

QUESTIONS OF ORDER

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

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

WORDS TAKEN DOWN

(¶7.4)

IT IS A BREACH OF DECORUM IN DEBATE TO ARRAIGN THE PERSONAL CONDUCT OF THE SPEAKER, EITHER DIRECTLY OR BY INNUENDO, SUCH AS SUGGESTING THAT A PRIVATE CONTRACT BETWEEN THE SPEAKER AND A PUBLISHING HOUSE ESTABLISHED A PERCEPTION OF IMPROPRIETY AND POTENTIAL CONFLICT OF INTEREST.

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

On January 18, 1995, Mrs. MEEK during one minute speeches addressed the House and, during the course of her remarks,

Mr. WALKER demanded that words be taken down.

The Clerk read the words taken down as follows:

Mr. Speaker, the Speaker's unbelievably good book deal, after all these secret meetings and behind the scenes deal-making, which each day brings to light new and more startling revelations, I am still not satisfied with the answers I am getting about this very large and lucrative deal our Speaker has negotiated for himself.

Now more than ever before the perception of impropriety, not to mention the potential conflict of interest, still exists and cannot be ignored.

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

"It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order."

Mr. VOLKMER appealed the ruling of the Chair.

Mr. LINDER 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. STEARNS, announced that the nays had it.

Mr. LINDER 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

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| Yeas | 214 |
| Nays | 169 |

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

(¶7.7)

IT IS A BREACH OF DECORUM IN DEBATE TO REPEAT WORDS THAT HAVE JUST BEEN TAKEN DOWN AND HELD UNPARLIAMENTARY.

On January 18, 1995, Mr. VOLKMER, during one minute speeches addressed the House and, during the course of his remarks,

Mr. THOMAS made a point of order, and said:

"Mr. Speaker, those words have been stricken from the RECORD by a vote of this House. The gentleman under the rules is not allowed to repeat them and he continues to do so."

The SPEAKER pro tempore, Mr. STEARNS, sustained the point of order.

WORDS TAKEN DOWN

(¶7.10)

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

On January 18, 1995, Mr. DELAY during one minute speeches addressed the House and, during the course of his remarks,

Mr. VOLKMER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

That is what is happening here. The other side of the aisle is trying every tactic they can to stop the Contract With America. That is quite evident to the American people.

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

"In the opinion of the Chair that is not an improper personal reference to any Member."

POINT OF ORDER

(¶8.5)

CLAUSE 9(A) OF RULE XIV, IN MANDATING THAT THE CONGRESSIONAL RECORD REFLECT A SUBSTANTIALLY VERBATIM TRANSCRIPT OF HOUSE PROCEEDINGS, DOES NOT PRECLUDE CUSTOMARY ACTION BY THE CHAIR TO REFINE THE DEPICTION OF A RULING ON A QUESTION OF ORDER TO CONFORM IT TO APPLICABLE RULES, CUSTOMS, OR PRECEDENTS WITHOUT CHANGING ITS SUBSTANCE.

On January 19, 1995, Mr. FRANK of Massachusetts, made a point of order against changes in the CONGRESSIONAL RECORD, and said:

"Mr. Speaker, at the beginning of this session, the House adopted a new rule which says the CONGRESSIONAL RECORD shall be a substantially verbatim account of remarks made during the proceedings of the House, subject only to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved.

"In the CONGRESSIONAL RECORD that we received this morning, reflecting yesterday's proceedings, at page H301 in the transcript of the remarks of the Speaker pro tempore, the gentleman from Florida, there are two changes that were made between what he, in fact, said and what is in the RECORD.

"The first change is as follows:

"He said yesterday with regard to the statements of the gentlewoman from Florida about the book of the Speaker, 'It is the Speaker's opinion that innuendo and personal references to the Speaker's conduct are not in order.'

"That has been altered and that does not appear verbatim in the CONGRESSIONAL RECORD. Instead, it says, 'It is the Speaker's opinion that innuendo and critical references to the Speaker's personal conduct are not in order.'

"Additionally, later on in response to a parliamentary inquiry from the gentleman from Missouri, the Speaker pro tempore said, as I recollect it, 'it has been the Chair's ruling, and the precedents of the House support this, a higher level of respect is due to the Speaker.'

"In the CONGRESSIONAL RECORD that has been changed to 'a proper level of respect.'

"Now, I do not believe that changing 'personal' to 'critical' and 'proper' to 'higher' is either technical, grammatical, or typographical. Both make quite substantive changes. Indeed, Mr. Speaker, it seems to me that by the

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standard that the Speaker yesterday uttered, the gentlewoman from Florida was judged, but if you take today's standard of revised, illegitimately revised version that is in the RECORD, there would be no objection to what the gentlewoman from Florida said."

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

"The Chair would recite from the manual that in accordance with existing accepted practices, the Speaker may make such technical or parliamentary insertions, or corrections in transcript as may be necessary to conform to rule, custom, or precedent. The Chair does not believe that any revision changed the meaning of the ruling."

RULES OF DECORUM IN DEBATE

(¶8.6)

ALTHOUGH THE RULES OF DECORUM IN DEBATE DO NOT PLACE THE SPEAKER ABOVE CRITICISM, AN ACTUAL COMPLAINT AGAINST THE CONDUCT OF THE SPEAKER IS PRESENTED DIRECTLY FOR THE ACTION OF THE HOUSE AND NOT BY WAY OF DEBATE ON OTHER MATTERS, AS PIECEMEAL CRITICISM TENDS TO IMPAIR GOOD ORDER IN THE HOUSE.

On January 19, 1995, the SPEAKER pro tempore, Mr. DREIER, in response to Members' parliamentary inquiries, made the following statement:

"The Chair must reiterate that the principles of decorum in debate relied on by the Chair yesterday with respect to words taken down are not new to the 104th Congress.

"First, clause 1 of rule XIV establishes an absolute rule against engaging in personality in debate where the subject of a Member's conduct is not the pending question.

"Second, it is the long and settled practice of the House over many Congresses to enforce that standard by demands from the floor that words be taken down under rule XIV. Although the rule enables the Chair to take initiative to address breaches of order, the Chair normally defers to demands that words be taken down in the case of references to Members of the House. On occasion, however, the Chair has announced general standards of proper reference to Members, as was the case on June 15, 1988. There, in response to a series of 1-minute speeches and special order debates focusing on the conduct of the Speaker as the subject of an ethical complaint and on the motives of the Member who filed the complaint, the Chair stated as follows:

Thus, the Chair would caution all Members not to use the 1-minute period or special orders, as has already happened, to discuss the conduct of Members of the House in a way that inevitably engages in personalities.

"Third, longstanding precedents of the House provide that the stricture against personalities has been enforced collaterally with respect to criticism of the Speaker even when intervening debate has occurred. This separate

treatment is recorded in volume 2 of Hinds' Precedents, at section 1248.

"Finally, a complaint against the conduct of the Speaker is presented directly for the action of the House and not by way of debate on other matters. As Speaker Thomas B. Reed of Maine explained in 1897, criticism of past conduct of the presiding officer is out of order not because he is above criticism but, instead, because of the tendency of piecemeal criticism to impair the good order of the House.

"Speaker Reed's rationale is recorded in volume 5 of Hinds' Precedents section 5188 from which the Chair now quotes as follows:

The Chair submits to the House that allusions or criticisms of what the Chair did at some past time is certainly not in order not because the Chair is above criticism or above attack but for two reasons; first, because the Speaker is the Speaker of the House, and such attacks are not conducive to the good order of the House; and, second, because the Speaker cannot reply to them except in a very fragmentary fashion, and it is not desirable that he should reply to them. For these reasons, such attacks ought not be made.

"Based on these precedents, the Chair was justified in concluding that the words challenged on yesterday were in their full context out of order as engaging in personalities."

WORDS TAKEN DOWN

(¶11.11)

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

On January 24, 1995, Mr. BURTON, during one minute speeches addressed the House and, during the course of his remarks,

Mr. NADLER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

But it is apparent to anyone who is paying attention to what is going on that the Democratic Party is doing everything they can to derail the Contract With America. They are proposing hundreds of amendments to slow down the process. All I want to say is that it is the height of hypocrisy, height of hypocrisy for the Democrats to come down here and complain about what the Republicans are doing after the way they have run this House for the last 40 years.

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

"It would be out of order for the gentleman to make reference to a particular Member, but precedent suggests that reference to procedures, or amendments, or to parties is not out of order."

WORDS TAKEN DOWN

(¶12.3)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE PRESIDENT IN TERMS PERSONALLY OFFENSIVE, SUCH AS ACCUSING HIM OF GIVING AID AND COMFORT TO THE ENEMY.

IT IS A BREACH OF DECORUM IN DEBATE TO REPEAT WORDS THAT HAVE JUST BEEN TAKEN DOWN AND HELD UNPARLIAMENTARY.

On January 25, 1995, Mr. DORNAN, during one minute speeches addressed the House, and during the course of his remarks,

Mr. FAZIO demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Even Andrea Mitchell of NBC took note that is Ronald Reagan's prerogative, George Bush's and all of us who wore the uniform or served in a civilian capacity to crush the evil empire. Clinton gave aid and comfort to the enemy.

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

"In the opinion of the Chair, that is not a proper reference to the President. Without objection, the words are stricken from the RECORD."

During said proceedings,

Mr. DORNAN reiterated words to the same effect as follows:

"I will not withdraw my remarks. I will not not apologize...."

"I will accept the discipline of the House."

Whereupon,

The SPEAKER pro tempore, Mr. DUNCAN, responded as follows:

"The Chair rules that those words as follows 'I believe the President did give aid and comfort to the enemy, Hanoi,' were also out of order. The Chair has ruled that, based on the precedents of the House, the words of the gentleman from California were out of order, and without objection, both sets of words will be stricken from the RECORD."

PRIVILEGES OF THE HOUSE

(¶21.6)

A RESOLUTION RECITING THE ENUMERATED POWERS OF CONGRESS RELATING TO THE REGULATION OF CURRENCY AND THE GENERAL LEGISLATIVE "POWER OF THE PURSE," ALLEGING THAT THE PRESIDENT HAD COMMITTED RESOURCES OF THE EXCHANGE STABILIZATION FUND TO SUPPORT THE CURRENCY OF MEXICO WITHOUT REQUISITE CONGRESSIONAL APPROVAL, AND RESOLVING THAT THE COMPTROLLER GENERAL CONDUCT A MULTIFACETED EVALUATION OF ACTIONS TAKEN BY THE PRESIDENT AND REPORT THEREON TO THE HOUSE, DOES NOT PRESENT A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

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

On February 7, 1995, Mr. TAYLOR of Mississippi, rose to a question of the

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privileges of the House and called up the following resolution (H. Res. 57):

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 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;

Whereas section 8 of Article I of the Constitution vests in Congress the power to "coin money, regulate the value thereof, and of foreign coins";

Whereas section 9 of Article I of the Constitution provides that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law";

Whereas the President has recently sought the enactment of legislation to authorize the President to undertake efforts to support economic stability in Mexico and strengthen the Mexican peso;

Whereas the President announced on January 31, 1995, that actions are being taken to achieve the same result without the enactment of legislation by the Congress;

Whereas the obligation or expenditure of funds by the President without consideration by the House of Representatives of legislation to make appropriated funds available for obligation or expenditure in the manner proposed by the President raises grave questions concerning the prerogatives of the House and the integrity of the proceedings of the House;

Whereas the exchange stabilization fund was created by statute to stabilize the exchange value of the dollar and is also required by statute to be used in accordance with the obligations of the United States under the Articles of Agreement of the International Monetary Fund; and

Whereas the commitment of \$20,000,000,000 of the resources of the exchange stabilization fund to Mexico by the President without congressional approval may jeopardize the ability of the fund to fulfill its statutory purposes; Now, therefore, be it

Resolved, That the Comptroller General of the United States shall prepare and transmit, within 7 days after the adoption of this resolution, a report to the House of Representatives containing the following:

(1) The opinion of the Comptroller General on whether any of the proposed actions of the President, as announced on January 31, 1995, to strengthen the Mexican peso and support economic stability in Mexico requires congressional authorization or appropriation.

(2) A detailed evaluation of the terms and conditions of the commitments and agreements entered into by the President, or any officer or employee of the United States acting on behalf of the President, in connection with providing such support, including the terms which provide for collateral or other methods of assuring repayment of any outlays by the United States.

(3) An analysis of the resources which the International Monetary Fund has agreed to make available to strengthen the Mexican peso and support economic stability in Mexico, including

(A) an identification of the percentage of such resources which are attributable to capital contributions by the United States to such Fund; and

(B) an analysis of the extent to which the Fund's participation in such efforts will likely require additional contributions by member states, including the United States, to the Fund in the future.

(4) An evaluation of the role played by the Bank for International Settlements in international efforts to strengthen the Mexican

peso and support economic stability in Mexico and the extent of the financial exposure of the United States, including the Board of Governors of the Federal Reserve System, with respect to the Bank's activities.

(5) A detailed analysis of the relationships between the Bank for International Settlements and the Board of Governors of the Federal Reserve System and between the Bank and the Secretary of the Treasury, and the extent to which such relationships involve a financial commitment to the Bank or other members of the Bank, on the part of the United States, of public money or any other financial resources under the control of the Board of Governors of the Federal Reserve System.

(6) An accounting of fund flows, during the 24 months preceding the date of the adoption of this resolution, through the exchange stabilization fund established under section 5302 of title 31, United States Code, the manner in which amounts in the fund have been used domestically and internationally, and the extent to which the use of such amounts to strengthen the Mexican peso and support economic stability in Mexico represents a departure from the manner in which amounts in the fund have previously been used, including conventional uses such as short-term currency swaps to defend the dollar as compared to intermediate and long-term loans and loan guarantees to foreign countries.

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

"The Chair would first of all point out that the question before the House right now is not a matter of the wisdom of assistance to Mexico, nor is the question before the House right now a question of whether or not the Congress should act, nor is what is before the House a question of whether or not this would be an appropriate topic for committee hearings, for legislative markup, and bills to be reported.

"What is before the House at the moment is a very narrow question of whether or not the resolution offered by the gentleman [MR. TAYLOR of Mississippi] is a question of privilege. On that the Chair is prepared to rule.

"The privileges of the House have been held to include questions relating to the constitutional prerogatives of the House with respect to revenue legislation, clause 1, section 1, article I of the Constitution, with respect to impeachment and matters incidental, and with respect to matters relating to the return of a bill to the House under a Presidential veto.

"Questions of the privileges of the House must meet the standards of rule XI. Those standards address privileges of the House as a House, not those of Congress as a legislative branch.

"As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative 'power of the purse' in the seventh original clause of section 9 of that article, the Chair finds helpful guidance in the landmark precedent of May 6, 1921, which is recorded in Cannon's Precedents at volume 6, section 48. On that occasion, the Speaker was required to decide whether a resolution

purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment, relating to apportionment, constituted a question of the privileges of the House.

"Speaker Gillette held that the resolution did not involve a question of privilege. His rationale bears quoting. And I quote:

This whole question of a constitutional privilege being superior to the rules of the House is a subject which the Chair has for many years considered and thought unreasonable. It seems to the Chair that where the Constitution orders the House to do a thing, the Constitution still gives the House the right to make its own rules and to do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses.

If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that mandate, but it is still a question for the House how and when and under what procedure it shall be done. And a constitutional question, like any other, ought to be decided according to rules that the House has adopted. But there have been a few constitutional questions, very few, which have been held by a series of decisions to be of themselves questions of privilege above the rules of the House. There is the question of the President's veto.

Another subject which has been given constitutional privilege is impeachment. It has been held that when a Member rises in his place and impeaches an officer of the government, he can claim a constitutional privilege which allows him at any time to push aside the other privileged business of the House.

"Later in the same rule, Speaker Gillette made this observation, again I quote:

But this Rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. If the question of the census and the question of apportionment were new questions, the Chair would rule that they were not questions of constitutional privilege, because, while of course it is necessary to obey the mandate of the Constitution and take a census every ten years and then make an apportionment, yet there is no reason why it should be done today instead of tomorrow. It seems to the Chair that no one Member ought to have the right to determine when it should come in preference to the regular rules of the House but that the rules of the House or the majority of the House should decide it. But these questions have been decided to be privileged by a series of decisions, and the Chair recognizes the importance of following precedence in obeying a well-established rule, even if it is unreasonable, that this may be a government of laws and not of men.

"The House Rules and Manual notes that under an earlier practice of the House, certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Examples included the census and apportionment measures mentioned by Speaker Gillette. But under later decisions, exemplified by Speaker Gillette's in 1921, matters that have no other basis in the Constitution or in the rules on which to

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qualify as questions of the privileges of the House have been held not to constitute the same. The effect of those decisions has been to require that all questions of privilege qualify within the meaning of Rule IX.

"The ordinary rights and functions of the House under the Constitution are exercised in accordance with the rules of the House, without necessarily being accorded precedence as questions of the privileges of the House.

"Consistent with the principle enunciated by Speaker Gillette, the House considered in 1941 the joint resolutions to declare war on Japan, Germany and Italy by way of motions to suspend the rules. On July 10, 1991, again in consonance with these principles, the House adopted a special order of business reported from the Committee on Rules to enable its consideration of a concurrent resolution on the need for congressional authorization for military action, a concurrent resolution on a proposed policy to reverse Iraq's occupation of Kuwait, and a joint resolution authorizing military action against Iraq pursuant to a United Nations Security Council Resolution.

"Finally, the Chair observes that in 1973, the House and the Senate, again consistent with Speaker Gillette's rationale, chose to exercise their respective constitutional powers to make their own rules by including in the War Powers Resolution provisions according privilege to specified legislative measures relating to the commitment of U.S. Armed Forces to hostilities. It must be noted the procedures exist under the rules of the House that enable the House to request or compel the executive branch to furnish such information as it may require.

"The Chair will continue today to adhere to the same principles enunciated by Speaker Gillette. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers 'to coin money, regulate the value thereof, and of foreign coins,' nor the prohibition in the seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation, renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

"The resolution offered by the gentleman from Mississippi recites the enumerated powers of Congress relating to the regulation of currency and the general legislative 'power of the purse,' and resolves that the Comptroller General conduct a multifaceted evaluation of recent actions taken by the President to use the Economic Stabilization Fund in support of the currency of Mexico and to report thereon to the House.

"It bears repeating that questions of privileges of the House are governed by rule IX and that rule IX is not concerned with the privileges of the Congress, as a legislative branch, but only

with the privileges of the House, as a House.

"The Chair holds that the resolution offered by the gentleman from Mississippi does not affect 'the rights of the House collectively, its safety, dignity, or the integrity of its proceedings' within the meaning of clause 1 of rule IX. Although it may address the aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. Were the Chair to rule otherwise, then any alleged infringement by the executive branch, even, for example, through the regulatory process, on a legislative power conferred on Congress by the Constitution would give rise to a question of the privileges of the House. In the words of Speaker Gillette, 'no one member ought to have the right to determine when it should come in preference to the regular rules of the House'."

The Chair has ruled that this is not a privileged resolution.

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

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

The question being, viva voce, Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER announced that the yeas had it.

Mr. TAYLOR of Mississippi 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

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| Yeas | 288 |
| Nays | 143 |

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

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

WORDS TAKEN DOWN IN COMMITTEE

(¶52.4)

IT IS A BREACH OF DECORUM IN DEBATE TO CHARACTERIZE THE ACTIONS OF ANOTHER MEMBER AS "HYPOCRITICAL."

On March 29, 1995, when Mr. KLUG, Chairman reported that during the consideration of said bill in Committee, certain words used in debate were objected to and upon request, were read at the Clerk's desk.

The Clerk read the words taken down in committee during debate by Mr. HOKE as follows:

I had specific conversation with the gentleman from Michigan, and he stated to me very clearly that it is his intention to vote against this bill on final. Now, if that is not a cynical manipulation and exploitation of the American public, then what is? What could be more cynical? What could be more hypocritical?

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

"In the opinion of the Chair, ascribing hypocrisy to another Member has

been ruled out of order in the past, and is unparliamentary."

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

Mr. DINGELL objected to the unanimous consent for Mr. HOKE to proceed in order.

The SPEAKER pro tempore, Mr. TORKILDSEN, stated the question: "Will the gentleman be permitted to proceed in order?"

The question being put viva voce, Will the gentleman be permitted to proceed in order?

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

Mr. CONYERS 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.

It was decided in the affirmative

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| Yeas | 212 |
| Nays | 197 |
| Answered present | 2 |

So the gentleman [Mr. HOKE] was permitted to proceed in order.

A motion to reconsider the vote whereby the gentleman was permitted to proceed in order was agreed to was, by unanimous consent, laid on the table.

POINT OF ORDER

(¶56.15)

THE REQUIREMENT OF CLAUSE 5(C) OF RULE XXI FOR A THREE-FIFTHS VOTE TO PASS OR ADOPT CERTAIN MEASURES DOES NOT APPLY TO THE QUESTION OF PASSAGE OF A BILL PROPOSING TO REPEAL A STATUTORY CEILING ON TAX LIABILITY FOR A SPECIFIED FORM OF INCOME AND TO EXEMPT FROM TAXATION A PERCENTAGE OF THAT FORM OF INCOME.

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

On April 5, 1995, Mr. MORAN, having previously cited clause 5(c) of rule XXI in a parliamentary inquiry as being applicable to the bill, made a point of order, and said:

"Mr. Speaker, I make a parliamentary inquiry, but I would state a point of order that any vote on this bill should require a three-fifths vote. If it does not require that, then I would appeal the ruling of the Chair."

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

"Mr. Speaker, I would be pleased to try to help the Chair to support his ruling.

"First, as a result of the enactment of the 50 percent exclusion applicable generally, taxpayers, other than those described in the following two paragraphs, would have a tax rate lower than 28 percent. Thus, the 28 percent maximum rate of section 1(h) of current law would not cause a reduction in tax liability as compared with that

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under current law; that is, as relates to current law liability, the provision would be inoperative.

"No. 2, the 50 percent exclusion would not apply to collectibles. Under H.R. 1215, for this group of taxpayers the maximum rate of 28 percent is retained in H.R. 1215.

"No. 3, a question has been raised as to the potential application of the 28 percent maximum rate under current law for taxpayers currently qualifying for the special rules of existing section of the law, 1202. In light of the fact that this provision would be repealed by 1215, the maximum rate of 28 percent would have no further application. Moreover, it should be noted that the special rules in section 1202 are an exclusion provision rather than a rate provision.

"Further, it should be noted that concerns as to whether repeal of current law, section 1202, in conjunction with the repeal of current law, section 1(h) constitutes a rate increase, are focused on the effective rate impact rather than the occurrence of any income tax rate increase.

"The House rule in question is not intended to apply to effective rate changes."

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

"Mr. Speaker, I would like to underscore the last comment that was made by the distinguished chairman of the Committee on Ways and Means that the House rule in question is not intended to apply to effective tax rate changes. There was never any reference to effective rate changes. In fact, it was any income tax rate increase. I read the debate again that occurred on the first day of this session. We are now making a distinction between effective rate changes apparently and statutory rate changes, although both apply here. I do have a letter from the Treasury Department explaining that this is a tax rate increase.

"How it occurred, Mr. Speaker, is in the 1993 Omnibus Budget Reconciliation Act we did pass a capital gains tax rate reduction. What it said is that when people invest in small capitalized firms for five years, their capital gains tax is reduced by 50 percent. What this bill did was to strike the capital gains rate of 28 percent, raise it to 39.6 percent, and then apply the 50 percent preference for capital gains investment. What that means is that the effective capital gains rate is 19.8 percent if this bill were to pass, whereas today there are investors getting a 14 percent tax rate on capital gains investments.

"Now, this is not an obscure provision. It is a \$725 million capital gains provision that was passed in the 1993 Budget Reconciliation Act. What we have done is for some investors who have invested hundreds of millions of dollars in small capitalized firms, is increased their tax rate from 14 percent to 19.8 percent. That is an increase in the income tax rate. It is both a statutory increase, in that we remove the 28 percent level and put in 39.6 percent. It

is also an effective rate increase because it changes from 14 percent to 19.8 percent. That is what the letter from both Treasury Department and the Small Business Administration underscores, that in fact investors would be paying a higher capital gains rate."

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

"Mr. Speaker, this is a very important ruling. It is the first one that the Chair has had to make on the new rule XXI that requires an extraordinary vote on a tax rate increase. The language, as I understand it, is when the Federal tax rate increase applies we need a three-fifths vote.

"If I understand the potential ruling of the Chair, if the Chair rules that this bill does not raise a rate and therefore does not need an extraordinary vote, what the Chair is saying is that legislation which subjects a larger percentage of a taxpayer's income to an existing tax rate would not be a tax rate increase under the provisions of rule XXI. That would mean that we could effectively raise tax rates in this country by just subjecting a larger amount of a person's income to the tax rate, thereby accomplishing the effect of a tax rate increase under the potential ruling of the Chair without raising the rate.

"I just really want to point that out to the Chair before he makes his ruling, because effectively if he rules against the gentleman [Mr. MORAN of Virginia] rule XXI is meaningless."

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

"Mr. Speaker, one further point I think needs to be made on this.

"During the debate on opening day, it was touted that this rules change was remedial in nature. It was to be viewed expansively as remedying a propensity of the House that needed to be curtailed. A narrow reading such as is advocated by the chairman of the Committee on Ways and Means a few minutes ago flies in the face of all of the advocacy, the legislative history, if you will, of this rules change, which is the only basis that the House has and that the Chair has for informing a ruling.

"To take a provision that was intended to be remedial, and therefore viewed expansively, and interpret it narrowly belies the absurdity of the rules change to begin with."

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

"Mr. Speaker, if I understand the ruling the Chair is about to make, you are saying for those who do not understand arcane tax law, if we raise taxes on people but we do it in a sneaky, kind of back-door way of doing it, that, Mr. Speaker, if we do it in a legislatively, carefully crafted way, we can get away with it. If we do it straight out and say to small business, your taxes go from 14 percent to 19 percent just like that, that would require a 60-percent vote. But if we can find some way parliamentarily to swing around it,

whatever the effect on people is does not make any difference.

"Is that what the Chair is saying?"

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

"Mr. Speaker, this does not seem all that complicated. It does not change any rates of taxation of capital gains. It excludes 50 percent of the gain. Therefore, you are taxed at the 39.6 percent tax rate. Fifty percent of any gain would be excluded, giving an effective rate of 19.8 percent, a lower effective rate.

"If you happen to be taxed at a 35 percent tax rate, 50 percent of the gain would be excluded, giving you a 17.5 percent tax. It lowers the effective rate in every instance by excluding half of the gain from any taxation at all."

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

"The Chair is prepared to rule.

"In deference to the specialized expertise that has been provided, the Chair rules that this bill does not include a Federal income tax rate increase."

Mr. MORAN appealed the ruling of the Chair.

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

The question being put, viva voce,

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

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

Mr. MFUME 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.

| | |
|---|----------------------------------|
| When there appeared | Yeas 228 Nays 204 |
| 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

(¶57.20)

A RESOLUTION RECITING THE CONSTITUTIONAL PREROGATIVE OF THE HOUSE TO ORIGINATE REVENUES IN CLAUSE 1, SECTION 7, ARTICLE I OF THE CONSTITUTION, ALLEGING THAT A SPECIFIED REVENUE PROVISION RECENTLY ENACTED AS LAW HAD ORIGINATED IN A COMMITTEE OF CONFERENCE ON A NON-REVENUE BILL, AND RESOLVING THAT THE COMPTROLLER GENERAL REPORT TO THE HOUSE AN OPINION WHETHER THE REVENUE PROVISION VIOLATED CITED PROVISION OF THE CONSTITUTION, DOES NOT PRESENT A QUESTION OF PRIVILEGES OF THE HOUSE UNDER RULE IX.

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

On April 6, 1995, Mr. DEUTSCH, rose to a question of the privileges of the

QUESTIONS OF ORDER

House and called up the following resolution (H. Res. 131):

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 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;

Whereas section 7 of Article I of the Constitution requires that revenue measures originate in the House of Representatives; and

Whereas, the conference report on the bill H.R. 831 contained a targeted tax benefit which was not contained in the bill as passed the House of Representatives and which was not contained in the amendment of the Senate: Now, therefore, be it

Resolved, That the Comptroller General of the United States shall prepare and transmit, within 7 days after the date of the adoption of this resolution, a report to the House of Representatives containing the opinion of the Comptroller General on whether the addition of a targeted tax benefit by the conferees to the conference report on the bill H.R. 831 (A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes) violates the requirement of the United States Constitution that all revenue measures originate in the House of Representatives.

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

"The Chair rules that the resolution does not constitute a question of privilege under rule IX.

"The resolution offered by the gentleman from Florida collaterally questions actions taken by a committee of conference on a House-originated revenue bill by challenging the inclusion in the conference report of additional revenue matter not contained in either the House bill nor the Senate amendment committed to conference. The resolution calls for a report by the Comptroller General on the propriety under section 7 of article I of the Constitution of those proceedings and conference actions on a bill that has already moved through the legislative process.

"In the opinion of the Chair, such a resolution does not raise a question of the privileges of the House. As recorded in Deschler's Precedents, volume 3, chapter 13, section 14.2, a question of privilege under section 7 of article I of the Constitution may be raised only when the House is 'in possession of the papers.' In other words, any allegation of infringement on the prerogatives of the House to originate a revenue measure must be made contemporaneous with the consideration of the measure by the House and may not be raised after the fact.

"The Chair rules that the resolution does not constitute a question of the privileges of the House."

Mr. DEUTSCH appealed the ruling of the Chair.

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

The question being put, viva voce,

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

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

Mr. WALKER 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 | 230 |
| Nays | 192 |

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

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

WORDS TAKEN DOWN

(¶76.3)

IT IS A BREACH OF DECORUM IN DEBATE TO CHARACTERIZE THE REMARKS OF AN IDENTIFIABLE GROUP OF MEMBERS AS "LIES."

On June 8, 1995, Mr. HOKE, during one minute speeches addressed the House and, during the course of his remarks,

Mr. GREEN demanded that certain words be taken down.

The Clerk read the words taken down as follows:

One after another after another of our liberal colleagues take to the well to carp, to moan, to deceive and to distort. The lies roll off their tongues so easily. They can say the most outlandish things with such ease, you would swear that it was Mephistopheles himself that was up there speaking.

For instance, they say that Republicans are drastically cutting Medicare. It is not true, and they know it.

Far from cutting Medicare, Republicans are strengthening the programs and saving it from certain bankruptcy as said so by the trustees of the program itself. They tell the same lies about the programs for children, about education, about nutrition, you name it.

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

"The Chair's ruling is that the use of the word 'lies' in the context as it relates to specific Members and generally as it relates under the Rules of the House regarding Members' participation in debate, is inappropriate and is a breach of decorum.

"Without objection, the words will be stricken.

On motion of Mr. LINDER, by unanimous consent, Mr. HOKE was allowed to proceed in order.

POINT OF ORDER

(¶85.20)

UNDER CLAUSE 2(C) OF RULE XXI, A MOTION TO RECOMMIT A GENERAL APPROPRIATION BILL WITH INSTRUCTIONS TO INSERT AN AMENDMENT IN THE FORM OF A LIMITATION ON FUNDS THEREIN IS NOT IN ORDER WHERE THAT LIMITATION HAD NOT BEEN CONSIDERED IN THE COMMITTEE OF THE WHOLE PURSUANT TO CLAUSE 2(D) OF THAT RULE.

On June 22, 1995, Mr. PACKARD, made a point of order against the motion, and said:

"Mr. Speaker, I wish to make a point of order against the motion to recommit with instructions because it includes a limitation and is not in order under clause 2 of rule XXI. Under the precedents of the House, it is not 'competent' for the House to amend the bill in the manner proposed because it is not in order for the House to instruct the Committee to do what the House itself could not do.

"Mr. Speaker, I quote from precedents of the House of Representatives: 'It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment.'

"Also, Mr. Speaker, a point of order was sustained on a motion, a very like motion, to recommit with instructions on August 1, 1989, under a different Speaker. Mr. Speaker, the gentleman's motion to instruct includes a limitation not specifically contained or authorized in existing law, and not considered in the Committee of the Whole pursuant to clause 2(d) of rule XXI, and therefore I ask for a ruling by the Chair on the point of order."

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

"Mr. Speaker, the language offered in this motion to recommit is in fact valid under the House rules. It is constructed to meet all requirements for a valid limitation under clause 2 of rule XXI. It does not impose 'substantial additional duties.'

"While it is true such an amendment could have been blocked under section (d) of clause 2 by the motion to rise had such a motion been offered in the Committee of the Whole, in fact no such motion was offered. The Committee rose under the direct terms of the rule, House Resolution 169, rather than as a result of the motion of the majority leader or the manager.

"The House rules clearly permit a valid limitation to be offered when the manager or the majority chooses not to offer the motion to rise or if they fail to do so in a timely fashion. For this reason, a motion to recommit with instruction to include a simple valid limitation is in fact in order, and therefore the motion to recommit requiring a gift ban be reported back to the House is in order."

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

QUESTIONS OF ORDER

“Consistent with the precedents of August 1 and 3, 1989, which are recorded in section 835 of the House Rules and Manual, the point of order is sustained and the motion is held out of order.”.

POINT OF ORDER

(¶91.25)

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

On July 10, 1995, Mr. BOEHNER, made a point of order and said:

“Mr. Speaker, I make a point of order that the gentleman [Mr. BONIOR] is not speaking to the relevant issue at hand. I make a point of order that the gentleman in the well, the minority whip, is not talking to the relevant issue at hand that is in the debate today. The issue is the seating of the gentleman [Mr. LAUGHLIN] on the Committee on Ways and Means. The gentleman [Mr. BONIOR] proceeded, as others before him have, to talk about the issue of Medicare, which is not the subject of debate. As I understand the rules of the House, the gentleman should be required to speak to the issue that is on the floor.”

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

“The gentleman makes a point of order that engaging in debate should be on the topic before the House. The gentleman [Mr. BONIOR] in the well is reminded that the debate topic before the House is the resolution with regard to membership on the committee and debate should be confined to that subject matter.”.

POINT OF ORDER

(¶91.26)

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

On July 10, 1995, Mr. BOEHNER made a point of order and said:

“Mr. Speaker, I make a point of order that the gentleman in the well [Mr. BONIOR] is questioning the motives of the gentleman [Mr. LAUGHLIN] that is in question on the resolution appointing him to the committee.”

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

“The gentleman [Mr. BONIOR] at this point has not named any member of the Committee on Ways and Means. The gentleman is reminded, however, that he has an obligation to the rules of the House to proceed in order.”.

POINT OF ORDER

(¶91.27)

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

On July 10, 1995, Mr. BONIOR, made a point of order and said:

“Mr. Speaker, the Gentleman [Mr. HAYWORTH] is not talking about the resolution and he is off the issue.”

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

“The gentleman from Arizona [Mr. HAYWORTH] must confine himself to the subject matter of the resolution before the House.”.

POINT OF ORDER

(¶91.28)

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

On July 10, 1995, Mr. FRANK, made a point of order, and said:

“Point of order, Mr. Speaker. My point of order is that unless the Speaker has taken the words of the gentleman from Michigan [Mr. BONIOR] to heart, that (the remarks of Mr. PAXON) violates the subject of the Speaker's previous instructions. Mr. Speaker. It is off the point of the issue of appointing the gentleman [Mr. LAUGHLIN].”

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

“The gentleman [Mr. PAXON] is reminded he must proceed in order.”.

POINT OF ORDER

(¶91.29)

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

On July 10, 1995, Mr. FRANK, made a point of order, and said:

“Point of order, Mr. Speaker. This (the remarks of Mr. PAXON) clearly violates the spirit of the Speaker's previous instruction. I would like to be clear that unless we are going to have one set of rules for this party and another set of rules for the other, that clearly violates what the gentleman [the SPEAKER pro tempore] stated to the gentleman [Mr. BONIOR].”

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

“The Chair had reminded Members on both sides of the aisle when the question has been raised that they are to proceed in order. The Chair would continue to say to both sides of the aisle in fairness that they must proceed in order on the resolution. The subject matter under discussion is the election of the gentleman [Mr. LAUGHLIN] on the Committee on Ways and Means. That should be the subject of the discussion on the floor.”.

POINT OF ORDER

(¶118.8)

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

DEBATE ON A SPECIAL ORDER PROVIDING FOR CONSIDERATION OF A BILL MAY RANGE TO THE MERITS OF THE BILL TO BE MADE IN ORDER, AS THE QUESTION OF ITS CONSIDERATION IS PENDING, BUT SHOULD NOT EXTEND TO THE MERITS OF ANOTHER MEASURE NOT PROPOSED TO BE CONSIDERED UNDER THE SPECIAL ORDER.

On September 20, 1995, Mr. QUILLEN, made a point of order during the remarks of the gentleman [Mr. DOGGETT], and said:

“Mr. Speaker, I make a point of order that the gentleman [Mr. DOGGETT] is in violation of House rule XIV that requires Members to confine themselves to the question under consideration.

“Mr. Speaker, the question under consideration is House Resolution 224, the rule for the highway bill, and has nothing to do with Medicare.”.

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

“Mr. Speaker, the gentleman [Mr. QUILLEN] objects to the gentleman [Mr. DOGGETT] speaking about the resolution of the gentleman [Mr. DINGELL], when the matter before the House is the rule on H.R. 2274.

“The Speaker has ruled on this issue several times in recent years. Probably the clearest guidelines about relevant speech during consideration of a rule come from the Speaker's ruling of September 27, 1990, and I quote:

In the Chair's opinion discussing the priority of business is within the confines of the resolution... the Chair has ruled that it is certainly within the debate rules of this House to debate whether or not this rule ought to be adopted or another procedure ought to be adopted by the House... but when debate ranges into the merits of the relative bills not yet before the House, the Chair would admonish the Members that that goes beyond the resolution...

“Mr. Speaker, the gentleman from Texas [Mr. DOGGETT] has not discussed the merits of Medicare legislation. He has not discussed the details of it or engaged in anything like a debate on that important measure. Mr. Speaker, the gentleman from Texas has confined himself to the priority of business argument, that the House ought to be debating the resolution of the gentleman from Michigan [Mr. DINGELL] providing for hearings, providing for additional hearings, on Medicare before it gets to this important matter dealing with transportation. The gentleman from Texas has confined himself to the question of whether to adopt the rule before us or a different rule making in order the gentleman from Michigan's resolution that provides for hearings on Medicare.

“Mr. Speaker, I believe the speech of the gentleman from Texas [Mr. DOGGETT] is relevant.”.

QUESTIONS OF ORDER

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

"Mr. Speaker, as my colleague from Texas has just pointed out, the focus of my remarks from the outset is the priority of legislative business. If a rule is not an appropriate time to discuss the priority of legislative business, I know not when one could discuss the priority, and of course my reason for raising this issue of priority is that I made a parliamentary inquiry only about an hour ago to the Speaker to find out how is it possible to get before the House a resolution signed by 201 Members of this House asking for more complete and fair hearings on Medicare, and I was told there was no way to do that without the approval of Speaker GINGRICH. So it seemed to me this was an appropriate way to discuss priorities because I would be denied, as has every other Member of this House, any other way of getting the issue before the House.

"So, Mr. Speaker, this is a discussion of priorities which I plan, in the brief minute I have remaining, to intermingle with the highway bill under consideration because the two are very related."

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

"Debate on a special order providing for the consideration of a bill may range to the merits of the bill to be made in order since the question of consideration of the bill is involved, but should not range to the merits of a measure not to be considered under that special order.

"The gentleman [Mr. QUILLEN] has made a point of order that the gentleman [Mr. DOGGETT] is engaging in irrelevant debate. Because the gentleman's remarks have in some respects extended to the merits of other measures. The Chair finds that the point of order is well taken."

DECORUM OF THE HOUSE

(¶121.3)

AT THE REQUEST OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, THE SPEAKER ANNOUNCED AS A MATTER OF DECORUM THAT: (1) A HANDOUT DISTRIBUTED ON OR NEAR THE FLOOR MUST BEAR THE NAME OF A MEMBER WHO AUTHORIZES ITS DISTRIBUTION; (2) THE CONTENT OF A HANDOUT MUST COMPORT WITH THE STANDARDS APPLICABLE TO WORDS SPOKEN IN DEBATE; (3) FAILURE TO COMPLY WITH THESE STANDARDS MAY CONSTITUTE A BREACH OF DECORUM AND GIVE RISE TO A QUESTION OF PRIVILEGE; (4) STAFF ON OR NEAR THE FLOOR ARE PROHIBITED FROM DISTRIBUTING HANDOUTS OR OTHERWISE ATTEMPTING TO INFLUENCE MEMBERS WITH RESPECT TO LEGISLATION; AND (5) MEMBERS SHOULD MINIMIZE THE USE OF HANDOUTS.

On September 27, 1995, the SPEAKER made the following announcement:

"A recent misuse of handouts on the floor of the House has been called to

the attention of the Speaker and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Speaker announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

"The Speaker would also remind Members that pursuant to clause 4, rule XXXII, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

"In order to enhance the quality of debate in the House, the Speaker would ask Members to minimize the use of handouts."

POINT OF ORDER

(¶122.4)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE OFFICIAL CONDUCT OF OTHER MEMBERS WHERE SUCH CONDUCT IS NOT UNDER CONSIDERATION IN THE HOUSE BY WAY OF A REPORT OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT OR A QUESTION OF THE PRIVILEGE OF THE HOUSE, EVEN IF COUCHED AS A COMMENT ON COMMITTEE PROCEDURE.

On September 28, 1995, Mr. JOHNSTON of Florida, during one minute speeches addressed the House and, during the course of his remarks,

Mr. EHLERS made a point of order, and said:

"Mr. Speaker, the gentleman is addressing a matter currently under consideration by the Committee on Standards of Official Conduct, and under House rules that is not permitted."

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

"Mr. Speaker, on March 8 of this year, Speaker GINGRICH himself announced a new policy concerning speech on the House floor. Let me quote directly, for your consideration in making this ruling, his comments on March 8.

"He said, and I quote, 'The fact is, Members of the House are allowed to say virtually anything on the House floor. It is protected and has been for 200 years. It is written into the Constitution.'

"Mr. Speaker, it would seem to me, in view of the Speaker's own words, that comments about the Speaker and about ethics on the floor of this House are certainly within the rules of the House."

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

"Mr. Speaker, that point that was just made has been made a number of

times. The point is simply the rules of the House prevent us from speaking about matters which are under consideration in the Committee on Standards was out of order."

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

"Mr. Speaker, yes, I wish to comment. As I understood the remarks of the gentleman [Mr. JOHNSTON of Florida], they were directed at the Committee on Standards of Official Conduct and the process it is undertaking. Those remarks also went to a general process and, as I think he specifically referred to, proceedings affecting any Member.

"Mr. Speaker, certainly I would hope that the general conduct of the Committee on Standards of Official Conduct would be a proper subject for discussion here on the House floor."

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

"Mr. Speaker, if I may further address the inquiry, I agree with the last speaker. I was inquiring and investigating the process of the committee itself, and not into the specific inquiry of the Speaker. I think if the gentleman [Mr. EHLERS] listened closely, the gentleman would see the distinction of his complaints last week and the freedom of speech."

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

"Mr. Speaker, if I might be heard further on the point of order. In consideration of the rules, particularly as it relates to the Committee on Standards of Official Conduct, I believe that the rules do refer to certain proceedings in front of the Committee on Standards of Official Conduct being secret.

"But, Mr. Speaker, when the chairwoman of the Committee on Standards of Official Conduct comments publicly and repeatedly in the newspapers on this subject, surely there is an exception within our rules to permit our Members to comment on the proceedings in front of that committee when she is, herself, speaking about the Committee on Standards of Official Conduct and how it is disregarding its own rules."

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

"The Chair is prepared to rule on the point of order raised by the gentleman [Mr. EHLERS]. The Member is reminded not to refer to matters currently pending before the Committee on Standards of Official Conduct, and Members should refrain from references in debate to the official conduct of other Members where such conduct is not under consideration in the House by way of a report of the Committee on Standards of Official Conduct or a question of the privilege of the House."

QUESTIONS OF ORDER

PRIVILEGES OF THE HOUSE

(¶134.11)

A RESOLUTION ALLEGING A DISTRIBUTION OF FALSIFIED DOCUMENTS AT A COMMITTEE HEARING, AND RESOLVING THAT THE SPEAKER TAKE STEPS TO ENSURE THE INTEGRITY OF THE LEGISLATIVE PROCESS AND TO REPORT HIS ACTIONS AND RECOMMENDATIONS TO THE HOUSE, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On October 25, 1995, Ms. SLAUGHTER, rose to a question of the privileges of the House and called up the following resolution (H. Res. 244):

Whereas, on September 28, 1995, the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs of the Committee on Government Reform and Oversight held a hearing on political advocacy of Federal Grantees;

Whereas, the president of the Alliance for Justice, a national association of public interest and civil rights organizations testified at that hearing;

Whereas, a document was placed upon the press table for distribution at the hearing which contained the letterhead, including the name, address, phone number, fax number, and E-mail address of the Alliance for Justice, and the names of certain member organizations and the dollar amounts of Federal grants they received;

Whereas, in her opening statement at the hearing, the president of the Alliance for Justice identified the document as being forged and contained errors and requested an explanation from the chairman of the subcommittee as to the source of the document;

Whereas, in response, the chairman acknowledged that the document was created by the subcommittee staff;

Whereas, House Information Resources, at the request of the subcommittee staff, prepared the forged document;

Whereas, the document was prepared using official funds;

Whereas, the chairman of the subcommittee acknowledged in a letter, dated September 28, 1995, to the president of the Alliance for Justice that "the graphics, unfortunately, appeared to simulate the Alliance's letterhead";

Whereas, the September 29, 1995, issue of the National Journal's Congress Daily reported that Representative McIntosh's communications director said that "the letterhead was taken from a faxed document, scanned into their computer system and altered"; and

Whereas, questions continue to arise regarding the responsibility for preparation of the forced document; the chairman of the subcommittee stated during the hearing that he had no prior knowledge of the document's preparation; the chairman later stated that the subcommittee staff prepared the document; and other published reports suggested that Chairman McIntosh's personal office staff prepared the document;

Whereas, on September 27, 1995, the Speaker expressed concern over the distribution of unattributed documents and announced a policy requiring that materials disseminated on the floor of the House must bear the name of the Member authorizing their distribution;

Whereas, Members and staff of the House have an obligation to ensure the proper use of documents and other materials and exhibits prepared for use at committee and subcommittee hearings and which are made available to Members, the public or the press and to ensure that the source of such docu-

ments or other materials is not misrepresented;

Whereas, committees and subcommittees should not create documents for use in their proceedings that may give the impression that such documents were created but other persons or organizations, as occurred at the September 28, 1995, hearing of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs;

Whereas, the dissemination of a forged document distorts the public record and affects the ability of the House of Representatives, its committees, and Members to perform their legislative functions, and constitutes a violation of the integrity of committee proceedings which form a core of the legislative process: Now, therefore, be it

Resolved, That the Speaker shall take such action as may be necessary to provide an appropriate remedy to ensure that the integrity of the legislative process is protected, and shall report his actions and recommendations to the House.

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

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Ms. SLAUGHTER 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.

| | | | |
|---------------------|---|------------|-----|
| When there appeared | { | Yeas | 236 |
| | | Nays | 189 |

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.

WORDS TAKEN DOWN

(¶142.16)

IT IS NOT A BREACH OF DECORUM IN DEBATE TO ARGUE THAT THE PRESIDENT SHOULD "NOT FRIVOLOUSLY VETO" A MEASURE, SINCE SUCH A REFERENCE IS NOT PEJORATIVE OR PERSONALLY OFFENSIVE.

On November 8, 1995, Mr. LIVINGSTON during debate, addressed the House and, during the course of his remarks,

Mr. VOLKMER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

...Yes, it is more restrictive than the last continuing resolution because the idea is to encourage both the Members of this body, the Members of the other body, to pay attention to the appropriation bills that have already passed the House of Representatives, and to also encourage the President to pay attention to those bills when they come to him and not frivolously veto them like he did the legislative branch bill.

The SPEAKER pro tempore, Mr. DREIER, responded to the demand for words to be taken down and said:

"In the opinion of the Chair, the words were not a personal affront to the President, and are not considered inappropriate."

WORDS TAKEN DOWN

(¶143.17)

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

On November 9, 1995, Mr. HOYER during debate, addressed the House and, during the course of his remarks,

Mr. HASTERT demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Ladies and gentleman of this House, ladies and gentleman of America, this bill is a patently petty political terrorist tactic, that is what it is, an attempt to force the President of the United States to adopt things that you cannot get through your own Senate, not just the Congress. This bill adopts tactics that put America as a hostage to an extremist agenda.

The SPEAKER pro tempore, Mr. HOBSON, responded to the demand for words to be taken down, and said:

"The Chair rules that since this is not a reference to an individual Member, that the remarks are in order.

"However, the Chair would observe that there is a civility within the House in addressing bills and Members that should be observed, and it would be hoped that in the future that would be observed by all Members."

POINT OF ORDER

(¶146.11)

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

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

On November 14, 1995, Mr. BILIRAKIS, made a point of order and said: "Madam Speaker, this harangue that we have had from the other side is certainly not germane to what we are talking about here, and I think it violates the rules of the House."

Mr. BROWN of Ohio was recognized to speak to the point of order and said: "Madam Speaker, we are talking about Medicare, we are talking about that section. I ran for Congress understanding that on the floor of the House you could talk about issues that affected people's lives and issues that affected the particular legislation you are working on.

"On this side of the aisle I control my 30 minutes. My friend [Mr. BILIRAKIS] can talk about what he wants in his 30 minutes."

The SPEAKER pro tempore, Mrs. MYRICK, sustained the point of order, and said:

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"The Chair will take this opportunity to read from clause 1 of rule XIV of the Rules of the House of Representatives.

"When any Member desires to speak or deliver any matter to the House, he shall rise and respectfully address himself to 'Mr. Speaker', and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate."

"With that guidance, the gentleman [Mr. BROWN of Ohio] may proceed."

After further debate,

Mr. BILIRAKIS rose to restate his point of order and said:

"My point of order is to the effect that the debate over there has nothing at all to do with the legislation before us, which is to repeal the unnecessary regulatory burden of the cardiac pacemaker registry imposed by the Social Security Act, period. It is limited to that particular point, that subsection."

The SPEAKER pro tempore, Mrs. MYRICK, reiterated the previous ruling on the point of order, and said:

"The Chair finds that the most recent debate maintains the proper nexus to the bill. The gentleman [Mr. BROWN of Ohio] may proceed."

POINT OF ORDER

(¶146.12)

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

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

On November 14, 1995, Mr. EHRlich, made a point of order during the remarks of the gentleman from Ohio [Mr. BROWN], and said:

"Call for regular order. Nongermane debate again, Madame Speaker!"

Mr. Brown was recognized to speak to the point of order, and said

"Madame Speaker, it is not my fault that the Speaker was speaking to a bunch of insurance agents who are going to benefit by the passage of this bill and that he said that he wants Medicare to wither on the vine. I did not write his speech, Madame Speaker."

The Speaker pro tempore, Mrs. MYRICK, responded to the point of order, and said:

"quotations of the Speaker are not out of order, but a nexus needs to be maintained to the context of the bill."

POINT OF ORDER

(¶146.13)

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

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

On November 14, 1995, Mr. ERLICH, made a point of order and said:

"Medicare as a whole is not the proper subject of this debate in the rulings that the Chair has made in the last 10 minutes."

Mr. BROWN of Ohio, was recognized to speak to the point of order, and said:

"Madam Speaker, a month ago, Speaker GINGRICH speaking about Medicare to a group of insurance executives, most of whom will benefit mightily from the Gingrich Medicare \$270 billion in cuts to give tax breaks for the wealthy, said to this group, 'Now, we didn't get rid of Medicare in round 1 because we don't think that's politically smart, and we don't think that's the right way to go through a transition. But, we believe that Medicare,' parenthetically I would add, Madam Speaker, section 1862 which we are debating today and is part of Medicare 'but we believe,' Speaker GINGRICH went on to say, 'that Medicare is going to wither on the vine.'"

"That is my concern, Madam Speaker, that we need to discuss this bill on the floor because 1862 is part of this bill, and I do not quite understand why people in this body are so afraid of quoting the Speaker of the House."

The SPEAKER pro tempore, Mrs. MYRICK, responded to the point of order, and said:

"The Chair rules that a nexus must be maintained in the debate, between the debate and the bill under discussion, and the Chair has ruled such.

"The most recent debate has maintained that nexus."

WORDS TAKEN DOWN

(¶146.18)

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

On November 14, 1995, Mr. THOMAS, during debate, addressed the House and, during the course of his remarks,

Mr. OBEY demanded that certain words be taken down.

The Clerk read the words taken down as follows:

We said let us make sure that part of the solution is not part of the political problem. That is why the Republicans put holding the line on the beneficiaries' part of the part B premium on the continuing resolution, to stop the President from this kind of political game playing. They will tell you it is for good and worthy purposes. It is for down-in-the-dirt gutter politics, and you people are going to pay.

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

"In the opinion of the Chair, it does not appear that this is a personal reference to any Member or to the President."

WORDS TAKEN DOWN

(¶146.27)

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

On November 14, 1995, Mr. KINGSTON, during special orders addressed the House and, during the course of his remarks,

Mr. GREEN demanded that certain words be taken down.

The Clerk read the words taken down as follows:

For example, when one of the leaders of the Democratic party says, "Well, Republicans are going to cut Medicare", knowing full well we are going from \$4,800 to \$6,700 per person knowing that, and they look your Mother in the eye and your Dad and assume that they do not know what is going on and say, "The Republicans are going to cut your Medicare." Wouldn't it be great to have a beep come on and for all these C-SPAN viewers out there to know the person who is now speaking is lying.

The SPEAKER pro tempore, Mr. TAYLOR of North Carolina, held the words taken down to not be out of order, and said:

"The words are not a specific reference to any individual members. Earlier this evening, reference was made to the 'so-called leadership' of the House and that was not a reference to a specific person.

"The Chair would rule that these words are not out of order, but the Chair would caution Members again to be respectful to the House leadership and each other here this evening.

"The gentleman from Georgia may continue."

POINT OF ORDER

(¶148.4)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE SPEAKER IN TERMS PERSONALLY DEMEANING.

On November 16, 1995, Mr. HOKE, during one minute speeches, made a point of order, and said:

"Is it parliamentary to call the Speaker of the House a crybaby?"

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

"Such remarks are not in order and Members should refrain from using such language."

POINT OF ORDER

(¶148.5)

IT IS A BREACH OF DECORUM IN DEBATE TO DISPLAY AN EXHIBIT DEPICTING A PERSONALLY DEMEANING CARICATURE OF THE SPEAKER.

On November 16, 1995, Mr. HOKE, during one minute speeches, made a point of order, and said:

QUESTIONS OF ORDER

"The chart is demeaning to the House."

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

"The Chair rules it is a legitimate point of order. The Chair also rules that the Members must be respectful of other Members and must avoid such referencing of other Members on the floor."

POINT OF ORDER

(¶148.6)

IT IS A BREACH OF DECORUM IN DEBATE TO DISPLAY AN EXHIBIT DEPICTING A PERSONALLY DEMEANING CARICATURE OF THE SPEAKER.

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

On November 16, 1995, Mr. KINGSTON, during one minute speeches, made a point of order, and said:

"Was it not the opinion of the Chair that the chart in the gentleman's hand is out of order?"

Mr. MILLER of California, was recognized to speak to the point of order, and said:

"The point of order, I believe, is to suggest what, that I am holding the cover of the front page of the New York Daily News?"

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

"My point of order and question to the Chair was: Should not that chart be removed from the Chamber, since the Democrats obviously do not have the self-discipline to follow the rules of the House?"

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

"All Members should not use charts that are demeaning to other Members, in order to preserve the decorum of the House."

Mr. DOGGETT appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. KINGSTON 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. INGLIS, announced that the nays had it.

Mr. HOKE 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 231
Nays 173
So the motion to lay the appeal on the table was agreed to.

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

WORDS TAKEN DOWN

(¶149.15)

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

On November 17, 1995, Mr. MORAN, during debate addressed the House and, during the course of his remarks,

Mr. CUNNINGHAM demanded that certain words be taken down.

The Clerk read the words taken down as follows:

I think there are 5 compelling reasons to reject this bill tonight. The first is that it is at least inconsistent, at worst hypocritical, to make our foreign policy based upon the party affiliation of our commander in chief. In other words, I do think this bill is politically suspect in its motivation. But secondly, for nearly a year now our President under Secretary...

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

"The Chair rules that the words of the gentleman from Virginia are not personal references to any Member or to the President. Therefore, they are in order."

PRIVILEGES OF THE HOUSE

(¶149.19)

A RESOLUTION ALLEGING PROCEDURAL IRREGULARITIES AND DELAY BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN THE DISPOSITION OF ETHICS COMPLAINTS AGAINST THE SPEAKER, AND RESOLVING THAT THE COMMITTEE REPORT TO THE HOUSE THE STATUS OF ITS INVESTIGATION AND ITS DISPOSITION TOWARD THE APPOINTMENT OF AN OUTSIDE COUNSEL, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On November 17, 1995, Mr. PETERSON of Florida, rose to a question of the privileges of the House and called up the following resolution (H. Res. 277):

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established;

Whereas, although complaints against Speaker Gingrich have been under consideration for more than 14 months, the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to

widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than November 28, 1995, concerning:

The status of the Committee's investigation of the complaints against Speaker Gingrich;

The Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

A timetable for Committee action on the complaints.

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

"The Chair holds that the resolution gives rise to a question of the privileges of the House concerning the integrity of its proceedings."

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. PETERSON of Florida, 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 219
Nays 177
Answered present 10

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.

WORDS TAKEN DOWN

(¶150.5)

IT IS A BREACH OF DECORUM IN DEBATE TO REFER TO THE PRESIDENT IN TERMS PERSONALLY OFFENSIVE.

On November 18, 1995, Mr. MICA, during debate addressed the House and, during the course of his remarks,

Mr. HOYER demanded that certain words be taken down.

The Clerk read the words taken down as follows:

We heard him now, I am sure you have seen the recent commercial. We also have Bill Clinton saying, I think it can be done. Well, it can be done, first of all it can be done in 7 years. That is May 1995. Then we heard him in 10 years, then we heard 9 years, and 8 years. Well, my colleagues, we are here to nail the little bugger down, and that is the purpose of this.

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

"In the opinion of the Chair, there is an improper reference to the President

QUESTIONS OF ORDER

of the United States and the remarks are not in order.”.

By unanimous consent, the words were stricken from the RECORD.

Mr. DELAY moved that the gentleman [Mr. MICA] be permitted to proceed in order.

The SPEAKER pro tempore, Mr. GOODLATTE, stated the question: “Will the gentleman be permitted to proceed in order?”.

The question being put, viva voce, The SPEAKER pro tempore, Mr. GOODLATTE, announced that the nays had it.

Mr. LINDER 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.

| | | | |
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| It was decided in the affirmative | } | Yeas | 199 |
| | | Nays | 189 |
| | | Answered present | 26 |
| | | | |

So the gentleman was permitted to proceed in order.

A motion to reconsider the vote whereby the gentleman was permitted to proceed in order was, by unanimous consent, laid on the table.

The SPEAKER pro tempore, Mr. GOODLATTE, recognized Mr. MICA to proceed in order.

POINT OF ORDER

(¶152.14)

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

On November 28, 1995, Mr. HYDE, made a point of order, and said:

“Mr. Speaker, point of order. Should the gentleman’s remarks be confined to the bill and not to extraneous matter that may be lurking within his fertile imagination?”.

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

“The gentleman is correct. The Chair would admonish the gentleman from California to limit his remarks to the subject matter of H.R. 2525 currently pending before this body.”.

PRIVILEGES OF THE HOUSE

(¶154.17)

A RESOLUTION ALLEGING PROCEDURAL IRREGULARITIES AND DELAY BY THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN THE DISPOSITION OF ETHICS COMPLAINTS AGAINST THE SPEAKER, AND RESOLVING THAT THE COMMITTEE REPORT TO THE HOUSE THE STATUS OF ITS INVESTIGATION AND ITS DISPOSITION TOWARD THE APPOINTMENT OF AN OUTSIDE COUNSEL, PRESENTS A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX.

On November 30, 1995, Mr. JOHNSTON of Florida, rose to a question of the privileges of the House and called up the following resolution (H. Res. 288):

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established;

Whereas—although complaints against Speaker Gingrich have been under consideration for more than 14 months—the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore, be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than December 12, 1995, concerning:

- (1) The status of the Committee’s investigation of the complaints against Speaker Gingrich;
- (2) The Committee’s disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel’s investigation;
- (3) A timetable for Committee action on the complaints.

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

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

The question being put, viva voce,

Will the House lay the resolution on the table?

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

Mr. ARMEY demanded a recorded vote on agreeing to said motion, which 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 | 218 |
| | | Nays | 170 |
| | | Answered present | 9 |
| | | | |

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.

WORDS TAKEN DOWN

(¶164.16)

UPON A DEMAND THAT WORDS SPOKEN IN DEBATE BE TAKEN DOWN AS UNPARLIAMENTARY, ALL DEBATE IS SUSPENDED.

UNDER CLAUSE 1 OF RULE XIV, REMARKS IN DEBATE SHOULD BE DIRECTED TO THE CHAIR AND NOT (FOR EXAMPLE) TO THE PRESIDENT.

AN ADJURATION TO THE PRESIDENT TO KEEP HIS WORD, ALTHOUGH PERHAPS AN IMPROPER FORM OF ADDRESS AS NOT DIRECTED TO THE CHAIR, IS NOT UNPARLIAMENTARY AS PEJORATIVE OR PERSONALLY OFFENSIVE.

On December 19, 1995, Mr. MCINNIS, during one minute speeches addressed the House, and during the course of his remarks,

Mr. ABERCROMBIE demanded that certain words be taken down.

The Clerk read the words taken down as follows:

Yesterday he puts a bunch of children behind him kind of as props and attacks everybody who is expecting him to keep his word. It is very simple, Mr. President, keep your word to the American people. When you talk to those children, talk to them about scout’s honor, talk to them about the importance of keeping your word. That is what it all comes down to.

The Speaker pro tempore, Mr. BUNN, held the words taken down not to be unparliamentary, and said;

“While the Chair will remind all Members to address the Speaker, not the President, the words were not a pejorative reference to the President...”.

POINT OF ORDER

(¶165.19)

UNDER THE RULE OF GERMANENESS IN CLAUSE 7 OF RULE XVI, A PROPOSITION ADDRESSING A SPECIFIC SUBJECT MAY NOT BE AMENDED BY A PROPOSITION MORE GENERAL IN NATURE.

TO A JOINT RESOLUTION CONTINUING FUNDING FOR ONE EXECUTIVE DEPARTMENT, AN AMENDMENT TO DO THE SAME FOR AT LEAST SIX OTHERS IS NOT GERMANE.

TO A JOINT RESOLUTION CONTINUING THE AVAILABILITY OF APPROPRIATIONS FOR A SPECIFIED FISCAL PERIOD TO FUND CERTAIN ACTIVITIES OF THE DEPARTMENT OF VETERANS’ AFFAIRS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT SEEKING TO CONTINUE THE AVAILABILITY OF APPROPRIATIONS FOR A SIMILAR FISCAL PERIOD TO FUND THE ACTIVITIES OF OTHER DEPARTMENTS AND AGENCIES FOR WHICH REGULAR APPROPRIATIONS FOR FISCAL YEAR 1996 HAD NOT YET BEEN ENACTED IS NOT GERMANE.

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

On December 20, 1995, Mr. LIVINGSTON, made a point of order against the motion to recommit, and said:

QUESTIONS OF ORDER

"Mr. Speaker, I make a point of order against the motion to recommit with instructions because it is not germane to the underlying resolution, and as such in violation of clause 7 of rule XVI.

"Mr. Speaker, I quote from the Precedents of the House:

"It is not in order to do indirectly by a motion to commit with instructions what may not be done directly by way of amendment."

"Mr. Speaker, a specific proposition cannot be amended by another proposition broader in scope. The motion to recommit deals with funding and authorizing activities outside the Department of Veterans Affairs, and therefore is not germane to the underlying resolution which deals only with funding for selected activities in this department.

"Mr. Speaker, the gentleman's motion to instruct is not germane, Mr. Speaker, and I ask for a ruling from the Chair."

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

"Mr. Speaker, I would simply say the purpose of the resolution before us this evening is to provide additional services to taxpayers. The purpose of my motion is to provide additional services to taxpayers. It simply expands the number of services available. It is the same taxpayers we are talking about, and I think they are entitled to full range of services. I would therefore urge the Chair support the germaneness of the proposition."

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

"The pending joint resolution continues the availability of appropriations for a specified fiscal period to fund certain activities of the Department of Veterans' Affairs.

"The amendment proposed in the motion to recommit offered by the gentleman from Wisconsin seeks to continue the availability of appropriations for a similar fiscal period to fund the activities of other departments and agencies for which regular appropriations for fiscal year 1996 have not yet been enacted.

"One of the important lines of precedent under clause 7 of rule XVI—the germaneness rule—holds that a proposition addressing a specific subject may not be amended by a proposition more general in nature.

"For example, the Chair held on September 27, 1967, that an amendment applicable to all departments and agencies was not germane to a bill limited in its applicability to certain departments and agencies of Government. That precedent is annotated in section 798(f) of the House Rules and Manual.

"The Chair notes another illustrative ruling that is recorded in the Deschler-Brown precedents of the House at volume 10, chapter 28, section 9.22. On that occasion in 1967 the House was considering a joint resolution continuing appropriations for a portion of a fiscal year. An amendment was offered to restrict total administrative expendi-

tures for the fiscal year. Noting that the amendment affected funding beyond that continued by the joint resolution, the Chair sustained a point of order that the amendment was not germane.

"The amendment proposed in the motion to recommit offered by the gentleman from Wisconsin addresses funding not continued by the pending joint resolution. Where the joint resolution confines itself to funding within one department, the amendment ranges to at least six others. As such, the amendment is not germane.

"The point of order is sustained. The motion to recommit is ruled out of order."

Mr. OBEY appealed the ruling of the Chair.

The question being put, viva voce, Will the decision of the Chair stand as the judgment of the House?

Mr. LIVINGSTON 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 ayes had it.

Mr. OBEY 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.

| | | | |
|---------------------|---|------------|-----|
| When there appeared | { | Yeas | 236 |
| | | Nays | 176 |

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

(¶165.21)

UNDER THE RULE OF GERMANENESS IN CLAUSE 7 OF RULE XVI, A PROPOSITION ADDRESSING A SPECIFIC SUBJECT MAY NOT BE AMENDED BY A PROPOSITION MORE GENERAL IN NATURE.

TO A JOINT RESOLUTION CONTINUING FUNDING FOR ONE EXECUTIVE DEPARTMENT, AN AMENDMENT ADDRESSING THE COMPENSATION OF FEDERAL EMPLOYEES ON GOVERNMENT-WIDE BASES IS NOT GERMANE.

TO A JOINT RESOLUTION CONTINUING THE AVAILABILITY OF APPROPRIATIONS FOR A SPECIFIED FISCAL PERIOD TO FUND CERTAIN ACTIVITIES OF THE DEPARTMENT OF VETERANS' AFFAIRS, AN AMENDMENT PROPOSED IN A MOTION TO RECOMMIT ADDRESSING THE COMPENSATION OF FEDERAL EMPLOYEES ON GOVERNMENT-WIDE BASES IS NOT GERMANE.

On December 20, 1995, Mr. LIVINGSTON, made a point of order against the motion to recommit, and said:

"Mr. Speaker, I echo the gentleman's remarks about the way the Speaker has maintained order throughout this debate.

"Mr. Speaker, I make a point of order against the motion to recommit with instructions because it is not germane to the underlying resolution, and as such is in violation of clause 7, of Rule XVI.

"Mr. Speaker, I quote from the precedents of the House:

It is not in order to do indirectly by a motion to recommit with instructions what may not be done directly by way of amendment.

"Mr. Speaker, a specific proposition can not be amended by another proposition broader in scope. The motion to recommit deals with

POINT OF ORDER

(¶166.10)

UNDER THE "SCOPE" RULE IN CLAUSE 3 OF RULE XXVIII, HOUSE CONFEREES MAY NOT -- NOR MAY THEY BE INSTRUCTED TO -- INCLUDE IN A CONFERENCE REPORT A NEW TOPIC OR ISSUE NOT COMMITTED TO CONFERENCE BY EITHER HOUSE.

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

On December 21, 1995, Mr. SHAW, made a point of order against the motion to recommit, and said:

"Mr. Speaker, I raise a point of order that this motion to recommit is outside of the scope of the bill that is immediately before the House."

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

"Mr. Speaker, on the point of order, this simply would give the Democratic caucus the chance to vote for the bill that they voted for last March."

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

"The gentleman [Mr. SHAW] makes a point of order against the motion to recommit offered by the gentleman [Mr. NEAL]. As discussed in chapter 33, section 26.12 of the Deschler's Procedure, a motion to recommit a conference report may not instruct House conferees to include matter beyond the scope of the differences committed to conference by either House.

"The motion offered by the gentleman from Massachusetts instructs the House conferees on H.R. 4 to bring back a conference agreement consisting of the text of the bill, H.R. 1267. Since that bill was not committed to conference, the issue is whether the text of that bill includes matter not contained in either the House-passed version of H.R. 4 or the Senate amendment thereto. There are a number of provisions in H.R. 1267 which provide for a refundable dependent care tax credit, an issue not committed to conference by either House in H.R. 4. Therefore, the motion to recommit instructs House conferees to include matter beyond the scope of the differences committed to conference by either House and is not in order. The point of order is sustained."

Mr. NEAL appealed the ruling of the Chair.

QUESTIONS OF ORDER

The question being put, viva voce,
Will the decision of the Chair stand as the judgment of the House?

Mr. SHAW 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. LINDER, announced that the nays had it.

Mr. SHAW 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 | 240 |
| | | Nays | 182 |

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

(¶167.13)

A RESOLUTION ALLEGING DELINQUENCY ON THE PART OF THE HOUSE IN THE EXERCISE ITS CONSTITUTIONAL PREROGATIVE TO APPROPRIATE MONEY FROM THE TREASURY FOR THE OPERATION OF THE GOVERNMENT, AND RESOLVING THAT THE COMMITTEE ON RULES BE REQUIRED FORTHWITH TO REPORT A SPECIAL ORDER OF BUSINESS FOR A SPECIFIED BILL, DOES NOT PRESENT A QUESTION OF THE PRIVILEGES OF THE HOUSE UNDER RULE IX (BUT, INSTEAD, PROPOSES A SPECIAL ORDER OF BUSINESS).
THE HOUSE LAID ON THE TABLE AN APPEAL FROM THE RULING OF THE SPEAKER PRO TEMPORE.

On December 22, 1995, Mr. TAYLOR of Mississippi, rose to a question of the privileges of the House and called up the following resolution (H. Res. 321):

Whereas clause 1 of rule IX of the Rules of the House of Representatives states that "Questions of privilege shall be, first, those affecting the rights of the House collectively";

Whereas article 1, section 9, clause 7 of the Constitution states that: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by law;

Whereas today, December 21, 1995, marks the 81st day that this Congress has been delinquent in fulfilling its statutory responsibility of enacting a budget into law; and

Whereas by failing to enact a budget into law this body has failed to fulfill one of its most basic constitutionally mandated duties, that of appropriating the necessary funds to allow the Government to operate: Now, therefore, be it

Resolved, That the Committee on Rules is authorized and directed to forthwith report a

resolution providing for the consideration of H.R. 2530 (A bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002).

After debate,

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

"Questions of the privileges of the House must meet the standards of rule IX. Those standards address the privileges of the House as a House, not those of Congress as a legislative branch. As to whether a question of the privileges of the House may be raised simply by invoking one of the legislative powers enumerated in section 8 of article I of the Constitution or the general legislative power of the purse in the seventh original clause of section 9 of that article, the Chair will follow the rulings of Speaker Gillett on May 6, 1921, recorded at volume 6 of Cannon's Precedents, section 48, and by the Speaker on February 7, 1995. Speaker Gillett was required to decide whether a resolution purportedly submitted in compliance with a mandatory provision of the Constitution, section 2 of the 14th amendment relating to apportionment, constituted a question of the privileges of the House. Speaker Gillett held that the resolution did not invoke a question of privilege, his rationale, in pertinent part, bears repeating:

It seems to the Chair that where the constitution orders the House to do a thing the Constitution still gives the House the right to make its own rules and do it at such time and in such manner as it may choose. And it is a strained construction, it seems to the Chair, to say that because the Constitution gives a mandate that a thing shall be done, it therefore follows that any Member can insist that it shall be brought up at some particular time and in the particular way which he chooses. If there is a constitutional mandate, the House ought by its rules to provide for the proper enforcement of that, but it is still a question for the House how and when and under what procedure it shall be done. ...But this rule IX was obviously adopted for the purpose of hindering the extension of constitutional or other privilege. ...It seems to the Chair that no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House or the majority of the House should decide it.

"It is true that under earlier practice certain measures responding to mandatory provisions of the Constitution were held privileged and allowed to supersede the rules establishing the order of business. Under later decisions, matters that have no basis in the Constitution or in the rules on which to qualify as questions of the privileges of the House have been held not to constitute the same. This means that all questions of privileges of the House have

been held not to constitute the same. This means that all questions of privilege must qualify within the meaning of rule IX.

"As cited on page 355 of the Manual and reiterated on February 7 of this year, the Speaker said:

The Chair will continue today to adhere to the principles enunciated by Speaker Gillett. The Chair holds that neither the enumeration in the fifth clause of section 8 of article I of the Constitution of Congressional Powers to "coin money, regulate the value thereof and of foreign coins" nor the prohibition in the seventh original clause of section 9 of that article of any withdrawal from the Treasury except by enactment of an appropriation renders a measure purporting to exercise or limit the exercise of those powers a question of the privileges of the House.

"Therefore, the Chair holds that the resolution offered by the gentleman from Mississippi does not affect 'the rights of the House collectively, its safety, dignity or the integrity of its proceedings' within the meaning of clause 1 of rule IX. Although it may address an aspect of legislative power under the Constitution, it does not involve a constitutional privilege of the House. In the words of Speaker Gillett, 'no one Member ought to have the right to determine when it should come in in preference to the regular rules of the House.' Rather, the resolution constitutes an attempt to impose a special order of business on the House by directing the Committee on Rules to make in order a legislative proposal, and does not raise a question of the privileges of the House."

Mr. TAYLOR of Mississippi appealed the ruling of the Chair.

The question being put, viva voce,

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

Mr. BURTON 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. DREIER, announced that the nay had it.

Mr. BURTON 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 | 161 |

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.

SUBPOENAS RECEIVED

SUBPOENAS RECEIVED PURSUANT TO RULE L

On January 25, 1995, the SPEAKER pro tempore, Mr. GEKAS, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, December 22, 1994.

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 my office has been served with a subpoena issued by the State of Indiana, Madison Superior Court for the County of Madison, in connection with a civil case involving constituent casework.

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

Sincerely,

DAN BURTON,
Member of Congress.

On January 31, 1995, the SPEAKER pro tempore, Mr. BEREUTER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 30, 1995.

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 my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior Court of New Jersey in Morris County.

After consultation with General Counsel, I will determine if compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

RODNEY P. FRELINGHUYSEN,
Member of Congress.

On March 9, 1995, the SPEAKER pro tempore, Mr. SHAYS, laid before the House a communication, which was read as follows:

Washington, DC, March 7, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that a staff person in my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Middlesex County Probate and Family Court of the Commonwealth of Massachusetts.

After consultation with the General Counsel, I have determined that compliance with

the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

EDWARD J. MARKEY,
Member of Congress.

On March 9, 1995, the SPEAKER pro tempore, Mr. SHAYS, laid before the House a communication, which was read as follows:

Washington, DC, March 8, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Eastern District of Virginia for materials related to a civil case.

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

Sincerely,

KWEISI MFUME,
Member of Congress.

On March 14, 1995, the SPEAKER pro tempore, Mr. SHAYS, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
March 9, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, the Capitol, Washington, DC.

DEAR NEWT: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior court for the Judicial District of Fairfield County in the State of Connecticut.

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

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

On March 29, 1995, the SPEAKER pro tempore, Mr. TORKILDSEN, laid before the House a communication, which was read as follows:

SEVENTH DISTRICT, NEW JERSEY,
March 21, 1995.

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 issued by the Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Member of Congress.

On March 30, 1995, the SPEAKER pro tempore, Mr. FOX, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, March 29, 1995.

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 Municipal Court for Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

JOHN R. KASICH,
Chairman.

On April 6, 1995, the SPEAKER pro tempore, Mr. INGLIS, laid before the House a communication, which was read as follows:

APRIL 5, 1995.

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 my office has received a subpoena issued by the Municipal Court of Manville, New Jersey.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

BOB FRANKS,
Congressman.

On May 1, 1995, the SPEAKER pro tempore, Mr. WALDHOLTZ, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 1995.

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 my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the County Court, City and County of Denver, Colorado.

SUBPOENAS RECEIVED

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

Sincerely,

PAT SCHROEDER,
Congresswoman.

On May 2, 1995, the SPEAKER pro tempore, Mr. HASTINGS of Washington, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. SPEAKER: I write to notify you formally pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the District Court of the State of Texas. After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK TEJEDA,
Member of Congress.

On May 9, 1995, the SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I write to notify you formally pursuant to rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the District Court of the State of Texas. After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

FRANK TEJEDA,
Member of Congress.

On June 6, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 1995.

Hon. NEWT GINGRICH,
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 my office has been served with two subpoenas issued by the Superior Court of the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with

the subpoenas is consistent with the privileges and precedents of the House.

Sincerely,

SCOTT M. FAULKNER,
Chief Administrative Officer.

On June 7, 1995, the SPEAKER pro tempore, Mr. RIGGS, laid before the House a communication, which was read as follows:

SEVENTH DISTRICT, NJ,
May 24, 1995.

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 my office has received a subpoena issued by the Municipal Court of Manville, New Jersey.

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

Sincerely,

BOB FRANKS,
Member of Congress.

On June 16, 1995, the SPEAKER pro tempore, Mr. FOLEY, laid before the House a communication, which was read as follows:

COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT,
Washington, DC, June 15, 1995.

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 my Committee has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

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

Sincerely,

NANCY L. JOHNSON,
Chairman.

On June 20, 1995, the SPEAKER pro tempore, Mr. NORWOOD, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 15, 1995.

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 my Committee has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

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

Sincerely,

BOB LIVINGSTON,
Chairman.

On June 20, 1995, the SPEAKER pro tempore, Mr. NORWOOD, laid before

the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON SMALL BUSINESS,
Washington, DC, June 15, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, Washington, DC.

DEAR MR. SPEAKER: This is to notify you, pursuant to Rule L (50) of the Rules of the House, that the Committee on Small Business has been served with a subpoena issued by the United States District Court for the Eastern District of Pennsylvania.

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

Sincerely,

JAN MEYERS,
Chair.

On July 10, 1995, the SPEAKER pro tempore, Mr. WALKER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1995.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (5) of the Rules of the House that my office has received a subpoena for testimony and documents concerning constituent casework. The subpoena was issued by the Superior Court of New Jersey in Morris County.

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

Sincerely,

CHRISTOPHER H. SMITH,
Member of Congress.

On July 19, 1995, the SPEAKER pro tempore, Mr. KINGSTON, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1995.

Re State of Illinois versus Melvin Reynolds.
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 my Office has been served with a subpoena issued by the Circuit Court of Cook County, Illinois.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On July 20, 1995, the SPEAKER pro tempore, Mr. LAHOOD, laid before the

SUBPOENAS RECEIVED

House a communication, which was read as follows:

CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington DC, July 20, 1995.

RE: State of Illinois v. Melvin Reynolds
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 Rule of the House that my Office has been served with a subpoena issued by the Circuit Court of Cook Country, Illinois.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On September 6, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 29, 1995.

Re Wright v. Wright.

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 my Office has been served with a subpoena issued by the Superior Court of the District of Columbia.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On September 6, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, August 30, 1995.

Re Cheryl Oliver and Everett Oliver v. Dr. Coolidge Abel-Bey, Dr. Geddis Abel-Bey, Booth Memorial Medical Center and Dr. Gary Markoff.

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 my Office has been served with a subpoena issued by the Supreme Court, County of Bronx, State of New York.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On September 6, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid be-

fore the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 11, 1995.

Hon. NEWT GINGRICH,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L (50) of the Rules of the House that my office has been served with a subpoena for the production of documents by the Supreme Court of the Commonwealth of Pennsylvania for Lancaster County in connection with a civil case.

After consultation with the office of the General Counsel, I will determine whether compliance with the subpoena is consistent with the privileges and precedents of the House.

Cordially,

ROBERT S. WALKER.

On September 13, 1995, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 12, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the Central District of California.

The General Counsel has determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With warm regards,

Sincerely,

ROBIN H. CARLE,
Clerk, House of Representatives.

On September 20, 1995, the SPEAKER pro tempore, Mr. KIM, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 19, 1995.

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 my office has been served with a subpoena for testimony and the production of documents by the Justice Court of the State of Arizona, in and for the County of Pima in connection with a civil case.

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

Sincerely,

JIM KOLBE,
Member of Congress.

On September 21, 1995, the SPEAKER pro tempore, Mrs. MYRICK, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
Washington, DC, September 21, 1995.
Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule L(50) of the Rules of the House that a member of my staff has been served with a subpoena for testimony and the production of documents by the Court of Common Pleas, Lackawanna County, State of Pennsylvania in connection with a civil case.

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

Sincerely,

JOSEPH M. MCDADE,
Member of Congress.

On October 10, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 5, 1995.
Hon. NEWT GINGRICH,
219 Cannon,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the District of Columbia. This subpoena relates to his employment by a former Member of the House.

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

Sincerely,

RICHARD BURR,
Member of Congress.

On October 10, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, October 5, 1995.
Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House I have been served with a subpoena issued by the United States District Court for the District of Columbia.

The General Counsel has determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

With warm regards,

Sincerely,

ROBIN H. CARLE,
Clerk.

On October 10, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

SUBPOENAS RECEIVED

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 3, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Cantwell-Cleary Co., Inc. v. Professional Packaging Solutions, Inc.

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 issued by the Circuit Court of Prince George's County, Maryland.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On October 10, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 4, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Wright v. Wright

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 issued by the Superior Court of the District of Columbia.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On October 10, 1995, the SPEAKER pro tempore, Mr. EVERETT, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES, OFFICE
OF THE CHIEF ADMINISTRATIVE OFFICER,

Washington, DC, October 4, 1995.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

Re Shafer-Tasso v. Henry and USAA Casualty Insurance Company

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 issued by the Circuit Court, Fourth Judicial Circuit, of Duval County, Florida.

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

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

On October 12, 1995, the SPEAKER pro tempore, Mr. LATOURETTE, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 10, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L of the Rules of the House that my office has been served with a subpoena issued by the District Court of Tarrant County, Texas.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not inconsistent with the privileges and precedents of the House.

Sincerely,

MARTIN FROST,
Member of Congress.

On October 12, 1995, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 1995.

DEAR MR. SPEAKER, This is to formally notify you pursuant to Rule L (50) of the Rules of the House that Bill Jarrell, my Deputy Chief of Staff, has been served with a subpoena issued by the United States Justice Department. This subpoena relates to his previous employment by a former Member of the House.

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

Sincerely,

TOM DELAY,
Member of Congress.

On October 12, 1995, the SPEAKER pro tempore, Mr. LAHOOD, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 12, 1995.

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 my office has been served with a subpoena issued by the United States District Court for the Middle District of Florida.

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

Sincerely,

SAM M. GIBBONS,
United States Congressman.

On October 24, 1995, the SPEAKER pro tempore, Mr. FOLEY, laid before the House a communication, which was read as follows:

SAM M. GIBBONS,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 18, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Middle District of Florida.

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

Sincerely,

SAM M. GIBBONS,
U.S. Congressman.

On October 26, 1995, the SPEAKER pro tempore, Mr. DREIER, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 24, 1995.

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 my office has been served with a subpoena issued by the United States District Court for the Middle District of Florida.

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

Sincerely,

SAM M. GIBBONS.

On October 30, 1995, the SPEAKER pro tempore, Mr. RIGGS, laid before the House a communication, which was read as follows:

U.S. CONGRESS,
WAYS AND MEANS COMMITTEE,
October 26, 1995.

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 District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and precedents of the House.

Sincerely,

ANDY JACOBS, Jr.

On November 28, 1995, the SPEAKER pro tempore, Mr. CHRYSLER, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
November 15, 1995.

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

SUBPOENAS RECEIVED

of the House of Representatives that three staff persons in my Huntington Beach, California District Office—Cindy Hoffman, Lawrence Jones and Kathleen Hollingsworth—have been served with subpoenas issued by the Municipal Court of Orange County, California, in the matter of the People of the State of California v. Michael James Perry. After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

DANA ROHRABACHER,
Member of Congress.

On December 4, 1995, the SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
December 1, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives, the Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L(50) of the Rules of the House that a member of my staff has been served with a subpoena issued by the United States District Court for the Southern District of Mississippi.

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

Sincerely,

MIKE PARKER,
Member of Congress.

On December 6, 1995, the SPEAKER pro tempore, Mr. PETRI, laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 20, 1995.

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 this office has been served with a subpoena issued by the Pima County Consolidated Justice Court, Tucson, Arizona.

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

Sincerely,

JIM KOLBE,
Member of Congress.

On December 11, 1995, the SPEAKER pro tempore, Mr. YOUNG of Florida, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
December 7, 1995.

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 I have been served with a subpoena issued by the Circuit Court of Michigan.

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

Sincerely,

DAVID E. BONIOR,
Member of Congress.

On December 12, 1995, the SPEAKER pro tempore, Mr. EWING, laid before the House a communication, which was read as follows:

DECEMBER 7, 1995.

Hon. NEWT GINGRICH,
The Speaker of the House, Capitol, 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 issued by the Los Angeles County Superior Court.

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

Sincerely,

HENRY A. WAXMAN,
Member of Congress.

On January 3, 1996, the SPEAKER laid before the House a communication, which was read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 28, 1995.

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 William Jarrell, Deputy Chief of Staff for Administration in this office, has been served with a subpoena issued by the U.S. District Court for the District of Columbia in the matter of *United States v. Fitzpatrick*.

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,

TOM DELAY,
Majority Whip.

On January 3, 1996, the SPEAKER laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE SERGEANT AT ARMS,
Washington, DC, December 29, 1995.

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 Patricia Schaap, an employee of this office, has been served with a subpoena issued by the U.S. District Court for the District of Columbia in the matter of *United States v. Fitzpatrick*.

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

Sincerely,

WILSON LIVINGOOD,
Sergeant at Arms.