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104TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 104–551

ESTABLISHING A SELECT SUBCOMMITTEE OF THE COMMITTEE ON INTERNATIONAL RELATIONS TO INVESTIGATE THE UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

MAY 2, 1996.—Referred to the House calendar and ordered to be printed

Mr. SOLOMON, from the Committee on Rules, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H. Res. 416]

The Committee on Rules, to whom was referred the resolution (H. Res. 416) establishing a select subcommittee of the Committee on International Relations to investigate the United States Role in Iranian arms transfers to Croatia and Bosnia, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

PURPOSE OF THE RESOLUTION

The purpose of H. Res. 416 is to establish a select subcommittee of the Committee on International Relations to investigate the U.S. role in Iranian arms transfers to Croatia and Bosnia.

SUMMARY OF THE RESOLUTION

H. Res. 416 establishes a select subcommittee of the Committee on International Relations to investigate the U.S. role in Iranian arms transfers to Croatia and Bosnia. The resolution outlines the composition of the subcommittee and the appointment of its members. It sets forth the scope for the select subcommittee's investigation. It deems the select subcommittee a subcommittee of a standing committee of the House.

The resolution further authorizes the chairman of the select subcommittee, for purposes of its investigation, to authorize the taking

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of affidavits and depositions pursuant to notice or subpoena by a member of the select subcommittee or of the staff of the Committee on International Relations designated by the chairman of the select subcommittee. It provides direction to the select subcommittee on the transmission of its report, and sunsets the subcommittee 6 months after the date of enactment of this resolution.

COMMITTEE CONSIDERATION

H. Res. 416 was introduced by Rep. Ben Gilman, Chairman of the Committee on International Relations, on April 29, 1996 and referred to the Committee on Rules.

On Wednesday, May 1, 1996, the Committee on Rules held a hearing on H. Res. 416 and received testimony from the Hon. Benjamin Gilman, Chairman of the Committee on International Relations; the Hon. Lee Hamilton, Ranking Minority Member of the Committee on International Relations; the Hon. Steny Hoyer; and the Hon. David Skaggs.

On Thursday, May 2, the Committee met to markup H. Res. 416. The Committee favorably reported H. Res. 416 by a record vote of 7–4. During the markup, no amendments to H. Res. 416 were agreed to.

BACKGROUND ON THE U.S. ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

After Yugoslavia disintegrated and descended into factional warfare in June 1991, one of the responses of the international community was to impose a United Nations arms embargo on the area comprising the entire former nation of Yugoslavia in September of 1991. U.N. Security council resolution 713, which imposed the embargo, passed with the support of the U.S. government under the Bush administration.

But as the outgunned Bosnian military suffered repeated defeats and Bosnian civilian casualties mounted, many people, including presidential candidate Bill Clinton, came to see the embargo as unfair to the Bosnians, as it locked in an imbalance of arms. Upon taking office in January 1993, the Clinton administration initially attempted to persuade our allies to multilaterally lift the embargo. After failing to do so, the administration ultimately elected to continue the policy and to both support and enforce the embargo with U.S. naval forces.

In the face of increasing congressional, media and public opposition to the embargo, the Clinton administration repeatedly voiced its opposition to unilaterally lifting the embargo right up until its phased termination was approved in November 1995 in accordance with the Dayton peace accords. The administration's rationale was that a unilateral lifting of the embargo would antagonize our allies, endanger U.S. forces in Yugoslavia, necessitate a U.S. military deployment to the Balkans to facilitate a U.N. withdrawal and possibly weaken other international sanctions against nations such as Iraq, Libya and Serbia.

During this period, the U.S. Congress voted twice to unilaterally lift the arms embargo on Bosnia. On both occasions, the administration strenuously opposed the measures. The administration did, however, agree in November 1994 to legislation that terminated

U.S. enforcement of the embargo against third parties, though it did not terminate the U.S. arms embargo or directly or indirectly provide arms to Bosnia.

In April 1996, however, a press report suggested that the Clinton administration had secretly given its consent to covert arms shipments by Iran to Croatia and Bosnia. An April 5 Los Angeles Times article by James Risen and Doyle McManus claims that the U.S. ambassador to Croatia, Peter Galbraith, and then-U.S. Contact Group representative, Charles Redman, responded to an inquiry from Croatian President Tudjman about whether the U.S. would object to the transshipment of arms through Croatia from Iran to the government of Bosnia by saying that the U.S. had "no position."

According to the story, the two U.S. diplomats were acting on instructions from National Security Advisor Anthony Lake, Deputy Secretary of State Strobe Talbott, and President Clinton himself. The policy was known only to a small group of State Department officials, with Congress, the CIA and even several regional U.S. embassies kept out of the loop. When then-CIA Director James Woolsey became aware of the Iranian shipments, he contacted Mr. Lake and conferred with then-White House counsel Abner Mikva. The matter was then referred to the Intelligence Oversight Board (IOB), which began an investigation in November 1994. In May 1995, the Clinton-appointed IOB concluded that no US laws had been broken, despite the administration's failure to issue a presidential finding and to notify Congress. In testimony before the House International Relations Committee on April 23, 1996, the basic assertions of the article were confirmed by Undersecretary of State Peter Tarnoff.

A subsequent April 17 story in the Los Angeles Times by the same reporters claims that Redman, soon after the inquiry from Tudjman,requested that the Croatian government "expedite" a convoy destined for Bosnia which was suspected to contain arms. Undersecretary Tarnoff claimed in his testimony before the House International Relations Committee on April 23 that Redman believed the convoy to be strictly humanitarian and had no knowledge of it containing arms.

In the meantime, Iran has skillfully exploited the opening that the arms pipeline provided, parlaying it into an extensive presence in Bosnia. Iran's connections to the hundreds of "mujahideen" fighters in Bosnia are not completely known, but IFOR commanders and other diplomats suspect that the Iranians can utilize some mujahideen as surrogates to attack U.S. interests in Bosnia. In fact, two holders of Iranian diplomatic passports were captured in the raid on the Bosnian-operated terrorist training center in February. The Iranians have the largest embassy in Sarajevo and they have just opened a large "cultural center" there as well. The Iranians are reportedly training large numbers of Bosnian Muslim troops in Iran, thus exploiting the tardiness of the U.S.-led equip and train program. The Iranian presence is also cited by the Serb and Croatian officials as a threat which necessitates the maintenance of strong Serbian and Croatian military capabilities, as well as a cause of friction between the Bosnian Muslims and other groups in Bosnia. To date, the Bosnians have only partially re-

sponded to U.S. demands that they reduce the Iranian presence on their soil.

The Clinton administration's actions in relation to this matter are disturbing and raise several questions. Was the administration telling the American people, Congress, our allies and even most of the executive branch one thing while it was doing another? Did any of the administration's actions violate U.S. law? Was the U.S. government's role in these arms transfers simply passive or was it, as the April 17 Los Angeles Times article asserts, more "hands on? Which government officials knew about these arms transfers, and when? How extensive was the effort to keep Congress uninformed of the Iranian operations? Why did the Clinton administration allow Iran to extend its influence into Europe after the administration had announced a policy of isolating Iran? Why would the Clinton administration allow Iran, a State Department "terrorist nation," to unilaterally violate the arms embargo after repeatedly ignoring U.S. congressional pleas and directives for the U.S. to do so? Did the administration's actions increase the risk to U.S. Armed Forces deployed in Bosnia or decrease the likelihood of a timely withdrawal of U.S. Armed Forces from Bosnia.

NEED FOR THE RESOLUTION

It is the view of the Committee on Rules that H. Res. 416 is necessary for several reasons. First, it will ensure that the Committee on International Relations has the resources to ascertain the answers to questions raised in response to the Clinton administration's actions with respect to covert arms shipments by Iran to Croatia and Bosnia. As Chairman Gilman stated in testimony before the Rules Committee: "The full International Relations Committee has before it a full legislative and oversight agenda. We expend virtually 99 percent of our funds in that. The full committee quite simply does not have the resources to undertake that kind of extensive review of looking into all of the documents that the executive branch may have and all of the events that occurred."

Second, although the Rules of the House grant investigative and subpoena powers to standing committees and subcommittees, H. Res. 416 is needed to allow the International Relations Committee to thoroughly investigate this matter utilizing a select subcommittee.

Specifically, the resolution is required to effectively exempt the International Relations Committee from the five subcommittee limit on a temporary basis and solely for the purpose of establishing this select subcommittee. Clause 6(d) of rule X limits House committees to establishing no more than five subcommittees, except Appropriations, which is limited to 13; Government Reform and Oversight, limited to 7; and Transportation and Infrastructure, limited to 6. H. Res. 416 states that "this select subcommittee shall be deemed to be a subcommittee of a standing committee for all purposes of law and for all purposes of the Rules of the House" except for clause 6(d) of rule X.

Service on the select subcommittee established by H. Res. 416 is consistent with House rules. Clause 6(b)(2)(A) of rule X limits Members to service on two full committees and four subcommittees of the House. This rule continues in clause 6(b)(2)(B) to state that

for purposes of the committee and subcommittee assignment limit, "the term 'subcommittee' includes any panel, task force, special subcommittee, or any subunit of a standing committee that is established for any cumulative period longer than six months in any Congress." Since H. Res. 416 specifically states that the select subcommittee shall cease to exist 6 months after the date on which the resolution is agreed to, service on the select subcommittee is entirely appropriate under House rules, including under the Member assignment limits.

Third, a resolution of this nature is necessary to limit the scope and time frame for the select subcommittee's investigation. The select subcommittee's scope and focus of its investigation is clearly set forth in subsection (c) in paragraphs (1) through (7) of the resolution. Subsection (f) of the resolution states that the select subcommittee shall transmit a report to the Committee on International Relations, including a detailed statement of findings and recommendations, not later than 6 months after the date on which this resolution is agreed to. Subsection (g) of the resolution states that the select subcommittee shall cease to exist 6 months after the date on which the resolution is agreed to.

Furthermore, H. Res. 416 is necessary to authorize the taking of depositions, pursuant to notice or subpoena, by a Member or staff designated by the chairman. The House has, on occasion, granted special authority to standing or select committees to allow a single Member or designated staff to take sworn depositions as part of a broader resolution authorizing specified investigations. Such investigative authorization resolutions have been necessary either because they created new select committees to carry-out the investigations, or because they granted existing standing committees with special jurisdiction and/or procedures not available to them under the standing rules of the House. Some examples of investigation authorization resolutions that have included special deposition authority are the following:

President Nixon Impeachment Proceedings (93rd Congress, 1974, H. Res. 803)—This resolution gave the Judiciary Committee full authorization to conduct an impeachment inquiry into allegations against President Nixon. Among other things it permitted the committee to require by subpoena or otherwise the attendance and testimony of any person, including the taking of depositions by counsel to the committee.

Assassinations Investigation (95th Congress, 1977, H. Res. 222)—This resolution created the Select Committee on Assassinations, and provided it with various procedural authorities, including the authority to take testimony under oath anywhere in the United States or abroad and authorized designated staff of the select committee to obtain statements from any witness who is placed under oath by an authority who is authorized to administer oaths in accordance with the applicable laws of the U.S.

Koreagate (95th Congress, 1977, H. Res. 252 & H. Res. 752)—The first resolution broadened the authority of the House Standards Committee to investigate whether family members or associates of House Members, officers or employees had accepted anything of value from the Government of

Korea or representatives thereof. The resolution also gave joint subpoena authority to the chairman and ranking minority member of the committee but permitted appeal to the committee if one objected. It also gave special counsel the right to intervene in any judicial proceeding relating to the inquiry. The second resolution authorized committee employees to take depositions, but required that an objection by a witness to answer a question could only be ruled on by a member of the committee.

Abscam (97th Congress, 1981, H. Res. 67)—The resolution gave certain special authorities to the Standards Committee, though the investigation was confined to Members, officers and employees. Included in the Resolution was a provision permitting any single member of the committee to take depositions.

Iran-Contra (100th Congress, 1987, H. Res. 12)—The resolution authorized the creation of a select committee to investigate the covert arms transactions with Iran and any diversion of funds from the sales. Among other things, the resolution gave the chairman, in consultation with the ranking minority member, the authority to authorize any member or designated staff to take depositions or affidavits pursuant to notice or subpoena, which were to be deemed to have been taken in executive session, but available for use by members of the select committee in open session.

Judge Hastings Impeachment Proceedings (100th Congress, 1987 H. Res. 320)—This resolution authorized counsel to the Judiciary Committee or its Subcommittee on Criminal Justice to take affidavits and depositions pursuant to notice or subpoena.

Judge Nixon Impeachment Proceedings (100th Congress, 1988, H. Res. 562)—This resolution authorized Judiciary Committee counsel to take depositions and affidavits pursuant to notice and subpoena.

October Surprise (102nd Congress, 1991, H. Res. 258)—This resolution established a special task force to investigate certain allegations regarding the holding of American hostages by Iran in 1980. Among other things the resolution authorized the chairman, in consultation with the ranking minority member, to authorize subpoenas and to authorize the taking of affidavits and depositions by any member or by designated staff, which were to be deemed to have been taken in Washington, D.C., in executive session.

White House Travel Office (104th Congress, 1996, H. Res. 369)—This resolution authorized the chairman of the Government Reform and Oversight Committee, for purposes of its investigation and study of the White House Travel Office Matter, upon consultation with the ranking minority member of the committee, to authorize the taking of affidavits and depositions by a member or designated staff, or require the furnishing of information by interrogatory, which were to be deemed to have been taken in Washington, D.C., in executive session.

ANALYSIS OF THE RESOLUTION

H. Res. 416 establishes a select subcommittee of the Committee on International Relations to investigate the U.S. role in Iranian arms transfers to Croatia and Bosnia. The resolution authorizes the select subcommittee to sit and act during this Congress in the United States and overseas, whether the House is in session or has adjourned. This language is similar to that which applies to standing committees under clause 2(m)(1)(A) of rule XI of the Rules of the House. The resolution also authorizes the select subcommittee to sit and act outside the United States.

Unless otherwise provided in this resolution, the rules of the Committee on International Relations are applicable to the select subcommittee. The select subcommittee may adopt additional written rules to govern its procedures provided they are not inconsistent with the resolution, the rules of the Committee on International Relations, or the rules of the House.

The resolution states that the select subcommittee shall be composed of 8 members of the Committee on International Relations, 5 of whom shall be members of the majority party and 3 of whom shall be members of the minority party. The majority members shall be appointed by the chairman of the Committee on International Relations and the minority members shall be appointed by the chairman upon recommendation of the ranking minority party member of that committee. Unless formally appointed to serve on the select subcommittee, the Chairman and Ranking Minority Member of the Committee on International Relations may attend the meetings and participate in the activities of the select subcommittee, except for voting and being counted for a quorum. This is consistent with Rules 15 of the Rules of the Committee on International Relations.

The resolution sets forth the scope of the select subcommittee's investigation. The select subcommittee is authorized to investigate the policy of the U.S. government with respect to the transfer of arms from Iran to countries or entities within the territory of the former Federal Republic of Yugoslavia during any period that an international arms embargo was in effect; the nature and extent of those arms transfers; any actions by the U.S. Government to facilitate or impede such arms transfers; any communications to the Congress or the American people with respect to matters described above and with respect to the arms embargo or efforts to terminate or modify the U.S. participation in that embargo; any implication of the matters described above for the safety of the United States Armed Forces deployed in and around Bosnia, for relations between the U.S. and its allies, and for relations between the U.S. and Iran; any actions to review, analyze, investigate or keep from being revealed the above described matters; all deliberations, discussions, or communications within the U.S. government relating to the matters described above and all communications between the U.S. government and other governments, organizations, or individuals relating to these matters.

The resolution deems the select subcommittee a subcommittee of a standing committee of the House for all purposes of law and for all purposes of the Rules of the House, including clause 2(m) of rule

XI but excluding clause 6(d) of rule X. Clause 2(m) of rule XI provides any committee or subcommittee, in the course of carrying out its functions and duties within its jurisdction, the authority to sit and act whether the House is in session, or has recessed or adjourned. Furthermore, this rule provides the authority to issue subpoenas for attendance of certain witnesses or documents. A subpoena may be authorized by the subcommittee only when authorized by a majority of the Members voting, a majority being present. The House rule further provides that the authority to issue subpoenas may be delegated to the chairman by the committee. Clause 6(d) of rule X limits the number of subcommittees a committee of the House shall have to no more than five, except the Committees on Appropriations, Government Reform and Oversight, and Transportation and Infrastructure.

The resolution authorizes the select subcommittee to sit while the House is reading a measure for amendment under the five-minute rule.

The resolution further authorizes the chairman of the select subcommittee, for purposes of its investigation, and upon consultation with the ranking minority member, to authorize the taking of affidavits and depositions pursuant to notice or subpoena by a member of the select subcommittee or of the staff of the Committee on International Relations designated by the chairman of the select subcommittee, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths. The resolution states that the select subcommittee shall provide access to information and proceedings under procedures adopted by the select subcommittee consistent with those found in clause 7(c) of rule XLVIII (procedures of the Permanent Select Committee on Intelligence). The resolution further provides access to information and proceedings of the select subcommittee by the Speaker, the majority leader, the minority leader, and their appropriately cleared and designated staff. Such access is similar to that provided to the Speaker and the minority leader with respect to the Permanent Select Committee on Ingelligence. H. Res. 416 only authorizes the taking of affidavits and depositions by a member of the select subcommittee or of the staff of the International Relations Committee designated by the chairman.

The resolution directs the select subcommittee to transmit a report to the Committee on International Relations not later than 6 months after the date on which this resolution is agreed to. The select subcommittee shall cease to exist 6 months after the date on which this resolution is agreed to.

The resolution does not authorize additional funds for the select subcommittee to carry out its investigation. Such funding must be provided for by a separate House resolution.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Committee vote

Pursuant to clause 2(l)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

RULES COMMITTEE ROLLCALL NO. 306

Date: May 2, 1996.

Measure: H. Res. 416, Establishing a select subcommittee of the Committee on International Relations to investigate the United States Role in Iranian arms transfers to Croatia and Bosnia.

Motion By: Mr. Moakley.

Summary of Motion: Substitute amendment directing the International Relations Committee to undertake investigation using existing committee resources.

Results: Rejected, 4–7.

Vote By Members: Dreier—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay;, Greene—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 307

Date: May 2, 1996.

Measure: H. Res. 416, Establishing a select subcommittee of the Committee on International Relations to investigate the United States Role in Iranian arms transfers to Croatia and Bosnia.

Motion By: Mr. Hall.

Summary of Motion: En bloc amendments to require "concurrence" instead of "consultation" with ranking minority member for authorizing the taking of staff depositions and add requirement to consult with minority on staffing decisions.

Results: Rejected 4–7.

Vote By Members: Dreier—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Greene—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 308

Date: May 2, 1996.

Measure: H. Res. 416, Establishing a select subcommittee of the Committee on International Relations to investigate the United States Role in Iranian arms transfers to Croatia and Bosnia.

Motion By: Mr. Dreier.

Summary of Motion: Report the resolution favorably to the House with the recommendation that it be adopted.

Results: Adopted 7–4.

Vote By Members: Dreier—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Greene—Yea; Moakley—Nay; Beilenson—Nay; Frost—Nay; Hall—Nay; Solomon—Yea.

Congressional Budget Office estimates

Clause 2(l)(3)(C) of rule XI requires each Committee to include a cost estimate prepared by the Director of the Congressional Budget Office, pursuant to section 403 of the Congressional Budget Act of 1974, if the cost estimate is timely submitted. No cost estimate was received from the Director of the Congressional Budget Office.

Oversight findings

Clause 2(l)(3)(A) of rule XI requires each committee report to contain oversight findings and recommendations required pursuant

to clause 2(b)(1) of rule X. The Committee has no oversight findings.

Oversight findings and recommendations of the Committee on Government Reform and Oversight

Clause 2(l)(3)(D) of rule XI requires each committee report to contain a summary of the oversight findings and recommendations made by the Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings have been timely submitted. The Committee on Rules has received no such findings or recommendations from the Committee on Government Reform and Oversight.

Views of committee members

Clause 2(l)(5) of rule XI requires each committee to afford a three day opportunity for members of the committee to file additional, minority, or dissenting views and to include the views in its report. Although neither requirement applies to the Committee, the Committee always makes the maximum effort to provide its members with such an opportunity. The following views were submitted:

MINORITY VIEWS

This unprecedented legislative procedure proposed in H. Res. 416 was created for one purpose and one purpose only. It is a political fishing expedition designed to embarrass the administration by creating a perceived problem where one does not exist. It is an expensive political ploy designed to manufacture campaign fodder in an election year. It is a perfect example of politics at its worse.

The incident cited as the reason for this unnecessary and expensive special select subcommittee simply does not warrant the implementation of this highly unusual process. No laws were broken; there were no reporting requirements on the part of the Administration; no government officials participated in any prohibited activity; and no charges of wrongdoing have resulted from this particular incident. The resolution, however, seeks to focus attention on a situation that can be manipulated to cause the public to believe illegal or questionable activities took place. And, to add insult to injury, this resolution seeks to use additional Federal funds to the tune of $1 million for this purely political endeavor.

This measure clearly seems to be in response to a call by the Republican leadership in the House calling upon their Committee Chairmen to dig deep for any dirt on the Administration. This contention is not simply a paranoid charge on the part of the minority, but rather the result of an April 23, 1996 memorandum requesting such information. The following is a copy of that memo:

> To: All House Full and Subcommittee Chairmen.
> From: Bob Walker and Jim Nussle.
> Subject: Request for information—Urgent.
> Date: April 23, 1996.
>
> On behalf of the House leadership, we have been asked to cull all committees for information that you already have on three subjects listed below. We are compiling information for packaging and presentation to the Leadership for determining the agenda. You are a tremendous source for this project. The subjects are:
>
> Waste, Fraud and Abuse in the Clinton Administration
>
> Influence of Washington Labor Union Bosses/Corruption
>
> Examples of Dishonesty or ethical lapses in the Clinton Administration
>
> Please have your staff review pertinent GAO reports, Inspector General reports or committee investigative materials or newspaper articles for departments and agencies within your jurisdiction that expose anecdotes that amplify these areas.

Send your material to Ginni Thomas at H–226, U.S. Capitol or fax it to 6–1116. We need this information as soon as possible—no later than close of business on Friday, April 26.

BYPASSING THE EXISTING COMMITTEE STRUCTURE

The existing committee structure and the standing rules of the House already empower committees to undertake this type of investigation without the need to create a new, freestanding investigative structure. Pursuant to clause 2(b)(1) of rule X, committees have authority to conduct oversight hearings on those subjects within their jurisdiction. It is one of their functions as defined in the House Rules. We understand that three individual House committees are currently considering looking into this one incident. Furthermore, the Committee on Government Reform has an oversight subcommittee, the Subcommittee on National Security, International Affairs, and Criminal Justice, specifically for the purpose of investigating activities and policies analogous to those spelled out in H. Res. 416.

The majority could have chosen any of these avenues to pursue their concerns with regard to the situation at hand and done so without any additional cost to the taxpayer. Instead they chose to take this costly and unconventional, not to mention highly public, route seemingly for the sole purpose of highlighting a nonevent and turning it into a new "scandal" to damage the President in an election year. It certainly can be no coincidence that this resolution, if enacted within the next few weeks, will end on or about election day.

The Republicans were adamant when they implemented their new rule changes at the beginning of the 104th Congress. They were going to cut committees, subcommittees, staff, and expenses by nearly one-third. They eliminated subcommittees, limiting them in all but a few cases to five per committee. They cut staff and they cut committee budgets. And, in order to allow members to develop expertise in specific areas, they limited to four the number of subcommittees on which an individual member may serve. They proclaimed an end to government waste in the legislative branch. Yet they abandoned their promises of a streamlined, efficient, and economical committee system by proposing this additional subcommittee and an increase in the subcommittee assignment limit simply so they may exploit a groundless, politically driven agenda. We offered an amendment to treat the select subcommittee as a regular subcommittee for the purposes of the requirement that Members sit on no more than 4 subcommittees simultaneously. It was defeated.

This new select subcommittee carries a heavy price tag. House Resolution 417, which would authorize the funding for H. Res. 416 and is moving on a parallel committee track, provides the rather substantial sum of nearly $1 million for this six-month-in-duration subcommittee. By contrast, the entire 1995 committee budget for the International Affairs Committee and its subcommittees was $5.074 million. To spend this much additional money to look into

an event that contained no evidence of wrongdoing is incredibly wasteful and irresponsible.

Furthermore, this special subcommittee will not do the investigation exclusively. The other committees looking into this incident will use their own funds as well and will likely duplicate the efforts of the select subcommittee. Therefore, we will spend an enormous amount of taxpayer money from as many as four different committees on an investigation that goes not to any violation of law, not to any facts in dispute, but only to the question of the President's judgement. We offered a substitute resolution that would have directed the International Relations Committee to work within the existing committee structure and with existing committee funds to pursue this matter. Our substitute was voted down.

DANGER TO THE PEACE PROCESS AND TO U.S. TROOPS IN THE FORMER YUGOSLAVIA

Even more disturbing than the wastefulness of this situation, however, is the willingness to allow this partisan political event to spill over into the tinderbox that was once Yugoslavia. Has the majority, even for a moment, stopped to consider how their actions will be read by the Bosnians, or Serbs, or Croats, or the multitude of other forces arrayed in that dangerous place? With U.S. troops on the ground in that volatile, war-torn nation, have they thought what effect this will have on the fragile peace the fractured former Yugoslavia enjoys for now? Have they considered the potential danger that this highly political probe might have on our soldiers in Bosnia? We would hope that these important considerations would cause the majority to reconsider going down this unwise path.

MINORITY RIGHTS

There is very little in H. Res. 416 that outlines the minority role in this special select subcommittee. Other than the committee membership ratio, there are no specific minority rights written into resolution. There is nothing in the resolution to specify if the minority will be given staff representation or control over any portion of the committee funding. In subsection (7)(e)(1) of the resolution it states that "The Chairman * * * may, upon consultation with the ranking minority party member" authorize the taking of affidavits and depositions by staff or committee members. We are concerned that the use of the term "consultation" does not ensure that the minority will be given any authority to question or veto any decision made by the Chair. We offered an amendment in the Rules Committee markup which would have required the "concurrence" of the Ranking Minority Member with the Chair to authorize the taking of affidavits or depositions. We also offered an amendment stating that no staffing decisions can be made without consultation with the Ranking Minority member. Unfortunately both of our amendments were defeated.

LACK OF CLARIFICATION REGARDING CITATION OF WITNESSES FOR CONTEMPT

We continue to be troubled by the lack of clarity in the Rules Committee report with regard to the issuance of a contempt cita-

tion against witnesses who refuse to comply with the subpoena for staff depositions. We hope that this grant of authority is not intended to change any of the longstanding practices of the House in this area. A similar situation occurred in March of this year when the Rules Committee considered and reported H. Res. 369. Our concern was then and continues to be now that absent clarifying language, there is a danger that there could be a challenge to the longstanding practice in the House which holds that there are no grounds for a contempt citation if a witness refuses to appear before or to answer questions in a staff deposition provided that the witness responds fully at a duly called hearing of the committee with a quorum of members present. We offered the following clarifying amendment to be included in the Rules Committee report accompanying H. Res. 416:

> The procedure used in this resolution which authorizes the deposition of witnesses by staff is meant to augment not replace the current information gathering function of a committee hearing. Nothing in this resolution is intended to change the longstanding precedent that there are no grounds for a contempt citation if a witness refuses to appear before or to answer questions in a staff deposition provided that the witness responds fully at a duly called hearing of the committee with a quorum of members present.

Regretfully, as was the case in H. Res. 369, this amendment was defeated.

CONCLUSION

If the majority feels this incident must be examined, then they should do so through the existing mechanisms and committee structures of the House. It should be deliberated in a manner that is responsible and done out of genuine concern over the existing policies with regard to embargoes and third country actions. It should not be "investigated" as a political agenda to be used for election year gains. The cost, both in dollars and in public trust, is far too great to do otherwise. Equally important is the need to consider how any action would impact the peace process and the safety of our U.S. troops in Bosnia and Croatia. We urge the majority to abandon the unwise course laid out in H. Res. 416 and reconsider their approach by utilizing the committee system that is already in place. To do otherwise can only raise concerns over the real motive for such actions.

JOE MOAKLEY.
ANTHONY C. BEILENSON.
MARTIN FROST.
TONY P. HALL.

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