

tion that it is in the public interest to use other than competitive procedures to award a contract to the city of Manassas to establish a pilot telecommuting center in Manassas, VA, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

330. A letter from the Inspector General, General Services Administration, transmitting the semiannual report on activities of the inspector general for the period April 1, 1994, through September 30, 1994, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Reform and Oversight.

331. A letter from the Chief Administrator, Postal Rate Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

332. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1994, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

333. A letter from the Secretary of Labor, transmitting notification of the Department's intent to award a sole-source contract to the Management and Training Corp. for the operation of the Cleveland Job Corps Center in Cleveland, OH; to the Committee on Government Reform and Oversight.

334. A letter from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

335. A letter from the Special Assistant to the President for Management and Administration and Director of the Office of Administration, the White House, transmitting the Integrity Act reports for each of the Executive Office of the President agencies, as required by the Federal Manager's Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

336. A letter from the Administrator, General Services Administration, transmitting informational copies of various lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

337. A letter from the Inspector General, Federal Emergency Management Agency, transmitting a copy of the Agency's administration of the permanent and temporary relocation components of the Superfund Program during fiscal year 1993, pursuant to 31 U.S.C. 7501 note; jointly, to the Committees on Commerce and Transportation and Infrastructure.

338. A letter from the Secretary of the Army, transmitting a report on the Washington Aqueduct, pursuant to Public Law 103-334, section 142(c); jointly, to the Committees on Transportation and Infrastructure and Appropriations.

¶21.6 PRIVILEGES OF THE HOUSE

Mr. TAYLOR of Mississippi rose to a question of the 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 from Mississippi [Mr. TAYLOR] 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 IX. 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 Gillett 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 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 the 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 Gillett 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 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 Gillett. But under later decisions, exemplified by Speaker Gillett's in 1921, matters that have no other 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. 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 principles enunciated by Speaker Gillett, 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 Gillett'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 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.

"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 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.'"

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

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

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

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

The SPEAKER 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 XV, and the call was taken by electronic device.

When there appeared { Yeas 288
Nays 143

¶21.7

[Roll No. 96]

YEAS—288

Allard	Cox	Goodlatte
Archer	Crane	Goodling
Army	Crapo	Goss
Bachus	Creameans	Graham
Baker (CA)	Cubin	Green
Baker (LA)	Cunningham	Greenwood
Baldacci	Davis	Gunderson
Ballenger	de la Garza	Gutierrez
Barr	DeLauro	Gutknecht
Barrett (NE)	DeLay	Hamilton
Bartlett	Diaz-Balart	Hancock
Barton	Dickey	Hansen
Bass	Dicks	Hastert
Bateman	Dixon	Hastings (WA)
Becerra	Doggett	Hayworth
Beilenson	Dooley	Hefley
Bentsen	Doolittle	Heineman
Bereuter	Dreier	Henger
Berman	Dunn	Hillery
Bilirakis	Edwards	Hobson
Bliley	Ehlers	Hoekstra
Blute	Ehrlich	Hoke
Boehlert	Emerson	Horn
Boehner	Ensign	Hostettler
Bonilla	Everett	Houghton
Bonior	Ewing	Hutchinson
Bono	Fawell	Hyde
Boucher	Fazio	Inglis
Brownback	Fields (TX)	Jackson-Lee
Bryant (TN)	Flake	Jefferson
Bunn	Flanagan	Johnson (CT)
Bunning	Foglietta	Johnson, Sam
Burr	Foley	Johnston
Burton	Forbes	Jones
Buyer	Ford	Kasich
Callahan	Fowler	Kelly
Calvert	Fox	Kennedy (MA)
Camp	Frank (MA)	Kennelly
Canady	Franks (CT)	Kim
Cardin	Franks (NJ)	King
Castle	Frelinghuysen	Kingston
Chabot	Frisa	Knollenberg
Chambliss	Funderburk	Kolbe
Chenoweth	Gallely	LaFalce
Christensen	Ganske	LaHood
Chrysler	Gedensson	Latham
Clinger	Gekas	LaTourette
Coburn	Gephardt	Laughlin
Coleman	Geren	Lazio
Collins (GA)	Gilchrest	Leach
Combest	Gillmor	Levin
Cooley	Gilman	Lewis (CA)