with foreign nations. Congress. Not the White House, not the Trade Rep, not the World Trade Organization. Although they can assist the Congress, they do not have the mandated authority to undertake the actions necessary for remedy in this condition. And I hope Congress is listening. I know they want to get out of here. But let us not talk about steel. Let us talk about the Constitution.

''Having said that, I believe that this matter of privilege today is within the scope of the United States House of Representatives for the following reasons. While I admit past precedents did not destroy the powers of Congress, the decisions of past Congresses, as upheld by the Chair, have diminished the Congress, specifically the House of the people. In that regard, the legal question is, if congressional powers are being diminished and there is a condition that does not lend itself to remedy by the House who has the mandated power to remedy, then the resolution must be heard on cause.

''So the Traficant appeal is saying, by the nature of past decisions, Parliamentarians and the Chair have upheld denying the resolutions of privilege, while I maintain that decision has created a diminishing power and authority that is duly granted to the Constitution, duly granted to the Members of the House of Representatives, and strips us of those powers specifically. That is what my question of a ruling is on.

''In closing, ladies and gentlemen, this is more than some trickery here. I want to say this to every Member in the House. We have delegated our authority. What we have not delegated has been usurped, and both sides of the aisle has allowed that to happen, and by not challenging this today and reversing past precedents, we in fact have diminished and destroyed what powers we are granted under the Constitution.''.

Mr. OBERSTAR was recognized and said:

''Mr. Speaker, the resolution under consideration, I believe, does constitute a question of privileges of the House, because the trade laws that the Congress has enacted over the last 60 years are designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products, including steel. Congressional intent as represented by the Trade and Tariff Act of 1930, is being specifically ignored.

''This is not a partisan matter. It is a matter that concerns Members on both sides of the aisle. It is not a matter limited to the present administration in Washington, the Clinton administration. It is an issue that has spread over several administrations, going back to the 1970s, the Carter administration, later the Reagan administration, the Bush administration. This Congress, through our congressional steel caucus, on a bipartisan basis has advocated vigorous action against unfairly traded steel.

''Shortly after the end of World War II a famous American historian and journalist, John Gunther, wrote:

> What makes America a great nation is the fact that it can roll over 90 million tons of steel ingots a year, more than Great Britain, prewar Germany, Japan, France and the Soviet Union combined.

''Gunther wrote:

> This is a steel age.

''We still live in that steel age. Steel is still the most versatile building material in an industrial society. We are the world's most efficient producer of steel. American steel industry has lost 350,000 jobs over the last decade, has closed over 450 plants, modernized its facilities to the tune of $50 billion of investment. We have gone from 10 man hours to produce a ton of steel in 1981 to 1½ to 3 hours depending on the type of steel today to produce a ton of steel compared with 4½ to 5 hours in Japan, 6½ hours in the European Union and 10 hours in Russia. And yet steel from those countries is being sold in the United States at below cost of production in the country of origin, and this administration, like previous administrations, until prodded by Congress, has not acted decisively to protect our domestic industry, our basic building block security industry.

''We need to act. This resolution that we propose as a point of privilege calls on the administration to act, we ought to bring that resolution to the House floor before this session of Congress adjourns, and I urge the Chair to rule in the interests of working men and women of America in the steel valley, the Mon Valley of Pennsylvania-Ohio, and the taconite industry of northern Minnesota and northern Michigan and in the interest of America's standing in the world community as a powerful economic force.''.

Mr. NEY was recognized and said:

''Mr. Speaker, I stand today to support this Visclosky privileged resolution which expresses the sense of the House that the integrity of our anti-dumping provisions of the Trade and Tariff Act of 1930 have not been enforced.

''My colleague from Ohio (Mr. TRAFICANT) I think has eloquently and adequately expressed the ability of this Congress to consider this privileged resolution.

''Trade laws that were enacted 60 years ago, Mr. Speaker, were designed to protect American workers. That is what this government did. It designed laws to protect American workers so they are not hurt by unfair trade practices.

''The U.S. steel workers and the steel industry are suffering in one of the

worst ways in recent modern times because the Asia and Russia financial crisis has led those countries to illegally dump their steel on the market. It could not be any clearer.

''Steel that was formerly produced for domestic consumption in Asia is now being shipped to the United States where it is sold at prices below the cost of production. Steel prices have fallen 20 percent in the last 3 months alone. The Europeans have protected itself and the steel industry against dumping by erecting temporary barriers on steel imports. So Europe has stood up for its workers; that is what Europe has done, Mr. Speaker. The European steel industry will weather the storm while the American steel industry and its workers are announcing new layoffs daily.

''We need to push for this resolution. We need to push the White House to do everything they can to stop illegal dumping practices that are damaging our steel industry.

''In closing, Mr. Speaker, I ask where is the Congress? Where is the White House? Where is the United States Government? Today we have a chance to answer those questions. We are here, by supporting the Visclosky resolution, to finally stand up for steel workers, to stand up for working Americans, to stand up for families in this country and to stand up for the United States. This is mandatory, it is a must, it is the right thing to do.

''Mr. Speaker, I support the Visclosky privileged resolution.''.

Mr. HINCHEY was recognized and said:

''Mr. Speaker, I would like to say a word on this resolution because I think the issue that is raised is critically important to the Members of this House and to the people of this country, and it is one that we ought to have a full and complete debate on. The reason I say that is in recognition of the statements that have been made just a few moments ago with regard to the impact that the dumping of steel is having on congressional districts and the people in those congressional districts, the workers in those congressional districts and their families across the country. This is an aggravated symptom of a much larger problem however.

''Mr. Speaker, we are in the midst of a global economic crisis, and one of the features of that global economic crisis is the propensity of some nations in the world suffering the effects of deflation to attempt to dump their products, both manufactured products and commodities, on to the markets of other countries. We are in a most vulnerable position indeed to this particular activity, and we have not done nearly enough to protect our economy from the effects of this kind of dumping.

''One of the things that we ought to do immediately is to petition the Federal Reserve to reduce interest rates substantially so that we may buttress our economy from the effects of this kind of dumping and the larger effects of the global economic crisis.

''In addition to that, we have a major issue that is currently before the Congress with regard to the International Monetary Fund which this Congress has not yet addressed. We need to increase the funding for the IMF, and if we were to do so, that increase in funding would make it less likely that resolutions of this nature would have to be brought to the floor.

''We are in an important issue right now. We need to decide this issue, bring that question of IMF funding before on the floor so that we can have a full and complete debate on it.

''The SPEAKER pro tempore. The Chair would remind the Members that the issue before the Members is neither the advisability of the United States trade policy nor the actions of the administration on trade, but rather the procedural question of whether the resolution offered by the gentleman from Indiana constitutes a question of the privileges of the House under rule IX. The Chair would ask Members to confine their arguments to that issue.''.

Mr. KUCINICH was recognized and said:

''Mr. Speaker, I rise in favor of a privileged motion for H. Con. Resolution 328 which provides Congress with an opportunity to protect the American steel worker and the American steel industry. I am in concurrence with previous speakers who cited the Constitution of the United States with respect to Congress' ability to protect commerce in this country and to protect the jobs of the people whom we serve.

''Mr. Speaker, I think that we are here as a Congress to say that Congress needs to take action on the crisis posed by cheap subsidized steel imports from developing countries that are trying to earn foreign exchange to repay their own onerous debts. American steel is under siege, and we need to stand up for American steel and for American jobs.

''So, therefore, I rise in favor of the privileged motion for H. Con. Resolution 328. I ask the Chair to grant the privileged motion. Otherwise I ask Members to vote for a motion to appeal a ruling of the Chair and vote for H. Con. Resolution 328. It is important that we stand up for America and stand up for American steel.''.

Mr. DOYLE was recognized and said:

''Mr. Speaker, I rise to be heard on the question of privilege offered by the gentleman from Indiana. The resolution under consideration constitutes a question of privilege of the House because trade laws enacted by the House over 60 years ago are being ignored. These laws were specifically designed to ensure that American workers are not hurt by unfair and illegal dumping of manufactured products including steel.

''I am sorry to say that the congressional intent, as represented by the Trade and Tariff Act of 1930, is specifically ignored. This is an external crisis caused by steel dumping in the U.S. by foreign producers for whom any price for steel is higher than the price they would get at home.

''Because of a result of the Asian and Russian financial crisis, there is no market for steel in their home countries. This is a crisis addressable by laws currently in effect which are not being enforced.

''U.S. steel remains very competitive. But steel was being dumped in the U.S. at below the cost of production, which is illegal and a violation of the laws that the Legislative Branch has enacted. U.S. trade laws are supposed to be enforced by the Executive Branch. The administration has failed to stop these illegal activities, and the dignity of this House is being impugned. I urge the support of the resolution.''.

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

''The Chair is prepared to rule on whether the resolution offered by the gentleman from Indiana [Mr. VISCLOSKY] presents a question of the privileges of the House under rule IX.

''The resolution offered by the gentleman from Indiana calls upon the President to address a trade imbalance in the area of steel imports. Specifically, the resolution calls upon the President to pursue enhanced enforcement of trade laws, to establish a task force on monitoring imports, and to submit a report to Congress by the date certain on that matter.

''A resolution expressing the legislative sentiment that the President should take specified action to achieve desired public policy end does not present the question affecting the rights of the House, collectively, its safety, dignity, or integrity of its proceedings as required under rule IX.

''In the opinion of the Chair, the resolution offered by the gentleman from Indiana is purely a legislative proposition, properly initiated through the introduction in the hopper under clause 4 of rule 22.

''The Chair will note a recent relevant precedent on this point. On February 7, 1995, Speaker GINGRICH ruled, consistent with the landmark ruling of May 6, 1921 by Speaker Gillett, that a resolution invoking the legislative powers enumerated in the Constitution and requiring a multifaceted evaluation and report by the Comptroller General on the proposed support of the Mexican pesos did not constitute the question of the privileges of the House.

''In his ruling, Speaker GINGRICH stated: 'Were the Chair to rule otherwise, then any alleged infringement by the Executive Branch, even, for example, through the regulatory process conferred on Congress by the Constitution would give rise to a question of the privileges of the House.'.

''Although constitutional prerogatives have not been invoked in the text of the resolution before us today, the principle put forth in the 1995 ruling is nevertheless pertinent, as evidenced by the debate on this question. To permit

a question of the privileges of the House addressing presidential trade policy through the mere invocation of the Constitution would permit any Member to advance virtually any legislative proposal as a question of the privileges of the House.

''Accordingly, the resolution offered by the gentleman from Indiana does not request constitute a question of the privileges of the House under rule IX and may not be considered at this time.''.

Mr. VISCLOSKY appealed the ruling of the Chair.

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

Mr. DAVIS of Virginia, 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. CALVERT, announced that the yeas had it.

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

A quorum not being present,

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

When there appeared { Yeas ..... 219 / Nays ..... 204 }

¶107.10 [Roll No. 512]

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

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

PRIVILEGES OF THE HOUSE—RETURN OF SENATE BILL

(¶112.39)

A RESOLUTION ASSERTING THAT A SENATE 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 BILL AMENDING THE RHINOCEROS AND TIGER CONSERVATION ACT OF 1994 TO CREATE A NEW BASIS FOR APPLYING IMPORT RESTRICTIONS ON PRODUCTS DERIVED FROM TIGERS OR RHINOCEROSES.

On October 15, 1998, Mr. CRANE rose to a question of the privileges of the House and submitted the following resolution (H. Res. 601):

H. RES. 601

Resolved, That the bill of the Senate (S. 361) entitled the ''Rhinoceros and Tiger Conservation Act of 1998'', 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. GUTKNECHT, 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. GUTKNECHT, 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.

PRIVILEGES OF THE HOUSE

(¶118.4)

A RESOLUTION ASSERTING CONSTITUTIONAL PREROGATIVES STEMMING FROM THE GRANT OF ELECTORAL VOTES FOR PRESIDENT TO THE DISTRICT OF COLUMBIA IN THE 23D AMENDMENT TO THE CONSTITUTION, AND RESOLVING THAT THE (STATUTORY, NONVOTING) DELEGATE FROM THE DISTRICT OF COLUMBIA BE PERMITTED TO CAST A VOTE IN THE HOUSE ON A RESOLUTION IMPEACHING THE PRESIDENT, IS TANTAMOUNT TO A CHANGE IN THE RULES IN THE HOUSE AND, THEREFORE, DOES NOT GIVE RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On December 18, 1998, Ms. NORTON, rose to a question of the privileges of the House and called up the following resolution (H. Res. 613):

H. RES. 613

Whereas rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively or the Members individually in their representative capacity are affected;

Whereas under the precedents, customs, and traditions of the House pursuant to rule IX, a question of privilege has arisen in cases involving the constitutional prerogatives of the House and of Members of the House; and

Whereas the House is prepared to consider a resolution impeaching the President, and the Delegate to the Congress from the District of Columbia seeks to assert the constitutional prerogative to cast a vote in the consideration of the resolution: Now, therefore, be it

Resolved,

SECTION 1. PROVIDING VOTE FOR DELEGATE FROM THE DISTRICT OF COLUMBIA IN CONSIDERATION OF PRESIDENTIAL IMPEACHMENT RESOLUTIONS.

Pursuant to section 2 of article I of the Constitution and the twenty-third article of amendment thereto granting the people of the District of Columbia the right to vote in presidential elections, the Delegate to the Congress from the District of Columbia shall be permitted to cast a vote in the House of Representatives in the same manner as a member of the House in the consideration by the House of any resolution impeaching the President or Vice President of the United States.

SEC. 2. EFFECTIVE DATE.

Section 1 shall apply with respect to any resolution impeaching the President or Vice President of the United States that is considered by the House of Representatives after the adoption of this resolution.

Ms. Norton was recognized and said:

''Mr. Speaker, most Americans do not know and most people in the world are unaware that the residents of the Nation's Capitol do not have any representation in the Senate and cannot vote on this floor.

''But the Constitution of the United States, in its 23rd amendment, does give to the residents of the District the right to vote for President and Vice President of the United States. The same Constitution that gives the District the right to vote for President must recognize the right of District residents to representation for a vote on removal of the President.

''I have submitted a narrowly-tailored resolution, along with a legal memorandum, for a narrowly-tailored right. I am not here asking for the delegate vote in the Committee of the Whole at this time. I am not asking for a House vote. I am asking to vote only on impeachment, in order to perfect the rights of District residents under the 23rd amendment. The House has abundant authority to grant me this right at this time.

''Clause 2 of the 23rd amendment gives the House the power to enforce the amendment through legislation. My resolution is that legislation. The District clause, as this body so often reminds us, gives Members full authority over the District of Columbia, and the impeachment clause gives Members unilateral authority, or the sole power of impeachment.

''The 23rd amendment explicitly treats the District as a State for purposes of electing the President and the Vice President.

''I ask for this right in the name of half a million people, the only Americans who pay Federal income taxes who do not have full representation in the Congress. They are a third per capita in Federal income taxes. Their one right that is explicitly mentioned in the Constitution is the right to vote for President and Vice President.

''The decision to expel a President from office is as important as the decision to elect the President to office. Indeed, the decision to expel him is more momentous. There are no partial rights in the Constitution. It is unconstitutional and irrational to interpret the 23rd amendment to afford a vote for President, but no vote on whether to impeach a President.

''Let this process begin on a high note of fairness. In the name of the half million American citizens who happen to live in the Nation's Capital, I ask for the vote in these impeachment proceedings, Mr. Speaker.

''Mr. Speaker, today I introduce a resolution affording the District of Columbia Delegate a vote in impeachment proceedings. The House is fully empowered to enact my resolution under Article I, §2, clause 5 of the Constitution (stating that the 'House of Representatives . . . shall have the sole

Power of Impeachment'); the Twenty-Third Amendment affording the people of the District of Columbia the right to vote for President of the United States; and Article I, §8, clause 17 of the Constitution affording Congress plenary power over the District of Columbia.

''I am seeking to protect the constitutional right of District residents to vote for President by securing a vote in the impeachment proceedings only. My resolution is narrowly tailored and would not be a grant of voting privileges to the Delegate in other proceedings of the House.

''American citizens living in the District of Columbia participated in the last two presidential elections by choosing as their electors three citizens pledged to President Clinton. Unless Congress acts to remedy the situation under the Twenty-Third Amendment, the District population will be the only community of American citizens who participated in the Presidential elections of 1992 and 1996 who will have no vote at all on impeachment or conviction.

''This constitutional asymmetry not only violates the rights of more than half a million voters; it is unnecessary. Congress has sufficient authority under the District Clause and under the enforcement clause of the Twenty-Third Amendment to grant the District of Columbia Delegate to the House of Representatives a vote in the House impeachment process on the House floor. The Supreme Court has liberally construed enforcement clauses in all of the suffrage amendments to vindicate the broad and central constitutional purpose of securing equal voting and participation rights for all Americans.

''The Twenty-Third Amendment put the District of Columbia essentially on the same level as the states for purposes of presidential elections.

''The purpose of Twenty-Third Amendment was to give Congress the power to provide the residents of the District an equal role in selecting the President and the Vice-President. The Amendment allows District residents to participate in presidential elections on an equal footing with the states.

''Today, this right can be fully vindicated only by reading the Twenty-Third Amendment to permit Congress to grant the District of Columbia Delegate a vote on the Resolution Impeaching William Jefferson Clinton, President of the United States. Otherwise, the political will and sovereignty of residents of the District of Columbia in the selection of the president will be lost in violation of the Twenty-Third Amendment.

''The legislative history of the Twenty-Third Amendment does not contradict this conclusion. Apparently because impeachment has been so rare, there was no discussion of this problem at the time. This is the first occasion that articles of presidential impeachment will go to the floor of the House since the Twenty-Third Amendment was added to the Constitution in 1961. This is a case of first impression.

''The Twenty-Third Amendment is part of our Constitution's progressive inclusion of all 'the governed' in the processes of government. The Fifteenth Amendment secured the right of African-Americans to vote. The Nineteenth Amendment extended the right to vote to women. The Twenty-Fourth Amendment abolished the poll tax. The Twenty-Sixth Amendment gave the right to vote to 18-year olds. All of these suffrage amendments have been interpreted liberally to secure the inclusion of once disenfranchised Americans. As the Supreme Court stated in *Reynolds* v. *Sims* in 1964: 'history has seen a continuing expansion of the scope of the right of suffrage in this country. The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.' 337 U.S. 533 (1964).

''This reasoning applies equally to the Twenty-Third Amendment and American citizens who happen to live in the nation's capital.

''The case for the Delegate's vote on impeachment would be harder put if such participation had to be self-executing. But section 2 provides that, 'the Congress shall have power to enforce this article by appropriate legislation.' Since Congress is given the instrumental role in activating and enforcing the Twenty-Third Amendment, it may interpret that amendment to give the Delegate the right to cast her vote along with the representatives of all the other states that participated in the presidential electoral college.

''The Supreme Court has clearly treated impeachment as a political question solely within legislative competence and control. In *Nixon* v. *United States,* 506 U.S. 224 (1993), the Court rejected an impeached judge's attack on Senate Impeachment Rule XI, under which the presiding officer appoints a committee of Senators to 'receive evidence and take testimony.' The Court found that this process of delegating to a committee was wholly within the Senate's powers because the Senate has 'the sole power to try all Impeachments.' Article I, Section 3, Clause 6. The Court found that the 'common sense meaning of the word 'sole' is that the Senate alone shall have authority to determine whether an individual should be acquitted or convicted.... If the courts may review actions of the Senate in order to determine whether that body 'tried' an impeached official, it is difficult to see how the Senate would be 'functioning ... independently and without assistance or interference.'.

''Just as the Senate has the 'sole power' to shape and control the trial process, the House of Representatives has the 'sole power of Impeachment' in the first instance. Article I, Section 2, Clause 5. As the Nixon Court itself pointed out in discussing the nonreviewability of the Senate trail, 'the word 'sole' appears only one other time in the Constitution—with respect to the House of Representatives' sole Power of Impeachment.' Thus, like the Senate, the House of Representatives is free to structure the impeachment proceeding consistent with its own judgment of constitutional requirements.

''The Delegate's participation on the impeachment articles can thus be accomplished by way of a House rule. Article 1, Section 5 of the Constitution generally makes 'Each House' both 'the Judge of the Elections, Returns and Qualifications of its own Members' and the sole body to 'determine the Rules of its proceedings.' As precedent, the House unilaterally granted the Delegate from the District of Columbia and other Delegates full power to vote in Committee of the Whole deliberations, a decision upheld against constitutional attack in Michel v. Anderson. This case, too, presents little constitutional difficulty because the House is not acting in its bicameral legislative capacity but rather in its unilateral capacity to 'have the sole power of Impeachment' under Article 1, Section 2. Thus, the House must be able to design and enforce its own rules for conducting the impeachment process.

''The Supreme Court has recognized an extremely broad degree of interpretive powers under congressional enforcement clauses found in the Constitution's suffrage amendments. In Katzenbach versus Morgan it upheld the power of Congress, under Section 5 of the Fourteenth Amendment, to override a New York law and grant the right to vote to all persons who had completed the sixth grade in Puerto Rican schools regardless of their inability to read or write English. The Court rejected the argument that Congress' powers under the enforcement clause were limited only to what the Fourteenth Amendment itself required, stating rather that: 'It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Some legislation is contemplated to make the amendments fully effective.'

''The Court emphasized that Congress was acting to protect voting rights and expressed reluctance to interfere with congressional judgment in this field. The Court said: 'It was well within congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal intrusion upon any state interests served by the English literacy requirement. It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations...'

''The Court concluded that any legislation enacted under the enforcement clause of the Fourteenth Amendment was permissible so long as the enactment 'is plainly adapted to [the] end' of enforcing Equal Protection and 'is not prohibited by but is consistent with 'the letter and spirit of the Constitution', regardless of whether Equal Protection itself dictates such a result.

''Elsewhere, the Court has also found that enforcement clauses give the Con-

gress the power to act to vindicate voting interests even where a particular statutory result is not constitutionally required. In South Carolina versus Katzenbach, the Court upheld Congress' power under Section 2 of the Fifteenth Amendment to enact the Voting Rights Act of 1965, which included a ban on literacy tests, the requirement that new voting rules must be precleared, and the use of federal voting examiners. The Court stated that 'Congress has full remedial powers to effectuate the constitutional prohibition against racial discrimination in voting.' These powers are defined in these terms: 'Whatever legislation is appropriate, that is, adapted to carry out the objects the [Reconstruction] amendments have in view, whatever tends to enforce submission to the prohibitions they contain, and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.'

''In Oregon versus Mitchell, the Court unanimously upheld the Voting Rights Act Amendments of 1970, which banned literacy tests for five years. Using a mere rationality test, the court found that Congress could rationally have found that these measures were needed to attack the perpetuation of racial discrimination. In City of Rome versus United States, the Court upheld Congress' Section 2 power to ban electoral changes that are discriminatory in effect intentional discrimination in voting. Thus, the Court found that Congress' enforcement authority under Section 2 went beyond the strict requirements of Section 1. The Court stated that it 'is clear ... that under Section 2 of the Fifteenth Amendment Congress may prohibit practices that in and of themselves do not violate Section 1 of the Amendment, so long as the prohibitions attacking racial discrimination in voting are 'appropriate.'.

''Because the Twenty-Third Amendment is an attempt to bring voting rights to a historically disenfranchised population, its enforcement clause should be read in a very broad way consistent with the Court's deference to congressional enforcement of suffrage rights. It is also relevant that the District Clause, contained in Article 1, Section 8, Clause 17 of the Constitution, provides that Congress shall exercise 'exclusive Legislation in all cases whatsoever over 'the District.' This 'plenary power' has been interpreted by the Supreme Court to give Congress complete authority over the District. There is thus ample constitutional basis for Congress having the final authority to define the meaning of the Twenty-third amendment, given that this is a 'case' involving the District. The courts, at any rate, would, in all likelihood, treat this matter as a political question solely within the legislative competence, as impeachment is clearly a political question, as determined by the Supreme Court in *Nixon* versus *United States*, 506 U.S. 224 (1993).'.''.

The SPEAKER pro tempore, Mr. LAHOOD, 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 from the District of Columbia seeks to provide the Delegate from the District of Columbia the right to vote in the House on a resolution of impeachment.

''Pursuant to Title II, section 25(a) of the United States Code, the Delegate to the House of Representatives from the District of Columbia is accorded a seat in the House, with the right of debate but not of voting.

''Under rule XII of the rules of the House, the right of a Delegate to vote is confined to committee. The Chair will state a basic principle on proper questions of privilege as recorded on page 366 of the House Rules and Manual.

''A question of the privileges of the House may not be invoked to affect a change in the rules or standing orders of the House. Altering the right to vote of a delegate is tantamount to a change in the rules of the House and is not a proper question of privilege.''.

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PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

(¶118.7)

A RESOLUTION PROPOSING ARTICLES OF IMPEACHMENT OF THE PRESIDENT GIVES RISE TO A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

A RESOLUTION REPORTED AS A QUESTION OF THE PRIVILEGES OF THE HOUSE MAY BE CALLED UP AT ANY TIME WITHOUT REGARD TO THE THREE-DAY AVAILABILITY REQUIREMENT OF CLAUSE 2(L)(6) OF RULE XI.

PENDING THE CONSIDERATION OF A RESOLUTION IMPEACHING THE PRESIDENT, THE CHAIR ENUNCIATED STANDARDS OF DECORUM IN DEBATE.

On December 18, 1998, Mr. HYDE, rose to a question of the privileges of the House and called up the following resolution (H. Res. 611):

H. RES. 611

Resolved, That William Jefferson Clinton, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against William Jefferson Clinton, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

On August 17, 1998, William Jefferson Clinton swore to tell the truth, the whole truth, and nothing but the truth before a Federal grand jury of the United States. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony to the grand jury concerning one or more of the following: (1) the nature and details of his relationship with a subordinate Government employee; (2) prior perjurious, false and misleading testimony he gave in a Federal civil rights action brought against him; (3) prior false and misleading statements he allowed his attorney to make to a Federal judge in that civil rights action; and (4) his corrupt efforts to influence the testimony of witnesses and to impede the discovery of evidence in that civil rights action.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE II

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has willfully corrupted and manipulated the judicial process of the United States for his personal gain and exoneration, impeding the administration of justice, in that:

(1) On December 23, 1997, William Jefferson Clinton, in sworn answers to written questions asked as part of a Federal civil rights action brought against him, willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning conduct and proposed conduct with subordinate employees.

(2) On January 17, 1998, William Jefferson Clinton swore under oath to tell the truth, the whole truth, and nothing but the truth in a deposition given as part of a Federal civil rights action brought against him. Contrary to that oath, William Jefferson Clinton willfully provided perjurious, false and misleading testimony in response to questions deemed relevant by a Federal judge concerning the nature and details of his relationship with a subordinate Government employee, his knowledge of that employee's involvement and participation in the civil rights action brought against him, and his corrupt efforts to influence the testimony of that employee.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE III

In his conduct while President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice, and has to that end engaged personally, and through his subordinates and agents, in a course of conduct or scheme designed to delay, impede, cover up, and conceal the existence of evidence and testimony related to a Federal civil rights action brought against him in a duly instituted judicial proceeding.

The means used to implement this course of conduct or scheme included one or more of the following acts:

(1) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to execute a sworn affidavit in that proceeding that he knew to be perjurious, false and misleading.

(2) On or about December 17, 1997, William Jefferson Clinton corruptly encouraged a witness in a Federal civil rights action brought against him to give perjurious, false and misleading testimony if and when called to testify personally in that proceeding.

(3) On or about December 28, 1997, William Jefferson Clinton corruptly engaged in, encouraged, or supported a scheme to conceal evidence that had been subpoenaed in a Federal civil rights action brought against him.

(4) Beginning on or about December 7, 1997, and continuing through and including January 14, 1998, William Jefferson Clinton intensified and succeeded in an effort to secure job assistance to a witness in a Federal civil rights action brought against him in order to corruptly prevent the truthful testimony of that witness in that proceeding at a time when the truthful testimony of that witness would have been harmful to him.

(5) On January 17, 1998, at his deposition in a Federal civil rights action brought against him, William Jefferson Clinton corruptly allowed his attorney to make false and misleading statements to a Federal judge characterizing an affidavit, in order to prevent questioning deemed relevant by the judge. Such false and misleading statements were subsequently acknowledged by his attorney in a communication to that judge.

(6) On or about January 18 and January 20–21, 1998, William Jefferson Clinton related a false and misleading account of events relevant to a Federal civil rights action brought against him to a potential witness in that proceeding, in order to corruptly influence the testimony of that witness.

(7) On or about January 21, 23 and 26, 1998, William Jefferson Clinton made false and misleading statements to potential witnesses in a Federal grand jury proceeding in order to corruptly influence the testimony of those witnesses. The false and misleading statements made by William Jefferson Clinton were repeated by the witnesses to the grand jury, causing the grand jury to receive false and misleading information.

In all of this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ARTICLE IV

Using the powers and influence of the office of President of the United States, William Jefferson Clinton, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in disregard of his constitutional duty to take care that the laws be faithfully executed, has engaged in conduct that resulted in misuse and abuse of his high office, impaired the due and proper administration of justice and the conduct of lawful inquiries, and contravened the authority of the legislative branch and the truth seeking purpose of a coordinate investigative proceeding, in that, as President, William Jefferson Clinton refused and failed to respond to certain written requests for admission and willfully made perjurious, false and misleading sworn statements in response to certain written requests for admission propounded to him as part of the impeachment inquiry authorized by the House of Representatives of the Congress of the United States. William Jefferson Clinton, in refusing and failing to respond and in making perjurious, false and misleading statements, assumed to himself functions and judgments necessary to the exercise of the sole power of impeachment vested by the Constitution in the House of Representatives and exhibited contempt for the inquiry.

In doing this, William Jefferson Clinton has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States.

Wherefore, William Jefferson Clinton, by such conduct, warrants impeachment and trial, and removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore, Mr. LAHOOD, spoke and said.

''The Chair would like to read an announcement to all Members.

''Today the House will embark on a resolution of impeachment of the President of the United States. The Chair would take this occasion to make an announcement regarding proper decorum during debate in the House during the pendency of the impeachment resolution.

''As the Speaker announced, with the concurrence of the minority leader, on September 10, 1998, during the pendency of proceedings in an impeachment as the pending business on the floor of the House, remarks in debate may include references to personal misconduct on the part of the President.

''While limited references in debate to the personal conduct of the President are allowed, the stricture against personally offensive references is not totally disabled. To the contrary, this exception to the general rule against engaging in personality, admitting references to personal conduct when that conduct is the very question under consideration by the House, is not limited. The point was well stated on July 31, 1979, in the analogous circumstances of a disciplinary resolution involving a sitting Member:

''While a wide range of discussion is permitted during debate, clause 1 of rule 14 still prohibits the use of language which is personally abusive.

''This is recorded in the Deschler-Brown Procedure in the House of Representatives in chapter 12, at section 2.11.

''While the impeachment matter is pending on the floor, the Chair would remind Members that although the personal conduct of the President is at issue, the rules prohibit Members from engaging in generally personal abusive language toward the President and, also, from engaging in comparisons to personal conduct of sitting Members of either House of Congress.

''The Chair asks and expects the cooperation of the Members in maintaining a level of decorum that properly dignifies the proceedings of the House.''.

After debate,

Mr. SENSENBRENNER rose, was recognized for an additional hour under clause 2 of Rule XIV.

After further debate,

Pending further consideration of said resolution,

¶118.8 ORDER OF BUSINESS—FURTHER CONSIDERATION OF H. RES. 611

A RESOLUTION PROPOSING FOUR ARTICLES OF IMPEACHMENT WITH SEPARATE DECLARATIONS OF IMPEACHMENT, REMOVAL, AND DISQUALIFICATION FROM FUTURE FEDERAL OFFICE IS SUBJECT TO A DEMAND FOR A DIVISION OF THE QUESTION AS AMONG EACH ARTICLE.

On motion of Mr. HYDE, by unanimous consent,

Ordered, That, during further consideration of House Resolution 611, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion except: (1) debate on the resolution for a period not to extend beyond 10 p.m. tonight, equally divided at the outset and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and one further hour of debate on Saturday, December 19, 1998, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; (2) after such first period of debate, a motion to adjourn; and (3) one motion to recommit with or without instructions, which, if including instructions, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent.

Ordered further, That, during consideration of a resolution appointing and authorizing managers for the impeachment trial of William Jefferson Clinton, President of the United States, the previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for a division of the ques-

tion except ten minutes of debate on the resolution equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. When the House adjourns on Friday, December 18, 1998, it adjourn to meet at 9 o'clock a.m. on Saturday, December 19.

Pending further consideration of said resolution,

Mr. SOLOMON demanded that the question be divided on each Article of impeachment contained in the resolution.

The SPEAKER pro tempore, Mr. LAHOOD, announced the question was divisible and would be divided for the vote by Article.

Pursuant to the foregoing order of the House, the SPEAKER pro tempore, Mr. LAHOOD, recognized Mr. SENSENBRENNER and Mr. CONYERS for a period not to extend beyond 10 p.m.

After further debate,

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to the previous order of the House, debate was concluded on House Resolution 611 until Saturday, December 19, 1998.

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PRIVILEGES OF THE HOUSE—IMPEACHING WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

(¶119.4)

UNDER CLAUSE 4 OF RULE I AND THE SETTLED PRACTICE OF THE HOUSE, THE CHAIR ORDINARILY DECIDES QUESTIONS OF ORDER, SUBJECT TO APPEAL TO THE HOUSE.

TO A RESOLUTION REPORTED AND PENDING AS PRIVILEGED, AN AMENDMENT PROPOSING TO BROACH NONPRIVILEGED MATTER IS NOT GERMANE.

TO A RESOLUTION INVOKING THE EXCLUSIVE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO IMPEACH, AN AMENDMENT PROPOSING AN INTRINSICALLY DIFFERENT SANCTION HAVING NO CONSTITUTIONAL SOURCE IS NOT GERMANE.

TO A RESOLUTION PURSUING THE ESSENTIALLY REMEDIAL END OF IMPEACHMENT BY THE HOUSE, AN AMENDMENT INSTEAD PURSUING THE PUNITIVE END OF CENSURE BY THE AMERICAN PEOPLE AND THE HOUSE IS NOT GERMANE.

TO A PROPOSAL TO IMPEACH, A PROPOSAL TO CENSURE IS NOT GERMANE.

TO A RESOLUTION REPORTED AS PRIVILEGED AND UNDER CONSIDERATION AS A QUESTION OF THE PRIVILEGES OF THE HOUSE, AND PROPOSING TO EXERCISE THE EXCLUSIVE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO IMPEACH THE PRESIDENT AS A REMEDY FOR STATED MISCONDUCT, A MOTION TO RECOMMIT TO THE COMMITTEE ON THE JUDICIARY WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT IN THE NATURE OF A SUBSTITUTE INSTEAD EXPRESSING THE CENSURE AND CONDEMNATION OF THE AMERICAN PEOPLE AND THE HOUSE AS PUNISHMENT FOR SUCH MISCONDUCT IS NOT GERMANE.

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

On December 19, 1998, the SPEAKER pro tempore, Mr. LAHOOD, announced the unfinished business was the further consideration of the resolution (H. Res. 611), impeaching William Jefferson Clinton, President of the United States, for high crimes and misdemeanors.

The Clerk read the title of the resolution.

The SPEAKER pro tempore, MR. LAHOOD, pursuant to the order of the House of Friday, December 18, 1998, the resolution was debatable for 1 additional hour equally divided between the gentleman from Illinois [Mr. HYDE] and the gentleman from Michigan [Mr. CONYERS], and the previous question is ordered on the resolution to final adoption without intervening motion except one motion to recommit.

After debate,

Pursuant to the order of the House of December 18, the previous question was ordered on the resolution.

Mr. BOUCHER moved to recommit the bill to the Committee on Judiciary with instructions to report the bill back to the House forthwith with the following amendment:

Strike out all after the enacting clause and insert:

That it is the sense of the House that—

(1) on January 20, 1993, William Jefferson Clinton took the oath prescribed by the Constitution of the United States faithfully to execute the office of President; implicit in that oath is the obligation that the President set an example of high moral standards and conduct himself in a manner that fosters respect for the truth; and William Jefferson Clinton, has egregiously failed in this obligation, and through his actions violated the trust of the American people, lessened their esteem for the office of President, and dishonored the office which they have entrusted to him;

(2)(A) William Jefferson Clinton made false statements concerning his reprehensible conduct with a subordinate;

(B) William Jefferson Clinton wrongly took steps to delay discovery of the truth; and

(C) inasmuch as no person is above the law, William Jefferson Clinton remains subject to criminal and civil penalties; and

(3) William Jefferson Clinton, President of the United States, by his conduct has brought upon himself, and fully deserves, the censure and condemnation of the American people and this House.

Pending consideration of said motion,

Mr. SOLOMON reserved a point of order against the motion to recommit with instructions.

The SPEAKER pro tempore, Mr. LAHOOD, pursuant to the order of the House of December 18, 1998, recognized Mr. BOUCHER and Mr. SOLOMON for five minutes each,

After debate,

POINT OF ORDER

(¶119.5)

UNDER CLAUSE 4 OF RULE I AND THE SETTLED PRACTICE OF THE HOUSE, THE CHAIR ORDINARILY DECIDES QUESTIONS OF ORDER, SUBJECT TO APPEAL TO THE HOUSE.

TO A RESOLUTION REPORTED AND PENDING AS PRIVILEGED, AN AMENDMENT PROPOSING TO BROACH NONPRIVILEGED MATTER IS NOT GERMANE.

TO A RESOLUTION INVOKING THE EXCLUSIVE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO IMPEACH, AN AMENDMENT PROPOSING AN INTRINSICALLY DIFFERENT SANCTION HAVING NO CONSTITUTIONAL SOURCE IS NOT GERMANE.

TO A RESOLUTION PURSUING THE ESSENTIALLY REMEDIAL END OF IMPEACHMENT BY THE HOUSE, AN AMENDMENT INSTEAD PURSUING THE PUNITIVE END OF CENSURE BY THE AMERICAN PEOPLE AND THE HOUSE IS NOT GERMANE.

TO A PROPOSAL TO IMPEACH, A PROPOSAL TO CENSURE IS NOT GERMANE.

TO A RESOLUTION REPORTED AS PRIVILEGED AND UNDER CONSIDERATION AS A QUESTION OF THE PRIVILEGES OF THE HOUSE, AND PROPOSING TO EXERCISE THE EXCLUSIVE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO IMPEACH THE PRESIDENT AS A REMEDY FOR STATED MISCONDUCT, A MOTION TO RECOMMIT TO THE COMMITTEE ON THE JUDICIARY WITH INSTRUCTIONS TO REPORT FORTHWITH AN AMENDMENT IN THE NATURE OF A SUBSTITUTE INSTEAD EXPRESSING THE CENSURE AND CONDEMNATION OF THE AMERICAN PEOPLE AND THE HOUSE AS PUNISHMENT FOR SUCH MISCONDUCT IS NOT GERMANE.

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

On December 19, 1998, Mr. SOLOMON, made a point of order against the motion to recommit with instructions, and said:

''Mr. Speaker, I make the point of order against this motion to recommit on the grounds that it does violate clause 7 of House Rule XVI, that is the germaneness rule.

''Mr. Speaker, this rule is a rule of the House and it requires amendments to be germane to the text that one is attempting to amend. And, Mr. Speaker, House Resolution 611, a resolution impeaching President Clinton for high crimes and misdemeanors, was reported as a question of privileges of the House under Rule IX. This privileged status is established by the Constitution in Article I, Section 2, which grants the House the sole power of impeachment.

''It is also established by numerous precedents in the history of this House in which resolutions of impeachment have been called up as privileged matter on the floor.

''Mr. Speaker, the motion to recommit contains matter which is not privileged for consideration by this House. An attempt to insert nonprivileged matter into privileged matter by amendment clearly violates the germaneness rules of this House.

''Mr. Speaker, in order to be held germane, an amendment must share a fundamental purpose with the text one at-

tempts to amend. Impeachment is the prescribed mechanism to address this conduct by the chief executive, and any other procedure has no foundation in the Constitution and is not contemplated by the separation of powers. To attempt to substitute a censure for impeachment is to violate the overall purpose of the Constitution's impeachment clause.

''Mr. Speaker, the fundamental purpose of the motion to recommit presently before the House obviously does not conform to the fundamental purpose of the impeachment resolution. It proposes a different end, a different result and a different method of achieving that end.

''Mr. Speaker, I urge the Chair to sustain this point of order.

''I ask unanimous consent to insert extraneous matter at this point in the RECORD. It is a ''Dear Colleague'' letter to Members from myself and the incoming chairman of the Committee on Rules, the gentleman from California [Mr. DREIER].

''Finally, Mr. Speaker, let me just say that this House has a tradition, it has a tradition of nonpartisan rulings by the Chair on questions of germaneness. Indeed, the parliamentarian of the House is a nonpartisan officer of the majority and minority party Members. These recommendations are based on an orderly set of factual rulings from the past which establish precedents of the future.

''Mr. Speaker, I urge you to continue your reputation of fairness and sustain this point of order.''.

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

''Mr. Speaker, there is nothing unusual or unprecedented in offering this motion. On many occasions the House has debated resolutions to censure presidents, other executive officials, even private citizens. In fact, Mr. Speaker, the House has even debated an amendment to convert articles of impeachment into a censure resolution. In 1830, Mr. Speaker, no one even questioned the legitimacy of that amendment.

''The Boucher amendment to censure the President is germane to the articles of impeachment that we find before us.

''Mr. Speaker, in proposing this amendment, we are simply following the precedents of the House. The 3rd volume of Hinds' Precedents, section 2367, clearly records that during the impeachment of Judge James Peck, Representative Edward Everett of Massachusetts offered an amendment to an impeachment resolution. That amendment stated that the ''House does not approve of the conduct of James Peck'' and goes on to recommend that he not be impeached. This is, in essence, Mr. Speaker, what the motion of the gentleman from Virginia [Mr. BOUCHER] does.

''The Boucher amendment strikes out the articles of impeachment and, in a more expansive formulation, states that the ''House does not approve of the conduct of'' President Clinton. The House went on to defeat Representative EVERETT's amendment, but it was offered, it was debated, and it was voted upon.

''Mr. Speaker, we are asking for the same consideration that the precedents of the House prove was given before. And furthermore, Mr. Speaker, the Peck case is not the only time that the House has considered censure of an individual subject to impeachment.

''In a recent study, the Congressional Research Service reported that the House has considered censuring executive officials a total of 9 times. And the House also has censured its own Members.

''The Republican-led House has considered numerous resolutions expressing its disapproval of individuals and their conduct. Just recently the House condemned travel by Louis Farrakhan and the House castigated the remarks of Sara Lister, Assistant Secretary of the Army for Manpower. The House even expressed itself on the President's assertions of executive privilege. And the House expressed its views on many other matters.

''Surely, Mr. Speaker, if the House can approve the display of the Ten Commandments, it can censure the deplorable behavior of President Clinton, and we are simply asking for that opportunity.

''The gentleman from New York [Mr. SOLOMON] makes the point of order that the amendment is nongermane. The amendment could be challenged on three grounds: First, that it is not germane to amend privileged material with nonprivileged material; second, that even if censure is considered as privileged, the fundamental purpose of impeachment is different from censure; and third, that censure is not a constitutionally sound remedy.

''On the first argument, Mr. Speaker, the Chair may be tempted to follow footnote 8 in Deschler's volume 3, chapter 14, section 1.3 which states that it is not germane to amend impeachment which is privileged material with censure which is nonprivileged material. But I ask the Chair to withhold judgment on that. The footnote itself acknowledges that this is not a matter of precedent because the issue has never arisen. Again, Mr. Speaker, this is not a matter of precedent because the issue has never arisen.

''Moreover, it is clearly established that resolutions of censure have been considered as privileged in the past.

''In the second volume of Hinds, section 1625, a Mr. A.P. Field was reprimanded in the well of the House by the Speaker pursuant to a privileged resolution. And this is not the only case, Mr. Speaker. The 6th volume of Cannons precedents, section 333, records that in 1913, a Mr. Charles Glover was also brought to the well of the House. He was reprimanded by the Speaker pursuant to a privileged resolution.

''Mr. Speaker, it is clearly established that resolutions that provide for censure or reprimand have been considered as privileged in the past. In sum, it is supported by the precedents that resolutions of censure have been treated as privileged by this House and, therefore, the argument that it is not germane to amend privileged matters with nonprivileged material is not at issue in this case.

''The second line of argument my Republican colleagues use is that censure has a fundamentally different purpose than impeachment. The argument is that impeachment is intended to remedy a constitutional crisis whereas censure is designed to punish.

''Mr. Speaker, let me ask, where is the remedial meaning in phrases such as ''acted in a manner subversive of the rule of law and justice'' ''has brought disrepute on the presidency'' and ''exhibited contempt for the inquiry''?

''These words of censure are found in the very articles before us. Clearly, Mr. Speaker, this language is meant to inflict punishment on the President, punishment that is at odds with the remedial nature of impeachment.

''The articles of impeachment also touch on this issue of punishment by recommending to the Senate that the President be tried, convicted, removed from office and forbidden to hold any office in the future. In fact, Mr. Speaker, the House has never, ever recommended to the Senate that the person being impeached also be prohibited from holding other office. Even in the highly-charged, politically-motivated impeachment of President Andrew Johnson, the House did not dare recommend to the Senate an appropriate punishment.

''The committee clearly intends not only to remedy the situation by impeaching the President but also intends to punish him by its disqualification to hold and enjoy office of honor, trust or profit under the United States.

''The words of Alexander Hamilton in Federalist 65 are instructive. When discussing impeachment, Hamilton uses the word ''punishment'' to describe being denied future public office. It certainly sounds like punishment to me, Mr. Speaker.

''Mr. Hamilton also describes that punishment as being ''sentenced to a perpetual ostracism from the esteem and confidence and honors and emoluments of this country.'' Clearly, Alexander Hamilton believed that denial of future public office was intended to be punitive as well as remedial.

''Mr. Speaker, since this resolution contains both remedial impeachment and punitive censure, it should be germane to propose censure alone. The Committee on the Judiciary itself has opened the door by censuring the President.

''The last argument that is being propounded is that censure is not a constitutionally sound remedy. I would urge the Speaker not to entertain this argument. It is well established that the presiding officer does not pass judgment on the constitutionality of any

proposed legislation, 8 Cannon section 3031.

''If the Speaker still feels constrained to address the constitutional question, I remind the Chair that the House has attempted to censure Federal officials numerous times in the past and has in fact voted to censure such individuals.

''Not once, Mr. Speaker, not once has there been a successful constitutional challenge. Clearly, censure is not prohibited by the Constitution.

''Mr. Speaker, I respectfully remind the Chair that you are ruling on a profoundly important matter, a matter of whether to allow us a vote of conscience in the matter of impeachment. In the 210 years of Congress, 210 years that Congress has been in existence, no Chair has ever been called on to rule whether censure is germane to impeachment. I repeat that. In 210 years, the Chair has never been called on to rule on that. Your decision would be the first and the only such decision and will be recorded in the rule books as such.

''Volume 3 of Deschler's notes, and I quote, ''the issue of whether a proposition to censure a Federal officer would be germane to a proposition for his impeachment has not arisen.'' While the Chair was not asked to rule on the question then, the House has considered an amendment to the impeachment resolution to censure Judge Peck and in has in other instances considered censure resolutions as privileged.

''Mr. Speaker, it has happened in the past. I urge the Chair to follow the weight of House practice and to overrule the point of order.''.

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

''Mr. Speaker, I rise in support of the point of order on the motion to recommit because it is not germane to House Resolution 611.

''Clause 7 of rule XVI of the rules of the House of Representatives provides that 'no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.' Prior rulings of the House have held this provision applicable to motions to recommit with or without instructions. A motion to recommit is not in order if it would not be in order as an amendment to the underlying proposition.

''The constitutional prerogatives of the House, such as impeachment and matters incidental thereto, are questions of high privilege under rule IX of the House rules.

''A joint or simple resolution evincing the disapproval of the House is not a question of privilege under the rules of the House.

''Furthermore, the fundamental principle of such a censure resolution is inconsistent with the fundamental purpose of an impeachment resolution.

''I would point out to the Chair that the motion to recommit with instructions that is under consideration here is not even a censure motion. It is a sense of the Congress resolution, and I would refer the Chair to the last four lines of their resolution, that William Jefferson Clinton, President of the United States, by his conduct has brought upon himself and fully deserves the censure and condemnation of the American people and this House.

''It says he deserves the censure but it does not censure him.

''We have heard an awful lot about the rule of law during this debate, which I think has been one of the finest debates that the House of Representatives has had.

''This is our opportunity to uphold our rules, our laws, and I would strongly urge the Chair to sustain the point of order.''.

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

''Mr. Speaker, the argument has been made that censure is unprecedented, uncommon or unconstitutional. That simply is not the case.

''In the impeachment of Judge Peck, an amendment was offered that contained a censure. The gentleman from Massachusetts [Mr. MOAKLEY] spoke to this in his remarks. I want to point out that on many other occasions the House has chosen censure over impeachment. I would like to cite a few examples.

''In the case of Judge Speers, the committee report stated, and I am quoting, 'The record presents a series of legal oppressions that demand condemnation and criticism.' Even in the light of this finding, the committee did not recommend proceeding with impeachment and the report containing censure was adopted.

''In the cases of Judge Harry Anderson, Judge Frank Cooper, Judge Grover Moscowitz, Judge Blodgett, Judge Boarman, Judge Jenkins and Judge Ricks, the committee recommended censure instead of proceeding with impeachment.

''The fact of the matter, Mr. Speaker, is that there is a long-standing history in the House of substituting censure for impeachment. Sometimes, as in the Louderback case, the Committee on the Judiciary recommends censure and the House rejects that recommendation and votes impeachment. Other times the committee has recommended censure over impeachment and the House has agreed with that recommendation. Mr. Speaker, what is important is that the House has had a choice between censure and impeachment.

''There is also a long tradition in the House of censuring executive officers. As we have heard, a recent Congressional Research Service study found nine instances where the House has attempted to censure Federal officials. Presidents John Adams, John Tyler, James Polk and James Buchanan were all subject of censure resolutions. In addition, Treasury Secretary Alexander Hamilton, Navy Secretary Isaac Toucey, former War Secretary Simon Cameron, Navy Secretary Gideon Welles, and Ambassador Thomas Bayard as well, were all subject to censure resolutions.

''Indeed, private citizens have also been censured by the House. The gentleman from Massachusetts [Mr. MOAKLEY] cited two examples in his opening argument. The House has also censured a Mr. John Anderson, a Mr. Samuel Houston, and moved to censure Mr. Russell Jarvis.

''I believe these examples will dispel the myth that censure by the House is uncommon, unprecedented or unconstitutional.

''The most salient fact is that when the House wants to censure an individual, both private citizens and executive officers, it can and it has. There is no constitutional prohibition against such an action, and the Congress has freely engaged in passing such censures.

''The question before the Speaker is, with this long line of precedent, can censure be offered as an alternative to impeachment? The answer is clearly yes. As I cited above, the House has on many occasions adopted reports from the Committee on the Judiciary that has given the House the opportunity to express its views, its lack of regard, its censure, its condemnation, as an alternative to impeaching a judge. The same model should hold here.

''Mr. Speaker, I would argue that the reason this is such a long-standing practice and precedent of the House is because it just makes good common sense. When the House does not feel impeachment is warranted, but does want to go on the record censuring certain behavior, it has. One only need look at the precedents.''.

''Mr. Speaker, I urge that you overrule the point of order.''.

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

''Mr. Speaker, I join with the gentleman from Wisconsin in rising to a point of order and also noting the dichotomy in this particular proposal of censure; that if this were to pass, we would go on record as stating that the President deserves censure, but the document itself does not grant censure.

''There are two other interesting areas relating to the proposal before us. In the House Committee on the Judiciary, when this matter came before us, the maker of the proposed resolution of censure was the same maker as the proposal today, the distinguished gentleman from Virginia. The resolution of censure that was presented to the Committee on the Judiciary had two distinguishing characteristics that are absent today.

''In the Committee on the Judiciary, the resolution that was put before us would have required not only a vote of the House but a vote of the Senate to bring the condemnation of Congress upon the President. That is absent here. It also had an additional element. It had an element of requiring the President to come to Congress and to affix his signature to the document in recognition of the censure. That too is absent.

''Impeachment, and not censure, is properly before the House at this time. The paradox between the two was demonstrated during our debate in the Committee on the Judiciary on the proposed resolution of censure.

''In committee I asked the author if there was any language in the proposal that would preclude any future Congress, by a simple majority vote, from erasing or expunging the censure from history. I knew in advance the answer to that question. No. There can be no such language in a resolution of censure because, under the rules of Congress, this Congress cannot bind a future Congress.

''What does this mean? It means that any censure adopted by this House today can be expunged from the record by a simple majority vote of this House. Now, in a courtroom, convicted felons seek to have their criminal convictions expunged. When that request is granted, that felon may truthfully state that he was never convicted of a crime. In the eyes of the law, the criminal conduct simply never happened when expungement is granted. It is forgotten.

''A censure resolution of this President today can be erased from our journals and from our history books forever tomorrow, and it may be done by a simple majority vote. Censure is a remedy designed for the polls, it is not a remedy designed for the Constitution. It is a phantom remedy and the amendment should be turned back.''.

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

''Yes, Mr. Speaker, I wish to speak. But before I do that, I want to compliment you on the evenhandedness you have displayed in presiding over this matter.

''Mr. Speaker, the argument that censure is of a fundamentally different purpose than impeachment has been made; that impeachment is remedial in nature while censure is punitive in nature. Ordinarily, I would agree. The words in the censure resolution are meant to be punishment. But unlike previous articles of impeachment, the impeachment articles before us also raise the issue of punishment, and it does so in three ways:

''The articles incorporate language which clearly condemns and, in effect, censures the President. I quote from the articles: 'In all of this William Jefferson Clinton has undermined the integrity of his office and has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice to the manifest injury of the people of the United States.' This language appears in all four articles of impeachment.

''The article also states that he has, 'violated his constitutional duty', and 'willfully corrupted and manipulated the judicial process.' If this language were considered on its own, it clearly would be considered a condemnation and censure of the President.

''Second, and more importantly, last night I looked through the 16 previous articles of impeachment that this House has considered. And for the first time in the history of the Congress, for the first time in 210 years, this House is taking the additional step and telling the Senate that not only should the President be tried and removed from office but also disbarred from ever holding public office again. That language did not even appear in the articles of impeachment for Andrew Johnson or Richard Nixon.

''Let me repeat that, Mr. Speaker. For the first time in the history of the United States, the House is taking it upon itself to say that the power of disqualification from office should be invoked. Until today, no Member of this House has voted to do this. Until today.

''This is important. Alexander Hamilton, in Federalist 65, talks about this very issue. Hamilton says, 'Punishment is not to terminate the chastisement of the offender.' Hamilton goes on to talk about the offender having been sentenced to a perpetual ostracism from the esteem and confidence, and honors and emoluments of this country when the person is disqualified from holding public office. While this penalty is partly remedial, one can only conclude that there is something inherently punitive in forever disqualifying an individual from holding public office, and this punishment quality is intentional.

''Third, article 4 states that the President exhibited contempt for the inquiry. By charging the President with contempt, the articles open up the possibility for the House to address that contempt.

''Mr. Speaker, the precedents clearly show that contempt can be remedied by a censure of this House. It is equally clear that contempt of the House can be addressed by a privileged resolution of censure. The articles before us contain language that clearly raises the issue of punishment and censure.

''To a proposition that contains both impeachment and censure, clearly it is germane to offer a proposition for censure. For rather than expanding the purpose of the articles of impeachment, our censure resolution, in a real sense, narrows the focus of the resolution. We do not expand, we narrow the focus.

''One final point, Mr. Speaker. You have discretion. You can put the question of germaneness to this body. This is an issue that this body has never considered before. And in doing so, you could truly let the people decide.''.

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

''Mr. Speaker, what is clear from the debate in the Committee on the Judiciary and on the floor of this House is that the meaning, even the intent of a resolution of censure is not clear.

''Some contend that its purpose, no matter what it is called, is to punish the President. Others argue that it is not intended to punish but merely to state the opinion of the House on the matter. Without determining which it is, this much is now clear. If its purpose is to punish the President, no matter how it is captioned, it is a bill of attainder, that is, special legislation intended to punish and identify an individual or group without benefit of judicial proceedings, and constitutionally prohibited.

''I understand that the proposal originally before the committee has been amended so as not to require Senate action, thus diminishing it substantially in order to meet the constitutional infirmity. If it is not intended to punish the President, but merely state our opinions, it is clearly meaningless, for we have already done that extensively, some would say exhaustively.

''If anything, the debate of the last few months has brought consensus on one thing, the centrality of the rule of law to our system of government. Some contend that the rule of law is best acquitted through impeachment of the President; others that it will be upheld because of the President's exposure to proceedings in civil and criminal courts of this Nation after he leaves office.

''But all of us agree that following the rules is essential. The rules of this House, as we were reminded yesterday by both our outgoing rules chairman the gentleman from New York and the incoming rules chairman the gentleman from California, do not allow the interjection of nonprivileged matter into privileged matter by amendment. The articles of impeachment are privileged. The sense of the House resolution is not. The motion, though perhaps so across the rotunda, is not germane here and the point of order should therefore be sustained.''.

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

''Mr. Speaker, I rise in opposition to the point of order that has been made by the gentleman from New York and in support of the motion to recommit so that this body could have before it the question as to whether or not we can vote for censure.

''As you look over the rules and precedents of this House, you will have the broad discretion to include in your ruling the question of fairness and the question of equity. Mr. Speaker, the whole world is watching.''.

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

''Mr. Speaker, if many of my colleagues are sitting here somewhat confused and scratching their heads and trying to follow this debate and they think this is a bunch of lawyers speaking lawyerly language, I kind of agree with them. They are right. I am confused.

''Now, I sat on the Judiciary Committee and I watched this debate. Let me share with my colleagues why. Here is why I am confused. When the censure resolution was offered in the Judiciary Committee, I asked questions of the author about what is its clear in-

tent. The gentleman from Virginia [Mr. BOUCHER] was very clear to me. He said the intent of the censure resolution is not to have findings of guilt and it is not to punish. Then I questioned that, looking at the four corners of the document and got into the exact words, because it did have findings of guilt, that the President had egregiously failed, that he had violated his trust, that he lessened the esteem of his office, that he brought dishonor to his office and then as a form of punishment it sought that the President's actions were entitled to condemnation.

''The reason that the gentleman from Virginia [Mr. BOUCHER] would assert that his intent was not to have findings of guilt and not to punish is because it would have brought it within the clear prohibition of the Constitution of bills of attainder. Now, even up to yesterday on this House floor we were still discussing bills of attainder. But now there is a problem. The problem is that how do they make a censure resolution germane as an alternative to impeachment? So they have gotten clever. The cleverness is to change the title but leave the words the same. It is no longer called a censure resolution, it is now called a sense of the House. So being clever, they have now tried to distance themselves from the clear, express constitutional prohibition on bills of attainder and now say that because this is a sense of the Congress resolution, it comes under the speech and debate clause.

''That is what is happening here, Mr. Speaker. So now that the same Members who yesterday in debate said that our intent by this was not to have findings of guilt and not to punish, if you are confused that now the same Members are saying that we are having findings of guilt and our intent is to punish, the same Members are saying that now because they have changed the title and it is merely now under the speech and debate clause.

''As one of the legal scholars testified before the Judiciary Committee, they said that if it is a sense of the Congress, it is the equivalency of Congress shouting down Pennsylvania Avenue at the President and saying, 'We think what you have done was a bad thing,' and it has no other clear legal effect.

''Now, Mr. Speaker, I rise in support of the point of order on the motion to recommit because censure is not germane as an alternative to the impeachment resolution. I have great respect for every Member of this body. I have had opportunities to speak with many of them. I had a good conversation with the gentleman from Indiana [Mr. ROEMER] yesterday and he and I disagree on this issue.

''I understand the motives and the intentions of the Members of this House who would like to censure the President for his lack of integrity, responsibility and violations of the rule of law. I understand their convictions and that is why they offer this sense of the House resolution.

''Americans all across the country every day, we all try very hard to live by the rules, principles and proverbs and we teach them to our children. What are they? It is called honesty: You tell the truth, be sincere, do not deceive, mislead or be devious or use trickery. Do not withhold information in relationships of trust. Do not cheat or lie to the detriment of others nor tolerate such practice. You honor your oath. Be loyal. Support and protect your family, your friends, your community and your country. Do not violate the law and ethical principles to win personal gain. Do not ask a friend to do something wrong. Judge all people on their merits. Do not abuse or demean people. Do not use, manipulate, exploit or take advantage of others for personal gain. Be responsible and accountable, think before you act, consider the consequences on all people by your actions.

''You do not blame others for your mistakes.

''Unfortunately, the President did not follow these principles. His criminal misconduct and dereliction of his executive duties do meet the constitutional threshold of high crimes and misdemeanors.

''The founders in their infinite wisdom made three coordinate branches of government in a system of checks and balances. When the President and the Vice President, Federal judges and other executive officials are accused of high crimes and misdemeanors, the Constitution gave this body the express authority as the accusatory body to bring the charges. That is why many of my colleagues have referred to the House as the grand jury function. That is accurate. That is why the House is the accusatory body. There is not a grand jury in this country that can investigate, prosecute and have findings, guilt and sentence. That is why in the Constitution they said we accuse and the Senate tries. It is not expressly authorized for anyone to use censure as an alternative to impeachment. Impeachment is our only course of action.''.

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

''Mr. Speaker, I do not understand why anybody would be confused, this being an exercise in lawyers here and all the technical things we have talked about.

''Let me just mention something here. I have been here longer than most of the people that have talked on this point of order. The most powerful committee in this House is the Rules Committee. It is the Speaker's committee. The leadership in this House and the Speaker in this House dictates the rules that will be considered on this House floor. Make no mistake about it.

''Now, it has been said that we cannot have a vote on censure because it is not constitutional. But no one, no one, has shown us why it is unconstitutional. It is an opinion. Nobody has given us concrete evidence that it is not constitutional for us to consider censure.

''Now, if that be the case and you want to make the argument that we want to be fair in these proceedings, well, then you would give us a vote on censure. The Rules Committee could have met, the gentleman from New York [Mr. SOLOMON] I think will agree, and you could have crafted any rule that you wanted. You could have waived any points of order to have a rule that comes to this floor, and you would have the votes to enforce the rule that you brought.

''But to say that it is unconstitutional and hide behind the fact that it is unconstitutional to me says we are going to have a vote for impeachment to get rid of this President and that is going to be it, period. We are not going to allow anybody to vote his conscience if it conflicts with our conscience.

''Now, I do not know about you, but this will be the last time that I will probably ever speak on the floor of this House of Representatives, and it has been the greatest privilege of my life. It has been the greatest privilege of my life to serve on this House of Representatives, and for every Member of Congress, whether I have agreed with you or not, if there is anything that I have said over these years that would have offended anybody, I would ask your forgiveness.

''The President of the United States stood before the whole world and said, I have sinned and I ask forgiveness, and that is what it is all about.

''I do not know how you are going to rule on this but just as soon as I can get finished, I want to go home and go to the Christmas programs and watch these children stand out front and spell out the name of Christmas and Jesus Christ. I want to go home and celebrate the birth of the savior Jesus Christ, the prince of peace, and if people want to stay here forever and ever and berate the President, then you just have to let that be your Christmas legacy.

''But if you do not allow us a vote on censure, you are saying to me our mind is made up and we are going to get this President and we are not going to give you a vote on it and the deal is cut. If that be the case, we may as well all go home and have the vote now. But I hope that the Chair will not rule that this is not germane.

''I thank you very much, God bless you, and have a merry Christmas.''.

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

''Speaker, precedents are important and for precedent in this dispute, in discussing the germaneness of the motion to recommit, I believe one of the most important precedents one can turn to is the founder of the Democrat Party, President Andrew Jackson. His words, indeed, Mr. Speaker, for purposes of this particular debate are particularly relevant, because it was President Jackson who was the subject of a censure motion, and his words printed at great length in the registry

of the proceedings of this Chamber in 1834 very clearly discuss, illustrate and stand for the proposition that the very carefully balanced system of checks and balances and separation of powers in our government was violated, would be violated then as it is today by any motion to censure the President as a substitute for impeachment.

''The words of Andrew Jackson should be in our minds today, should be in these halls today, because they say that a motion for censure as a substitute for impeachment is offensive to the fundamental work of this Congress, the fundamental powers of this Congress and the powers of the presidency.

''This is the precedent, Mr. Speaker, that we should follow today and rule this motion for recommittal out of order as repugnant and offensive to the constitutional separation of powers on which our system of government is based.''.

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

''Mr. Speaker, there has not been one Member that has addressed the legal precedents of the challenge to this motion.

''By removing further debate, there is no one else standing. I believe there is only one governing principle here today because of a lack of legislative precedents and action, and that is the Constitution. The Constitution, as has been stated, does not permit censure, but the Constitution does not prohibit censure.

''Insofar, under my parliamentary inquiry, as there is no legislative precedence that has been set, and the Founders did not place this with the elected judges of the Supreme Court, they left it to the elected Congress, therefore, they choose not to send it to judicial process but to the political process, and Congress should have the right to work its political will.

''Therefore, this motion should be defeated on the grounds that there is no precedence, it is lacking, and it cries out for further interpretation of the Founders' actions. And the Founders' actions were clear. They did not want to place it with the Supreme Court judges that were not responsible to voters; they placed it to the Members of Congress.

''Mr. Speaker, I ask that this motion be defeated.''.

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

''Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY] has answered well the arguments that have been made in support of the point of order. There is actual precedent for the acceptance by the House of a resolution of censure as an amendment to the impeachment resolution. That occurred in the matter of the impeachment of Judge Peck in 1830.

''In response to the argument that censure is nonprivileged material and that it may not be used to amend privileged material, the gentleman has pointed to instances in which the House has treated censure as privileged. And the gentleman persuasively argues that by their own language the articles of impeachment have a fundamental purpose that is both remedial and punitive. The punitive language of the censure resolution is, therefore, not inconsistent with the fundamental purpose of the articles of impeachment.

''Mr. Speaker, this is a question of first impression. The Chair has never ruled before on this precise matter. We have had in our Republic 200 years of silence on the question of whether the substitution of a resolution of censure for the President's conduct to articles of impeachment shall be considered as germane.

''Given the unprecedented nature of the question, given the extraordinary gravity of the matter that is now before the House, given the inherent unfairness of not making a censure alternative available to the Members and the inherent unfairness of disallowing the consideration of the House by the American public's clearly preferred outcome for this inquiry, which is the passage of a resolution of censure, I urge the Chair to resolve all ambiguities in the rules and all doubts about their proper application in favor of finding that the resolution of censure is germane and permitting its consideration by the House.

''A finding of germaneness would do no violence to the precedents of the House. It would not overturn previous rulings of the Chair. It would allow us today to give voice to the public's overwhelming desire to put this unfortunate matter behind us with the stern censure and rebuke which the President, for his conduct, deserves.

''I thank the Chair for his patience in listening to these arguments, and I urge his finding that the resolution of censure is germane.

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

''Arguing in the alternative, Mr. Speaker, and I thank the Chair for its patience, arguing the alternative, if the Chair finds some merit in our argument but is not convinced in the sufficient merit to overrule the point of order, I respectfully urge the Chair to consider to put the motion, the question, directly to the House, and there is precedent for this action.

''One of the issues in deciding the germaneness of censure to impeachment is the notion that the censure is not privileged, but impeachment is. On a question of privilege, however, the early practice of the House was for the House to determine whether it should be entertained. In fact, the practice was so well established that in 1842 the Speaker, Representative John White of Kentucky, remarked he could find no instance on record where the Chair had determined what constituted a question of privilege. On the contrary, he found numerous instances where the House had settled it. This occasion is described in the third volume of Hinds' Precedents, section 2654.

''When the Speaker was asked to rule on whether a resolution regarding charges made by a Cabinet officer about Members of Congress committed a question of privilege, he said, the Speaker speaking:

'For the Chair to decide in such a case would be an usurpation on its part, and what the Chair might deem a breach of privilege, the House may not deem so, and vice versa.'

''Again, Mr. Speaker, I remind the Chair that this is a question of first impression. The Speaker has never in the 210 years of history of the Congress been asked to rule on whether censure is germane on impeachment. There is no precedence directly on point. The question has not arisen in the past, although the House has taken up an amendment that would have converted impeachment to censure in the matter of Judge Peck.

''Mr. Speaker, in a matter so grave as this, to deny the House a vote of conscience, I beg the Chair not to base its decision on a narrow and technical interpretation, and if the Chair cannot see its way to accept entirely our argument on the merits, I ask the Chair to put the question directly to the House.''.

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

''The Chair is prepared to rule.

''Knowing that the House may wish to express its will on this question, the Chair nevertheless will follow the course set by presiding officers for at least the past 150 years by rendering a decision from the Chair.

''The gentleman from New York has made the point of order that the amendment in the motion to recommit offered by the gentleman from Virginia is not germane to House Resolution 611.

''The rule of germaneness derives directly from the authority of the House under section 5 in article I of the Constitution to determine its own rules. It has governed the proceedings of the House for all of its 210-year history. Its applicability to a motion to recommit is well established. As reflected in the Deschler-Brown Precedents in volume 10, chapter 28, both at section 1 and at section 17.2, then-Majority Leader Carl Albert made these general observations about the rule in 1965, and I quote:

'It is a rule which has been insisted upon by Democrats and Republicans alike ever since the Democratic and Republican parties have been in existence.

'It is a rule without which this House could never complete its legislative program if there happened to be a substantial minority in opposition.

'One of the great things about the House of Representatives and one of the things that distinguish[es] it from other legislative bodies is that we do operate on the rule of germaneness.

'No legislative body of this size could ever operate unless it did comply with the rule of germaneness.'.

''At the outset the Chair will state two guiding principles.

''First, an otherwise privileged resolution is rendered nonprivileged by the inclusion of nonprivileged matter. This principle is exemplified in the ruling of Speaker Clark on January 11, 1916, which is recorded in Cannon's Precedents at volume 6, section 468. Accordingly, to a resolution pending as privileged, an amendment proposing to broach nonprivileged matter is not germane.

''Second, to be germane, an amendment must share a common fundamental purpose with the pending proposition. This principle is annotated in section 798b of the House Rules and Manual. Accordingly, to a pending resolution addressing one matter, an amendment proposing to broach an intrinsically different matter is not germane.

''As the excellent arguments in debate on this point of order have made clear, these two principles are closely intertwined in any analysis of the relationship between the amendment proposed in the motion to recommit and the pending resolution. The Chair thanks those who have brought their arguments to the attention of the Chair.

''The pending resolution proposes to impeach the President of the United States. As such, it invokes an exclusive constitutional prerogative of the House. The final clause of section 2 in Article I of the Constitution mandates that the House,

'shall have the sole power of impeachment.'

''For this reason, the pending proposal constitutes a question of the privileges of the House within the meaning of rule IX. Ample precedent is annotated in the House Rules and Manual at section 604.

''The amendment in the motion to recommit offered by the gentleman from Virginia proposes instead to censure the President. It has no comparable nexus to an exclusive constitutional prerogative of the House. Indeed, clause 7 of section 3 in article I of the Constitution prescribes that

'judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States.'

''An instructive contrast appears in clause 2 of section 5 in article I of the Constitution, which establishes a range of alternative disciplinary sanctions for Members of Congress by stating that each House may,

'punish its Members for disorderly behavior, and with the concurrence of two-thirds, expel a Member.'

''This contrast demonstrates that, while the constitutional power of either body in Congress to punish one of its Members extends through a range of alternatives, the constitutional power of the Congress to remove the President, consistent with the separation of powers, is confined to the impeachment process.

''Thus, a proposal to discipline a Member may admit as germane an amendment to increase or decrease the punishment (except expulsion, which the Chair will address presently), in significant part because the Constitution contemplates that the House may impose alternative punishments. But a resolution of impeachment, being a question of privileges of the House because it invokes an exclusive constitutional prerogative of the House, cannot admit as germane an amendment to convert the remedial sanction of potential removal to a punitive sanction of censure, as that would broach nonprivileged matter. For this conclusion the Chair finds support in Hinds' Precedents at volume 5, section 5810, as cited in Deschler's Precedents at volume 3, chapter 14, section 1.3, footnote 8.

''The qualitative difference between these two contrasting sources of disciplinary authority in the Constitution signifies an intrinsic parliamentary difference between impeachment and an alternative sanction against the President. The Chair believes that this distinction is supported in the cited precedents and is specifically discussed in the parliamentary notes on pages 400 and 401 of the cited volume. An analogous case emphasizing an intrinsic difference is recorded in Cannon's Precedents at volume 6, section 236, reflecting that on October 27, 1921, Speaker Gillett held that an amendment proposing to censure a Members of the House was not germane to a resolution proposing that the Member be expelled from the House.

''The cited precedent reveals several occasions when the Committee on the Judiciary, having been referred a question of impeachment against a civil officer of the United States, reported a recommendation that impeachment was not warranted and, thereafter, called upon the report as a question of privilege.

''The occasional inclusion in an accompanying report of the Committee on the Judiciary of language recommending that an official be censured has not been held to destroy the privilege of an accompanying resolution that does not, itself, convey the language of censure.

''The Chair is aware that, in the consideration of a resolution proposing to impeach Judge James Peck in 1830, the House considered an amendment proposing instead to express disapproval while refraining from impeachment. In that instance no Member rose to a point of order, and no parliamentary decision was entered from the Chair or by the House. The amendment was considered by common sufferance. That no Member sought to enforce the rule of germaneness on that occasion does not establish a precedent of the House that such an amendment would be germane.

''Where the pending resolution addresses impeachment as a question of the privileges of the House, the rule of germaneness requires that any amendment confine itself to impeachment, whether addressing it in a positive or a negative way. Although it may be possible by germane amendment to convert a reported resolution of impeachment to resolve that impeachment is not warranted, an alternative sanction having no equivalent constitutional footing may not be broached as a question of privilege and, correspondingly, is not germane.

''The Chair acknowledges that the language of House Resolution 611 articulates its proposition for impeachment in language that, itself, tends to convey opprobrium. The Chair must remain cognizant, however, that the resolution does so entirely in the framework of the articles of impeachment. Rather than inveighing any separate censure, the resolution only effects the constitutional prayer for judgment by the Senate.

''The Chair is not passing on the ultimate constitutionality of a separate resolution of censure. Indeed, the Chair does not judge the constitutionality of measures before the House. Rather, the Chair holds today only that the instant proposal to censure or otherwise admonish the President of the United States—as it does not constitute a question of the privileges of the House—is not germane to the pending resolution of impeachment—an intrinsically separate question of the privileges of the House.''.

Mr. GEPHARDT appealed the ruling of the Chair.

The question being put, viva voce,

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

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

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. LAHOOD, announced that the yeas had it.

Mr. GEPHARDT 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	230
	Nays	204

¶119.6 [Roll No. 542]

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.

Pursuant to the order of the House of December 18, 1998, the question was divided by Article.

The question being put, viva voce,

Will the House adopt Article I of said resolution?

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

Mr. SENSENBRENNER 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 ..... 228 / Nays ..... 206 }

¶119.7 [Roll No. 543]

So, Article I of said resolution was adopted.

Accordingly,

The question being put, viva voce,

Will the House adopt Article II of said resolution?

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

Mr. SENSENBRENNER 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 negative ..... { Yeas ..... 205 / Nays ..... 229 }

¶119.8 [Roll No. 544]

So, Article II of said resolution was not adopted.

Accordingly,

The question being put, viva voce,

Will the House adopt Article III of said resolution?

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

Mr. SOLOMON 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 ..... 221 / Nays ..... 212 }

¶119.9 [Roll No. 545]

So, Article III of said resolution was adopted.

Accordingly,

The question being put, viva voce,

Will the House adopt Article IV of said resolution?

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

Ms. LOFGREN 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 negative ..... { Yeas ..... 148 / Nays ..... 285 }

¶119.10 [Roll No. 546]

So, Article IV of said resolution was not adopted.

A motion to reconsider the votes whereby said Article I and III were agreed to and Article II and IV were agreed to was, by unanimous consent, laid on the table.

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 27, 1998, the SPEAKER pro tempore, Mr. LaHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.

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 Superior Court, County of Los Angeles, State of California.

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

Sincerely,

WILLIAM H. GRADY,
Administrative Assistant to Congressman George E. Brown, Jr.

On January 27, 1998, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, November 14, 1997.

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 United States District Court for District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena relates to my official duties, and that partial compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

BILL LIVINGOOD,
Sergeant at Arms.

On January 27, 1998, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, PC, December 10, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the House that I have been served with a subpoena duces tecum issued by the Chancery Court of Forrest County, Mississippi, in the case of *Michelle Anderson v. Kade Paul Anderson,* Case No. 94–0711–GN–D.

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

Sincerely yours,

BEAU GEX,
District Director for the Honorable Gene Taylor.

On January 27, 1998, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, PC, January 6, 1998.

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 my office was served with a subpoena (for documents) issued by the McLean County, Illinois Circuit Court in the case of Lack v. Crain, No. 97 L 155, and directed to the ''Keeper of Employment Records''.

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,

LANE EVANS,
Member of Congress.

On January 27, 1998, the SPEAKER pro tempore, Mr. LAYAWAY, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, PC, January 13, 1998.

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 I have been served with a subpoena duces tecum issued by the Superior Court for the District of Columbia in the case of *Williams v. Psychiatric Institute of Washington.*

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

LISBETH M. MCBRIDE.

On February 3, 1998, the SPEAKER pro tempore, Mr. GOODLATTE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 1998.

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 my office has been served with a subpoena (for written testimony and documents) issued by the 63rd District Court for Val Verde County, Texas, and directed to the ''Custodian of Records, United States of Representatives.''

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

HENRY BONILLA,
Member of Congress.

On February 24, 1998, the SPEAKER pro tempore, Mr. SHAW, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, February 12, 1998.

Hon. NEWT GINGRICH,
Speaker,
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 have been served with a subpoena (for testimony) issued by the Circuit Court for Marion County, Missouri in the case of *State* v. *Kolb.*

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,

SCOTT CALLICOTT,
Office Director.

On February 24, 1998, the SPEAKER pro tempore, Mr. SHAW, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
February 18, 1998.

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 seeking the right to inspect and copy documents in a file of two constituents maintained by my congressional office.

After consultation with the General Counsel, I have determined that compliance with the subpoena to allow inspection and copy of such file is appropriate.

Sincerely,

HARRIS W. FAWELL,
Member of Congress.

On March 17, 1998, the SPEAKER pro tempore, Mrs. EMERSON, laid before the House a communication, which was read as follows:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
Washington, DC, March 16, 1998.

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 Committee on Standards of Official Conduct (''Committee'') has been served with a grand jury subpoena (for documents) issued by the U.S. District Court for the District of Massachusetts and directed to the Committee's ''Keeper of Records.''

After the consultation with the Office of General Counsel, the Committee has determined that compliance with the subpoena is not consistent with the precedents and privileges of the House and, therefore, that the subpoena should be resisted.

Sincerely,

JAMES V. HANSEN,
Chairman.

On March 24, 1998, the SPEAKER pro tempore, Mr. GOODLATTE, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 17, 1998.

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 I have been served with a subpoena ad testificandum issued by the United States District Court for the Eastern District of Pennsylvania, in the case of *Raymond Wood* v. *David L. Cohen, et al.*, Case No. 96–3707.

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

Sincerely,

STANLEY V. WHITE,
Administrator.

On April 27, 1998, the SPEAKER pro tempore, Mr. NETHERCUTT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 20, 1998.

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 ad testificandum issued by the Pasadena Superior Court, in the case of *People* v. *Anthony Albert Jimenez*, Case No. GA 034516.

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

Sincerely,

JOSHUA D. CANTOR.

On May 12, 1998, the SPEAKER pro tempore, Mr. SHIMKUS, laid before the House a communication, which was read as follows:

DONALD N. MAZEAU,
46 FENWOOD DRIVE,
Old Saybrook, CT, May 5, 1998.

Hon. NEWT GINGRICH,
Speaker,
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 have been served with a subpoena ad testificandum issued by the Superior Court for the District of New London, Connecticut, in the case of FDIC v. Caldrello, No. 0511581.

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,

DONALD N. MAZEAU,
Former Congressional Aide to
Congressman Sam Gejdenson.

On May 20, 1998, the SPEAKER pro tempore, Mr. GIBBONS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 1998.

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 ad testificandum issued by the Superior Court of the District of Columbia, in the case of *Pointe Properties, Inc., et al.* v. *Michael J. Bevenour, et al.*, Case No. 96–CA–009720.

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

Sincerely,

CORY B. ALEXANDER.

On June 3, 1998, the SPEAKER pro tempore, Mr. PEASE, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 19, 1998.

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 I have been served with a subpoena duces tecum issued by the United States District Court for the district of Maine in the case of Desrosiers v Runyon, No. 97–CV–391–P–C.

I will make the determinations required by Rule 50 in consultation with the Office of General Counsel.

Sincerely,

JUDITH A. CADORETTE,
Office Manager for John Baldacci.

On June 3, 1998, the SPEAKER pro tempore, Mrs. EMERSON, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 27, 1998.

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 I have been served with a subpoena duces tecum issued by the 6th Judicial Circuit for the State of Michigan, in the case of *Ann Marie Reynolds v. Resource Solutions Group, Inc., et al.*, Case No. 97–002709–CZ.

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

Sincerely,

DAVE CAMP,
Member of Congress.

On July 23, 1998, the SPEAKER pro tempore, Mr. SOLOMON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 1998.

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 that I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

PETER T. KING,
Member of Congress.

On July 23, 1998, the SPEAKER pro tempore, Mr. SOLOMON, laid before

the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 15, 1998.

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 I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

CAROLYN MCCARTHY,
Member of Congress.

On July 23, 1998, the SPEAKER pro tempore, Mr. SOLOMON, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVEC,
Washington, DC, July 16, 1998.

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 I have been served with a subpoena issued by the United States District Court for the Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

GARY L. ACKERMAN,
Member of Congress.

On July 24, 1998, the SPEAKER pro tempore, Mr. FORBES, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 23, 1998.

Hon. NEWT GINGRICH,
Marietta, GA,

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 Eastern District of New York.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

MICHAEL P. FORBES,
Member of Congress.

On July 30, 1998, the SPEAKER pro tempore, Mr. GEKAS, laid before the House a communication, which was read as follows:

WASHINGTON, DC, *July 28, 1998.*

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to L. Deschler, 3 *Deschler's Precedents of the United States House of Representatives* ch 11, §14.8 (1963), that I have been served with an administrative subpoena issued by the Federal Election Commission.

Sincerely,

JOHN A. BOEHNER.

On July 30, 1998, the SPEAKER pro tempore, Mr. GEKAS, laid before the House a communication, which was read as follows:

WASHINGTON, DC, *July 28, 1998.*

Hon. NEWT GINGRICH,
Speaker of the House,
U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to L. Deschler, 3 *Deschler's Precedents of the United States House of Representatives* ch. 11 §14.8 (1963), that I have been served with an administrative subpoena issued by the Federal Election Commission.

Sincerely,

BARRY JACKSON.

On September 10, 1998, the SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House a communication, which was read as follows:

AUGUST 6, 1998.

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 United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

On September 10, 1998, the SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House a communication, which was read as follows:

4AUGUST 12, 1998.

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 for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania* v. *Barger.*

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

Sincerely,

SHANNON JONES.

On September 10, 1998, the SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House a communication, which was read as follows:

AUGUST 12, 1998.

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 for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of Commonwealth of Pennsylvania v. Barger.

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

Sincerely,

SUSAN GUREKOVICH.

On September 10, 1998, the SPEAKER pro tempore, Mr. GUTKNECHT, laid before the House a communication, which was read as follows:

AUGUST 17, 1998.

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 have been served with a subpoena ad testificandum issued by the United States District Court for the Northern District of California in the case of Headwaters v. County of Humboldt, No. C–97–3989–VRW.

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 and, therefore, that I should comply with the subpoena.

Sincerely,

RHONNDA PELLEGRINI.

On October 7, 1998, the SPEAKER pro tempore, Mrs. WILSON, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 1998.

Hon. NEWT GINGRICH,
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 office has been served with a subpoena for documents issued by the Plymouth Superior Court, Commonwealth of Massachusetts, in the case of *Pert Dickie, et al. V. Kelly Regan, et al.*.

The subpoena appears to relate to my official duties. I am currently consulting with the Office of General Counsel to determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

WILLIAM D. DELAHUNT.

On October 13, 1998, the SPEAKER pro tempore, Mr. SESSIONS, laid before the House a communication, which was read as follows:

PETER A. DEFAZIO,
U.S. HOUSE OF REPRESENTATIVES,
October 6, 1998.

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 I have been served with a grand jury subpoena ad testificandum issued by the United States District Court for the District of Oregon.

I will make the determinations required by Rule 50 in consultation with the Office of General Counsel.

Sincerely,

BETSY BOYD,
District Director.

On October 16, 1998, the SPEAKER pro tempore, Mr. BRADY, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 14, 1998.

Hon. NEWT GINGRICH,
Speaker of the House, 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 the Chief Administrator has been served with a subpoena issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I will make the determinations required by Rule L (50).

Sincerely,

KAY FORD,
Associate Administrator, Office of Human Resources.