

# 16.4 JOINT REFERRAL—EXECUTIVE COMMUNICATION

On motion of Mr. OBEY, by unanimous consent, the Executive Communication Number 2199, a communication from the Department of State transmitting a report pursuant to 22 United States Code 2413(a), relative to allocations of foreign assistance, which had been referred to the Committee on Appropriations, be jointly referred to the Committee on Appropriations and the Committee on Foreign Affairs.

# 16.5 SEISMIC RETROFIT OF BRIDGES

On motion of Mr. RAHALL, by unanimous consent, the bill of the Senate (S. 1789) to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes; was taken from the Speaker's table.

When said bill was considered, read twice, ordered to be read a third time, was read a third time by title, and passed.

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

*Ordered*, That the Clerk notify the Senate thereof.

# 16.6 AMERICA'S SCHOOLS

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 366 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6) to extend for six years the authorizations of appropriations for the programs under the Elementary and Secondary Education Act of 1965, and for certain other purposes.

The Acting Chairman, Mr. DARDEN assumed the Chair; and after some time spent therein,

# 16.7 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. ROMERO-BARCELO:

Page 106, line 20 before "the percentage" insert "the greater of".

Page 106, line 21, after "sentence" insert "and 60 percent for fiscal year 1995, 70 percent for fiscal year 1996, 80 percent for fiscal year 1997, 90 percent for fiscal year 1998, and 100 percent for fiscal year 1999 and succeeding fiscal years".

Page 123, line 15, after "1.62" insert "for fiscal year 1995, 2.0 for fiscal year 1996, 2.33 for fiscal year 1997, 2.67 for fiscal year 1998, and 3.0 for fiscal year 1999 and succeeding fiscal years".

It was decided in the { Yeas ..... 70  
negative ..... Nays ..... 358

# 16.8 [Roll No. 35] AYES—70

Abercrombie	Danner	Filner
Ackerman	de Lugo (VI)	Flake
Andrews (ME)	Dellums	Foglietta
Becerra	Deutsch	Gonzalez
Bishop	Diaz-Balart	Green
Clay	Engel	Gutierrez
Clayton	Faleomavaega	Hamburg
Clyburn	(AS)	Hilliard
Conyers	Fields (LA)	Hoyer

Jefferson	Oliver	Serrano
Johnson, E. B.	Ortiz	Smith (IA)
Kennedy	Owens	Tejeda
Kopetski	Pallone	Thompson
Lewis (GA)	Pastor	Torres
Martinez	Pelosi	Towns
McKinney	Rangel	Tucker
Meek	Reynolds	Underwood (GU)
Menendez	Richardson	Velazquez
Mfume	Romero-Barcelo	Vento
Mink	(PR)	Waters
Murphy	Ros-Lehtinen	Watt
Nadler	Roybal-Allard	Waxman
Norton (DC)	Schumer	Woolsey
Obey	Scott	Wynn

# NOES—358

Allard	Doolittle	Johnston
Andrews (NJ)	Dornan	Kanjorski
Applegate	Dreier	Kaptur
Archer	Duncan	Kasich
Armey	Dunn	Kennelly
Bacchus (FL)	Durbin	Kildee
Bacchus (AL)	Edwards (CA)	Kim
Baessler	Edwards (TX)	King
Baker (CA)	Ehlers	Kingston
Baker (LA)	Emerson	Klecza
Ballenger	English	Klein
Barca	Eshoo	Klink
Barcia	Evans	Klug
Barlow	Everett	Knollenberg
Barrett (NE)	Ewing	Kolbe
Barrett (WI)	Farr	Kreidler
Bartlett	Fawell	Kyl
Barton	Fazio	LaFalce
Bateman	Fields (TX)	Lambert
Beilenson	Fingerhut	Lancaster
Bentley	Fish	Lantos
Bereuter	Ford (MI)	LaRocco
Berman	Ford (TN)	Laughlin
Beverly	Fowler	Lazio
Bilbray	Frank (MA)	Leach
Bilirakis	Franks (CT)	Lehman
Blackwell	Franks (NJ)	Levin
Bliley	Frost	Levy
Blute	Furse	Lewis (CA)
Boehlert	Gallegly	Lewis (FL)
Boehner	Gejdenson	Lightfoot
Bonilla	Gekas	Linder
Bonior	Gephardt	Lipinski
Borski	Geren	Livingston
Boucher	Gibbons	Lloyd
Brewster	Gilchrest	Long
Brooks	Gillmor	Lowe
Browder	Gilman	Machtley
Brown (CA)	Gingrich	Maloney
Brown (FL)	Glickman	Mann
Brown (OH)	Goodlatte	Manton
Bryant	Goodling	Manzullo
Bunning	Gordon	Margolies-
Burton	Goss	Mezvinsky
Buyer	Grams	Markey
Byrne	Grandy	Matsui
Callahan	Greenwood	Mazzoli
Calvert	Gunderson	McCandless
Camp	Hall (OH)	McCloskey
Canady	Hall (TX)	McCollum
Cantwell	Hamilton	McCrery
Cardin	Hancock	McCurdy
Carr	Hansen	McDermott
Castle	Harman	McHale
Chapman	Hastert	McHugh
Clement	Hayes	McInnis
Clinger	Hefley	McKeon
Coble	Hefner	McMillan
Coleman	Herger	McNulty
Collins (GA)	Hinchey	Meehan
Collins (MI)	Hoagland	Meyers
Combest	Hobson	Mica
Condit	Hochbrueckner	Michel
Cooper	Hoekstra	Miller (CA)
Coppersmith	Hoke	Miller (FL)
Costello	Holden	Mineta
Cox	Horn	Minge
Coyne	Houghton	Moakley
Cramer	Huffington	Molinari
Crane	Hughes	Mollohan
Crapo	Hunter	Montgomery
Cunningham	Hutchinson	Moorhead
Darden	Hutto	Moran
Deal	Hyde	Morella
DeFazio	Inglis	Murtha
DeLauro	Inhofe	Myers
DeLay	Inslee	Natcher
Derrick	Istook	Neal (MA)
Dickey	Jacobs	Neal (NC)
Dicks	Johnson (CT)	Nussle
Dingell	Johnson (GA)	Orban
Dixon	Johnson (SD)	Orton
Dooley	Johnson, Sam	Oxley

Packard	Sabo	Stupak
Parker	Sanders	Sundquist
Paxon	Sangmeister	Swett
Payne (NJ)	Santorum	Swift
Payne (VA)	Sarpalius	Synar
Penny	Sawyer	Talent
Peterson (FL)	Saxton	Tanner
Peterson (MN)	Schaefer	Tauzin
Petri	Schenk	Taylor (MS)
Pickett	Schroeder	Taylor (NC)
Pickle	Sensenbrenner	Thomas (CA)
Pombo	Sharp	Thomas (WY)
Pomeroy	Shaw	Thornton
Porter	Shays	Thurman
Portman	Shepherd	Torkildsen
Poshard	Shuster	Torricelli
Price (NC)	Sisisky	Trafficant
Pryce (OH)	Skaggs	Unsoeld
Quillen	Skeen	Upton
Quinn	Skelton	Valentine
Rahall	Slattery	Visclosky
Ramstad	Slaughter	Volkmer
Ravenel	Smith (MI)	Vucanovich
Reed	Smith (NJ)	Walker
Regula	Smith (OR)	Walsh
Ridge	Smith (TX)	Weldon
Roberts	Snowe	Wheat
Roemer	Solomon	Williams
Rogers	Spence	Wilson
Rohrabacher	Spratt	Wolf
Rose	Stark	Wyden
Rostenkowski	Stearns	Yates
Roth	Stenholm	Young (AK)
Roukema	Stokes	Young (FL)
Rowland	Strickland	Zeliff
Royce	Studds	Zimmer
Rush	Stump	

# NOT VOTING—10

Andrews (TX)	Hastings	Whitten
Collins (IL)	McDade	Wise
de la Garza	Schiff	
Gallo	Washington	

So the amendment was not agreed to.

After some further time,

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

When Mr. DARDEN, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

# 16.9 PROVIDING FOR CONFERENCE ON S. 636

Mr. MOAKLEY, by direction of the Committee on Rules, reported (Rept. No. 103-427) the resolution (H. Res. 374) providing for a conference with the Senate on an amendment of the House to the bill (S. 636) to amend the Public Health Service Act to permit individuals to have freedom of access to certain medical clinics and facilities, and for other purposes.

When said resolution and report were referred to the House Calendar and ordered printed.

# 16.10 PRIVILEGES OF THE HOUSE—HOUSE OF REPRESENTATIVES POST OFFICE

Mr. GEPHARDT, rose to a question of the privileges of the House and submitted the following privileged resolution (H. Res. 375):

Whereas the House is on notice pursuant to Rule IX that it may soon consider a proposal to direct the Committee on Standards of Official Conduct to investigate the former operations of the House Post Office;

Whereas matters relating to the former operations of the House Post Office are the subject of an ongoing criminal investigation by the United States Attorney of the District of Columbia;

Whereas pursuant to its rules, the Committee on Standards of Official Conduct traditionally defers inquiry with respect to a matter that is the subject of an ongoing in-

vestigation by an appropriate law enforcement or regulatory authority;

Whereas the Committee on Standards of Official Conduct has on several occasions agreed to defer inquiry with respect to the former operations of the House Post Office, and has deferred inquiry in other matters regarding current Members where investigations by other authorities are proceeding;

Whereas by letters of November 25, 1992, September 9, 1993, and October 26, 1993, then Assistant Attorney General Lee Rawls, then United States Attorney J. Ramsey Johnson, and current United States Attorney Eric Holder, respectively, requested that the Committee on Standards of Official Conduct defer any inquiry into the former operations of the House Post Office and related matters;

Whereas on February 23, 1994, the United States Attorney of the District of Columbia delivered the following letter to the Speaker and the Republican Leader:

DEPARTMENT OF JUSTICE,  
Washington, DC, February 23, 1994.

Hon. THOMAS S. FOLEY,

Speaker, House of Representatives, Washington, DC.

Hon. ROBERT H. MICHEL,

Minority Leader, House of Representatives, Washington, DC.

DEAR MR. SPEAKER AND CONGRESSMAN MICHEL: I am writing to express my concern that certain actions reportedly being considered by the House of Representatives could significantly damage a criminal investigation being actively pursued by this Office. Like my two immediate predecessors as United States Attorney for this District, Jay B. Stephens and J. Ramsey Johnson, I urge the House to refrain from such actions, and to affirm the paramount public interest in permitting the grand jury to determine fairly whether the criminal laws have been violated, whether by Members of Congress or others. My request is all the more urgent now, as this important investigation is in its final stages and will be concluded in the near future.

As you know, the United States Attorney's Office, in conjunction with a federal grand jury, has been conducting a criminal investigation of matters that related originally to the operation of the House Post Office. That original phase of the investigation, which has resulted in the criminal convictions of seven former employees of the House Post Office and one former congressional aide, reached its most significant point so far in July 1993, with the guilty plea of former House Postmaster Robert V. Rota. With the cooperation of Mr. Rota, the investigation turned to allegations of criminal conduct by other individuals, specifically Members of Congress who conducted certain financial transactions through the House Post Office. This aspect of the investigation is continuing.

As you also are aware (because of disclosures mandated by House Rule 50) in the last few months the grand jury's investigation has expanded to include additional allegations of criminal misconduct beyond those tied to the House Post Office, including matters involving the House Finance Office and the House Office Supply Service (known as the House Stationery Store). These relatively recent additional developments are now fully within the purview of the grand jury's criminal investigation.

It is my understanding, however, that despite the existence of this active and important criminal investigation, the House may soon be asked to vote on House Resolution 238. This resolution would specifically direct the Committee on Standards of Official Conduct to investigate whether Members of Congress received cash from the House Post Office.

Inquiry into these matters by a committee of the House would pose a severe risk to the integrity of the criminal investigation. Inevitably, any such inquiry would overlap substantially with the grand jury's activities. Among other concerns, the House certainly would seek to interview the same witnesses or subjects who are central to the criminal investigation. Such interviews could jeopardize the criminal probe in several respects, including the dangers of congressional immunity, of Speech-or-Debate issues, and of unwarranted public disclosure of matters at the core of the criminal investigation. This inherent conflict would be greatly magnified by the fact that the House would be investigating matters that are criminal in nature, and would be covering essentially the same ground as the grand jury. This Office had occasion to voice similar concerns during the operations-and-management review of the House Post Office that was conducted by a task force of the Committee on House Administration; yet that review as far more limited in scope, and far easier to separate from the criminal probe, than the investigation required by House Resolution 238.

These threats to the grand jury investigation would not be lessened by the portion of the resolution that would permit the Committee to defer its inquiry as to any particular Member, if the Department of Justice stated in writing that that Member was being investigated. Wholly apart from the legal issues involved in the Justice Department's identifying individuals who are under criminal investigation, the idea of excluding the conduct of one or more identified individuals from the congressional inquiry does almost nothing to protect the integrity of the overall criminal investigation. That investigation encompasses the interrelated conduct of numerous persons, and cannot be divided and compartmentalized in such a manner.

I and my predecessors have acknowledged the importance to the House of its ability to review and police the internal operations, management, and procedures of congressional institutions. In particular, we are sensitive to the special responsibility of the Committee on Standards of Official Conduct to examine possible violations of House ethical standards. Nevertheless, it is unquestionably the province of the grand jury to investigate, without interference, specific criminal allegations against particular individuals, regardless of who they may be or to what institution of government they may belong. Moreover, the vital public interest in fair and effective law enforcement requires that any such investigation be shielded vigorously from actions that might endanger its integrity.

For these reasons, it has been the consistent position of this Office, throughout the life of the investigation, that the House should defer its own inquiries until the grand jury investigation is completed. I make that request of you again now, in the strongest possible terms. I ask the House of Representatives to forbear from any proposed actions or inquiries in the areas covered by the grand jury's ongoing criminal investigation, both in order to avoid compromising that investigation at this late stage, and in order to further the public interest in preserving the fairness, thoroughness, and confidentiality of the grand jury process.

Thank you for your attention to this important matter.

ERIC H. HOLDER, Jr.,  
U.S. Attorney.

Whereas, the House should exercise particular caution so as not to impede, delay, or otherwise interfere with an ongoing criminal investigation that may involve its own Members; Therefore, be it

*Resolved*, That the House supports the decision of the Committee on Standards of Official Conduct to defer inquiry on matters relating to the former operation of the House Post Office; and be it

*Further resolved*, That the Committee on Standards of Official Conduct shall continue to consult with the United States Attorney and continue to review its decision to defer inquiry in this matter. At such time as the Committee determines that a Committee inquiry would no longer interfere with the criminal investigation, the Committee shall proceed, pursuant to its rules, with such inquiry as it deems appropriate.

When said resolution was considered.

After debate,

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

The question being put, viva voce,

Will the House agree to said resolution?

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

Mr. ISTOOK 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 ..... 241  
Nays ..... 184

¶16.11

[Roll No. 36]

YEAS—241

Abercrombie	Dingell	Kennedy
Ackerman	Dixon	Kennelly
Andrews (ME)	Dooley	Kildee
Andrews (NJ)	Durbin	Klecicka
Applegate	Edwards (CA)	Klein
Bacchus (FL)	Edwards (TX)	Klink
Baesler	Engel	Kopetski
Barca	English	Kreidler
Barcia	Eshoo	LaFalce
Barlow	Evans	Lambert
Barrett (WI)	Farr	Lancaster
Becerra	Fazio	Lantos
Beilenson	Fields (LA)	LaRocco
Berman	Filner	Laughlin
Bevill	Fingerhut	Lehman
Bilbray	Flake	Levin
Bishop	Foglietta	Lewis (GA)
Blackwell	Ford (MI)	Lipinski
Bonior	Ford (TN)	Lloyd
Borski	Frank (MA)	Long
Boucher	Frost	Lowey
Brewster	Furse	Maloney
Brooks	Gejdenson	Mann
Browder	Gephardt	Manton
Brown (CA)	Geren	Markey
Brown (FL)	Gibbons	Martinez
Brown (OH)	Glickman	Matsui
Bryant	Gonzalez	McCloskey
Byrne	Gordon	McCurdy
Cantwell	Green	McDermott
Cardin	Gutierrez	McHale
Carr	Hall (OH)	McKinney
Chapman	Hamburg	McNulty
Clay	Harman	Meehan
Clayton	Hayes	Meek
Clement	Hefner	Menendez
Clyburn	Hilliard	Mfume
Coleman	Hinchey	Miller (CA)
Collins (MI)	Hoagland	Mineta
Condit	Hochbrueckner	Minge
Conyers	Holden	Mink
Coppersmith	Hoyer	Moakley
Costello	Hughes	Mollohan
Coyne	Hutto	Montgomery
Cramer	Inslee	Moran
Danner	Jacobs	Murphy
Darden	Jefferson	Murtha
DeFazio	Johnson (GA)	Nadler
DeLauro	Johnson (SD)	Natcher
Dellums	Johnson, E. B.	Neal (MA)
Derrick	Johnston	Neal (NC)
Deutsch	Kanjorski	Oberstar
Dicks	Kaptur	Obey