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PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, SECOND SESSION

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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONILLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 21, 1998.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

Rabbi Moshe E. Bomzer, Congregation Beth Abraham-Jacob, Albany, New York, offered the following prayer:

Blessed is He, oh, Lord our God, King of the universe, Who has given wisdom to all of mankind.

I offer this prayer on the last days of the congressional session prior to our national Memorial Day weekend. It was exactly 130 years ago almost to the day that Congress resolved that a day be set aside to recognize and memorialize those who had given their lives to defend our country in times of war and in times of peace.

President Abraham Lincoln expressed it best when he stated: ''That we here highly resolve that these dead shall not have died in vain. We can do them no greater honor than to keep alive that which they gave their lives to preserve; love of country, duty, honor and defense of the right as it is given to us to see the right.''

Let us keep their memories alive in our hearts and deeds throughout this period of the year. May their memories be a blessing.

On behalf of all assembled here, I pray. May God Who grants salvation to kings and dominion to princes, Whose kingdom is one that spans all eternities, bless and protect, help and exhalt the President and the Vice President of the United States of America.

May God bless the leaders of our great Nation; the Members of this House of Representatives, their families and their staffs. May God bless all who help guide our Nation with honor, dignity and pride, increase their strength of soul to resist the pressure to shade truth or compromise integrity, increase their ability to advocate on behalf of a just and honest society, caring and concern for the welfare of all citizens and friends, regardless of race, creed, color, religion, gender or age. Help them welcome all the marvelous, colorful, contentious diversity of our Nation's people. Grant them the wisdom, kindness, patience and understanding to differentiate between right and wrong, good and evil, and between sanctity and impurity. Enable our leaders to bring peace among all mankind everywhere in the world.

As we celebrate this weekend, let us also realize this coming Sunday, May 24th, marks the 31st anniversary of the reunification of the City of Jerusalem, eternal capital of the state of Israel. King David wrote of the city, ''Our feet would stand in the gateways of Jerusalem. Jerusalem rebuilt, as a city reunited together. Seek the peace of Jerusalem, may those who love you be at ease. May there be peace between your walls and tranquility in your palace. For the sake of my brothers and friends I shall speak with you of peace.''

Bless us dear God with the light of Your countenance, shower your providence and influence for good throughout the world, uniting all mankind in peace and freedom. He who makes peace in the heavens above, may He make peace here on earth, as we say, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. HOLDEN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOLDEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 339, nays 58, answered ''present'' 2, not voting 33, as follows:

[Roll No. 175]

YEAS—339

Abercrombie	Blunt	Chenoweth
Ackerman	Boehlert	Christensen
Allen	Boehner	Clayton
Andrews	Bonilla	Clement
Archer	Boswell	Clyburn
Armey	Boucher	Coble
Bachus	Boyd	Coburn
Baesler	Brady (TX)	Collins
Ballenger	Brown (FL)	Combest
Barcia	Brown (OH)	Condit
Barrett (NE)	Bryant	Conyers
Barrett (WI)	Bunning	Cook
Bartlett	Burton	Cooksey
Bentsen	Callahan	Coyne
Bereuter	Calvert	Cramer
Berman	Camp	Cubin
Berry	Campbell	Cummings
Bilbray	Canady	Cunningham
Bilirakis	Cannon	Danner
Bishop	Capps	Davis (FL)
Blagojevich	Cardin	Davis (IL)
Bliley	Castle	Davis (VA)
Blumenauer	Chabot	Deal

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Edwards
Ehlers
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Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
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Jackson (IL)
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Kim
Kind (WI)
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Klink
Klug
Knollenberg
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski
Livingston
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Towns
Traficant
Upton
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NAYS—58

Aderholt
Baldacci
Becerra
Bonior
Borski
Brown (CA)
Clay
Costello
DeFazio
English
Ensign
Fazio
Filner
Fox
Gephardt
Gibbons
Green
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hilliard
Hinchey
Johnson, E. B.
Kucinich
Lewis (GA)
LoBiondo
Lowey
Markey
McDermott
Menendez
Moran (KS)
Nussle
Oberstar
Obey
Pallone
Pastor
Pickett
Poshard
Ramstad
Sabo
Schaffer, Bob
Scott
Slaughter
Stupak
Taylor (MS)
Thompson
Thurman
Velazquez
Vento
Visclosky
Wamp
Waters
Weller
Wexler
Whitfield
Wicker

ANSWERED ''PRESENT''—2

Carson
Goodling

NOT VOTING—33

Baker
Barr
Barton
Bass
Bateman
Bono
Burr
Buyer
Chambliss
Cox
Crane
Crapo
Dixon
Frelinghuysen
Gonzalez
Granger
Hall (OH)
Harman
Hyde
Johnson (WI)
Johnson, Sam
Kolbe
Lewis (KY)
McCollum
Meeks (NY)
Owens
Pomeroy
Schumer
Skaggs
Tierney
Torres
Turner
Young (AK)

□ 1032

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate insists upon its amendments to the bill (H.R. 3130) ''An Act to provide for an alternative penalty procedure for States that fail to meet Federal child support data processing requirements, to reform Federal incentive payments for effective child support performance, to provide for a more flexible penalty procedure for States that violate interjurisdictional adoption requirements, to amend the Immigration and Nationality Act to make certain aliens determined to be delinquent in the payment of child support inadmissible and ineligible for naturalization, and for other purposes,'' disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. CHAFEE, Mr. GRASSLEY, Mr. MOYNIHAN, and Mr. BAUCUS; and from the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS, and Mr. KENNEDY, to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 1998.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results received from Dick Filling, Commissioner, Bureau of Commissions, Elections and Legislation, Commonwealth of Pennsylvania, indicating that, according to the unofficial returns of the Special Election held on May 19, 1998, the Honorable Robert A. Brady was elected to the Office of Representative in Congress, from the First Congressional District, Commonwealth of Pennsylvania.

With warm regards,

ROBIN H. CARLE,
Clerk.

SWEARING IN OF THE HONORABLE ROBERT A. BRADY, OF PENNSYLVANIA, AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania, Mr. Robert A. Brady, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the gentleman from Missouri?

There was no objection.

The SPEAKER. The Chair requests the newly elected Member and the Pennsylvania delegation to come to the well.

Mr. Brady of Pennsylvania appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office in which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are a Member of the United States House of Representatives.

INTRODUCTION OF THE HONORABLE ROBERT A. BRADY

(Mr. BORSKI asked and was given permission to address the House for 1 minute.)

Mr. BORSKI. Mr. Speaker, it is my great honor today to introduce to my colleagues the newest Member from Pennsylvania's first district, BOB BRADY. On last Tuesday's special election, he is replacing our former colleague, the Ambassador to Italy, Tom Foglietta.

The minority leader mentioned there was no contest. Mr. BRADY won with an

overwhelming 77 percent of the vote in his special.

He is a carpenter by trade. He is a builder, a consensus builder. For the past 12 years, he has been the Democratic Party chairman in the City of Philadelphia and has done an exceptionally good job. In my view, he is the best chairman the city has ever had. His ability to build consensus is what makes him such a great chairman and I believe will make him such a great Member of this body.

When the special was called, Mr. Speaker, and when BOB BRADY announced his intentions to seek this seat, and I believe most of my colleagues understand that the First Congressional District of Pennsylvania is a majority-minority district, more African-Americans than there are white, but when BOB BRADY announced his intentions, the support that he received from the district was overwhelming from all sides, corners, races, religions, and an absolute true testament to the kind of a person he is.

He has demonstrated through his tenure as a chairman the ability to work across the aisle and certainly among the races. It is my great honor to be able to introduce him here today.

Mr. Speaker, I would first like to yield to my colleague, the gentleman from Philadelphia (Mr. FATTAH).

Mr. FATTAH. Mr. Speaker, let me thank the gentleman from Pennsylvania (Mr. BORSKI), the senior congressman from our city, for yielding. I also would like to welcome and add in part to this introduction of ROBERT BRADY to the United States Congress.

This body is made up of Members who come here from all walks of life and who have a desire to serve the public. BOB BRADY is going to fit in extraordinarily well, because he has walked through all of the shoes of the lives of millions of people in the southeastern area of Philadelphia region. He has worked with people to help constructively engage them in the political process.

He is someone I have known for at least 2 decades now who has worked with me and worked with others in Philadelphia to help us as we strive to serve in public life. I want to welcome him, acknowledge his family who I know very, very well, his wife and his mother and others who are here. But I just wanted to say to my friend, welcome to the United States Congress.

Mr. BORSKI. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank my colleague for yielding to me, and let me join in this side of the aisle in welcoming our newest Member to Congress.

BOB, you represent the American dream. You are here today with your family and your friends and all those carpenters and those building trade workers around Pennsylvania and the region are here with you because they understand the fight that you have taken, the fight for jobs and better working conditions for people throughout our region.

As you know, I represented at one point in time or another probably a third to a half of the district that you now have. I had southwest Philadelphia and the Delaware County waterfront area that is now a part of your district. They are all good people. They are just like you.

The reason why BOB BRADY is going to be such a great Member of Congress is he has never forgotten his roots. He understands that this job in the end is really about helping those people that you have walked the streets with, that you have actually helped in constructing our city and our region. We are all very happy and pleased to have you here.

As a Republican with the great State of Pennsylvania, we join with you as what is a tradition in our State, bipartisan cooperation on behalf of our people. Congratulations and best wishes.

Mr. BORSKI. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. FOX).

Mr. FOX of Pennsylvania. Mr. Speaker, I am proud to also rise to salute our newest congressman, Congressman BOB BRADY from Pennsylvania, who, as discussed earlier by prior speakers, has always been someone who has been a consensus builder, but he is also a coalition builder, someone to bring disparate groups together for a common good.

He has always been a great listener. To be a great congressman, you have to be a good listener. As a people person, he will work to make sure that, not only make sure the First District is represented, but he also has a regional view to not only what is good for Philadelphia, but what is good for Pennsylvania and what is good for the Nation.

Knowing of his principles and his core beliefs, we will have a great congressman come forward to help make this Nation stronger and help make this House stronger.

Congratulations to BOB BRADY and his family, and we are looking forward to serving with him.

Mr. BORSKI. Mr. Speaker, it is my great pleasure to introduce to you a man of the people to the people's House, Congressman BOB BRADY.

REMARKS OF HON. ROBERT A. BRADY, NEW MEMBER OF THE HOUSE

(Mr. BRADY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Pennsylvania. Thank you, Mr. Speaker. To my dean from Pennsylvania, Congressman MURTHA, I always will respect the fact that you will be my dean and I will follow you, along with my leader.

I thank you, BOBBY BORSKI and CHAKA FATTAH. I thank the other Congressmen FOX and WELDON from the other side of the aisle for those kind remarks.

After all you have said, I should not say anything else because I probably will just louse it up, but I need to thank a few people.

I am not here by myself. I am here with a lot of people that I brought, my family and my friends. But I am not standing here because of myself. I am standing here because of a lot of people had the faith to vote for me in this past reelection. Without labor, organized labor, which I am a part of, it would not have been able to be happening.

I am also a city chairman. So with my fellow ward leaders and all my committee people that shared the faith and came out and voted for me, I need to thank them, and I need to thank a whole lot of people that helped me get here through the tough times.

We had a couple campaign trail buddies running, as you know, from Congress, running throughout the district. It is a long and tedious thing to do. I just appreciate the Joel Johnsons, the Bobby Rebstocks, I do not want to get in trouble, but the Jimmy Harritys, the Steve Kaplans, the Phil Espositos, who was my motor guy. We had all kinds of vehicles running around. I want to thank him. He is our navigator, also.

I want to thank my staff down in City Committee in the City of Philadelphia, Linda Matthews and Charlie Bernard, the Elmers, all the staff down there, special people, a fellow that you may know by the name of Buddy Cianfrani, who was a mentor and pushed me right on through in some bad times, and a young lady who is the chairperson of the African-American Ward Leaders by the name of Carol Campbell that I would be absolutely wrong and remiss if I did not thank her personally for all the things she has done for me through many, many years helping me get here.

☐ 1045

There is an another gentleman, our City Comptroller by the name of Jonathan Saidel. He is the gentleman that keeps us loose. He is also my finance chairman, who put a whole lot of money there. He is sitting up there. Jonathan, I love you for all you have done. There have been some tough times, and he has been by my side many times. I just hope that I can continue to be here and be by your side.

A lot was said about my candidacy. I had the fortune to bring a whole lot of people together from all different walks of life, different races and different creeds, the black clergy, the NAACP, the Jerry Mondessaires, the Senator Fumos.

It was written in the press that it was remarkable that I could have people standing next to me at an announcement and standing next to me at a victory party that will probably never stand next to each other again. But I am going to work to try to make that happen.

Without question, my family. My mother, I have to apologize for how I put her through three elections in the last six months. Between my younger brother becoming a judge, me winning a primary and the special election. Mom, I guess you are going to have to get used to it, because it is going to have to happen a couple more times. I hope to be here awhile.

My wife Debra, who again, was the one that when you come home, as anybody knows, to your spouse, there is somebody there that is going to help you, that is going to ask you how your day was and get you out in the morning to start another day. So, Debra, I thank you and love you.

To my children, Bobby and his wife, my daughter-in-law Maria, who stands behind me, as your children and your family stand behind me, they stood behind me.

My lovely daughter, Kimberly, my little kindergarten teacher, I can never forget my Kimberly who says, ''Geez, dad, I am taking off Monday and Tuesday. I hope you can get sworn in on Wednesday,'' but it happened on Thursday, so she got a whole week off. So she is happy.

For my mother-in-law and father-in-law for putting up with me, and my brother-in-law Rick, my brother Frankie, his wife and little Taylor. My sister-in-law, Roseann, and my brother Frankie. I hope I don't miss anybody, but they are family, they will understand.

And I have two jewels. I have two jewels in my life. I have a little 18 month old granddaughter by the name of Serena and a little four year old granddaughter by the name of Alexandra. They are my two jewels. She is up there laughing now. Hi, baby.

They are interest on an investment, the grandchildren, and I love them dearly. When I look at them, I see my father, because my father fought a war for us to be here, got wounded a couple times for us to be here, and he cannot physically be here, but he is up there being here right now today.

I know that I am honored to be here. I did not think I would be this humbled. It is hard to humble me in the city that I come from. They tried 10, 15 years ago, and it has not worked and I am pretty callous to it. But I am humble today because of what has happened.

I thank all my colleagues, I thank all my old friends, I thank hopefully all my new friends, and I appreciate all the kind words, and I look forward to working with you. Sometimes you lead, sometimes you follow. It is a lot easier to follow. I do not care. I am a team player. I do not care if I have to pitch, catch, batboy, I just want to be on the team. As far as I am concerned, the team that I am on is the team of the United States of America.

So thank you all, and I appreciate that.

RABBI MOSHE BOMZER

(Mr. MCNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCNULTY. Mr. Speaker, I join with all of my colleagues in congratulating BOB, and look forward to working with him here in the House of Representatives.

Mr. Speaker, I am honored to introduce to the Members of the House my good friend Rabbi Moshe Bomzer, the spiritual leader of Congregation Beth Abraham–Jacob of Albany, New York. Rabbi Bomzer delivered the opening prayer today, and, incidentally, for those who have been around here for a while, he also delivered the opening prayer 20 years ago this month.

Following in the footsteps of his father, who has led Brooklyn congregations for the past 45 years, Rabbi Bomzer is now celebrating the 13th year, his ''Bar Mitzvah year,'' Mazeltov, as the spiritual leader of the largest Orthodox Jewish Congregation in our State's Capital District.

In addition to his congregational duties, Mr. Speaker, Rabbi Bomzer is also the Chairman of the Chaplaincy Committee of the Capital District Board of Rabbis, serving as Chaplain at the Albany Correctional Facility, St. Peter's Hospital, and Teresian House.

In 1996, Governor George Pataki appointed him to the Kosher Law Enforcement Advisory Board. Last year he was appointed a National Vice President of the Rabbinical Council of America.

Mr. Speaker, he has won the respect and admiration of his congregation and of our community as a whole, for his tireless dedication to the preservation of Judaism and the Jewish heritage. We are honored to have him here today, along with his wife, Rachael, and a large delegation from the Hebrew Academy of the Capital District.

Finally, Mr. Speaker, let me just say a word of special thanks to my friend Moshe for the part of his prayer that dealt with saluting the men and women who wore the uniform of the United States military through the years. Had it not been for their service, we would not have the privilege of bragging about how we live in the freest and most open democracy on the face of the earth.

Freedom is not free. On behalf of my brother Bill, who made the supreme sacrifice, and all of those who made the supreme sacrifice, and all of those who served in our Armed Forces through the years, like the late Pete D'Alessandro from Watervliet, New York, Congressional Medal of Honor winner, Moshe, I thank you.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unavoidably absent on Wednesday, May 20, attending a family funeral. As a result, I missed rollcall votes 165 through 174. Had I been present, I would have voted ''no'' on rollcall 165, ''no'' on 166, ''yes'' on 167, ''yes'' on 168, ''yes'' on 169, ''yes'' on 170, ''yes'' on 171, ''yes'' on 172, ''no'' on 173 and ''yes'' on 174.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BONILLA). The Chair will entertain 10 one-minute speeches on each side.

GIVE ME LIBERTY

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, the First Amendment of the Constitution is the most famous and most effective campaign reform proposal in history. It has effectively protected the political freedoms of American citizens for over 200 years. If we leave it alone, it will protect the freedom of our citizens for the next 200 years.

So why are some Members of this House so desperate to change the First Amendment? They want the government to have a greater role in determining how elections are financed and how campaigns are run. They want a bigger government bureaucracy, they want to sharply limit campaign contributions, and they want the taxpayers to finance political campaigns.

Mr. Speaker, this kind of government intrusion into the election process would make Thomas Paine turn over in his grave. Now is the time for all good men to stand firm against Big Brother. Vote for free speech, and against amendments that take away free speech from our citizens.

SILENCING AMERICA'S WORKING FAMILIES

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, my California colleagues join me in bringing attention to an orchestrated campaign to silence America's working families.

Proposition 226, on California's June ballot, will undermine unions' efforts to advocate on behalf of our Nation's workers. By subjecting union members to a cumbersome annual verification of their dues, Proposition 226 will cripple organized labor's ability to promote fair wages, health care, retirement security and worker safety.

This initiative is harmful and unnecessary. The U.S. Supreme Court has already ruled that workers have the right to refuse to contribute to their union's political activities. This anti-worker movement is not about paycheck protection for workers, it is about the systematic disenfranchisement of American workers, such as our

teachers, nurses, police officers and factory workers.

Californians and Americans across this Nation must band together to stop this calculated attempt to stifle the voices of working people in our country.

NUCLEAR UTILITY INDUSTRY AND NUCLEAR WASTE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, America's favorite pastime, baseball, is upon us here in our Nation's Capital. However, the nuclear utility industry is striking out, and it seems they are becoming a backstop, rather than a leader for common sense.

Recently Secretary Pena pitched a proposal of up to $5 billion for financial relief to utilities to cover on-site nuclear waste storage costs. Unfortunately, and yet to no one's surprise, the nuclear industry balked at the idea, even though the U.S. Court of Appeals denied the utility request ordering and directing the Energy Department to immediately begin accepting their nuclear waste.

Here was a chance for all Americans to hit that home run by keeping this deadly waste on-site, rather than endangering the lives and health of citizens across this Nation, transporting it through their communities. But, once again, the nuclear industry is holding out for a bigger contract, just so they can pad their pockets.

Mr. Speaker, the nuclear industry is trying to build an expensive taxpayer-paid expansion team, but Americans are not going to accept the unsafe and ridiculous curve balls this industry is throwing at America.

OPPOSE PROPOSITION 226

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I rise today to express my opposition to California's Proposition 226, aimed at curtailing labor union political influence, but which is written so broadly it would apply to a variety of organizations that are not labor unions. These could include employee associations of every kind, such as those representing nurses, social workers, law enforcement officers and physicians.

This initiative is so broad that it will keep labor unions and their members from expressing their point of view, not only on political matters, but on issues such as education, health care and retirement security. It imposes costly bureaucratic regulations on unions, which would make it more difficult for union members to come together and make their voices heard on government decisions that affect working families.

It is no coincidence that this initiative comes before California's voters after the AFL-CIO's aggressive education and mobilization efforts in 1996.

As a labor union member and former union organizer, I oppose this attempt to undermine workers' rights.

DEFENDING THE FIRST AMENDMENT

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, the First Amendment to the Constitution reads, ''Congress shall make no law abridging the freedom of speech.''

The First Amendment is America's most important political reform. As Americans, it is our most precious and sacred guarantee. That is why the founders put it at the very top of the list.

Mr. Speaker, it was political speech that the founders deemed most vital. Why? Because it was political speech that the British government tried to stifle when it was in power.

The Founding Fathers tried to prevent government suppression of political speech from ever happening again, by adopting the First Amendment to the United States Constitution. The framers of the Constitution did not explicitly or implicitly create a campaign speech exception to the First Amendment, as some Members of Congress now wish to do.

Mr. Speaker, under the First Amendment, Congress does not have the authority to regulate political speech. As long as we have any shred of a Constitution left, we are going to have the ability to act as individuals or as groups to engage in political expression, free of government intrusion.

□ 1100

DEFEAT PROPOSITION 226

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, on June 2, my fellow Californians will be voting on Proposition 226, a proposal to handicap the efforts of labor unions by limiting their ability to spend the dues they collect from their members.

While Prop 226 is designed to sound attractive to working families, its real purpose is to put an undue burden on union members. Prop 226 would force unions into the unworkable position of seeking written approval from their members each year before spending any of the money for political purposes.

Currently, union members who choose to restrict the use of their union dues for political purposes may do so. Prop 226 instead places the onerous burden of unnecessary paperwork requirements on the vast majority of union members who want their unions to act on their behalf. This requirement would limit the free speech of union workers and impose burdensome red tape on the unions.

This House recognized the folly of Prop 226 when it rejected similar legislation known as the Paycheck Protection Act most recently. I hope Californians will follow the House's lead by defeating Proposition 226.

CLINTON WHITE HOUSE AIDS IN CHINA'S MISSILE DEFENSE PROGRAM

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, it seems to have taken 5 nuclear blasts in India, combined with stunning revelations about campaign contributions from Communist China into the Democrat Party to send America a wake-up call.

With each passing day, the China scandal gets bigger, more worrisome and more baffling. It is time the White House explains why it granted a waiver to the Loral Corporation and others who are helping China develop its missile and rocket programs.

Instead of trying to block high technology transfers to Communist China, this administration seems to be encouraging it. Instead of embarking on a national missile defense program for our country, for America, this administration is allowing the transfer of technology to help China develop missiles that may be aimed at the United States of America. Instead of making nuclear war less likely, this administration appears to be cooperating in making China a nuclear power.

The result? Well, India runs 5 nuclear bomb tests; Pakistan will likely follow; even Japan may inevitably reassess its own nuclear policy.

It is not a question if this technology will make the world a more dangerous place, it already has.

WAR ON DRUGS REQUIRES MORE THAN ''NEIGHBORHOOD CRIME WATCH'' MENTALITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today the House will cast the key vote on the war on drugs. The House will vote to either maintain the status quo and do nothing, or begin to fight.

Some of the misconceptions and untruths about the Traficant amendment: It will not mandate the use of troops; it will only allow it if the administration requests it, and if so, they must be specially trained, and they can only be deployed with civilian officers, and they cannot make arrests; local officials must be notified.

The substitute kills it. The substitute says, surveillance in intelligence only.

I say to my colleagues, neighborhood crime watches perform surveillance.

We will never win the war on drugs with a neighborhood crime watch.

Defeat the substitute. Give the Traficant amendment an opportunity for an up/down vote.

AMERICAN PEOPLE DESERVE IMMEDIATE EXPLANATION FROM WHITE HOUSE ON AID TO CHINA'S MISSILE DEFENSE TECHNOLOGY

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, why would the United States share some of its most sensitive missile technology with Communist China? Did America really fight a Cold War and reduce the nuclear threat only to have the threat return from a Communist regime that recently threatened to launch a nuclear strike on Los Angeles over the Taiwan issue?

This administration's policy to grant waivers to high technology companies that are working to improve China's missile and rocket capability is dangerous, reckless, and indefensible.

The press now reports that 13 of China's 18 long-range strategic missiles have nuclear warheads aimed at American cities. And how does the Clinton administration respond? It actively works to help China's missile and rocket program.

The American people deserve an explanation of this administration's conduct relating to transfers of missile technology to China; and Mr. Speaker, they deserve it today.

U.S. NEEDS MANAGED CARE REFORM NOW

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, hidden in today's Washington Post is an article that Speaker GINGRICH sent the Republican Health Care Reform Task Force of the Republican Conference back to the drawing board. It is another attempt of the Republicans to destroy-by-delay health care improvements which are needed by the American people.

We should not forget that our first priority is to help the patient. We owe it to the American people to provide top quality medical care. We need an anti-gag rule where physicians can talk to their patients. We need an appeals process, both internal and external, for the patients' benefits. We need to give employees the choice, other than going to the HMO that somebody else chooses for them. We need to make decision-makers responsible. If a doctor is responsible for one's health care, then somebody who tells that doctor no should also be responsible.

This decision stops a bipartisan effort to provide health care reform, and I hope that the American people think it is such a shame, just like I do. We need managed care reform now, Mr. Speaker.

AMERICAN ECONOMY PROTECTION ACT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday's vote on the Gilman amendment is good news for the opponents of the Kyoto treaty.

By a vote of 420 to 0, 420 to 0, the House voted to protect the quality of our national defense by exempting the U.S. military operations from the Kyoto treaty's stringent requirements.

I applaud the gentleman from New York (Mr. GILMAN) for his leadership on this issue and I urge my colleagues to continue fighting against this treaty, because it is not just bad for the military. This overreaching agreement would have a negative effect on virtually every sector of our economy and result in fewer jobs, higher prices, and a lower standard of living for the American people.

Along with my colleagues, the gentlewoman from Missouri (Mrs. EMERSON) and the gentleman from Pennsylvania (Mr. KLINK), I have introduced a bill, the American Economy Protection Act, that would prevent even $1 of taxpayer money from being spent to implement the provisions of the Kyoto treaty until it has been ratified by the Senate.

With the President attempting to circumvent the Constitution by implementing the Kyoto treaty through regulatory actions, I urge my colleagues to support this bill. It ensures that the Kyoto agreement is debated in the light of day and not rammed through the back door.

REAGAN ADMINISTRATION ALLOWED MILITARY TECHNOLOGY TO BE SOLD TO ROGUE NATION

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, I rise with a sad duty today. I rise to present documents showing a direct link between campaign contributions and administration decisions that allowed military technology to be sold to a rogue nation.

Yes, the Departments of Commerce and State took a series of steps allowing military sales to international pariahs. When was this? In the 1980s, during the Reagan administration. And one country buying the equipment, Iraq, would later turn those weapons on us.

But why would Ronald Reagan do such a thing? Well, using the same tactics that other Members have used this week, I checked to see who benefited from those sales. Guess who? The same defense contractors who contributed millions and millions of dollars to the Republicans during the 1980s.

Today we are hearing accusations of treason, of aiding Communist dictators. Well, according to the 1983 Washington Post article, the Commerce Department, then under Ronald Reagan, was found to have made decisions that ''enabled the Soviet Union to improve the accuracy of its nuclear missiles.''

We want to investigate sales of military technology? We want to tie campaign contributions to administration waivers or accuse the White House of aiding Communists?

Let us investigate the President. President Ronald Reagan.

WHITE HOUSE TO BE HELD ACCOUNTABLE FOR TRANSFER OF TECHNOLOGY TO CHINA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the shift of the responsibility by the Clinton administration for licensing the export of advanced technology has created dangerous foreign policy and potentially jeopardized our Nation's security.

The administration is stripping the State Department and the Department of Defense from overseeing the export of advanced technology. The result of this questionable policy is the export of advanced satellite technology which can be used to perfect the targeting of nuclear weapons to a hostile country like Communist China.

This raises serious questions, as was pointed out in a column by Mark LEVIN in today's Washington Times. Questions like, what national security interest was served when President Clinton personally intervened, overruling objections from the Pentagon and the State Department, to approve further technology transfers to the Communist Chinese? Which Clinton administration officials were involved in this decision?

After the Justice Department opened a criminal investigation into the unauthorized technology transfer to the Communist Chinese in February of 1996, why were the companies involved not suspended, at least temporarily, from exporting further?

Mr. Speaker, potentially this could be a stunning betrayal of American interests and national security. I urge my colleagues to join me in holding the administration accountable for this dangerous transfer of technology.

PROPOSITION 226 BAD FOR WORKING FAMILIES

(Mr. SHERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERMAN. Mr. Speaker, I spent over 20 years working for genuine campaign finance reform. Nothing does

that effort more harm than the mutant and perverted effort at campaign finance reform symbolized by Proposition 226.

In California we spend too much money on campaigns, but at least often, that money is balanced, and often, the interests of corporations are well represented, but the interests of working men and women are represented by organized labor. We need to hear from both sides in California campaigns.

Unfortunately, Proposition 226 is intellectually dishonest. It says that the money of labor union members cannot be spent by labor leaders on political efforts, but at the same time, it welcomes corporate money, money that belongs to shareholders, to be spent on politics by corporate management. What it does is it gives us a lopsided input into California politics.

Mr. Speaker, in the last election we in California raised the minimum wage. We did so because of the input of organized labor and working men and women. I urge Californians to join with the Sierra Club and the League of Women Voters in opposing Proposition 226.

CELEBRATING ISRAEL'S 50 YEARS OF EXISTENCE

(Mr. PAPPAS asked and was given permission to address the House for 1 minute.)

Mr. PAPPAS. Mr. Speaker, we around the world, including many Americans, are celebrating the 50th year of the existence of the State of Israel. In fact, a delegation from this House will be traveling to Israel during the Memorial Day recess to celebrate with the Israeli people, yet I am disappointed by many signals that the administration is sending to our ally, Israel, that is one of our staunchest allies among the community of nations.

The Secretary of State was reported to have made ultimatums regarding withdrawal of territory by the Israeli government and people. The First Lady was recently quoted as supporting the establishment of a Palestinian state. The Israeli people are our friends. We should not only celebrate with them, we should demonstrate we are their friend and support their existence.

OPPOSE CALIFORNIA'S PROPOSITION 226

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise today to denounce the anti-worker initiative on California's June 2 ballot.

Proposition 226 is not a grassroot effort to reform campaign finance and protect the paychecks of California's workers, as its proponents would have us believe. It is a national right-wing effort funded by national organizations to set their agenda: To silence working families, first in our State, and then throughout the Nation.

The primary backers of the California initiative do not even reside in our State. National business, conservative and anti-union organizations, and individuals, in a quest to set a national agenda State-by-State, have contributed more than 60 percent of the funding to the Prop 226 campaign.

Backers include conservative, anti-union groups and individuals such as Americans For Tax Reform and J. Patrick Rooney, an Indianapolis millionaire who chairs the Golden Rule Insurance Company and is a significant GOPAC contributor.

In the past 2 years, working families who participated in the political process won a minimum wage increase, protected medicare from cuts, and saved Federal job safety protections. So now this initiative's proponents are looking for payback.

Please join the League of Women Voters, the Sierra Club, and working families in opposing this anti-worker initiative.

U.S. NEEDS FULL ACCOUNTING OF DAMAGE DONE TO NATIONAL SECURITY

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, on the policy of launching U.S. satellites with Chinese missiles, National Security Adviser Sandy Berger says, ''The telecommunications industry has a tremendous need to put satellites up into the air, and that exceeds the launch capacity of the United States.''

It is shameful that this administration's answer to the problem was a transfer of dangerous missile technology to a Communist government which has 13 nuclear missiles aimed at us.

I encourage the President to review his budget and that he work with Congress to increase funding for U.S. missile and space launch research. Defense is not an option. The space program is not a luxury.

The United States is the greatest technological and manufacturing nation in the world. Let us build U.S. rockets to launch U.S. satellites and spend what is necessary to maintain our Nation's defense.

Finally, all Americans need to see this administration cooperate fully with the committee of the gentleman from California (Mr. Cox) so that we can have a full accounting of the damage already done to our national security.

□ 1115

CAMPAIGN FINANCE REFORM IS CRITICALLY IMPORTANT

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, the principal issue still facing this Congress is the issue of campaign finance reform. Campaign finance reform is so critically important because it influences so much else of what we do in this House and the other one, as well.

In the summer of 1995, the Speaker of this House, the gentleman from Georgia (Mr. NEWT GINGRICH), shook hands in New Hampshire with President Clinton. He promised then that we would resolve the issue of campaign finance reform. Now it is almost 3 years later, and the issue has still not been resolved. Not only that, but we have not been assured that we will have a simple up-or-down vote on the principal bill that seeks to reform the way we finance campaigns, the Meehan-Shays bill.

We need to bring that bill out to the floor. That bill needs to be fully debated. This House needs to have the opportunity to vote yes or no on Meehan-Shays. Let us have that vote as soon as possible, this week, next week, or the week after. Let us have that vote up-or-down on Meehan-Shays.

TOBACCO AND IMMUNITY FOR WITNESSES

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I am here to talk about tobacco. Think about this one minute, those who are cigarette smokers. They may be familiar with the Pagoda Red Mountain cigarette. The Pagoda brand, as Members may know, is the third largest cigarette selling in the world. It is the number one cigarette in China. It is owned by the Communist Chinese government.

The Pagoda Mountain cigarette company has an operative named Ted Sioeng. He gave $400,000 to the Democrat National Party. His associate, Mr. Kent La, personally gave $50,000 of the money. He is willing to testify before the Burton committee and just say why a Communist cigarette company was interested in giving the $400,000 to the Democrats. No big deal. Something we all should want to know. Maybe it is that they just like good cigarette smokers, and recognize the Democrats as such.

But the reality is, 19 Democrats on the committee will not let him speak. They will not let the guy testify. The Democrat Justice Department, the Department of Justice, said they have no problem with immunity and will let Mr. Kent La speak and have immunity, but 19 Democrats say no.

What do the Democrats want to do instead? We heard it this morning. They want to investigate Ronald Reagan. I suggest they have been smoking more than Pagoda Red Mountain cigarettes or whatever it is.

TIME FOR REPUBLICAN PARTY TO STOP DELAYING ON CAMPAIGN FINANCE REFORM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republicans are up to their old tricks again, ''Doolittle'' and ''DeLay.'' Despite his famous handshake with President Clinton in the summer of 1995, Speaker GINGRICH has done little to pass real campaign finance reform. In fact, what he has said is that we need more money in our political system. He supports the bill of the gentleman from California (Mr. DOOLITTLE) to remove what limits there already are in place on campaign contributions.

Meanwhile, the Republican leadership has delayed a vote on real reform in this House. They initially promised a full and fair vote in March. It is now May, and we are still waiting. Meanwhile, the Republican Whip, the gentleman from Texas (Mr. TOM DELAY), third ranking member in this body, he is leading the effort to kill real reform.

I think it is time for the Republican party to stop delaying and to please do something about campaign finance reform. Stop listening to the wealthy and to the special interests. Start listening to average working Americans in this country. Vote for real campaign finance reform. Vote for the bipartisan Meehan-Shays bill.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON BUDGET RESOLUTION FOR FISCAL YEAR 1999

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet the week of June 1 to grant a rule which will limit the amendment process for consideration of the budget resolution for fiscal year 1999. The Committee on the Budget ordered the budget resolution reported last night and is expected to file its committee report sometime over the next few days.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment by 2 o'clock on Tuesday, June 2, to the Committee on Rules in Room 312 of the Capitol.

As has been the common practice in recent years, the Committee on Rules strongly suggests that the Members wishing to offer amendments, that they offer those amendments as complete substitute amendments that keep the Federal budget in balance. I do not intend to put out a rule that is going to put on the floor a budget that is not in balance.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, it is my understanding that we are not going to have any votes until Wednesday at 5, and there will be very few Members back in the Chamber Tuesday. Could the gentleman from New York (Mr. SOLOMON) make that at 2 o'clock Wednesday instead of 2 o'clock Tuesday, because we do have an extra day, then?

Mr. SOLOMON. Mr. Speaker, the gentleman makes a point, but it is going to be difficult to make sure that the full Members of the House and the media and the public are going to be able to see those substitutes.

As the gentleman knows, because there is a Memorial Day recess and work period back home, there are no scheduled votes until 5 o'clock on Wednesday. It is just imperative that the gentleman and I, and the gentleman is the ranking member of that committee, that the gentleman and I be able to see those amendments for at least 24 hours.

Let me make a concession and move it up to, instead of 2 o'clock, to 5 o'clock on Tuesday. Our staffers are going to be here working all during next week.

Mr. MOAKLEY. Mr. Chairman, if the gentleman will yield further, as the gentleman well knows, most of the Members will not be back until Wednesday, because it is the Memorial Day weekend and they have other things in their district. So I would hope that just one more day would not make much difference as far as the media goes, or the gentleman's ability to look over the amendments, or my ability to look over the amendments. I think it would be fairer to those who will be spending all the time back in their districts.

Mr. SOLOMON. As the gentleman from Massachusetts (Mr. MOAKLEY) knows, when the gentleman was the chairman of the committee and I was the ranking member, I used to complain that we were not given enough notice to be able to look at what we were going to act on.

It is imperative that we put out the rule on Wednesday because of the timeliness of the budget, as the gentleman knows. It is important that the gentleman and I and our committee act on it Wednesday night, and to give them that extra day, the gentleman and I would not even have a chance to look through these voluminous budgets. So I am just doing what the gentleman has done in the past.

Mr. MOAKLEY. If the gentleman will continue to yield, Mr. Speaker, it is just as recent as few days ago he has given us amendments 10 minutes before we are going to vote on them. If we have the capacity to digest them in that short period of time, I am sure the gentleman would have the same opportunity.

Mr. SOLOMON. The gentleman knows that the gentleman from New York (Mr. JERRY SOLOMON) has pledged to be more fair than the Democrats ever were to us, and I have lived up to that for 4 years now. We are going to continue to do that.

Mr. MOAKLEY. Is the gentleman saying that the Committee on Rules is going to meet on Wednesday to discuss the budget amendments?

Mr. SOLOMON. Yes. That is right.

Mr. MOAKLEY. We are going to meet on Wednesday?

Mr. SOLOMON. Yes, sir. We have to.

Mr. MOAKLEY. In that case, I withdraw my request.

Mr. SOLOMON. The gentleman now understands why he should have at least 24 hours to be prepared.

Mr. MOAKLEY. I am sorry, I thought we were not going to meet on this until Thursday. But if we are going to meet on it Wednesday, then we should do that.

Mr. SOLOMON. We have to meet on Wednesday because the bill has to be on the floor on Thursday, and it is the most important legislation to come before the body.

Mr. MOAKLEY. I understand. I thought the gentleman was not going to take it up until Thursday.

Mr. SOLOMON. The gentleman has always been so understanding, and he has not changed a bit.

Mr. MOAKLEY. Sometimes.

Mr. SOLOMON. I thank the gentleman.

PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 432, SENSE OF HOUSE CONCERNING PRESIDENT'S ASSERTION OF EXECUTIVE PRIVILEGE, AND HOUSE RESOLUTION 433, CALLING UPON THE PRESIDENT TO URGE FULL COOPERATION BY FORMER POLITICAL APPOINTEES, FRIENDS, AND THEIR ASSOCIATES WITH CONGRESSIONAL INVESTIGATIONS

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 436

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the resolution (H. Res. 432) expressing the sense of the House of Representatives concerning the President's assertions of executive privilege. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the Majority Leader or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

SEC. 2. After disposition of or postponement of further proceedings on House Resolution 432, it shall be in order to consider in the House the resolution (H. Res. 433) calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations. The resolution shall be considered as read for amendment. The resolution shall be debatable for one hour equally divided and controlled by the Majority Leader or his designee and a Member opposed to the resolution. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from New York (Mr. SOLOMON) is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield half our time to my good friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 436 is a rule providing for consideration of two House resolutions. The first of these is House Resolution 432, expressing the sense of the House of Representatives concerning the President's assertion of executive privilege introduced by the gentleman from Texas (Mr. DELAY), the Majority Whip.

Second is House Resolution 433, calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations. That resolution is introduced by myself.

Mr. Speaker, the rules provide that House Resolution 432 concerning executive privilege shall be debatable in the House for 1 hour, equally divided and controlled by the majority leader and his designee, and an opponent.

The rule further provides that House Resolution 433 relating to the cooperation of witnesses before congressional investigations shall be debatable in the House for 1 hour, equally divided and controlled by the majority leader and his designee and an opponent.

Mr. Speaker, over the last several days this House has undertaken an effort to broaden the discussions of ethics in the Nation's Capital from one of internal House committee procedures to criminal procedures generally, and the rule of law. Members on both sides of the aisle have been troubled by personal attacks, as I have.

We can take the personalities away and the efforts to engage in personalities on the floor, but the questions that trouble our constitutional system of government are not going to go away. Every day we are seeing more of it in the papers across the country.

Tuesday, we voted overwhelmingly, 402 to zero, to express that the House should immunize and should hear testimony from four witnesses whose testimony has been blocked by the minority of the Committee on Government Reform and Oversight. We have had several hours of debate yesterday and votes on a number of amendments to the defense authorization bill expressing the House's position on transfers of sophisticated satellite technology in China.

Those votes passed 417 to 7, 414 to 4, 412 to 6, and 364 to 54, that was overwhelming bipartisan support, opposing the President's actions of turning over missile technology to a potential enemy of the United States that will, in the near future, have their weapons of mass destruction trained on the children of this Nation.

Mr. Speaker, the House should proceed to consider these two resolutions and fulfill our constitutional obligations to press for answers to the severe questions raised by this technology transfer to Communist China.

Mr. Speaker, the first resolution this rule allows the House to debate concerns the President's assertion of executive privilege.

□ 1130

We should all pay attention. Many of us have been here for a long time, my good friend the gentleman from Massachusetts (Mr. MOAKLEY) even longer than I, and I have been here for two decades.

Mr. Speaker, the President has invoked executive privileges in three congressional inquiries and two court proceedings prior to his current assertions before a Washington, D.C. grand jury in a criminal investigation. Executive privilege, as Members are aware, is rarely invoked by Presidents, if ever invoked at all. It has only happened twice in the history of this Nation, once by a President named Nixon and now by a President named Clinton.

President Reagan's counsel has recently written that President Reagan insisted the White House would not assert executive privilege over any materials even in the controversial Iran Contra investigation. The Reagan White House staff honored that pledge. That information was turned over to this Congress. President Clinton's own counsel has advised a similar approach to executive privilege, but it would seem that the Clintons have not followed that advice. Mr. Speaker, something is wrong.

Former White House counsel Lloyd Cutler, if Members are back in their offices, I want them to listen to this, former White House counsel Lloyd Cutler, a very respected gentleman, wrote a special memorandum to the executive departments and agencies in 1994, stating that in circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice not to assert executive privilege, either in judicial proceedings or in congressional investigations and hearings.

Mr. Speaker, the case law is strongest in favor of a President's claim of executive privilege over matters relating to national security and diplomatic issues, but the law is skeptical of a general claim of executive privilege. Courts typically must balance the assertion of executive privilege by a President with the public's right to know.

Mr. Speaker, press accounts have indicated that the President has asserted executive privilege before the independent counsel in regard to conversations with staff and with the First Lady over the appropriate political response to allegations of perjury and obstruction of justice in the White House. The media has further reported that a Federal judge has rejected this claim and an appeal is being contemplated by the White House. The decision itself is under seal. In addition, many prominent news organizations have filed briefs to make the proceedings regarding executive privilege public so that the American people can see for themselves.

Mr. Speaker, I think it is eminently reasonable to protect grand jury testimony and presume the innocence of the individuals impacted by this investigation. However, an assertion of executive privilege which has no relation to national security whatsoever, and which is the subject of a great debate in law schools and on the editorial pages around this country right today, should be discussed on the floor of this House.

Mr. Speaker, the second resolution this rule will allow the House to consider, my legislation, relates to the President's former political appointees and friends who have failed to cooperate with congressional investigations. Over 90 witnesses, Mr. Speaker, 90 witnesses in the campaign finance investigation have fled this country or have taken the Fifth Amendment privilege before the committee.

Mr. Speaker, this is a level of noncompliance that the highly regarded director of the FBI, Louis Freeh, who we all have great respect for, has compared to an organized crime case.

Mr. Speaker, that is just terrible.

Mr. Speaker, last year the House voted to empower the Committee on Government Reform and Oversight with additional procedural tools to enhance its ability to gather evidence at home and overseas. I put that out of the Committee on Rules. The House has spoken on one occasion and endorsed the importance of this inquiry by granting authorities beyond what is available in the House rules today.

Mr. Speaker, all Members should support the mechanisms needed to allow the truth to be aired in this scandal. We are talking about breaches of national security that affect the strategic interests and the future of this great democracy of ours.

The minority on the Committee on Government Reform and Oversight has opposed on two occasions the granting of immunity to four witnesses, which the Department of Justice has approved before the committee. Perhaps the minority will come to regret their two votes against immunity in the

coming weeks, especially when we see what has been taking place now on the front pages and in the editorials of this Nation across this country, when it looks like that we have literally sold this country down the drain by giving away the kind of missile technology, again, which is going to allow a potential enemy of the United States to train long range missiles of mass destruction against this country.

Press accounts on a daily basis are reporting that the Justice Department is investigating whether the White House decision to export commercial satellite technology to China was based on campaign contributions. We need to know, Mr. Speaker. If that is true, that is truly, truly outrageous.

Johnny Chung, we have all heard his name mentioned all across the headlines now for months, a Democrat fundraiser who pled guilty in the campaign finance probe in March, has reportedly told the Justice Department that he received $300,000 from a senior executive in a State-run Chinese aerospace firm to give to the Democrat party. Chung then contributed approximately $366,000 thousand to the Democratic National Committee for the 1996 election cycle.

Mr. Speaker, two of the witnesses whom the Democrats have blocked immunity for in the Committee on Government Reform and Oversight were coworkers of Johnny Chung. Think about that. They were coworkers of Johnny Chung.

Consideration, Mr. Speaker, of House Resolution 433 will give the House an opportunity to express its support for returning these individuals to the United States and obtaining the necessary testimony so that Americans can have some confidence that the United States foreign policy and security interests were not sold to the highest bidder. We need to debate that on the floor of this House.

When the number of unavailable witnesses in a legitimate congressional inquiry into the executive branch reaches the level of an organized crime probe, which is what Louis Freeh said, something is terribly wrong in the Nation's Capital and we need to get to the bottom of it.

Mr. Speaker, it is troubling that the highest level officials at the White House refuse to even confirm if a sweeping, precedent-setting assertion of executive privilege has been made. I believe that a conspiracy of silence has descended over this town, and it is time for the House to debate this issue. If Members believe that they have a right to know as constitutional officers of this body and the public has a right to know, then they should vote for this rule. If they want to have a discussion on the House floor of how personal ethics, the rule of law and the public interest intersect in this town, come over here and vote for this rule.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I thank my dear friend, my chairman, the gentleman from New York (Mr. SOLOMON), for yielding me the customary half hour.

Mr. Speaker, both of the resolutions we are considering here today were created as nothing more than an unfortunate form of political retaliation. Last Thursday the gentleman from New York (Mr. SOLOMON) announced we would be considering these resolutions because of the action of the Democratic House leadership. In case that statement was ambiguous, this Monday's Roll Call newspaper quoted a Republican leader as saying, ''This is retaliation, this is war.''

I do not think it could be any clearer, Mr. Speaker. These resolutions are intended to punish House Democrats for asserting their rights on the House floor. They are to attack the President because of the perceived refusal of his friends and employees to cooperate with the many congressional allegations and investigations.

Mr. Speaker, I do not think I need to remind anybody that retaliation is really not a very good reason for legislation. Improving our Nation's schools is a great reason for legislation. Cleaning up our air, cleaning up our water is a great reason for legislation. Creating jobs for American workers is a great reason for legislation. Punishing political opponents is not a good reason for legislation.

Mr. Speaker, that is exactly what my Republican colleagues are doing here today, under their own admission. Mr. Speaker, they are not doing it very well. Last Thursday the Committee on Rules was scheduled to meet at 3:00 for the defense authorization bill. At 3 minutes before 3:00 I got a call saying the Committee on Rules would be adding an emergency matter to the defense meeting.

Given the subject matter, Mr. Speaker, I think it is a stretch to call these partisan resolutions emergencies. I hope that last-minute additions of this nature do not become a regular practice of the committee. Up until now we have got great notice, we have got ample notice so that we are adequately prepared when we go into that committee room, but 3 minutes before the meeting we were given these resolutions.

And lest anyone gets too serious about these resolutions, I would remind my colleagues that they are simply resolutions expressing the opinion of the majority of the House. They carry no legislative weight, and I think at this time they are just a waste of time.

Given the enormous number of partisan investigations taking place in the House these days, and if anybody has to be reminded, there are over 40 investigations going on currently in the House of Representatives, taking up the time of 12 of the 20 standing committees. Given the hundreds of people who have been subpoenaed, it is no wonder a few of them have declined to cooperate. I do not remember the victims of the Salem witchcraft trials running to be burned at the stake. The last time I looked, they had not changed the Fifth Amendment protection which grants a person the right to refuse to testify.

The other resolution dealing with executive privilege is so poorly written, I am not sure exactly what they are after. The resolution calls for all documents relating to the claims of executive privilege. Now, does that mean legal documents asserting the right to executive privilege, which are currently sealed in the courts, or does that mean documents dealing with the subject matter the President is privileged to keep to himself?

Mr. Speaker, as my Republican colleagues know, it does not matter because as legally binding documents, these resolutions are not worth the paper they are written on. To make matters worse, they are being brought up under a closed rule which not even allows the Democrats a motion to recommit.

Now, if we had brought such a rule 3 minutes before the committee scheduled to meet, my Republican colleague, my able Republican colleague would be 8 feet off the floor screaming and hollering, what has happened to our democratic process? But now, Mr. Speaker, they are in the majority so they are somewhat less indignant at the loss of minority rights than they were just a few years ago.

So I urge my colleagues to oppose this rule and these partisan resolutions. I feel the American people are just sick and tired of their representatives using the power of the Congress to attack Members of the other party.

Mr. Speaker, my dear friend and colleague said that President Reagan never invoked executive privilege. I will include in the RECORD the CRS study on the history of executive privilege where it shows President Reagan used the executive privilege three times and President Bush also used it one time.

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

FACT SHEET ON PRESIDENTIAL CLAIMS OF EXECUTIVE PRIVILEGE: BACKGROUND, HISTORY, CASE LAW, RECENT INVOCATIONS, AND PROCESS FOR CLAIMS—MARCH 27, 1998

I. INTRODUCTION

Within the last year the Supreme Court and federal appeals courts have ruled upon presidential claims of the executive privilege (In re Sealed Case) attorney-client and work product privileges (In re Grand Jury Subpoena, In re Sealed Case), and temporary immunity from civil suit for unofficial acts (Clinton v. Jones). While none of the rulings directly involved congressional demands for testimony or documents, their rationales potentially impact the conduct of current and future committee investigations. This fact sheet outlines the background of the development of presidential executive privilege, including the nature of the conflicting interests of Congress and the Executive, the role of the courts and the existing case law, and the history of recent presidential invocations of the privilege and the process of such invocations.

II. CONGRESSIONAL CHALLENGES TO PRESIDENTIAL CLAIMS OF EXECUTIVE PRIVILEGE

A. Understanding the nature of interbranch conflict

Congressional challenges to presidential claims of executive privilege do not represent a breakdown in our scheme of separated powers but rather are part of the dynamic of conflict built into the constitutional scheme to achieve workable accommodations which will preclude the exercise of arbitrary power. The framers, rather than attempting to define and allocate all governmental power in minute detail, relied on the expectation that were conflicts in scope of authority arose between the political branches, a spirit of a mutual accommodation would promote resolution of the dispute in the manner most likely to result in efficient and effective functioning of our governmental system. Thus, the coordinate branches are not to be seen as existing in an exclusively adversarial relationship to one another when a conflict in authority arises. Instead, each branch is enjoined to take cognizance of the implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation. The essence of that dynamic was captured by Mr. Justice Jackson in the Steel Seizure Case:

''While the Constitution diffuses power the better to secure liberty, it also contemplates that the practices will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but independence, autonomy but reciprocity.''

Despite the notoriety of Watergate and more recent clashes over invocation of the privilege, history indicates that such confrontations are rare and that the implicit constitutional injunction to accommodate has been honored in almost all instances of notoriety.

B. Conflicting interests of Congress and the President and their supporting constitutional powers

(1) Congress needs information—

(a) for the formulation and enactment of legislation;

(b) to ensure executive compliance with legislative intent;

(c) to inform the public;

(d) to evaluate program performance;

(e) to protect the integrity, dignity, reputation and prerogatives of the institutions;

(f) to investigate alleged instances of poor administration, arbitrary and capricious behavior, abuse, waste, fraud, corruption and unethical conduct; and

(g) to protect individual rights and liberties.

(2) The President needs to withhold information—

(a) to meet the challenges and requirements of modern national security, military and diplomatic policy decisionmaking which often demand rapid, decisive and secret decisions and responses to protect the integrity of the decisional process;

(b) to secure accurate, frank and robust advice and information from subordinates, particularly from close advisors, in order to perform his constitutional functions;

(c) to protect the integrity of its law enforcement function which would be undermined by revelation of prosecution strategies, legal analysis, potential witnesses, and settlement considerations; and

(d) to protect presidential privacy.

(3) To gain access to information congressional committees may—

(a) initiate formal investigations;

(b) issue subpoenas to compel production of documents and testimony;

(c) find an executive officer in contempt and seek a criminal indictment of the official;

(d) threaten and withhold appropriations for executive programs;

(e) fail to act on presidential legislative initiatives and on nominations;

(f) call for the appointment of an independent counsel;

(g) file a civil suit to enforce compliance with subpoenas; and

(h) threaten and seek impeachment of the official refusing to comply.

(4) The President may resist by—

(a) delaying compliance until the congressional need is ended;

(b) order subpoenaed officers to claim privilege;

(c) direct the United States attorney not to bring a contempt before a grand jury;

(d) challenge an indictment on appropriate privilege grounds;

(e) negotiate a disclosure that does the least damage to executive interests; and

(f) utilize the ''bully pulpit'' of the presidency to convince the public that Congress is overreaching.

C. The role of the courts

The courts have been exceedingly reluctant to become involved in resolving the merits of presidential privilege claims against information demands of the coordinate branches. The Supreme Court has recognized the constitutional basis for a qualified claim of privilege for presidential communications but in that instance held that the privilege was outweighed by the need of the judiciary for the information in a criminal prosecution. Most recently, a federal appeals court made the most extensive examination to date of the nature, scope and operation of the privilege, determining how far down the line of command from the President the presidential privilege extends, and what kind of demonstration of need must be shown to justify release of materials that qualify for such a privilege.

(1) *United States* v. *Reynolds,* 345 U.S. 1 (1952) (recognition of absolute privilege to withhold national security matters from a private party in a civil case).

(2) *Nixon* v. *Sirica,* 487 F.2d 700 (D.C. Cir. 1973) (presumptive privilege for confidential presidential conversations overcome by showing a need for evidence by grand jury).

(3) *Senate Select Committee* v. *Nixon,* 498 F.2d 725 (D.C. Cir. 1974) (upholding presidential claim of privilege because committee had failed to demonstrate that sought-after information was ''critical'' to its function, emphasizing that the committee's investigation substantially overlapped that of the House impeachment committee which already has access to the subject tapes).

(4) *United States* v. *Nixon,* 418 U.S. 683 (1974) (recognizing constitutional basis of a qualified claim of privilege but holding that it was outweighed by need of judiciary for the information in a criminal prosecution).

(5) *United States* v. *AT&T,* 551 F.2d 384 (D.C. Cir. 1976); 567 F.2d 121 (D.C. Cir. 1977 (court twice declines to decide merits, ordering further attempts at resolution by the parties).

(6) *United States* v. *House of Representatives,* 556 F. Supp. 150 (D.D.C. 1983) (dismissing suit to enjoin certification to U.S. Attorney of contempt of Congress citation).

(7) *In re Sealed Case,* 116 F.3d 550 (D.C. Cir. 1997) (holding that presidential communications privilege extended to communications authored by or solicited and received by presidential advisers which involved information regarding governmental operations that ultimately call for direct decision-making by the President, but that the independent counsel had overcome the privilege by a demonstration that each discrete group of subpoenaed materials likely contained important evidence, and that the evidence was not available with due diligence elsewhere).

D. History of and process for Presidential invocations of privilege

(1) Early Confrontations

(a) Washington

(b) Adams

(c) Jefferson

(d) Jackson

(2) Expansion of the Privilege

(a) Truman

(b) Eisenhower

(3) Watergate and Post-Watergate Confrontations

(a) Nixon

i. Assertion of privilege at direction of President by Attorney General Mitchell to withhold FBI reports (1970)

ii. Assertion of privileges by Secretary of State Roger at direction of President to withhold information on military assistance programs (1971)

iii. Claim of privilege asserted to prevent White House advisor from testifying on IT&T settlement during consideration of Kleindienst nomination for Attorney General (1972)

iv. Claim of privilege as Watergate tapes (1973)

(b) Ford and Carter

i. President Ford directed Secretary of State Kissinger to withhold documents relating to State Department recommendations to National Security Council to conduct covert activities (1975)

ii. President Carter directed Energy Secretary Duncan to claim privilege for documents relating to development and implementation of a policy to impose a petroleum import fees (1980)

(c) Reagan

i. James Watt/Canadian Land Leases (1981–1982)

ii. Ann Burford/EPA Superfund Enforcement (1982–1983)

William Rehnquist nomination/OLC Memos (1986)

(d) Bush

i. President Bush ordered Defense Secretary Cheney not to comply with a subpoena for a document related to a subcommittee's investigation of cost overruns in a Navy aircraft program (1991)

(e) Clinton

i. Kennedy Notes (1995) (executive privilege initially raised but never formally asserted)

ii. White House Counsel Jack Quinn/Travelgate (1996)

iii. FBI–DEA Drug Enforcement Memo (1996)

iv. Haiti/Political Assassinations Documents (1996)

v. *In re grand Jury Subpoena Duces Tecum,* 112 F.3d 910 (8th Cir. 1997), *cert denied,* 117 S.Ct. 2482 (1997) (executive privilege claimed and then withdrawn at district court. Appeal court rejected applicability of common interest doctrine to communications with White House counsel's office attorneys and private attorneys for the First Lady)

vi. *In re Sealed Case,* 121 F.3d 729 (D.C. Cir. 1997) (Espy case) (executive privilege asserted but overcome with respect to documents revealing false statements)

(4) The Process for Presidential Invocations of Privilege

(a) Eisenhower—Broad authority given to Executive Branch officers and employees to claim presidential privilege in the face of congressional information demands.

(b) Kennedy and Johnson—Informal agreements with Congress that privilege would only be invoked by the President himself.

(c) Nixon—Established first formal procedure for invocation of privilege: agency head advises Attorney General of potential claim. If both agree on need to invoke privilege, the Counsel to the President is informed. If President approves, the agency head informs Congress.

(d) Reagan—Memorandum to all department and agency heads of November 4, 1982. No invocation without presidential authorization. Pinpoints national security, deliberative communications that form part of the decisionmaking process, and other information important to discharge of Executive Branch constitutional responsibilities, as subject to privilege. If the head of an agency, with the advise of agency counsel, decides that a substantial question is raised by a congressional demand, the Attorney General, through the Office of Legal Counsel, and the White House Counsel's Office, to be promptly notified and consulted. If one or more of the presidential advisors deemed the issue substantial, the President is informed and decides and the decision is communicated to by the agency head to the Congress.

(e) Clinton—Memorandum of September 28, 1994, from White House Counsel Lloyd Cutler to all department and agency general counsels modified the Reagan policy by requiring the agency head to directly notify the White House Counsel of any congressional request for ''any document created in the White House . . . or in a department or agency, that contains deliberations of, or advice to or from, the White House'' which may raise privilege issues. The White House Counsel is to seek an accommodation and if that does not succeed, he is to consult of the Attorney General to determine whether to recommend invocation of privilege to the President. The President than determines whether to claim privilege, which is then communicated to the Congress by the White House Counsel.

III. IMPLICATIONS OF IN RE SEALED CASE FOR CONGRESSIONAL INVESTIGATIONS

A. The court distinguished between a ''presidential communications privilege'' which is constitutionally based and applies only to direct presidential decisionmaking and which may be overcome by a substantial showing that the subpoenaed materials contain important evidence, and that the evidence is not available elsewhere; and ''the deliberative process privilege,'' which is a common law privilege that applies to executive officials generally and whose negation by courts or congressional committees is subject to less demanding scrutiny, and ''disappears altogether when there is any reason to believe government misconduct occurred.''

(1) Court's limitation of communications privilege to ''direct presidential decision making,'' and utilizing President's need for information to exercise his appointment and removal power as its example in the decision, may indicated that only core presidential powers are within the protection of the privilege. thus decisions vested in an agency by Congress, such as rulemaking, environmental policy, or procurement, which do not implicate foreign affairs, military or national security functions would not be covered.

(2) Court's recognition of the deliberative process privilege as a common law privilege when claimed by executive department and agency official's, which is easily overcome, and which ''disappears'' upon the reasonable belief by an investigating body that government misconduct has occurred, may severely limit the common law claims of agencies against congressional investigative demands. A demonstration of need of a jurisdictional committee would appear to be sufficient, and a plausible showing of fraud waste, abuse or maladministration would be conclusive. Moreover, the diminished status of common law claims would certainly apply to others, such as the attorney-client and work product privileges.

(3) The *In re Sealed Case* Court's intent was to limit how afar down the chain of command the cloak of the President's communication privilege could extend. However, the case involved only White House officers and employees tasked (or sub-tasked) to advise the President about the Espy matter. It did not involve department or agency officers or employees. The question left open is whether, and how far, the privilege would extend if the President seeks the advice of a cabinet member. If the rationale of the court is in fact to limit the breath of the privilege, then much will depend on how future courts construe the term ''direct presidential decisionmaking.'' If it is limited to so-called ''core'' presidential prerogatives decisions which Congress has committed by law solely to the President. it will not serve to cloak the assistance an agency head gets from his subordinates if it involves a non-core function. Example: communications between the Environmental Protection Agency (EPA) and the White House with respect to the final shape of its Clear Air Act rule. Environmental rulemaking is committed by law to the Administrator of EPA and thus there is no ''direct'' decisionmaking required by the President.

(4) The *In re Sealed Case* court expressly reserved the question whether the same balancing test (substantial showing that materials contain important evidence and evidence is not available with due diligence elsewhere) applied to determine if a grand jury subpoena overcame privilege claim would also apply to congressional compulsory process. It is significant, however, that the court found that independent counsel had met his burden and ordered production of all withheld documents that contained evidence of false statements.

Mr. Speaker, I reserve the balance of my time.

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

The gentleman has just brought up President Reagan. Of course, everyone knows he was my hero and what a great President he was, and we can all be so proud of what he accomplished on a bipartisan basis, working with a Democrat-controlled Congress and vetoing fewer bills than any other President I remember, because he taught me and others the art of compromise, the fact you could not have it all your own way and that to accomplish something you had to work together. That was Ronald Reagan.

Here is a letter that appeared on May 4, 1998 in the Washington Post, a letter to the editor.

PRESIDENT REAGAN DID NOT INVOKE EXECUTIVE PRIVILEGE

In the April 5 Outlook section, Stephen E. Ambrose wrote that in the Iran-contra case the Reagan administration ''dared'' to withhold evidence from congressional committees and/or a special prosecutor and to invoke the doctrine of executive privilege. His statement is wrong.

In November 1986, when the Reagan White House voluntarily disclosed the so-called diversion of funds from the Iranian arms sales to support the Nicaraguan Democratic Resistance, President Reagan called for the appointment of an independent counsel, pledged cooperation with the independent counsel and congressional committees, and stated that he would not assert the attorney-client privilege and executive privilege with respect to the Iran-contra matter. The Reagan White House honored that pledge.

The only controversy I recall, as White House counsel from March 1987 through the end of the Reagan administration, was that the White House initially rejected suggestions that the select committees be provided a ''computer dump'' of all electronic mail generated by certain former senior National Security Council officials, whether or not the electronic messages were relevant to the investigation. The committees' computer consultant believed that such a ''dump'' might retrieve electronic mail previously deleted. That controversy was resolved by the Reagan White House's directing its computer consultant to create a program to retrieve any deleted electronic mail generated by those NSC officials. The relevant material produced by that search was produced to Congress and to the independent counsel.

I also am unaware of any serious suggestion that the Reagan White House ''dared'' to withhold evidence from congressional committees or the independent counsel. When, during the 1989 criminal trial of Oliver North, seven documents were introduced that allegedly had not been produced in 1987 to the congressional committees, this matter was investigated by both Congress and the independent counsel. The simple explanations were human error (one NSC file with three relevant documents inadvertently was not searched in 1987, and three other documents apparently were overlooked by FBI agents working for the independent counsel who searched hundreds of sensitive NSC files), confusion (the White House had a signed receipt for one document that Congress could not find two years later) and new searches had yielded new material (Mr. North obtained discovery of executive branch documents broader in scope than that agreed to by Congress and the independent counsel which required White House files to be searched yet again after the congressional investigation had ended).

The far more important points are (1) that the Reagan White House never asserted executive privilege and voluntarily produced to Congress and to the independent counsel many documents that were far more interesting and potentially damaging to President Reagan than the seven documents introduced at the North trial and (2) that none of those seven documents challenged the president's repeated assertion that he was unaware of the diversion of funds from the Iranian arms sales to the Nicaraguan Democratic Resistance.

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Alexandria.

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''President Reagan did not invoke executive privilege.'' Goes on to site that, ''In November of 1986, when the Reagan White House voluntarily disclosed the so-called diversions of funds from the Iranian arms sales to support the Nicaraguan democratic resistance,'' which by the way we should have been supporting because we stopped communism dead in its tracks in this hemisphere, ''to support the Nicaraguan democratic resistance, President Reagan called for the appointment of an independent counsel himself, pledged cooperation with the independent counsel and congressional committees, and stated that he would not assert the attorney-client privilege and executive privilege with respect to the Iran Contra,'' and I will supply that, Mr. Speaker, for the RECORD.

The gentleman has gone on at length to say that he does not know what we are after. Well, let me tell the gentleman that what we are after, and

first of all, let us say who we are, we are the American people, the American people want the truth. The bill he is referring to, the executive privilege bill, let me just go back and repeat something I said in my opening remarks.

Lloyd N. Cutler, who was special counsel to President Carter, and one of the most respected lawyers in this town, in a memorandum to the general counsels in 1994 of all executive departments and agencies wrote, ''In circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice not to assert executive privilege either in judicial proceedings or in congressional investigations and hearings.''

Now, that is one of the whereas's. Look at the next whereas. It says, ''Whereas President Clinton is the first President since President Nixon and the second in the history of the United States to withhold information under claims of executive privilege,'' and it goes on.

Now, the gentleman has said he is not sure what we are after. Let me just read what we are after in the resolve of this legislation. It says: ''Resolved, that it is the sense of this Congress.'' And the gentleman is right, it is only a sense of Congress. Perhaps we should bring something that has more teeth to it, but this is a sense of Congress, meaning this is how this Congress feels.

''It is the sense of the House of Representatives that in the interest of full disclosure, consistent with principles of openness in government operations, all records or documents, including legal memoranda, briefs and motions relating to any claims of executive privilege asserted by the President, should be immediately made publicly available.''

Now, my good friend the gentleman from Massachusetts (Mr. MOAKLEY) is saying we cannot do that, that the President has the right to keep that closed. Yes, he does. But is he not the President of the United States of America? What has he to hide? Why can he not just come out here, come into this well, as a matter of fact, and tell the American people? Instead, all he says is, well, there is no evidence. He did not say he did not do this or he did not do that. He simply says there is no evidence that I did this or that.

So I do not know if we should get into this until we really get into the debate on the resolution, but the truth of the matter is we should bring this to the floor, and we should have an intelligent, honest and sincere debate, without getting upset with each other about getting the truth out on this issue.

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

Mr. SOLOMON. I yield to the gentleman from Texas, the majority whip and sponsor of the executive privilege legislation.

Mr. DELAY. Mr. Speaker, I appreciate the chairman yielding, and I ran up here to answer the question why we are doing this.

In my mind, and from my perspective, because I have one of the resolutions in this rule, the reason we are doing this is this has been 4½, almost 5 years; 4½, almost 5 years of the American people not being able to get to the truth. And the reason they have not been able to get to the truth is that the President of the United States has used executive privilege. He has hidden behind his lawyers, he has hidden behind the courts, he has hidden behind hiding documents, documents are slow to come, they are redacted when they come, time and time again.

We know what the strategy here is, and the strategy is to get past the next election. And now we find, if we look at what has happened in the other body and what has happened in this body, some in the party on the other side of the aisle are participating in this process of dragging their feet, using procedures to hide behind, to make sure that the American people do not get to the truth.

It is time. It is about time that this House starts debating and looking at what has been going on for 4½ years, and that is the reason that we brought this rule to the floor, and that is the reason that I want to present my resolution to the body.

Mr. SOLOMON. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear friend, the majority whip, for the explanation, but all I am doing is restating what appeared in Roll Call that said the Republicans said this was retaliation for the House Democrats' action on the floor and this is war.

Now, my dear friend from New York, and he is my dear friend, brought up President Reagan first. I did not bring him up. And he may quote from the Washington Post saying that President Reagan never exerted executive privilege, but I think the Congressional Research Service, who did the study on it, is much more authority than The Washington Post, and it cites three separate and distinct times that the President exerted executive privilege.

And I say this because I know the gentleman from New York reveres President Reagan as an idol. And I just wanted to show him that if President Reagan thought it was proper to use executive privilege, then other Presidents probably followed his role.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to congratulate my Republican colleagues on the speed with which they have brought these two resolutions to the floor of the House. Clearly, investigations of wrongdoing are serious matters and ones which this House ought to consider, to be very serious about, to debate thoroughly, and no one questions that. No one questions that in this body because it, in fact, is our responsibility as public officials.

Let me just mention to my colleagues that there are a number of issues, serious issues, which the Republican leadership in this House has stalled on, refused to bring to this floor. Now, as we are prepared to recess, to go off for the Memorial Day holiday, and we will leave here tomorrow afternoon, I join with the American people, with Americans across this country in wondering and conjecturing why this House has not addressed and voted on the critical issue of campaign finance reform.

The chairman of the Committee on Rules has cited various transgressions of campaign financing. If that is the case, why does this body not have the time to vote to fix up a broken-down campaign finance system? If we are genuine about wanting to reform that system and to prevent transgressions, then we would be voting on that issue today.

Why does the Republican leadership not bring up the Patient Bill of Rights to this floor with equal speed? Millions of Americans are crying out for protection from unscrupulous health insurance companies, and every single day patients are denied, they are denied, the information and the health care that they have paid their insurance companies to give out to them.

What the American people support is congressional action to protect the doctor's ability to make medical decisions along with patients without interference from insurance companies, bureaucrats and accountants. Why has that bill not been brought to this House when there is tremendous bipartisan support for that legislation in this body? That is what we should be voting on today.

We have other health issues to debate. My Breast Cancer Patient Protection Act has 218 votes, enough to pass this House. This would say that women cannot be treated as outpatients for a mastectomy. Women today in this country are going home less than 24 hours after a mastectomy, with drainage tubes, groggy from anesthesia. We have the votes in this House to pass that bill, and they refuse to allow it to be brought to the floor. That is what we should be passing today in this body.

Why are we not doing something about child care legislation so that working families today will have the opportunity to go to work but to feel that they have affordable, safe child care in which their kids can thrive and be ready for the future?

Why have we not done anything about education and passing a modernization bill that says that what we are going to do is to make class sizes smaller; have better and tougher standards? Why can we not have education legislation in this House that, in fact, says let us reduce the size of our classes? Let us make it a better atmosphere, with tougher standards for more

opportunity and a better environment for our kids to learn? That is what we should be debating in this House today. That is what we should be passing on. That is what parents are concerned about, and rightly so.

And, in fact, why are we not debating in this House tobacco legislation? They are doing that in the other body today. Why do we not want to prevent underage kids from being able to smoke and a tobacco industry that has targeted 12 years old? An R. J. Reynolds report in 1984 says that 12 years old are replacement smokers. They are the new revenue stream.

Three thousand of our kids take up smoking every single day; 1,000 of them will die from a tobacco-related illness. That is what this body ought to be debating, is how we prevent our children from smoking and how we prevent the tobacco industry from targeting our young people. That is what our obligation is. That is what our responsibility is.

But this House is too busy. This House is too busy to consider all of this legislation. Let me just say that these resolutions have been brought up in an instant. That is the prerogative of the majority in this body, to bring up legislation, to schedule it, to get it passed. The majority in this body has decided to bring up an investigation.

And we should investigate. Again, I said at the outset no one questions our need to investigate. But the American people are crying out for a Congress, for a House of Representatives that says do something about my living standard, do something about my ability to get my kids to school, do something about my health insurance and my retirement security, do something about preventing my kids from using tobacco and illness and potentially death. That is what our obligation is here today. We should take it seriously and be true public servants.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, and I will try to expedite matters, because I know there are some church services that are going to be starting soon.

Before yielding time to the majority whip, I would like to say that I wish the same people who come to this floor and criticize tobacco would at the same time take this floor in outrage, in outrage, over the illegal use of marijuana and other drugs that are literally killing, killing our young children today. Think about that, folks, because that is ten times more important than tobacco.

The gentlewoman from Connecticut just spoke about campaign finance transgressions that we are bringing up, and, yes, we are bringing it up. We will be debating today campaign finance reform on this floor and for several days to come, and it will be the fairest and most comprehensive debate ever held on this floor on campaign finance reform or probably anything else. But before we start debating on campaign finance reform, we want to find out why existing campaign laws have been criminally broken.

Should we not wonder why these existing laws have been broken? That is what this debate is all about today.

Mr. Speaker, I yield what time he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, let me just say, in evaluating what we just witnessed from the gentlewoman from Connecticut, that I appreciate her passion for the issues that she thinks are important that we should bring to the floor.

□ 1200

And we will carry out our obligations. Our committees are working. They are putting out legislation. We marked up a budget just this week. We will have the budget on the floor in a couple of weeks. Our appropriations process is working. The House is doing the people's business.

But what we are seeing by what we just witnessed was an effort, a concerted effort, by Democrats of this House to change the subject. They do not want to talk about this subject. They will do anything to change the subject. They are very upset that we are bringing this to the floor and saying, what is the reason for bringing this to the floor?

I say to my good friend, and I do have the utmost respect for the ranking member of the Committee on Rules, that when he cited that President Reagan invoked executive privilege three times, he is right, but mostly for national security reasons. But what he did not invoke executive privilege for was to withhold information under claims of executive privilege from a grand jury investigating allegations of personal wrongdoing and possible crimes in the White House. That is what we are talking about here.

Another reason we want to bring this resolution to the floor, and I hope Members will vote for the rule, is that the President is hiding behind the courts, as I said earlier, and he knows very well that the courts are not going to uphold his claim of executive privilege to withhold information of personal wrongdoing. But if he engages in enough appeals process, we might get past November's election and he will think he will be home free because he will have only 2 years left of his term.

But we want the next court that hears the appeal of the President's executive privilege claim to know how the people's House feel about executive privilege, and that is the reason I am bringing my resolution.

The next court could be the Court of Appeals or the Supreme Court. But they ought to know how the people's House feels about a President that invokes executive privilege for himself, the First Lady and his staff in order to withhold information from a grand jury investigating allegations of personal wrongdoing and possible crimes in the White House.

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

I would say to my good friend, there are church services starting. We need to determine whether or not there is going to be a vote. So I will not entertain any other speakers besides myself to briefly close, if the gentleman would like to yield back his time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to make one statement.

My dear friend, the Majority Whip, said that President Reagan used executive privilege because of national defense things. Well, the three occasions I have, and maybe the gentleman from Texas (Mr. DELAY) has others, but one time he used it because of James Watts' connection with the Canadian land leases, which is not national defense. Another one was with superfund enforcement, which was not national security. And the other one was with the William Rehnquist nomination.

Maybe he did use some other national security, but these were the three I was referring to.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of the time.

Let me again just say that the rule we are debating here will bring to the floor in a few minutes the DeLay resolution, which urges the President to immediately make public any claims of executive privilege and documentation or records pertaining to them so that the American people can know.

My own resolution will follow that, which urges the President that he should use all legal means to compel all people who left the country or have taken the fifth, many of them are his associates or friends or friends of friends, to return to this country and to honestly come forth and let the American people know what is going on.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE CONCERNING PRESIDENT'S ASSERTIONS OF EXECUTIVE PRIVILEGE

Mr. ARMEY. Mr. Speaker, pursuant to House resolution 436, I call up the resolution (H. Res. 432) expressing the sense of the House of Representatives concerning the President's assertions of executive order, and I ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 432 is as follows:

H. RES 432

Whereas a unanimous Supreme Court held in United States v. Nixon that "[a]bsent a claim of need to protect military, diplomatic, or sensitive national security secrets,

we find it difficult to accept the argument that even the very important interest in confidentiality of Presidential communications is significantly diminished by production of such material'' that is essential to the enforcement of criminal statutes (418 U.S. 683, 706 (1974));

Whereas during the Watergate investigation, the Supreme Court unanimously held in United States v. Nixon that the judicial need for the tapes of President Nixon ''shown by a demonstrated, specific need for evidence in a pending criminal trial'' outweighed the President's ''generalized interest in confidentiality. . .'' (418 U.S. 683, 713 (1974));

Whereas the Supreme Court further held in United States v. Nixon that ''neither the doctrine of separation of powers, nor the need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified Presidential privilege of immunity from judicial process under all circumstances'' (418 U.S. 683, 706 (1974));

Whereas executive privilege is qualified, not absolute, and should ''never serve as a means of shielding information regarding governmental operations that do not call ultimately for direct decisionmaking by the President'' (In re Sealed Case, 116 F.3d 550 (D.C. Cir. 1997), reissued in unredacted form, 121 F.3d 729, 752 (D.C. Cir. 1997));

Whereas on September 28, 1994, Special Counsel to the President Lloyd N. Cutler, in a memorandum to the general counsels of all executive departments and agencies, wrote, ''[i]n circumstances involving communications relating to investigations of personal wrongdoing by Government officials, it is our practice not to assert executive privilege, either in judicial proceedings or in congressional investigations and hearings'';

Whereas President Clinton is the first President since President Nixon (and the second in the history of the United States) to withhold information, under claims of executive privilege, from a grand jury investigating allegations of personal wrongdoing and possible crimes in the White House;

Whereas the President's assertions of executive privilege have recently been denied by a United States district court;

Whereas in January 1998, President Clinton said that the ''American people have a right to get answers'' regarding certain matters being investigated by the Office of the Independent Counsel;

Whereas President Clinton has promised to give ''as many answers as we can, as soon as we can, at the appropriate time, consistent with our obligation to also cooperate with the investigations''; and

Whereas the people of the United States and their duly elected representatives have a right to judge for themselves the merits or demerits of the President's claim of executive privilege: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that, in the interests of full disclosure consistent with principles of openness in governmental operations, all records or documents (including legal memoranda, briefs, and motions) relating to any claims of executive privilege asserted by the President should be immediately made publicly available.

The SPEAKER pro tempore. Pursuant to House Resolution 436, the gentleman from Texas (Mr. ARMEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

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

Mr. Speaker, I want to personally thank the gentleman from Texas (Mr. DELAY) for introducing this resolution. The resolution is very simple. It simply says that all documentation related to the White House claims of executive privilege should be made public.

Mr. Speaker, this is a serious debate. It is a serious discussion. And really what we are trying to sort out here needs to be focused on for just one moment.

There is, despite all of the stonewalling, despite all of the tardiness, slowness, failed memories, inability to find people, secrecy, there is ample evidence that one can read in the Nation's press, and there has been for some time ample evidence, even as it relates to millions of dollars of returned campaign contributions after the last election that were admittedly returned because they were subsequent to the elections discovered to have been illegal contributions.

So that everybody in America must deal with a very serious question. And really we have two questions, one coming mostly from this side of the aisle, one coming from the other side of the aisle. We are saying that, given that people in highly elected office and positions of public trust must be honest and honorable beyond any shadow of a doubt and the interest of the security, national and domestic, of this Nation, that it is the Congress' responsibility to find out the truth about illegal activities, violations of law by people that are, in fact, in these highest positions of trust.

The other side of the aisle, as we just heard just a moment ago, is arguing that there is some possibility that the system might have corrupted some people and, therefore, we must change the system and they are arguing that the more important and more immediate business is to get on with changing the system.

I want to make a point here, Mr. Speaker, and I want to make it as emphatically as I can. When dealing with the choice of how do we prioritize the actions by the Congress of the United States relative to, one, the question of discerning the truth about the honesty, honor and integrity of people in highly elected offices, especially with respect to the manner in which they have acquired those offices; or, two, changing the rules of protocol and law that govern the financing of campaigns, that the latter must be clearly understood to be the matter of lesser priority.

Stated another way, if this Congress is incapable of recognizing, if the press is incapable of recognizing, if the American people are incapable of recognizing, and if the White House is incapable of recognizing that all matters of doubt regarding the honesty, the integrity, the legality of people in the highest elected offices of this land is a matter of crucial and utmost concern that must be given priority over the manners in which the laws are written, that they will therefore then, having not addressed, as my colleagues equally feel, to continue violating as they violated the previous laws, then surely we are lost.

There are serious questions related to the movement of money in campaigns, and no doubt we will address those in due time. But there can be no question of money that can be allowed to take precedence over questions of honesty, integrity, fidelity, duty and honor in those people that we would trust with dominion over the lives of our children's future.

Mr. Speaker, I yield the remainder of the time to the gentleman from Texas (Mr. DELAY); and I ask unanimous consent that he be able to yield time as he sees fit.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Does the gentleman from Michigan (Mr. CONYERS) claim the 30 minutes in opposition?

Mr. CONYERS. Yes, Mr. Speaker, I do.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, this is a bit of an amazing short-sightedness on the part of Republican leadership in advancing the incredibly partisan resolutions like the one being sponsored by the gentleman from Texas (Mr. DELAY) which, if actually passed, might do lasting damage to the institution of the presidency.

This resolution, if I read it correctly, seeks to have the President divulge all records and documents relating to any assertion of executive privilege to where? The Congress? To the press? To the public?

The administration has already joined with news organizations in seeking to make public both the legal papers filed by his lawyers and the judge's decisions concerning executive privilege. Questions about sealing such proceedings and preventing public access is, my colleagues, a question for the courts. It is one that our judicial system decides by hearings and carefully balancing the competing interests.

Never in the history of the Congress has the Congress said we ought to take that over and ask you, Mr. President, to just cooperate with us.

This is a meaningless resolution. The administration cannot do anything about this. These questions are court questions, questions already residing in the judiciary for determination. And if the gentleman from Texas (Mr. DELAY) were concerned about this issue, instead of attempting to politicize it, this resolution would be directed to the courts, not to ourselves or to the President of the United States.

But in reading it, it goes further and demands that all documents concerning the invocations of executive privilege now be made public. Why, this goes beyond Kenneth Starr and the independent counsel.

Just who do we think we are? If the demands are to be taken seriously, that would include confidential recommendations from the President's closest advisors. There is no question that these kinds of recommendations deserve confidential treatment.

The supporters of this resolution, like my friend the chairman, the gentleman from Indiana (Mr. BURTON), have a hard time recognizing what should and what should not be released to the public.

□ 1215

Any President of either party is entitled to confidential advice concerning the invocation of executive privilege. Elementary. The Reagan administration invoked executive privilege quite frequently. The Bush administration withheld documents and witnesses from congressional committees on numerous occasions based on concerns about executive privilege.

Republicans have never sought to pierce the confidentiality of the advice given to those Presidents, and I am afraid that they only seek to do so now because of their partisan intent to discredit the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this is very serious business. As I said weeks ago, and I wish my voice was clearer so that the American people would hear from me in a very clear way, I think this is very serious business. This is not partisan politics.

The gentleman says, Mr. Speaker, that we are attempting to inflict lasting damage to the institution of the Presidency. We think this President has already inflicted that damage on the office of the Presidency by claiming executive privilege to cover up information of a personal wrongdoing or possible crimes in the White House, by stonewalling the American people when, on the one hand, months ago, the President said, ''I will tell the American people the truth in a very expeditious manner, in a timely manner'', and yet has hid behind lawyers and courts and attack dogs.

I think this is very serious. I rise today because I believe the American people have a right to know the truth. That is what this is all about. The American people have a right to know the truth.

Mr. Speaker, the list is very long and far from distinguished: Whitewater; the Travel Office Affair; the collection of classified FBI files; foreign campaign contributions to the DNC, the Democratic National Committee; Webster Hubbell; the appointment of numerous Independent Counsels to investigate Cabinet members; the transfer of sensitive missile technology to the Communist Chinese.

Do the American people know the full truth about what happened in even one of these scandals after 4½ years? The answer, as we all too well know, is a resounding no.

The lengths to which this administration has gone to hide from the light of day are breathtaking. Sadly, congressional Democrats have lent the administration a helping hand every misguided step of the way. They have made sure that every hearing, every investigation is met with a coordinated campaign of misinformation and stonewalling.

The gentleman from Indiana (Mr. BURTON), chairman; the gentleman from Iowa (Mr. LEACH), chairman; the gentleman from Pennsylvania (Mr. CLINGER), chairman; Chairman Senator THOMPSON, Chairman Senator D'AMATO, Special Counsel Starr, FBI Director Freeh, each has been the victim of relentless personal attacks and slander from this administration, the administration's hit men and Democrats from Congress.

Why? Because the one thing the Democrats fear the most is that the American people will find out the truth. They will go to any length to stop that from happening. The only strategy left to them is to draw these investigations out as long as possible so that they will never have to answer these questions or any questions. The only people President Clinton and the Democrats have to blame for these investigations are themselves.

The Democrats have chosen a new tool, executive privilege. Mr. Speaker, executive privilege is an essential constitutional safeguard in my mind. It is vital to the protection of our national security. Almost every President since George Washington has made use of executive privilege in one way or another.

But this administration is the first since President Nixon and only the second in the history of our country, only the second presidency in the history of our country to withhold information under claims of executive privilege from a Grand Jury investigating allegations of personal wrongdoing and possible crimes in the White House.

President Clinton is obliged to claim executive privilege if he is doing so to protect national security. But President Clinton has repeatedly claimed executive privilege to shield himself, the First Lady, and some of his aides from testifying in a criminal investigation.

Nearly 25 years ago, in the United States versus Nixon, the Supreme Court wrote about President Nixon's use of executive privilege under similar circumstances. I quote:

> To read the constitutional powers of the President as providing an absolute privilege against subpoena essential to enforcement of criminal statutes on no more than a generalized claim of the public interests and confidentiality of nonmilitary and nondiplomatic discussions would upset the constitutional balance of a workable government.

The Supreme Court. The Supreme Court could not have been more clear. Executive privilege may be used only to protect national security, not to shield information in a criminal proceeding.

Less than 4 years ago, the President's own special counsel, Lloyd Cutler, had this to say, and I quote:

> In circumstances involving communications relating to investigations of personal wrongdoing by government officials, it is our practice not to assert executive privilege, either in judicial proceedings or in congressional investigations and hearings.

That is President Clinton's own Special Counsel that wrote that.

The New York Times, a surprising new member of the right-wing partisan conspiracy, had this to say about the President's use of executive privilege:

> To invoke that privilege in a broad and self-serving way, as the Clinton White House has done to shield itself from Kenneth Starr's inquiry, is to abuse it.
>
> But this White House is not easily embarrassed. It has tried to invoke the hallowed attorney/client privilege even when attorneys are servants of the public, not the President's private lawyers.
>
> All this legal inventiveness carries the implicit assertion that Mr. Clinton is somehow above the law and thus raises the kind of constitutional questions that ought to be exposed to public debate.

The New York Times.

Mr. Speaker, that is all we are asking here today, that the President be honest with the American people about his use of executive privilege. Like the American people, I want to believe President Clinton. But what are reasonable people to believe when the President will not even level with them?

We are not asking that the President tell us the substance of private conversations with his lawyers, although that would be nice. No, we are simply asking the President to be honest with the American people, with the people of the United States. Just be honest. Just be honest.

Mr. Speaker, I urge my friends and colleagues on the other side of the aisle to support this resolution and send a message to the Appeals Court. I urge you to go to the President and tell him, tell the American people what you are doing. It is so simple. If you have nothing to hide, come clean.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. SKAGGS).

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I do not question the sincerity of the motives of the gentleman who just spoke and the reasons behind his drafting and offering of this resolution.

If I could have the gentleman's attention, I would appreciate it.

I just wanted to engage the gentleman in a discussion of what seems to me to be a troubling set of implications from the way the ''Resolved'' clause in the gentleman's resolution has been prepared.

I do not want to misread it; and if I am, I would like to be corrected. If I am not, I think we have a very serious problem on our hands. The ''Resolved'' clause speaks to ''all records or documents relating to any claims of executive privilege'' and that they should be immediately made public.

I do not know the full scope of documents and materials that would be covered by this language. It seems to me entirely possible that they would extend to matters that had legitimate national security or classification constraints imposed upon them.

I understand the gentleman's concern that we do not want that to be used as a way of manipulating information, but let us stipulate for the moment that we could be embracing with this language some real national security information that is at least tangentially implicated in these assertions of executive privilege.

I hope it is not the gentleman's intention to suggest that that, willy-nilly, should be made public, but that is what that language implies.

Mr. Speaker, I yield to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. It is a very good question, and I appreciate the gentleman asking it.

First, let me answer it by saying this is a sense of Congress. This is not a binding law. This is expressing how the House feels about what the President has done in the executive privilege. That is number one.

Number two is, of course, we are not saying, reveal all documents, especially those documents that may undermine the national security of this country. There is precedent that would allow the President to claim executive privilege based upon national security. But we all know what the intent is here. We are not stopping the President from revealing the truth to the American people.

Mr. SKAGGS. Mr. Speaker, reclaiming my time, I appreciate the gentleman's answer. Whether this is sense of Congress or law, it seems to me we should be careful in its drafting and in its consequences.

I am afraid that the gentleman, in his sweeping desire to get at everything, has made no provision for what needs to be dealt with here in the eventuality that real national security information is covered by this language.

Mr. DELAY. Mr. Speaker, would the gentleman yield?

Mr. SKAGGS. Members have imposed a rule that prohibits amendments. We might be able to address this were it not for that constraint.

Mr. Speaker, I am glad to yield again.

Mr. DELAY. Mr. Speaker, the courts would not allow us to impose upon the President, even if this was a statute, impose upon the President the revealing of documents that would undermine national security. The gentleman is trying to change the subject. The subject is that, if the President wanted to reveal the truth to the American people, he could do so, and we want to send a message to the courts that are taking his appeal.

I am not trying to change the subject at all. I believe that when we are dealing with something as nuanced and delicate and as important as this interrelationship between the executive branch and the legitimate investigative responsibilities of the legislative branch, we ought to proceed with due care.

This seems to me to be, in its expansiveness, a little bit glib in the way it deals with a very, very important matter, and I think that the Members should take that seriously and not just dispense with it, because we know, of course, what this is really about.

Mr. DELAY. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, the previous speaker is a very close friend of mine. He is going to be retiring. He is a former Marine. So, naturally, I have great respect for him.

But he has a real disadvantage standing up here today because he is a lawyer. Sometimes lawyers get tied up in nitpicking things, and they do not look at it from a sincere point of view; not that he is not sincere, because he is, but sometimes because of their education in law, he is sort of misled.

I am glad to say I am not a lawyer. Having said that, I want the gentleman to look at it the way Joe Six-pack, the way my American constituents look at it from the Hudson Valley.

□ 1230

I think I do not want to know about all this nitpicking stuff. They wanted to know this. Read page 3 of the bill. It says, ''Whereas, in January 1998, President Clinton said,'' and this is a quote now of the President, ''the American people have a right to get answers'' regarding matters being investigated. That is the end of his quote.

Mr. Speaker, instead of openly answering the questions to Members of Congress, but more than that, to members of the press, who are out there trying to get the information for the public, he simply says time and time again, there is no evidence of that. He does not deny it, he says there is no evidence of that.

Well, we do not have to worry about that part of the resolve clause, about whether there are documents there dealing with national security. The gentleman knows, nobody stands up here more for national security than I do. I am blocking an encryption bill that would expose our ability to track terrorism, communists and people that would bring down this government. So do not come over here and say we have a question about national security. There is no evidence of that. We want the President to come forward and give the answers. I salute the gentleman.

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

Mr. SOLOMON. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, I am not questioning the gentleman's sincerity about taking national security issues seriously. Far be it from that. Contrary to what the gentleman is suggesting, I think we should adhere to and aspire to a particularly high standard of precision in the work of this body and not just say hey, ''Joe six-pack knows what we are talking about, don't not sweat the small stuff.'' I think we are here to pick some nits and make sure we are doing careful work.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, I thank the gentleman, and I would say the American people want the answers. Mr. President, come forth and give them to them. He is capable of doing that. He can do that.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I would like to begin by telling the distinguished chairman of the Committee on Rules that I am very glad he is not a lawyer too, so we are in total agreement on that; but not being a lawyer, he may have some handicap in reading the decisions of the United States Supreme Court. Some of them you do not have to be a lawyer to understand.

The Supreme Court has said in the Nixon case, and I underline the ''Nixon'' case, how executive privilege should be asserted. It would be important for the proponents of this resolution to have studied that case. The proponent is proudly, I presume, not a lawyer as well.

It said in that decision that the courts, not the Congress, determine the question of whether an executive privilege can be asserted. So the gentleman from Texas either does not appreciate the decision that exists as current guidance on the subject, or perhaps it has not been brought to his attention that we cannot tell the court how it should handle itself.

I guess we can advise the President that he should release all records or documents, including legal memoranda, briefs and motions relating to any claims of executive privilege asserted by the President, and it should be made publicly available. Well, this is already in the courts.

There is not one word, with all respect to the patriotism of the gentlemen on that side of the aisle, about documents dealing with national security matters being excluded. Not a word.

I think what the gentleman from Colorado was pointing out was that if you really mean this, and, as the gentleman from Texas has said twice, this is a serious matter, you had better change this to make everyone understand that, of course, defense matters, secret matters, secrecy of documents, are not included. We should just understand that.

Well, I do not think we can just understand that, I would say to the gentlemen from the other side, whether you are lawyers or not lawyers, or whatever it is you might be. This is a flawed resolution, assuming you want to do what you said. You want to give the President some free advice. ''Give us everything you have got on executive privilege,'' which is already in the courts.

I do not think that the system is ready to work that way. Never in the history of the Congress have we ever had such a resolution put forward with reference to the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the distinguished Chairman of the Republican Conference.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, the American people have entrusted the President of the United States with many exclusive privileges not available to the average person. Because of the travel demands that he bears as the leader of the free world, he has got the privilege of traveling across the world on Air Force One; because of his need for constant security as the leader of our government, he has the privilege of round-the-clock protection from the Secret Service, even after he leaves office; and because of the need for national security, he is entrusted with a special privilege, probably more sacred than any of these, and that is executive privilege.

Let us be perfectly clear, Mr. Speaker. The President has the right to claim executive privilege in matters of national security. But no one has the privilege of being above the law; not Members of this House, not Members of the other body, not even the Chief Executive of the United States of America. But it seems that this important privilege is being used to block the people's right to know on a much broader range of issues.

Mr. Speaker, I think there is a pattern developing in the Executive Branch. While reassuring the public that they are anxious to get to the truth, certain officials have consistently stood in the way of legitimate legal inquiries into activities of our government at the White House.

Just yesterday, in fact, a White House spokesman bluntly claimed that the administration has fully cooperated with Congressional questions about these very troubling technology transfers to China. It was a reassuring thing to hear, but it just was not true.

Congressional leaders from the Committee on National Security and from the Committee on International Relations have written the Secretary of Defense, the Secretary of State and the Director of the U.S. Arms Control Agency, and the chairman of the Committee on Intelligence wrote to the Secretary of Defense as well. Our Committee on Science, both Democrats and Republicans, have raised the issue of China with NASA. Even a letter sent to the President by the Speaker and the Majority Leader of the Senate has fallen on defense ears. To date, all of these requests have been met with either silence or reassurance. But all requests for information have been denied.

Mr. Speaker, it is time for the stonewall tactics to end and the cooperating to begin. Whether it is stalling on basic requests for information or invoking executive privilege, the result is the same; the American people are denied the right to know what is going on inside their White House. In the end, Mr. Speaker, this is what this fight is about, the American people's right to know what happens in their government.

This government does not belong to politicians in Washington D.C. This government belongs to the American people, and they have a right to know what happens in Washington, D.C. They have a right to know what is going on in their White House.

I think the stonewalling should end, and the cooperating and the truth needs to be discovered.

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

Mr. Speaker, I would like to bring to the attention of the gentleman from Texas, who has brought forth this resolution, a little bit of history about executive privilege and how it has operated.

In 1992, the White House refused to permit White House Counsel C. Boydon Gray and C. Nicholas Rostow of the National Security Council to testify before the House Committee on Banking and Financial Services concerning the allegations that the Bush Administration had attempted to conceal from Congress the extent of its assistance to Iraq prior to the Gulf War. That was an assertion of executive privilege.

In 1991, President Bush ordered Defense Secretary Cheney not to comply with a subpoena for a document related to a subcommittee's investigation of cost overruns in a Navy aircraft program. It came to the Committee on Government Operations.

During the administration of President Bush, in response to requests from the Committee on Government Operations, Vice President Quayle's Council on Competitiveness cited executive privilege in refusing to make public its contacts with companies affected by proposed regulations that it was charged with reviewing.

President Bush invoked executive privilege in refusing to respond to a subpoena issued by the House Committee on the Judiciary seeking an opinion written by the Department of Justice Office of Legal Counsel authorizing the FBI to snatch fugitives on foreign soil.

Again during the Bush Administration, Attorney General Thornburgh cited exclusive executive privilege in withholding hundreds of documents from the Committee on the Judiciary concerning the Justice Department's controversial purchase of a $180 million computer system.

In 1986, the Bush Administration even supported former President Nixon's claim of executive privilege which he asserted to prevent the National Archives from releasing the Nixon White House papers.

Again, President Reagan invoked executive privilege with respect to the controversies concerning Mr. James Watt and certain Canadian land leases, Anne Burford and the EPA Superfund enforcement in 1982, and Department of Justice memos concerning the nomination of Chief Justice William Rehnquist in 1986. So those were three other instances in 1981, 1982 and 1986 where there have been presidential assertions of executive privilege.

Now, there is a process in which we can go into court, but never before in my memory and my research have we ever put a special resolution on the floor asking the President to go far beyond specific material, but asking him that in the interest of full disclosure, consistent with the principles of openness in government, all records or documents, including legal memoranda, briefs and motions relating to any claims of executive privilege asserted by the President, should be immediately made publicly available.

That was never done in the numerous examples of the assertion of executive privilege under Republicans.

But, more than that, would you really want the President to do what you are asking for in the resolved clause? Would you really want all of these materials released to the public? I do not really think you mean what you are saying here. I think maybe you would like to get to some more arguments on executive privilege, which, by the way, are being handled in the court. But would you want this much information?

This goes far beyond anything that would ever be brought up in a court. It goes far beyond anything necessary for us to understand why the assertion of executive privilege is being made, and it is a matter being debated and resolved in the courts as we stand here in the well.

□ 1245

So I would just say in mustering the most benefit I can to explain the reason for House Resolution 432 is that perhaps the author went beyond what it is he really wanted to know and forgot that everything means everything, that all means all, that any means any, no exceptions, none.

I do not think anybody really would want that to happen. Therefore, it is my position that this resolution is fatally flawed.

Mr. Speaker, I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I reserve the right to close, and I have no other

speakers, and I am working with the gentleman from Colorado on an amendment, so if the gentleman has no more speakers, I will close.

Mr. CONYERS. Mr. Speaker, I do have more speakers, so if the gentleman does not mind, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), a distinguished member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, I thank my friend and colleague, the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

I think it is important to note, because we have heard the refrain today about the President setting himself above the law. Well, there is nowhere that I have heard or read or observed where this President is suggesting that he is above the law.

Mr. Speaker, to me and to I think most Americans, it is clear that the President feels he has a constitutional obligation to assert executive privilege where he feels it is necessary to secure the independence of the executive branch.

Now, some may or may not like that particular assertion, but it has been and will be tested, by the third branch of government, our courts, our judiciary. I believe that the American people have great confidence in our constitutional democracy, whether they be lawyers or whether they be Joe Six-pack, because ultimately, the Constitution of the United States is a document above viable democracy. It is about the separation of powers, and it is a document that has worked well for this Nation since its birth back in the late 1700s.

So the President is working within the confines of the Constitution, that great American document, that document that so many have fought for and died for and served in this Nation's military, including the Marine Corps. This is all about the United States Constitution and about constitutional democracy and about respect for each branch of government.

Mr. CONYERS. Mr. Speaker, I have no other speakers, and I reserve the balance of my time.

Mr. DELAY. Mr. Speaker, I have no other speakers, and I reserve the right to close.

REQUEST TO AMEND HOUSE RESOLUTION 432 OFFERED BY MR. DELAY

Mr. DELAY. Mr. Speaker, I ask unanimous consent to add at the end of the resolving clause an amendment prepared by the gentleman from Colorado that states, ''Such public disclosure shall not extend to legitimate national security information.''

The SPEAKER pro tempore (Mr. LATOURETTE). The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of the resolved clause: ''Such public disclosure shall not extend to legitimate national security information.''

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. CONYERS. Mr. Speaker, reserving the right to object, I have not seen this amendment and I have no inclination to support it without having seen it, and so I object.

The SPEAKER pro tempore. Objection is heard.

Does the gentleman from Michigan wish to use additional time before the gentleman closes?

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

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

This is amazing, it is just amazing. The display of objections to the people's right to know the truth and the President's right to claim executive privilege that has been interpreted by the courts and not revealed any documents. But so be it.

The real intent of my resolution is to try to get the President of the United States to reveal information that has been withheld for all of these 4½ years in some cases, and information that the President is claiming executive privilege for.

The gentleman cited all of these claims by other Presidents. Not one of those cites that the gentleman listed has anything to do with claims of executive privilege involving allegations and information given to a grand jury on information of personal wrongdoing and possible crimes in the White House, not one of them. This President is only the second President after Nixon in the entire history of the country that has made those kinds of claims, and yet the gentleman still supports the President.

The gentleman says that the House of Representatives has no responsibility or authority to tell the courts what to do. Well, the gentleman and I have a very strong difference of opinion as to what the House of Representatives and the Congress of the United States is, its standing in the country, and particularly, its standing relative to the judiciary branch. We are not a subbranch of the judiciary.

Now, for years, almost 40 years, the majority of this House has allowed the judiciary to rule law across this country and this body has not asserted itself. But now, under a new majority, we think we hold an equal standing with the judiciary that the Constitution gives us every opportunity to send messages to the judiciary and indeed, this week, this House overwhelmingly voted to limit the jurisdiction of the judiciary when it came to early release of convicts for the reason of prison overcrowding.

Now, the gentleman must believe that we are subservient to the judiciary, but I do not, and this resolution is the sense of Congress that says such, and we are sending a message to the appeals courts that are hearing the case of this President of the United States bringing executive privilege.

Congress, under the Constitution, has about as much right and duty to address the issues of constitutional import as any other branch. Congress considers issues every day that implicate the Constitution. The courts are the final decisionmakers, as we learned in Marbury v. Madison. However, the court considers the views of coordinate branches, equal branches of government.

This resolution merely says that the President's reasons for asserting executive privilege should be made public. If the President wanted to talk, he should not hide behind the courts. That is the truth of what is going on here.

The D.C. Circuit Court of Appeals and the Supreme Court should know that this House believes that court proceedings regarding executive privilege should be open to the public, and we are going to take a vote in a moment to express ourselves to those courts.

But the bottom line here, Mr. Speaker, is we should not participate in strategies of stonewalling or keeping the American people away from the truth. The bottom line of what we are trying to do here is the fact that the American people have the right to know the truth and we are calling on the President of the United States to tell the American people the truth, and I urge adoption of my resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand in opposition to the adoption of House Resolution 432.

First, I would like to express my dismay at the way the Republican leadership brought this resolution to the floor. When the agenda was set for this week, the Rules Committee minority leaders were only given approximately five minutes notice to prepare for consideration of this proposed resolution. Furthermore, the Judiciary Committee, which also has probable jurisdiction on this matter, was not even given the opportunity to review its text. If House majority leadership wants to maintain any semblance of impartiality, I suggest that they resist the temptation to take political ''potholes'' at every opportunity.

Fellow colleagues, this resolution does nothing more than embroil Congress in a dispute that is more properly before an Article III Court.

I believe that almost every member of Congress agrees that an executive privilege exists. In its purest manifestation, it protects us from the divulgence of information which threatens our national security. The scope of this privilege is still somewhat of an unknown quantity. The Bush Administration invoked the privilege on several occasions, many of which did not involve national security.

Colleagues, we are not the Supreme Court. It is not our task to divine the meaning of the Constitution. A rejection of this resolution is a clear signal to the American people that this Congress still recognizes the concept of separation of powers.

I also object to this resolution because it does nothing but make a recommendation that the President, that he waive his executive privilege. This is a right to be asserted by the President, under advisement of his lawyer only. In a legislative body, how can we fail to recognize the impropriety of stepping on the toes of the attorney-client relationship. Remember all of us under the law are innocent until proven otherwise.

I ask my colleagues to oppose this resolution, in order to send a clear message to the American people that we understand and respect the role of the legislature in our democratic system.

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

The SPEAKER pro tempore. All time for debate has expired.

The resolution is considered read for amendment.

Pursuant to House Resolution 436, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DELAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 259, nays 157, answered ''present'' 6, not voting 11, as follows:

[Roll No. 176]

YEAS—259

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—157

Ackerman
Allen
Andrews
Baldacci
Becerra
Bentsen
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

ANSWERED ''PRESENT''—6

Barrett (WI)
Berman
Johnson (WI)
Kind (WI)
Obey
Rivers

NOT VOTING—11

Bateman
Crapo
Farr
Gonzalez
Gutierrez
Harman
Kaptur
McDermott
Meeks (NY)
Schumer
Torres

□ 1318

Mr. CUMMINGS, and Mr. DAVIS of Florida changed their vote from ''yea'' to ''nay.''

Messrs. PASCRELL, ABERCROMBIE, and STRICKLAND changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman, one of his secretaries.

CALLING UPON PRESIDENT TO URGE FULL COOPERATION WITH CONGRESSIONAL INVESTIGATIONS

Mr. ARMEY. Mr. Speaker, pursuant to House Resolution 436, I call up the resolution (H. Res. 433) calling upon the President of the United States to urge full cooperation by his former political appointees and friends and their associates with congressional investigations, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of House Resolution 433 is as follows:

Whereas approximately 90 witnesses in the campaign finance investigation have either asserted a fifth amendment privilege or fled the country to avoid testifying in congressional investigations;

Whereas prominent among those who have asserted the fifth amendment privilege or fled the country to avoid testifying are former political appointees and friends of the President of the United States, such as former Associate Attorney General Webster Hubbell; former Department of Commerce political appointee John Huang; former Presidential trade commission appointee Charlie Trie; former senior Presidential aide Mark Middleton; longtime Presidential friends James and Mochtar Riady, as well as family, friends, and associates of some of these individuals;

Whereas when the Director of the Federal Bureau of Investigation Louis Freeh testified before the House Government Reform and Oversight Committee on December 9, 1997, he had the following exchange with the Chairman of the Committee:

Mr. Burton: Mr. Freeh, over 65 (at that time) people have invoked the Fifth Amendment or fled the country in the course of the committee's investigation. Have you ever experienced so many unavailable witnesses in any matter in which you have prosecuted or in which you have been involved?

Mr. Freeh: Actually, I have.

Mr. Burton: You have. Give me a run-down on that real quickly.

Mr. Freeh: I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

Whereas never in the recent history of congressional investigations has Congress been faced with so many witnesses who have asserted fifth amendment privileges or fled the country to avoid testifying in a congressional investigation; and

Whereas the unavailability of witnesses has severely limited the public's right to know about campaign finance violations which occurred over the past several years and related matters: Now, therefore, be it

Resolved, That—

(1) the House of Representatives urges the President of the United States to immediately call upon his friends, former associates and appointees, and the associates of those individuals, who have asserted fifth amendment privileges or fled the country to avoid testifying in congressional investigations, to come forward and testify fully and truthfully before the relevant committees of Congress; and

(2) that the President of the United States should use all legal means at his disposal to compel people who have left the country to return and cooperate with the investigation.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 436, the gentleman from Texas (Mr. ARMEY) and a Member opposed, each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARMEY).

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

This is just a simple and sincere resolution to resolve that the President of the United States should use all legal means at his disposal to compel people who have left the country or taken the Fifth Amendment to return and cooperate with the investigation.

Mr. Speaker, I would like to indulge myself in a quick reminiscence about one of my favorite situation comedies I saw on TV. Some of my colleagues may remember Archie Bunker. Archie Bunker was a conservative. He had a son-in-law that he affectionately called the ''meathead'' that was a liberal.

I remember in one of my favorite episodes of the show, Archie Bunker's son-in-law discovered that he had sneaked a few parts, spare parts home from work in his lunch box. And the son-in-law gave him a stern lecture on integrity and honesty and personal standards of conduct, and how he had to in fact rue and regret and apologize and atone for this grievous affront to all the principles we hold sacred.

And then just a few minutes later, Archie's daughter came in and exposed that the son-in-law had taken materials home from his office. The son-in-law, when confronted with this by Archie, responded with horror that even he, with all his virtue, could be corrupted by the institution.

It was, in fact, one of the greatest laugh lines of the evening, precisely because we all sat there and thought, pity the poor liberal, the more they feign moral outrage, the more they set themselves up to get stuck on their own stick.

Well, last year we were entertained all year long with all kind of expressions of piety and fidelity to the principles of individual integrity, openness, honesty, as the liberals in this body railed against the Speaker that he must step forward, reveal all documents, answer all questions and, in a word, come clean, because the Speaker of the House must be, beyond all shadow of doubt, a man of integrity.

Today, when we say to the President of the United States and all with whom he associates, come forward, come clean, present yourself, tell the truth, be open, release the documents, their response is, the system is corrupt. And before we ask any of these questions regarding who in the White House may or may not have violated the laws of the United States in their own short-sighted self-interest, what we hear from the other side is that it is we who are being irresponsible because we are not changing the system.

Let me say once more, the Nation will not forgive a Congress that believes that it is correct to change the rules and laws of finance, campaign finance, rather than to first discern who is or who is not obeying the law and bring to account those who do not obey the law. It does not take a great deal of understanding to know that matters of personal compliance, personal integrity, honesty and respect for the law are, in the longer run, more important than the law itself.

Mr. Speaker, again we must come to the floor of the House of Representatives with a resolution that simply says, let us get everybody together, present yourself and tell the truth. Certainly it is not beyond the normal expectation that we should expect the President of the United States to encourage by all means possible any persons with whom he has an association to do just that.

Mr. Speaker, I yield the balance of my time to the gentleman from New York (Mr. SOLOMON), and I ask unanimous consent that he be able to yield the time as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

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

Mr. Speaker, since October 2 years ago I have been extremely concerned with allegations swirling around the White House, and I am not talking about personal or domestic scandals. Rather, I am talking about the compromising of America's national security and potential economic espionage.

Both of us on both sides of this aisle should be concerned about political/economic espionage because it costs thousands and thousands, if not hundreds of thousands of jobs in Members' districts and mine and all across America, political/economic espionage and national security breaches.

That is why I have brought this bill to the floor. If Members do not understand that, I would ask them to get a Central Intelligence Agency document which is unclassified, which states, ''Applicability of Space Launch Vehicle Technology to Ballistic Missiles.'' Take a look at it, because the technology we have been giving to China today can be so easily converted to intercontinental ballistic missiles. That is not me saying it; is our Central Intelligence Agency. Read it. That is how important this debate is on this issue right here today.

Dating back to my first letter trying to find out about John Huang, and Members all know who he is, and his connections to the President and senior members of his administration, we have faced nothing but contempt for legitimate congressional oversight which is our constitutional authority, duty in this Congress.

All told, I have written over 50 letters and made dozens of inquiries to over 8 departments, as chairman of the Committee on Rules that has legislation pending before it on this matter, and agencies of the Clinton administration, including the President himself numerous times, trying to get the truth out.

□ 1330

For just one example, in my very first letter, on October 21, 1996, coming up to 2 years now, I asked for all information from Secretary Kantor, do my colleagues remember him, Secretary Kantor at the Commerce Department, concerning his department's connection with John Huang to the Riady and the Lippo Group.

Do those names ring a bell, my colleagues? It took numerous letters and words like ''obstruction of justice'' to acquire the briefing book of the late Commerce Secretary Ron Brown that identified his early connections with John Huang, which dated all the way back to April of 1993.

The consistent pressure was also necessary to force Secretary Kantor to begin to come clean on John Huang's access, and my colleagues should listen to this because this is so important, on John Huang's access to highly classified briefings from a CIA official in the government regarding Communist China, an area of the world that this same John Huang was prohibited from having anything to do with.

But lo and behold, and this is a matter now of public record because we have been able to obtain this information and make it public, lo and behold, the information was still dribbled out over a period of not just months, but months and months and months, which ultimately showed that it was not just 12 or 37 or even 109 classified briefings or meetings, but it was more like 150. And who knows if even that is accurate. It could have been a lot more that this man John Huang was receiving classified information that could deal with national security breaches and political espionage. In addition, over 400 to 500 pieces of classified information were passed on to this particular man. Five hundred.

My colleagues, today, despite all of this and more, John Huang remains silent and untouched by justice. He refuses to come forward. In other words, and this is what my colleagues should pay attention to, in other words, a friend of President Clinton, a frequent White House guest, a senior political appointee of the President, one of his chief fund-raisers and vice chairman of the Democratic National Committee, is still hiding behind the Fifth Amendment.

The American people want to know why. What is he hiding; who is he protecting? Congress wants to find the truth and so do the American people. Why can President Clinton not help us with his friend?

And that is really what this resolution is all about. And again I will just read the last section of the resolve clause.

We resolve that the President of the United States should use all legal means at his disposal to compel people who have left the country, taken the Fifth Amendment, to return and cooperate with this investigation.

It ties in with the President's statement back on January of 1998, which said, ''The American people have a right to get the answers.'' That is what the President said and that is what we are urging in this resolution.

My colleagues, today, despite all of this and more, John Huang remains silent and untouched by this justice. But perhaps even more dangerous are 20 witnesses that have fled the country and 17 other foreign nationals who have refused to testify. Foreign nationals, my colleagues, who were in this country.

For example, one of those is a man named Ted Sieong. Do my colleagues remember that name? Have any of my colleagues read the papers in their districts back home? Mr. Sieong, now, listen to this, reportedly an agent for the PRC, that is the People's Republic of China, and a guest of both the President and Vice President, has recently been spotted in Phnom Penh, Cambodia, with his business partner Thung Bun Ma, who has been identified as the leading heroin smuggler in Cambodia, heroin that is reaching into this country and being shot into the arms of our children.

Imagine that, Mr. Speaker, a potential spy and drug kingpin sitting down with the leaders of the free world. What in the world have we come to?

I wrote to Secretary Albright in the beginning of this year, almost 5 months ago now, to find out more about Mr. Sieong and Mr. Bun Ma's visit to America. I have yet to hear back from the State Department. Do they not take this seriously? Why are they stonewalling? Is this obstruction of justice or what? We need to know these answers.

This delay is running to ground individuals who have compromised our national security, and I am sorry to say is not uncommon in this administration, and is entirely unacceptable.

Mr. Speaker, I could go on and on talking about the Riadys, who refuse to cooperate, the largest donors to President Clinton's 1992 campaign and close friends and guests of his. This is one of the largest international conglomerates in the world, my colleagues. Sure, they are rich and, sure, they have all the money to continue hiding, but why can the President not urge them to come forward and tell the truth?

Or what about Wang Jun, who, while having coffee with the President, was the chairman of an outfit preparing to smuggle automatic weapons into America and lobbying to reverse protection on the transfer of American satellite technology to China. In other words, my colleagues, and this is not just me standing up here and saying this, according to recent New York Times reports, this Chinese government arms dealer, sitting for coffee with the President of the United States, made billions of dollars for China upon reversal of those protections while we Americans pay the consequences in potentially deadly breaches of our national security.

Again, get the CIA report, unclassified, and see what I am talking about here today. Mr. Speaker, it is that serious. The stability of the world is in serious jeopardy for the first time since the Cold War.

The President's moral and ethical obligation as Commander-in-Chief, my colleagues, is to insist with the full power, with the full majesty of his office that information is made available, and individuals are compelled to come forward to tell the truth. He ought to be using the power of that office to get them to come forward, to let the American people know the truth and to judge for themselves the damage done to our national security and, consequently, to the future of this great democracy of ours.

Are we going to have these ballistic missiles once again pointed at the United States of America? The immense powers and reach of his executive branch should be commissioned to tell the American people the truth and to identify just how serious our security and foreign policy has been compromised.

I fought for a long time frustrating battles trying to impress upon the administration the severity of this matter, and I have done it in a nonpolitical way, because we were out after the national security breaches and out after the economic espionage, not about this sex scandal. We want to know the truth about how this country has been jeopardized.

Despite all these frustrations, not all was for naught. We found out some information, but more often than not that information was even more disturbing and begged additional questions. Through all of this, I found some good people in the administration, some very good people, willing to help get to the bottom of these breaches of our security. And make no mistake, our national security has been compromised.

But what we need and what the American people deserve, my colleagues, is cooperation from the very top, from the President of the United States himself, in answering our questions and bringing his associates to justice. That is all that we are asking for, is the truth, the truth, the truth.

This resolution stands for all of those things and will put the Congress on record strongly behind the effort to get to the truth and let the American public find out just what has happened to our national security because of many of these shady associations. And I will talk a little bit later about some of those shady associations to try to dramatize just what we are talking about here.

I hope my colleagues across the aisle will join us in a bipartisan appeal to the President. National security is too important for partisan politics. It should stop at the water's edge. We should rally together. We should rally together with the President of this country to try to get to the bottom of this so that we do not have this situation facing the future of our country.

So please vote for this resolution. It is reasonable and deserves my colleagues' support.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Does the gentleman from Michigan (Mr. CONYERS) claim the time in opposition to the resolution?

Mr. CONYERS. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), a senior member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Speaker, the gap between reality and the description we have just heard is very, very wide. The suggestion that the national security of this country has been endangered or is in danger because of the People's Republic of China, with its relatively weak military capacity, is an absolutely unjustified denigration of the military strength of this country. But it also raises an important question in my mind.

Now, the gentleman from New York was complaining of the President's failure to listen to him regarding apparently the terrible menace of the People's Republic of China. But the President is not the only one to whom he should be addressing his words. It was the leadership of his party that brought forward recently a bill to grant the People's Republic of China Most Favored Nation treatment.

Indeed, Mr. Speaker, I had to check the record. I heard a lot of this denunciation of the threat that China poses to the United States, and I had this vague recollection that the Republican leadership had given the Chinese the single thing they most wanted from this government: Most Favored Nation treatment. Indeed, if we look at the trade practices, if there could be one thing the American government could do that would make the People's Republic of China happier than anything else, it would be to give them Most Favored Nation treatment.

Now I know my friend from New York was against it, and so was I, but it was the Speaker of the House, of his

party, who put it through. Has the gentleman been so focused on the President that he has forgotten to share his wisdom with the Speaker? The staffer who sits next to him, who so carefully hands him that paper every 4 minutes when he forgets where he put it, can the gentleman not have him with him the next time he meets with the Speaker? The gentleman should bring that staffer along, because the gentleman will have to show that paper to the Speaker.

If the gentleman asked the Chinese what they wanted, some missile technology or the right to sell us $50 billion a year worth of goods, I think the $50 billion would come first.

Now, I disapprove strenuously of the way in which the Chinese government runs its people. I think they are oppressing Tibet. I think they are a threat to some of their neighbors. I was supportive of our going to the defense of Taiwan. I do not believe they are a threat to this great strong country. But if I thought they were trying to become a threat to this country, the last thing I would begin to do is to fund them, and that is what Most Favored Nation treatment does.

The Chinese government makes far more money because of Most Favored Nation treatment than anything else. And the gentleman's party put the bill through. The gentleman's party controls the House.

Now, on the other hand, maybe there is good news, Mr. Speaker. Maybe the Speaker has seen the light. Because my understanding, until recently, was that the Republican Party, the leadership of the House, planned once again to bring a Most Favored Nation bill for the People's Republic of China before us. Now, I know I would vote against it and my friend from New York would vote against it, but given the organizational power of that coalition of President Clinton and Speaker GINGRICH, the People's Republic of China would probably get it.

And, apparently, there is a breach in the coalition, because I certainly would find it hard to believe that the Republican leadership, who so excoriated China and so warned us of the danger China presents to our very national security, surely they are not prepared to give the Chinese Most Favored Nation treatment.

The gentleman said it is the Cold War again. During the height of the Cold War, in fact, during the low parts of the Cold War and the medium parts of the Cold War we never gave Russia Most Favored Nation treatment. So I guess those of us who voted against Most Favored Nation treatment for China should take heart: Allies are apparently coming. Because I am sure that the passionate nonpartisan eloquence of the gentleman from New York will not spare his Speaker if he were to err and provide Most Favored Nation treatment for that threatening nation of China.

The other thing I wanted to talk about briefly was the resolution. The facts on this are that the President has, I think, been doing everything he can. I hope no one is suggesting the President has the right to order people not to plead their constitutional rights. But, in fact, the suggestion that the President is not doing what he can is clearly contradicted by the facts.

One of the things the gentleman mentioned were the people who have fled the country. They fled the country because the Justice Department is after them. But the Justice Department works, of course, under President Clinton. We have heard these arguments that said, oh, we must have an independent counsel. And what is the basis recently for demanding an independent counsel? Well, the Justice Department cannot investigate that. How do we know that? Well, we just got facts that show the Justice Department cannot investigate it. Where did we get the facts? From the Justice Department's investigation.

The latest revelations which came from Johnny Chung came from the Justice Department's investigation. The people that have fled the country, in all honesty, I do not think they fear the gentleman from Indiana, who chairs the Committee on Government Reform and Oversight, as much as they fear the Attorney General and her prosecutors.

□ 1345

They are the ones who are threatening them. So what we have here are people have fled the country because the Justice Department is engaging in a tough, honest investigation. And so, what do we say? We say, ''Mr. President, bring them back.'' The only way the President could bring them back would be to order the Attorney General to stop the investigation. It is the Justice Department that is involving them in this investigation.

The gentleman says he wants to pursue this in a nonpartisan way, and I am glad to hear. I look forward to being here the day he chooses to do that. Apparently, today was not the day. Because this is a resolution that is accompanied by rhetoric denouncing the President for following a policy towards the People's Republic of China, which in substantial ways is the same as the Speaker of the House and the people in the other body, because both Houses passed Most Favored Nation.

It is the Administration through the Justice Department which is investigating these people. And that is what they are taking the fifth amendment from. They are refusing to testify before the Justice Department, they are fleeing the Justice Department, and they are saying, well, what are you doing about it? Well, the President is in fact, by the toughness of the investigation under the Attorney General, ultimately the cause of precisely these things.

Now, of course, we want an investigation. And there do appear to be people who abuse the campaign finance system on both parties. We had high-ranking fund-raisers in both the Clinton and Dole campaign in 1996 who behaved badly, who appeared to have violated the law. They should be prosecuted, and we should do it in a nonpartisan way.

But just in summary, first of all, let us not grossly exaggerate the physical threat that the People's Republic of China poses to the United States. Yes, they threatened Taiwan. And when the United States sent military force, they backed down. There is a disparity, fortunately, between the United States and the People's Republic of China military that means we are not in any danger from them. Others might be.

Secondly, if they do believe that the People's Republic of China is such a threat, then how do they put through the House a bill that continues their Most Favored Nation treatment which does as much to fuel their economy as any other single thing, is something they greatly want?

The gentleman from New York (Mr. SOLOMON) is not guilty of inconsistency here. Because he and I agree; we voted against Most Favored Nation treatment. What happened was, and I know the gentleman is very busy, he is busy keeping amendments off the floor, the defense bill, and doing other things, he forgot that the Speaker was for Most Favored Nation treatment. I understand that. He cannot always remember everything.

But now that I have reminded the gentleman that it is his Speaker who was bringing forward Most Favored Nation treatment, I will be glad to go with him, I will even hand him the document and show him if he misplaces it to remind him how terrible it is and how he should not even have it.

Finally, let us note that the investigation from which these people are hiding, in which they are pleading the fifth amendment, is the investigation being conducted by the Attorney General and her aides. And that is, of course, proof that these allegations of cover-up are pretty silly.

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

Well, as Ronald Reagan used to say, we could go to vote right now. Because the gentleman has made my case, and we won, and we could just go to vote. But let me comment a little bit.

I do not know how we got into the Most Favored Nation debate here. The gentleman and I happen to agree with it. But we are talking about bringing fugitives back to the United States.

The gentleman has tried to make the point that maybe it was the Republicans that initiated Most Favored Nation treatment. Everybody knows if they have been here for a while, and the gentleman has been here for a while, same as I have, I see my colleagues all smiling, but it has to be the President of the United States that has to initiate a request for Most Favored Nation. Congress cannot do it. I cannot do it. In other words, it is the President.

The President initiates, and then the gentleman from New York (Mr. SOLOMON) the day after, which I will do on June 3, the day we get back here, because that is probably the day my spies over at the White House tell me the President is going to ask for Most Favored Nation treatment for China again. Although he may not have the nerve to do it after all of the votes that we have had here just in the recent couple of days.

But let me just say to him that he wonders had I not been talking to the gentleman from Georgia (Mr. GINGRICH). Oh, I have been talking to the gentleman from Georgia for many, many years about this issue. I have been talking to TRENT LOTT, who is the Majority Leader, the leader of the Senate. Guess what? I made a lot of inroads with the Majority Leader of the Senate. He is now on our side. And now I have got to work on the gentleman from Georgia (Mr. GINGRICH) a little more. We might get there.

The gentleman from Massachusetts (Mr. FRANK) also was being a little miscourteous I believe, I do not know whether it was intentional or not, when he was referring to the gentleman sitting next to me handing me papers. It ought to be, for the RECORD, that the gentleman sitting next to me is a former Marine fighter pilot in Vietnam. Everybody ought to know that. That is the kind of people I associate with.

I associate with someone just as important in the next speaker. He is a former fighter pilot in Vietnam as well, one of the most decorated heroes of our country. He is the gentleman from California (Mr. CUNNINGHAM). I will let him respond to what I would call an outrageous statement, without being disrespectful, about the weaknesses of the People's Republic of China military. What?

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, most of the time the gentleman from Massachusetts (Mr. FRANK) is very eloquent. People listen to him. He has got a lot to say. But I would say that the gentleman is grasping at straws and his last comments are unbelievable, that I do not believe in my lifetime there will be peace in the Middle East or in Bosnia, not even northern Ireland. And I strongly believe that China and Russia today are our biggest enemies today.

The gentleman would like to say the Cold War is over so he can cut defense more, but that is just not the fact. And to engage in trade with Bosnia, with China, with the Middle East, we need to engage not only in dialogue, diplomatic relations, but also trade.

If we look at China, it is a lot different than it was 20 years ago because we have had an influence in there. But to suggest that trade equates to giving away military and technological secrets that would benefit a country in striking other countries and this one is ludicrous, and that is why I say the gentleman is grasping at straws.

Another thing is that the threat is very evident from China and Russia today. I have gone through that several times on the floor of what their threats actually are. And for someone to propose himself as an expert of military strategy and technology that has never dealt with it, never donned a uniform, never planned strategic strikes is amazing, a self-proclaimed expert.

They are a threat, Mr. Speaker. China is a very serious threat. And to give them the technology that could destroy this country is very, very serious.

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

My thanks to the Majority Leader for his fond recollections of the television production ''All In The Family.'' It was produced by none other than Norman Lear, with whom I am sure the gentleman from Texas (Mr. ARMEY) shares many common interests and beliefs.

The President is now being asked in this resolution that everyone who may have invoked the fifth amendment consider abandoning it. Well, why? Well, because, as the Chairman of the Committee on Rules said, why are they hiding behind the fifth amendment? This is technical constitutional lawyer stuff, but the fifth amendment is for all people. The fifth amendment is not used for people to necessarily hide behind it and then have to explain why they invoke the fifth amendment.

I do not think we did that when Lieutenant Colonel Oliver North, during his crisis, invoked the fifth amendment. People use the fifth amendment who are totally innocent and have reasons for not wanting to bring forward information. So I do not think that the test of whether someone is telling the truth or not or is guilty or innocent can be arrived at by whether or not they invoke the fifth amendment. I hope everybody in the Congress will agree on this elementary point of constitutional understanding.

Now, there have been a lot of names of people who are involved, and we said over 90 in the resolution. But may I remind my colleagues that the Senate Banking Committee held exhaustive hearings on some of these subjects, the House Committee on Banking and Financial Services held exhaustive hearings on other parts of the people referred to and the incidents referred to, the Senate Governmental Affairs Committee held incredibly lengthy hearings. And the House Committee on Government Reform and Oversight not only has held lengthy committee hearings but are continuing to hold committee hearings.

So what are we asking the President to do? We are asking him to state that he hopes everyone will cooperate with the investigators and tell the truth. Does anybody on the other side recognize that the President of the United States, Bill Clinton, has already publicly stated that he hopes everyone will cooperate with investigators and tell the truth?

Now, it is both bizarre and unprecedented for us to request one party in an investigation to advise the other party as to how they should conduct themselves and whether they should, in effect, ignore the advice of their lawyers.

Again, as raised in the other resolution, do my colleagues on the other side really mean that that is what they want the President to tell other people that are being investigated? Again, on their behalf, I do not think so.

So I will ask the Members considering this resolution, for what it is worth, I can tell them that I am not favorably disposed toward it and I feel that it is a totally frivolous amendment that is consuming a lot of important time.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise that the gentleman from Michigan (Mr. CONYERS) has 17 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 8½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my colleague on the Committee on the Judiciary.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me the time.

I think it is important that as we finish this discussion that we try to step away from the allegations that would create hysteria that caused my telephone to ring feverishly last night when Americans from around the Nation considered that we were under immediate attack by Chinese missiles.

I think the important point is what are we discussing here on the floor of the House. I take great aversion to anyone being challenged who has taken an oath of office that they are un-American, that they would do something to endanger the lives of so many millions of Americans. I believe this Nation will not forgive a Congress that itself violates the law.

□ 1400

We need to have the facts why H.R. 433 and 432 have even been brought to the floor of the House. I will tell you why they are on the floor of the House today. One, asking the President to give up his rights to executive privilege, and, two, asking him gratuitously to tell people to testify.

The reason, because Democrats thought that someone presiding over an oversight committee that would call publicly the President a scumbag and then offer to distort tapes and present them to the American public as truth needed to step aside from that investigation.

Our position was not that he needed to step aside from being chairperson of that committee, but during the time of this investigation, the Committee on Government Reform and Oversight needed someone else who would not have characterized his bias such that he would have called the highest officer of this Nation a scumbag.

We always ask for a certain decorum. So the reason why we are on the floor today is because this is a punitive measure against Democrats and a punitive measure against the President of the United States.

Members brought a resolution. We will bring a resolution. Interestingly enough, the resolution that had facts attributable to it was tabled. Yet, many Democrats voted just last week or this week to direct that committee to immunize witnesses so that we could get to the facts.

Democrats are not afraid of an investigation. Democrats are not afraid of campaign finance reform. We have been arguing for such reform time after time after time.

These resolutions are what they are. They are political. They are partisan. Why do I say that? As a Member of the House Committee on the Judiciary, neither one of these resolutions found their way to the committee of jurisdiction.

The Committee on Rules, which is the gatekeeper for this particular body in order to create orderliness, did not get notice of these resolutions but for 5 minutes before they had to review them.

In fact, the law is clear. Someone taking the Fifth Amendment cannot, if they were to testify, attribute their allegations and Fifth Amendment rights to someone who is outside of the realm. So, in fact, why would the President be fearful of someone coming to testify or why would the President in any way be impacted by someone taking advantage of their constitutional rights, the Fifth Amendment?

Why would the President of the United States or anyone other than your religious leader, your spouse, your family member have any authority to tell someone that is not part of his immediate family, to engage them in any discussion about what they do with their constitutional rights? I ask every American to consider moving aside the fairness of what we are asking here.

Then the last resolution that passed was about executive privilege. Executive privilege has been characterized as a sinister tool. Let me tell you that President Reagan claimed it. President Bush claimed it a number of times.

Executive privilege is what it is. It is a recognition of a distinction of three branches of government, the Executive, the Judiciary, and the Legislative Branch. In fact, John Dean, the counsel to Nixon, someone who well knew what executive privilege can bring about, declared just a couple of weeks ago that the President should appeal determinations made on his use of executive privilege.

If you want to talk about national security, the tampering with executive privilege will truly tamper with our national security.

What is this about China? I want the facts about China. I absolutely do not want to see our people in jeopardy. But I would say to the men and women of this country, I believe you are a fair and honest people. If you come to the table making allegations of treason, which one of the Members of our colleagues on the other side of the aisle has already done, then how can you have a fair and unbiased process when the Members who are asking for such resolutions have already committed themselves that the President of the United States has committed treason? We do ourselves an international disservice.

If we are to presume that we want a fair and unbiased hearing on what has happened in China, do we need to then make representations, before we have even heard a single fact, that the President is guilty of treason?

These resolutions are not what they seem to be. I want those who have absconded from the law to return and to acknowledge their constitutional rights, if that is what they so choose, but to respond to the laws of this land. All of us do.

If the executive privilege is used improperly or illegally, then we must address that question. But it is an executive privilege that is a constitutional or a legal provision.

I think we are well to recognize that all is not right just because it happens to be the law of the land, for the Independent Counsel statute has already showed us the abuse that can occur, the millions of dollars that can be spent.

Mr. Speaker, I would simply say that if these resolutions had come through the legitimate processes of this House, if they had been debated in committee, if they had been fairly brought, I would say that we should go forward. Otherwise, I think these are partisan and unfair, and I ask for their defeat.

Mr. Speaker, this Nation will not forgive a Congress that violates the law of equity and the rule of fairness. I must rise today in opposition to H. Res. 433, a resolution which urges the President to compel his associates to cooperate with any and all pending Congressional investigations, for several key reasons. First of all, this issue is moot. The President has consistently asked all of his associates and/or friends involved with any investigation pending in this Congress or elsewhere, to cooperate to the fullest extent of the law. So with that in mind, what unique kind of petition do the authors of this resolution honestly expect the President to make, that he has not made already?

Secondly, the language of this resolution notes that approximately ninety (90) witnesses connected to the campaign finance investigation in the House Governmental Affairs Committee have asserted a Fifth Amendment privilege or have left the country. Do the authors of this resolution actually intend to imply that the President is somehow responsible for the actions of these ninety (90) individuals in choosing to leave the country and/or exert their Constitutionally-protected rights? As we all know, the Fifth Amendment privilege exists only for those individuals that may incriminate themselves with their testimony, not those that may incriminate an outside party like the President. So what possible relationship does the exercise of this individualized Constitutional liberty by the President's so-called ''associates'' have to do with the conduct of the President himself?

And finally, I must take exception with the implicit presumption of Presidential guilt carefully weaved into the language of this resolution. Why is it necessary to include a statement from a December hearing with the Director of the Federal Bureau of Investigation that seems to imply that the President is a part of a grand conspiracy to conceal evidence from this body? If our intentions truly are to simply compel the President to continue to encourage his friends, colleagues and associates to cooperate with this investigation, so be it. But I do not see what the kind of inference made by the FBI Director (that the only other time he has ever seen such an unavailability of witnesses was in a organized crime case he handled over 16 years ago) has to do with the effort to achieve full cooperation by all parties involved in this campaign finance investigation?

In any investigatory proceeding, the key is always process. If we are after the truth, why does the language of this resolution imply Presidential complicity? I need not remind this body that the cornerstone of the American democratic process is the presumption of innocence, yet somehow, the United States Congress seems unwilling to extend that same presumption to the President. I sincerely hope that we can get to the bottom of the campaign finance investigation in the Governmental Affairs Committee, but I just do not see how this resolution is helping to serve that purpose. For all of these reasons, I urge all of my colleagues to ignore partisan differences and please vote down H. Res. 433.

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair will advise that the gentleman from Michigan (Mr. CONYERS) has 11 minutes remaining and the gentleman from New York (Mr. SOLOMON) has 8½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Colorado (Mr. SKAGGS) who heads up the Constitutional Caucus in the House.

Mr. SKAGGS. Mr. Speaker, I thank the gentleman for the time. I understand there is some frustration on the other side about all of this. This resolution has been cleverly drafted to appear, at first reading, perhaps, even to be innocuous.

But let me just suggest to my colleagues that we ought not to rush to judgment in this matter. It has much larger constitutional consequences then may be first apparent.

The gist of the resolution is to exert the power and the authority of this House to have people waive their constitutional rights, and we need to examine the significance of that proposition very carefully.

First, let us acknowledge that confrontations and disputes in which the Bill of Rights are invoked often come up under difficult and unseemly circumstances. That is simply because the Bill of Rights was designed to protect minority and unsavory points of view, the less powerful, those out of step with the majority, to protect such people from the potentially overzealous power of government.

When a criminal asserts a Fifth Amendment privilege against self-incrimination, it is easy to condemn it and even easier to forget that that privilege exists to protect us all from an overzealous government. Is that not what this recent to-do over IRS reform is all about, for example?

When a miscreant like Khalid Muhammed gives a vitriolic antisemitic hate speech, it is easy to condemn it and finesse its protection under the First Amendment, as this House, unfortunately, did a few years ago. And easier still to forget the First Amendment's guarantee of free speech exists to protect all of us against government-imposed orthodoxy, even those, especially those, with views offensive to the majority.

When a drug dealer asserts a Fourth Amendment privilege against unreasonable search and seizure, it is easy to speak grandly about people who hide behind technicalities, and still easier to forget that those Fourth Amendment protections exist to protect all innocent Americans against abuse by government power.

So while, as here, these issues typically come up in a way that appears to work to the benefit of some questionable behavior, the intended and enduring beneficiaries of the Bill of Rights are all of us. We forget that at our great peril.

But this resolution, boiled down to its essence, is an effort to force Americans to waive their rights. In this case, it happens to be the Fifth Amendment that would be waived. The point resolution, and the danger in this is that its reach is much broader, and the precedent is chilling. If it is the Fifth Amendment today, why not the Fourth Amendment protection against unfounded searches tomorrow, and the Sixth Amendment's guarantee of a speedy and public trial the day after.

If it is the Fifth Amendment today, what about the First Amendment protection against peaceable assembly, or the Fifth Amendment's guarantee against double jeopardy?

We can all think of many cases in which we wish these protections did not apply. They are inconvenient. But that is not the issue.

The point is that in order to have these protections for the vast majority of innocent American citizens, we must also extend those protections to bad actors.

As a matter of simple logic, if we are willing to compromise those fundamental principles as they apply to those whom we hold in low regard, as in this resolution, then we compromise the same principles as they apply to everyone.

That is a danger and a cost that far exceeds whatever satisfaction we may derive from this resolution's attack on the rights of individuals subjected to the delicate and tender ministrations of the investigation by the gentleman from Indiana.

Some will attempt to characterize a ''no'' vote on this resolution as if it were endorsing stonewalling. That is just plain silly.

Unfortunately, in order to support the Bill of Rights and its protections, we have to endorse it, as here, even for cases of people whose behavior we do not and cannot defend, but whose rights are held in common with our own.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) has 6 minutes remaining, and the gentleman from New York (Mr. SOLOMON) has 8½ minutes remaining.

Mr. CONYERS. Mr. Speaker, I am happy to yield 5 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

Mr. Speaker, the House is currently debating a series of three nonbinding resolutions that are heavy in their political content and very light in their substantive content. They also contain within them a very substantial degree of vindictiveness.

The resolutions in themselves probably would not be harmful except that they are in their intention and in their wording and, also, secondly, because they take away from the House valuable time which it would be better advised dealing with more substantive issues.

This resolution, first of all, suggests that the Congress urge the President of the United States to urge other people to waive their constitutional rights. It says, in effect, that the President of the United States should behave as some kind of a sultan or dictator and have people dragged before a congressional committee and submit to that congressional committee, ignoring completely their rights under the Constitution and ignoring completely the separation of powers which is the hallmark of this government.

This resolution in that regard is enormously dangerous. This comes from the party that asserts itself as being the party of small government, the party of a weaker, less intrusive government. Yet, in this very resolution, all of that is denied. All of that is put aside.

This resolution says that this particular party that advocates this resolution is the party of strong dictatorial government that would force people to behave in ways that are contrary to their own best interests and contrary to the basic protections of the Constitution.

It is very difficult to understand the reasoning behind this resolution, very difficult to understand the reasoning behind its author who stands for different kinds of things, or at least gives voice to different perspectives and different viewpoints than are expressed in this particular resolution.

This resolution says that people should be forced before a particular congressional committee, even though they do not want to appear before that congressional committee.

Why might people be reluctant to appear before this particular committee headed by this particular chairman, the gentleman from Indiana (Mr. BURTON)? It is quite clear. In doing so, they are simply being sensible. They are using good common sense.

They have seen the way that this particular chairman behaves. They have seen that this particular chairman falsifies evidence and information that comes to his attention and is in his hands. They have seen that this particular Chairman will take a person's statements and falsify those statements. He will falsify those statements by extracting from them words, whole sentences, and whole paragraphs.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I would like to make a point of order. When someone is on the floor and makes a statement against another Member by saying ''falsifying evidence,'' whether those words would really be in order on the House floor when, in fact, they are not even proven?

The SPEAKER pro tempore. Is the gentleman from Indiana (Mr. BUYER) requesting that the words of the gentleman from New York (Mr. HINCHEY) be taken down?

Mr. BUYER. I so request. Actually, I ask it by my parliamentary inquiry, when he makes such allegation that a Member is actually falsifying evidence, whether those such words would be insulting to the House?

The SPEAKER pro tempore. In response to the gentleman's parliamentary inquiry, Members are reminded to not make personal observations about other Members of the House.

The gentleman from New York (Mr. HINCHEY) may proceed.

□ 1415

Mr. HINCHEY. Mr. Speaker, I would direct the attention of the House to the recorded dialogues and the way in which those dialogues were handled by this particular committee, and ask the Members of the House to make judgments for themselves with regard to the way that those conversations were transcribed, and observe that in those transcriptions, certain words and sentences were omitted and observe in those transcriptions that words in fact were inserted into those transcriptions, which gave entirely different meanings to the sentence and paragraphs allegedly therein transcribed. I think if people will look at that, they will be able to judge for themselves exactly what was taking place there.

Now, with regard to these three nonbinding resolutions and all the time

that these three nonbinding resolutions have taken from the House, it would be one thing if we had all the time in the world to dwell on these political issues. But the fact of the matter is that languishing in committees in this House are important measures that are critical to the health, safety and well-being of millions of Americans.

Languishing in committees in this House is are legislation dealing with the safety of patients in hospitals; languishing in committees in this House is legislation dealing with the regulation of HMOs. Languishing in committees in this House is legislation dealing with the reauthorization of the Federal Superfund. We need to bring that legislation to the floor and have it voted on.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana (Mr. BUYER), a very great American from Monticello, Indiana, and a chairman of the Subcommittee on Personnel of the Committee on National Security.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, one of my former Democrat colleagues came to the floor and said he recognizes that there a general level of frustration in the House, and I think he is accurate and correct. The level of frustration is there because I believe that the correct body to conduct such a vast investigation should be an independent counsel.

We have asked for an independent counsel for a very long time from the Justice Department, and that is who I think the proper body is. Even the Speaker of the House has an idea to have a select committee, and different people are trying to grope with it. My preference is to have the Attorney General appoint the Independent Counsel, and the momentum of the evidence is building.

I can recall how disturbed I was when I learned that the Attorney General in the fall of 1995 had been warned by our security sources that China was attempting to influence our elections, and then that she thought enough about that concern to pick up the phone and call the National Security Adviser, Sandy Berger, but he was not in and she never bothered to call back personally again.

That really bothered me. I asked her if she ever had a peculiar feeling about not having exercised her due diligence, and she said no, it did not bother her at all. See, that kind of bothers me. It bothers me because if I had a friend whom I knew was about to be shot or killed, I would want to warn them. When the Attorney General finds themselves in that position of having such information, they should have in fact warned the President that there are individuals who were going to seek to have monies come into this country to influence the process.

We find out now it was influenced from so many different angles, there are different allegations. Whether the debates are in this House with Loral and whether or not they have transferred, whether it is satellite, to dual use technologies in the ballistic missile category, it is very, very concerning.

Mr. Speaker, I just wanted to come to the House just to share this. I am very bothered that over 90 witnesses would come forward and take the Fifth Amendment. That is their Constitution right. The gentleman from Michigan (Mr. CONYERS) is absolutely correct, and so is the gentleman from Massachusetts (Mr. FRANK). That is their constitutional right. But how do you get around that Fifth Amendment? You have the Independent Counsel, or Justice, you take them before the grand jury. Then they give them that immunity, and if they do not testify, then they end up going to jail. But there is a proper mechanism for us to get here. I understand the general level of frustration by the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to a very distinguished gentleman from Alabama (Mr. EVERETT).

(Mr. EVERETT asked and was given permission to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, as part of the discussion on this administration's lack of cooperation with the Congressional investigations, as well as the continuous assertion of executive privilege, I thought my colleagues would be interested and surprised to learn of another stonewalling situation and another assertion of executive privilege by President Clinton's White House. It involves the waiver granted by this administration for the burial of Ambassador Larry Lawrence at Arlington National Cemetery.

I would ask, why on the Earth would the President of the United States not want to reveal to the Congress what happened in the White House in decisions involving matters not even remotely connected to national security? It is stonewalling, Mr. Speaker.

Mr. Speaker, as part of this discussion on this Administration's lack of cooperation with Congressional investigations, as well as on assertions of executive privilege, I thought my colleagues would be interested and perhaps quite surprised to learn of another stonewalling situation and another assertion of executive privilege by President Clinton's White House counsel. It involves the waiver granted by President Clinton to the former surgeon general, Dr. C. Everett Koop, for burial at Arlington National Cemetery, and the waiver granted by the Secretary of Army for the burial of Ambassador Larry Lawrence at Arlington.

As Chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations, I asked the White House for information and documents regarding the White House role in the waivers for Dr. Koop and Ambassador Lawrence. My colleagues will certainly recall the Subcommittee's discoveries that Dr. Koop is the only living person with a waiver, a violation of Arlington's regulations and that Ambassador Lawrence had falsely claimed heroic wartime service in the U.S. Merchant Marine.

The White House has declined to provide responsive answers to the Subcommittee's questions about Dr. Koop's waiver, which was subsequently withdrawn after its existence became public knowledge. That's the long and the short of it.

And, Mr. Speaker, I was totally surprised and amazed, when the President's counsel, Mr. Charles F.C. Ruff, not only did not provide responsive answers to the Subcommittee's questions about Ambassador Lawrence, he asserted executive privilege with respect to certain documents that the privilege log enclosed with his letter of January 23, 1998, described as a ''Memorandum to President from Deputy Counsel to the President and Deputy Assistant for Intergovernmental Affairs regarding Ambassador Lawrence's burial at Arlington Cemetery'' and ''Cover memorandum to President from Assistant to the President and Staff Secretary attaching a copy of document ANC 0000018 described above and a list of persons buried at Arlington Cemetery.''

Mr. Speaker, I ask, why on earth would the President of the United States not want to reveal to Congress what happened at the White House in decisions involving matters not even remotely related to national security. I don't have the answer to my question, and I don't know if the White House is hiding anything, but I am going to keep on trying to find out.

I do believe this is the first time the Veterans Affairs Committee has ever been confronted with an assertion of executive privilege as it attempts to fulfill its constitutional oversight responsibilities, and I want America's veterans to know what the White House is doing, because I think it is the wrong way to conduct the people's business, particularly when it comes to veterans. I hope veterans will let the President know how they feel about it. I can't imagine any good public policy reason to be hiding away information and documents under these circumstances, and I hope the White House will reconsider its position.

Mr. CONYERS. Mr. Speaker, I yield one minute the to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the gentleman from Alabama helping draw it all together in a logical way.

Mr. Speaker, I would first say to the gentleman from Indiana, the Justice Department is doing the investigation. He said the way to get around their invocation of the Fifth Amendment is to get them before a grand jury. It is the fact that the Justice Department, or Attorney General Reno, is trying to bring them before the grand jury, that has led them to do this. That investigation is going on.

Finally, I do want to say apparently something I said was misinterpreted as in some way reflecting on the very able staff, and I regret that, because we are very well served here by our staff.

I did mean to call attention to what I thought was the uncharacteristically repetitive argument of my good friend from New York. In no way did I mean to reflect on the first-rate staff work he depends on. This was between Members, and I apologize, because apparently something I said may have had that inference.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just have to call attention to the fact that no one has

criticized a particular sentence or particular paragraph in my bill.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry. I thought the time had expired.

The SPEAKER pro tempore. Does the gentleman from New York (Mr. SOLOMON) yield for a parliamentary inquiry?

Mr. SOLOMON. No, we have 5 minutes to close.

Mr. FRANK of Massachusetts. I thought the gentleman was yielding to me to close.

Mr. SOLOMON. To close for your time.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLOMON) controls the time, and has 5½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, may I please start over again.

Mr. Speaker, I just have to call attention that no one has criticized a particular sentence or paragraph in the bill. Let me just again refer to the very last section, paragraph in the bill. It says that the President of the United States should use all legal means.

Now, you have heard the lawyers on that side stand up and say oh, they are infringing on the Constitution. But all I am saying is to use all legal means at his disposal to compel people who left the country to return and cooperate with the investigation.

Who are those people, Mr. Speaker? If you look at this fellow with the mutton chops right here, I do not know if you can see it from here, but his name is Ted Sieong. The media has identified him as a PRC, People's Republic of China, communist agent. He gave hundreds of thousands of dollars to the Clinton-Gore campaign and the Democratic National Committee. He had dinner with the President. He appeared at the temple, the famous temple with AL GORE.

Ted Sieong, whose business is cigarettes, and you have heard that referred to here, bought and then changed a Chinese newspaper in Los Angeles to support the People's Republic of China communist viewpoint against Taiwan. Even worse, this Ted Sieong guy you are looking at right here, is in business with Thung Bun Ma, the other man identified in the picture, over here, people who have been at the White House.

Thung Bun Ma is the leading Cambodian heroin kingpin that is exporting heroin into this country, into the arms of our children. He sponsored the coup, and I want you to listen to this now, these are the people we are trying to get to come here and testify, he sponsored the coup in Phnom Penh in Cambodia that brought Hun Sen, you know who he is, they brought him to power, reinstating the deadly Khmer Rouge influence. Do you remember the Killing Fields? Have any of you seen that? That murdered over 2 million people.

These are the kind of thugs we are talking about, trying to get the President to cooperate with you and I to bring here. I wrote to Secretary Albright in January, 5 months ago, to learn more about these thugs. I requested again in February, asking the Secretary of State to accelerate the process, and my committee has yet to hear back one word.

Mr. Speaker, here are about 50 news accounts. This is not just me saying it. It is not just people on our side of the aisle. This is the news media from across the country and the world that speaks to the proxy have just mentioned. These are the people we want to come back here and to testify. I will include these articles for the RECORD.

Mr. Speaker, let me say just one more time, on a bipartisan basis, we are urging, we are pleading with the President of the United States to use his legal means, legal means, to get these people to come forward and tell the truth about the national security breaches and the economic espionage that is costing thousands of Johns in this country, but, more than that, is jeopardizing the future of this democracy. Let that is all we are asking for.

Mr. Speaker, I include the articles referred to earlier for the RECORD.

[From the Los Angeles Times, Oct. 30, 1996]

FUND-RAISER HUANG SURFACES, TESTIFIES

(By Robert L. Jackson)

WASHINGTON.—Democratic fund-raiser John Huang emerged from hiding Tuesday and insisted that his evasion of a subpoena in recent days did not mean he wanted ''to run away from the issue'' of his past activities as a Commerce Department official or a Democratic Party fund-raiser.

Huang, who is at the center of a controversy over illegal campaign contributions, testified for more than four hours behind closed doors in a freedom-of-information civil suit brought by a conservative legal organization seeking to show that Commerce Department trade missions overseas solicited money for the Democrats.

A videotape of his testimony released later showed he took the position that he never acted illegally or improperly. He denied that there were any fund-raising aspects to overseas trade missions in which he participated.

Even as Huang surfaced for questioning. Republicans stepped up their assault on the issue of Democratic fund-raising. Sen. John McCain of Arizona and four Republican House committee chairmen asked Atty. Gen. Janet Reno to apply for the appointment of an independent counsel to investigate not only Huang's activities, but also a variety of other alleged improprieties by Democrats in raising funds from foreign sources.

The Republicans accused Huang of ''the apparent deliberate flaunting of federal election law . . . with the apparent cooperation of President Clinton and Vice President [Al] Gore and the Democratic National Committee.''

McCain and the four House chairmen—Bill Thomas of Bakersfield, William F. Clinger Jr. of Pennsylvania, Benjamin A. Gilman of New York and Gerald B.H. Solomon of New York—told Reno that the Justice Department could not be counted on to carry out an inquiry that will be considered fair and free of outside influence.

For that reason, they called on Reno to ask a special federal court to name an independent counsel. Reno gave no immediate reply.

Huang, of Los Angeles, resigned from the Commerce Department in December to join the staff of the Democratic National Committee—where his fund-raising activities led to questions that forced him into hiding earlier this month. At the DNC. Huang solicited more than $800,000 from Asian interests that violated or may have skirted the prohibition on foreign contributions to American political campaigns.

He was not asked about his DNC Activities Tuesday because the Judicial Watch civil suit is limited to Huang's work at Commerce, and his lawyers raised objections to questions they felt went beyond that.

On the subject of his work at Commerce, Huang said he had ''played a very passive role'' in the trade missions at issue in the law-suit. ''The whole Commerce Department objective was to try to help American business overseas.''

* * * * *

Judicial Watch attorney Larry Klayman said he may have more questions today if a federal judge permits them.

Huang said he never traveled on any of the foreign trade missions, which were led by the late Commerce Secretary Ronald H. Brown. And described his only role as participating in ''preparation meetings'' at the department before some overseas trips.

While at Commerce. Huang said, he also never had sought to advance the interests of the world-wide Lippo Group, in which he had been an executive before joining the government. Lippo Group is an Indonesian conglomerate founded by the wealthy Riady family, who have been longtime Clinton supporters.

Huang did acknowledge that over the years he had met ''quite a few times'' at the White House with the president and First Lady Hillary Rodham Clinton and members of the Riady family. He did not describe the purpose of those meetings or say what had been discussed.

While hiding from public view. Huang said, he felt encouraged when Asian American friends told him that Mrs. Clinton had said: ''John's a friend of mine. We all support him.''

Huang insisted that he had not been dodging federal marshals who last week tried to serve him with a subpoena in the Judicial Watch suit, but rather was avoiding ''harassment'' by news media representation seeking to question him about his fund-raising.

''I didn't think it was the proper time to show up,'' he said, adding that he spoke by phone from time to time with Democratic committee officials who did not press him as to his whereabouts.

Huang, who was a high-ranking official with Lippo Group banking enterprises for nine years, said he accepted the Commerce Department position in 1994 because ''as a member of the Asian American community, we have so few working for the government.''

He charged that press reports about his fund-raising ''have tainted the reputation of anyone in our Asian American community.''

In calling for the appointment of an independent counsel, the Republicans cited a number of questionable contributions, including:

$450,000 from Arief and Soroya Wiriadinata, an Indonesian couple who lived in Washington's Virginia suburbs before returning to Indonesia at the end of last year.

$325,000 from Yogesh Gandhi, a great-grandnephew of Mahatma Gandhi.

$250,000 from a South Korean company called Cheong Am America.

$140,000 from individuals at a fund-raiser in April at a Buddhist temple in Hacienda Heights.

In a related development, the Democratic committee continued to delay filing a preelection report that would disclose contributions or expenditures made during the first * * *.

However, the DNC did file with the Federal Election Commission what party representatives said was a comparable set of ''raw data.'' Ann McBride, president of Common Cause, the nonpartisan citizens lobby, termed illegal and ''outrageous'' the Democrats failure to file a formal preelection disclosure report.

[From the Washington Times, Oct. 30, 1996]

5 GOP LAWMAKERS ASK RENO FOR OUTSIDE PROBE OF FUNDING

(By Jerry Seper)

The chairmen of four House committees and a senator yesterday formally called on Attorney General Janet Reno to seek the appointment of an independent counsel to investigate suspected illegal campaign activities by the Clinton administration and the Democratic National Committee.

In a letter prompted by ongoing probes into the campaign activities of the Lippo Group, a $6 billion Indonesian real estate and investment conglomerate, the Republican lawmakers cited ''eight specific instances'' in which the administration and the DNC may have violated federal campaign laws.

They asked that a decision in the request be made by Miss Reno no later than Friday. Justice Department officials had no comment yesterday.

''The magnitude of the funds involved, the high rank of the officials involved and the potential knowing and willful violations committed make it impossible for any officials of this administration's Justice Department to carry out an investigation that will be considered fair and free of outside influence,'' they said.

* * * Bill Thomas of California, chairman of the House Oversight Committee; William F. Clinger of Pennsylvania, chairman of the House Government Reform and Oversight Committee; Benjamin A. Gilman of New York, chairman of the House International Relations Committee; Gerald B.H. Solomon of New York, chairman of the House Rules Committee; and Sen. John McCain of Arizona.

Mr. McCain, who has questioned whether ''foreign influence'' altered U.S. foreign policy on Indonesia, was the first to ask Miss Reno to appoint an independent counsel. He has said Congress needs to know whether President Clinton arranged a ''quid pro quo'' to soften human rights policy on Indonesia in exchange for the contributions.

The eight areas cited were:

The involvement of Mr. Clinton, Vice President Al Gore and the DNC in questionable campaign contributions from Cheong Am America, a South Korean electronics firm whose illegal $250,000 donation was returned, and Arief and Soraya Wiriadinata, Indonesian landscapers who gave $452,000 to the DNC while living in Arlington.

* * * * *

The acceptance of questionable contributions from Yogesh Gandhi, from individuals at the Hsi Lai Buddhist Temple in Los Angeles, from individuals at the Hay-Adams Hotel in Washington and from the Wiriadinatas.

The fund-raising activities of DNC executive and former Commerce Department official John Huang.

The possible improper influence of official government decisions as a result of campaign contributions to the DNC by associates and allies of Mochtar Riady, who controlled Lippo.

The DNC's use of tax-exempt facilities at the Hsi Lai Temple for fund-raising purposes.

The possible attempt by Mr. Huang, with either the knowledge or approval of the DNC, to obstruct an investigation of his activities by evading a subpoena.

The DNC's September FEC report listing the DNC's address as the home address of at least 31 contributors.

At the center of GOP concerns are the millions of dollars in contributions to the DNC solicited by Mr. Huang, the group's vice chairman for finance.

[From the Washington Times, Nov. 1996]

FOREIGN-MONEY SCANDAL GROWS AS $15 MILLION OFFER IS REVEALED

(By Jerry Seper)

A local businessman told two of Taiwan's leading newspapers this week he was present when the chief financial manager of the ruling Nationalist Party offered to donate $15 million to President Clinton's re-election campaign.

The businessman said the offer was made to Mark E. Middleton, an Arkansas lawyer and former top aide to White House senior adviser Thomas F. ''Mack'' McLarty. Federal election laws forbid such a contribution from foreign residents, and there is no record the donation was ever made.

News of the offer capped a day in which:

The White House said there are two John Huangs—one a fund-raiser embroiled in a scandal over contributions to the Democratic National Committee, the other, a former IRS employee working on Vice President Al Gore's ''reinventing government'' initiative. A John Huang visited the White House 78 times in the last 15 months. The White House says the visits weren't all by the DNC fund-raiser—but it doesn't know how many were.

The DNC filed its overdue financial report, which revealed it returned a $10,000 contribution on Oct. 16 to Kyung Hoon Lee, chairman of Cheong Am America Inc., the South Korean electronics company that illegally donated $250,000 to the Democrats earlier this year.

In the Taiwanese connection, Mr. Middleton, who left the White House in February 1995 to work in Washington as an international business consultant, arranged a controversial meeting in September 1995 between Mr. Clinton and the Nationalist Party financial officer, Liu Tai-ying, during a critical moment in U.S.-Taiwan relations, said businessman Chen Chao-ping.

The Los Angeles Times said Mr. Middleton escorted Mr. Liu to the Clinton meeting after telling the Taiwanese party chief he had ''a direct channel'' to the White House.

At the time, relations with China had plummeted to the lowest point in years after Mr. Clinton allowed Taiwan's president, Lee Teng-hui, to visit Cornell University in June 1995, breaking a pattern of barring Taiwan's leaders from U.S. visits. China responded with missile tests at sea near Taiwan, causing Taiwan's stock market to plunge and international airlines to reroute flights.

Mr. Middleton denied, in a statement, ever soliciting funds for the DNC or Mr. Clinton during several business trips to Taiwan, or arranging for ''any contributions to the DNC or any candidate from any foreign source.'' He said, ''Any statements to the contrary are completely false.''

Congressional investigators are looking into Mr. Middleton's Taiwanese contacts, along with those of James C. Wood, another Arkansas lawyer and friend of Democratic fund-raiser John Huang, to determine if they used their White House ties to solicit contributions from Taiwanese businessmen and government officials.

Both Mr. Middleton and Mr. Wood are friends and confidants of Mr. McLarty's.

Meanwhile, the Justice Department is reviewing accusations of illegal campaign activities by the White House and the Democratic National Committee to determined if calls by Republican lawmakers for the appointment of an independent counsel is warranted.

The review, required under the Independent Counsel Statute, will include a 30-day preliminary inquiry to determine if suspicions that campaign funds were illegally sought and delivered to the DNC and the Clinton administration are credible and if a formal, 90-day criminal probe is warranted.

That criminal probe would determine whether Attorney General Janet Reno should ask a federal appeals court panel to appoint an independent counsel.

Earlier this week, the chairmen of four House committees and a senator called on Miss Reno to seek the appointment of an outside counsel to investigate suspected illegal campaign activities. Targeting the Lippo Group, a $6 billion Indonesian real estate and investment conglomerate, the lawmakers cites ''eight specific instances'' in which the White House and the DNC may have violated federal campaign laws.

They said the ''magnitude of the funds involved, the high rank of the officials involved and the potential knowing and willful violations committed'' made it impossible for the Clinton Justice Department to carry out an investigation ''that will be considered fair and free of outside influence.''

The letter was signed by Reps. Bill Thomas of California, chairman of the House Oversight Committee; William F. Clinger of Pennsylvania, chairman of the House Government Reform and Oversight Committee; Benjamin A. Gilman of New York, chairman of the House International Relations Committee; Gerald B.H. Solomon of New York, chairman of the House Rules Committee; and Sen. John McCain of Arizona.

Mr. McCain has questioned whether ''foreign influence'' altered U.S. foreign policy on Indonesia and has said Congress needs to know if Mr. Clinton arranged a ''quid pro quo'' to soften human rights policy on Indonesia in exchange for the contributions.

During a press briefing on Thursday, Miss Reno acknowledged she had received the request, saying, ''We are looking at it in the context of the Independent Counsel Statute.'' She said the act ''prescribes certain deadlines, and we will operate under that and do everything we can based on the evidence and the law.''

Miss Reno said the matter had been referred to the department's public integrity section, which is staffed by career lawyers who investigate and prosecute corruption cases involving public officials and the electoral system.

Mr. Wood, who has been unavailable for comment, was named in 1995 to head the American Institute in Taiwan (AIT), a private foundation on contract to the State Department to maintain unofficial ties with Taiwan. As head of the AIT, he effectively served as U.S. ambassador to Taiwan.

Published reports said senior officials in Taiwan complained that Mr. Wood pressured businessmen for donations, suggesting Mr. Clinton should be rewarded for his pro-Taiwan policies. On a visit to Taiwan this year, Mr. Wood was accompanied by Mr. Huang in what the DNC said was a fund-raising trip.

Mr. Wood practices international-trade law in Washington and has clients with economic interests in China and Taiwan.

Mr. Middleton helped raise $4 million in the 1992 Clinton presidential campaign.

[From the Washington Times, Nov. 27, 1996]

COMMERCE DEPT. QUERIED ON LIPPO, VIETNAM POLICY

(By Jerry Seper)

The chairman of a House committee probing foreign-linked campaign gifts to the

Democratic Party asked Commerce Secretary Mickey Kantor yesterday to explain the role three Lippo executives played in President Clinton's 1994 decision to end a 30-year trade embargo with Vietnam.

Rep. Gerald B.H. Solomon, the chairman of the House International Relations Committee, demanded ''all information'' concerning contacts, agreements or ''other dealings'' involving the Lippo Group; Mochtar Riady, the company's founder; his son. James, a Lippo executive; and John Huang, a former Lippo and Commerce Department official, in ''any influence of U.S. policy and the normalization of relations with the Socialist Republic of Vietnam.''

In a letter, the New York Republican said he wants clarification on Vietnam policy meetings called and attended by Mr. Huang while he was deputy assistant secretary of international economic policy at Commerce and on efforts by Lippo to end the Vietnam embargo.

In a handwritten note on the bottom of the two-page letter. Mr. Solomon said: ''This is important, I ask you.''

Mr. Huang is at the center of a controversy over foreign-linked campaign donations to Mr. Clinton and the Democratic National Committee.

After the embargo was lifted, talks began within the administration on formulating trade policies toward Vietnam. Mr. Huang moved from Lippo to the Commerce Department during this process and began a vigorous campaign to open Vietnam to U.S. trade.

Mr. Solomon wants to know whether Lippo sought to influence U.S. policy toward Vietnam while the company was making trade overtures to that country. He asked Mr. Kantor for similar documents in October. Mr. Kantor responded with some but did not include Vietnam-related files.

Commerce spokeswoman Maria Cardona said yesterday Mr. Kantor had not seen the letter and therefore had no comment.

The panel's interest in Lippo's role in the end of the embargo surfaced in October When it got Mr. Huang's appointment calendars and found that he began an aggressive campaign for a new trade policy toward Vietnam a day after his July 1994 appointment. He pushed that policy for the next 17 months while Lippo, his former employer, sought to expand its investment empire into Vietnam.

Mr. Huang's Commerce Department calendars show that immediately after he left Lippo with a $780,000 bonus, he began a series of meetings with White House officials, key associates, international bankers and corporate executives to discuss an expansion of trade with Vietnam.

Republicans have suggested his activities on Vietnam represented a conflict of interest, and they have called for congressional hearings and the appointment of an independent counsel to investigate the matter.

The Justice Department is reviewing a request by Mr. Solomon and the chairmen of three other House committees for the appointment of an independent counsel. Assistant Attorney General Andrew Fois has said the case is being examined by the department's public integrity section.

Mr. Huang's first involvement in Vietnam policy as a deputy assistant secretary came on his first day on the job, July 19, 1994, when he scheduled a 9 a.m. meeting on ''U.S.-Vietnam policy.''

Mr. Clinton lifted the Vietnam embargo on Feb. 4, 1994, reneging on a 1992 campaign pledge to first get a ''full accounting'' of Americans missing from the Vietnam War.

Mr. Solomon, in his letter, asked Mr. Kantor to explain meetings Mr. Huang had in July and October 1994 and in January, February and August 1995 that are listed as Vietnam-related.

Mr. Solomon also asked for information on an April 1993 meeting involving Commerce Secretary Ronald H. Brown and 40 Asian community leaders in Los Angeles to discuss most-favored-nation trade status for China and the normalization of relations with Vietnam.

Mr. Huang, then an official at Lippo Bank in Los Angeles, attended that session, congressional investigators said.

At least 11 House panels, including Mr. Solomon's, are probing foreign contributions to the DNC, looking at Mr. Huang's ties to Vietnam policy, and examining his appointment calendars to determine with whom he met, what was said and what agreements were reached, particularly those that could directly benefit Lippo.

While Mr. Huang was at the Commerce Department, the Lippo Group, based in Indonesia, sought to expand its $6.9 billion investment empire into Vietnam.

Mochtar Riady led a trade mission of Asian bankers to Vietnam in September 1993. Lippo opened trade offices in Ho Chi Minh City and Hanoi after Mr. Riady's visit.

James Riady, Lippo's deputy chairman, has said Mr. Huang was ''my man in the American government.''

[From the New York Times, Dec. 3, 1996]

LETTERS SHOW HOW INDONESIAN DONOR FAMILY LOBBIED CLINTON

(By Alison Mitchell)

WASHINGTON, Dec. 2.—Mochtar Riady, an Indonesian businessman with longstanding ties to President Clinton, recommends to the President that the United States normalize ties to Vietnam and pursue economic engagement with China.

Mark Grobmyer, an Arkansas businessman, lets Mr. Clinton know that Indonesia's President Suharto would like to address the Group of Seven industrial nations.

And an Alabama insurance executive asks Vice President Al Gore for a letter congratulating his company for a venture with a Riady company.

These letters—details of which were made available today by White House officials—are among more than a dozen pieces of correspondence to and from the White House concerning the Riady family. White House officials are preparing to turn over the documents to Congressional committees looking into questionable fund-raising practices by the Democratic National Committee.

White House officials said they were still culling records and could not yet say whether more letters would be found or when the materials would be delivered to Congress.

Representative Gerald B. Solomon, the chairman of the House Rules Committee, wrote a letter to the White House asking why he had not been told of the correspondence in October when he asked for information about the Riadys from Commerce Secretary Mickey Kantor.

''I would appreciate convincing assurances that it was not an attempt to cover up embarrassing information before the election,'' Mr. Solomon, Republican of New York, said.

As described by White House officials, the letters cast little light on the questions Republicans are most interested in: whether the Riady and their associates affected American policy toward Asia or benefited from helping raise millions in donations for the Democratic committee.

Replies to the Riadys and their associates from the President and Vice President, also described by the White House, often seemed little more than form letters. Some of the correspondence was social. Mr. Clinton sent a brief birthday note to Mr. Riady on May 7, 1993, for instance.

But the letters do help paint a fuller picture of the relationship between the Clinton White House and the Riady family, which became a focus of Republican attacks after the Democratic National Committee suspended John Huang, a fund-raiser who had been a top executive in the United States for the American interests of the Riady family.

In a four-page letter to Mr. Clinton on March 9, 1993, Mochtar Riady thanked the President for seeing him briefly during Inaugural festivities and then offered detailed advice about how the United States should approach trade relations with Asia.

He argued that the Administration should normalize relations with Vietnam, saying in passing that he had two managers there looking for investment opportunities. Mr. Riady said Suharto, the Indonesian ruler, wanted to attend the G–7 summit. And he urged that the Administration allow economic engagement with China as the best way to bring about reform. Mr. Clinton in 1992 had assailed President George Bush for seeking to use economic engagement to change China. But once in office, he followed essentially the same policy.

Mr. Clinton has acknowledged discussing policy with Mr. Riady's son James, once an Arkansas businessman, but said Mr. Riady never influenced policy decisions. Speaking to reporters today, Mr. Clinton the March 1993 letter was ''a letter like tens of thousands of other letters I get.'' He called it ''a straightforward policy letter, the kind of thing that I think people ought to feel free to write the President about.''

Michael D. McCurry, the White House press secretary, said that the President had been interested in input from business executives regarding economic policy in Asia. And while the Administration decided in 1994 to lift the United States embargo against Vietnam, Mr. McCurry said that ''to suggest that any particular individual's views, whether it be a financial contributor or not, would have a disproportionate thinking on the work of the Administration is a little bit less than credible.''

In another letter to Mr. Clinton in March 1993, Mr. Grobmyer a Little Rock lawyer who has been active with the Riadys and others in Asian business dealings, wrote to Mr. Clinton about a recent trip he took to Asia. He too said that Mr. Suharto wanted to address a meeting of the Group of Seven in Tokyo.

Mr. Grobmyer said he had already spoken to Thomas F. McLarty 3d, then the White House chief of staff, and Nancy Soderberg, an official at the National Security Council, about his trip. He said the Riadys had helped him in his travels and attached a draft thank you note that he said the President might consider sending to them, with suggestions on increasing American competitiveness in Asia. There is no sign among the correspondence that Mr. Clinton sent such a letter to the Riadys and the United States did not back Mr. Suharto's attendance at the meeting. Instead, Mr. Clinton met Mr. Suharto in Tokyo during the summit.

Vice President Gore also got a letter in 1994 about the Riadys. The White House has found the second page of a letter to the Vice President from W. Blount of the Protective Life Corporation saying that his company was forming a joint venture with one of the Riady companies, the Lippo Group. He asked for a letter of congratulations, noting that it would help with the Riadys if the letter affirmed that his company was known to the Administration. Several months later the Vice President wrote to James Riady expressing congratulations on the joint venture.

[From the Washington Times, Dec. 1996]

WHILE LIPPO EYED VIETNAM, HUANG PUSHED AT COMMERCE

(By Jerry Seper)

John Huang began aggressively arguing for a new U.S. trade policy toward Vietnam only one day after his July 1994 appointment as a top Commerce Department official—and pushed the idea for the next 17 months while his former employer, the Lippo Group, sought to expand its investment empire into Vietnam.

Republican legislators believe Mr. Huang's efforts to open Vietnamese markets after his former company paid him a $780,000 bonus is a conflict of interest, and they have called for congressional hearings and the appointment of an independent counsel to investigate the matter.

''Mr. Huang's prior involvement with Lippo and his activities at Commerce with regard to Vietnam is an absolute conflict of interest,'' says Rep. Gerald B. H. Solomon, New York Republican and chairman of the House Rules Committee. ''It's just outrageous that these kinds of things can happen, these kinds of things can happen, and we're going to insist that we get to the bottom of it.

''If this was Wall Street or the New York Stock Exchange, this kind of insider information would result in people going to jail.''

The Justice Department is now reviewing a request by Mr. Solomon and the chairmen of three other House committees, along with Sen. John McCain, Arizona Republican, for the appointment of an independent counsel. Assistant Attorney General Andrew Fois says the case is being examined by the department's Public Integrity Section.

Mr. Huang's attorney, John C. Keeney Jr., says he and his client ''were not in a position to respond'' to questions concerning the Vietnam accusations.

Now at the center of a growing controversy over foreign-linked campaign donations to President Clinton and the Democratic National Committee, Mr. Huang met several times with White House officials, key friends and associates of Mr. Clinton, international bankers, and corporate executives to discuss an expansion of trade ties with Vietnam, according to his personal appointment calendars.

In fact, his first involvement in the topic as a deputy assistant secretary for international trade came during his first full day on the job, July 19, 1994, when he scheduled a 9 a.m. meeting on ''U.S.-Vietnam policy.'' Several other meetings are listed in his personal calendars as Vietnam-related.

Mr. Clinton, discarding a 1992 campaign pledge for a ''full accounting'' of Americans missing in action during the Vietnam War, ended a 30-year trade embargo against Vietnam in February 1994. Several companies, including the Lippo Group and its U.S. affiliates, were scrambling to take advantage of new market potential.

Five months after the embargo was listed, while talks continued on formulating new trade policies with Vietnam, Mr. Huang moved to Commerce with his $780,000 Lippo bonus and immediately began a vigorous campaign to open up that country to U.S. trade.

Three House committees probing suspected illegal foreign contributions to Mr. Clinton and the DNC are looking into Mr. Huang's ties to Vietnam trade agreements and have begun to examine his appointment calendars to determine with whom he met, what was said and what agreements were reached—particularly those that might have benefited the Lippo Group directly.

Investigators also have focused on assertions by James Riady, deputy chairman at Lippo and son of Lippo's owner, Mochtar Riady, that Mr. Huang was ''my man in the American government.''

Mr. Solomon says preliminary inquiries have shown that ''extremely large contributions'' were made during the 1996 presidential campaign but it is not clear what concerns the Lippo Group had in giving the money or what the company received in return.

The request for an independent counsel is backed by Mr. Solomon; Mr. McCain; and Reps. Bill Thomas of California, chairman of the House Oversight Committee, William F. Clinger of Pennsylvania, chairman of the House Government Reform and Oversight Committee, and Benjamin A. Gilman of New York, chairman of the House International Relations Committee.

Eight specific areas of concern, including ''the fund-raising activities of DNC executive and former Commerce Department official John Huang,'' were cited.

According to Mr. Huang's calendars, copies of which have been obtained by the committees, he scheduled several Vietnam-related meetings with government and corporate officials between his 1994 appointment and his December 1995 resignation to join the DNC as a fund-raiser.

At the time, the Jakarta-based Lippo Group, where Mr. Huang was a banking executive and vice chairman, was seeking White House and Commerce Department help in expanding its $6.9 billion real estate and investment holdings into Vietnam, where the firm had huge financial interests.

Mochtar Riady had led a trade mission of Asian bankers to Vietnam in September 1993 to appraise business opportunities there—five months before Mr. Clinton's decision to lift the embargo. By early 1995, the firm had put together a joint marketing venture with First Union Corp. of North Carolina to finance trade efforts in Southeast Asia.

James Riady and Mr. Huang are longtime friends of Mr. Clinton and were officers at Worthen National Bank in Little Rock (which has become Boatmen's Bank of Little Rock, a subsidiary of Boatmen's Bank of St. Louis) when Mr. Clinton was the governor of Arkansas. In 1992, they approved a $3.5 million loan to the Clinton presidential campaign just before the New York primary.

Mr. Huang also raised $250,000 in contributions for the 1992 race and was responsible for raising $4 million to $5 million in donations for Democrats in 1996.

Most actively involved in the Vietnam venture was Lippo Ltd., a privately held finance and real estate subsidiary of the Lippo Group. the firm reported $3.6 billion in assets, with 143 subsidiaries in 11 countries. The Riady family controls 54 percent of Lippo Ltd. stock and oversees it subsidiaries, one of which was Worthen.

Also involved was Lippo Bank, publicly held and based in Jakarta. With assets of $3.3 billion, it has more than 260 branches in 90 cities in Indonesia, as well as offices in Vietnam and California.

[From the Washington Times, Dec. 1996]

SECRECY ON RIADY LETTERS RIPPED

SOLOMON WARNS OF MORE SCRUTINY

(By Jerry Seper and Paul Bedard)

A House committee chairman probing campaign contributions to the Democratic Party yesterday accused the White House of balking at Congress' request for letters detailing the controversy while it conducts a public-relations campaign through the press.

''I found it offensive that instead of paying me the courtesy of faxing the March 1993 letter from Mochtar Riady, the White House prefers to let the press view the Clinton-Riady correspondence under controlled conditions and with its own self-serving spin,'' said House Rules Committee Chairman Gerald B.H. Solomon, New York Republican.

''For four years, this has been the standard White House reaction to exposure of its own actions. The White House is now in no position to complain of increased congressional scrutiny,'' he said. ''In fact, they can count on it.''

The complaint came as the White House released new details on the letters between the president and Indonesian billionaire Mochtar Riady and his son, James, but continued to put off congressional demands for the documents.

Mr. Solomon, who Monday denounced the White House's refusal to release documents, said a March 9, 1993, letter from Mochtar Riady calling for an end to a 30-year trade embargo on communist Vietnam was critical in determining the scope of pending hearings and whether they should be conducted by a special or standing committee.

He said the hearings are necessary because of Attorney General Janet Reno's decision last week to reject his request for the appointment of an independent counsel to look into accusations of campaign-finance irregularities.

The White House letters suggest a strong friendship between the Riady family, which runs the Lippo Group, and the president and his aides, as well as a reliance by Mr. Clinton on the Riadys' advice on Asia policy. A key to this relationship is the March 1993 letter calling on Mr. Clinton to lift the embargo. The president did so in February 1994.

In that letter, Mr. Riady thanked Mr. Clinton for meeting with him on Inauguration Day in 1993 and suggested that normalizing business relations would snowball into political reforms in the communist country. He also urged Mr. Clinton to continue U.S. engagement in China and suggested he let Indonesian President Suharto attend the 1993 Group of Seven economic summit in Tokyo.

The White House said Mr. Clinton responded by referring Mr. Riady's letter to Robert E. Rubin, who at the time was Mr. Clinton's top economic-policy adviser and now is Treasury secretary.

The letters detailing the president's links to Mochtar Riady also indicate that former Democratic National Committee fund-raiser John Huang wielded influence over the president. For example, after the White House delayed nearly two months in writing a letter congratulating Mr. Riady for receiving an award from Golden Gate University in San Francisco, Mr. Huang weighed in.

In April this year, he wrote Nancy Hernreich, deputy assistant to the president and director of Oval Office operations, seeking a Clinton letter. Seven days later, Mr. Clinton wrote a congratulatory note to Mr. Riady.

The White House said it will release the texts of the letters once it completes its search for all records of the Clinton-Riady relationship.

Many of the letters also detail the relationship between the president and his aides and James Riady, the chairman of Lippo and a longtime Clinton friend.

A Clinton associate, Little Rock businessman Mark Grobmyer, wrote the president about his May 1993 trip to Indonesia and Asia and asked him to write James Riady a thank-you note for aiding in the trip. In May 1993, the president wrote to Mr. Riady, applauding his efforts to strengthen U.S. business ties to Asia. He also thanked Mr. Riady for giving him a specially made nameplate.

The White House also detailed a letter from William E. Blount of Protective Life Corp., whose firm joined in a venture with Lippo in Asia. In January 1994, Mr. Blount asked Vice President Al Gore for a letter

congratulating the firms on the venture. That April, Mr. Gore wrote Mr. Riady to express the administration's satisfaction with the venture.

[From the Washington Times, Dec. 1996]

CLINTON SAYS LIPPO LETTER DIDN'T SWAY HANOI POLICY

(By Jerry Seper and Paul Bedard)

President Clinton acknowledged yesterday that he received a letter from the head of the Indonesia-based Lippo Group seeking normalization of trade relations with Vietnam, but he denied the 1993 letter influenced his decision to end a 30-year trade embargo on that country.

The chairman of a House committee probing the role of three Lippo executives in the decision to end the embargo angrily denounced what he called a possible ''cover-up'' in Mr. Clinton's failure to release the letter from Mochtar Riady, Rep. Gerald B.H. Solomon, New York Republican, demanded that the president immediately make it public to avoid the perception of an ''obstruction of justice.''

Mr. Solomon, chairman of the House Rules Committee, had asked the White House and the Commerce Department in October for all communications, correspondence or ''any other dealings'' involving Lippo; Mr. Riady; his son, James, a Lippo executive; and John Huang, former Lippo and Commerce official, regarding efforts to ''influence'' U.S. trade policy with Vietnam.

The committee chairman also sought clarification on Vietnam policy meetings called by Mr. Huang while a deputy assistant secretary for international economic policy at Commerce and on Lippo efforts to end the embargo at a time when it was moving its $6.9 billion real estate and investment empire into Vietnam.

''Failure to do so could only be construed . . . as a continuation of the pattern of stonewalling begun before the recent elections,'' Mr. Solomon said. ''There could be no other possible explanation of your failure to produce the letter. Such an invitation would also invite suspicions of obstruction of justice, whether such suspicions are warranted or not.''

Mr. Clinton promised to make the letter available, but not before he first delivers it to congressional oversight committees—probably sometime next week. Its existence was first reported yesterday by the Wall Street Journal.

''It's a letter like tens of thousands of other letters I get, people suggesting every day . . . what our policy ought to be in various areas,'' Mr. Clinton told reporters at a ceremony to honor spaceshuttle astronaut Shannon Lucid. ''You will see it's a straightforward policy letter, the kind of thing that I think people ought to feel free to write the president about.''

Mr. Clinton also dismissed threats of hearings. ''They'll have to do their business. They can do whatever they think is right. I'm going to spend my time working on what I can do,'' he said.

His spokesman, Michael McCurry, tried to say there was nothing new in the Journal's story. He said that the letter's existence was ''largely known'' to other reporters and that Mr. Riady's representative had made reference to the letter's having been sent.

''I think we never formally disputed the notion that there was such a piece of correspondence from Mr. Mochtar Riady,'' Mr. McCurry said.

The letter was not released, he said, because the administration wanted first to answer congressional inquiries about the affair.

Mr. McCurry also rejected suggestions that Mr. Riady influenced policy toward Vietnam: ''To suggest that any particular individual's views, whether it be a financial contributor or not, would have a disproportionate thinking on the work of the administration is a little bit less than credible,'' he said.

The March 9, 1993, letter called on Mr. Clinton to normalize relations with Vietnam, noting that two Lippo executives were scouting investment opportunities there. The president responded on April 5, 1993, saying the letter had been sent to Robert E. Rubin, then chairman of the White House National Economic Council and now Treasury secretary.

Mr. Huang and the Riadys are at the center of a growing criticism over foreign-linked campaign donations to Mr. Clinton and the Democratic National Committee, with as many as 11 House committees looking into the matter.

James Riady and Mr. Huang were among 14 donors of $100,000 or more to the 1993 Clinton inaugural festivities—a contribution coming at a time when the administration was considering a change in U.S.-Vietnam relations.

The rules panel has targeted Lippo's role in the president's Feb. 4, 1994, decision to end the Vietnam embargo despite a 1992 campaign pledge to first get a ''full accounting'' of Americans missing from the Vietnam War.

After the embargo was lifted, talks began within the administration on formulating trade policies toward Vietnam. Mr. Huang then moved from Lippo to Commerce and began a campaign to trade with Vietnam, where his former employer had opened offices in Hanoi and Ho Chi Minh City.

The administration fully normalized relations with Vietnam in July 1995.

Mr. Solomon wants to know whether Lippo sought to influence U.S. policy toward Vietnam while the company was making trade overtures to that country, and he asked Commerce Secretary Mickey Kantor for similar documents in October. Mr. Kantor responded with some documents but did not include Vietnam-related files.

The panel's interest in Lippo's role in the embargo surfaced in October when investigators obtained Mr. Huang's Commerce appointment calendars and found he began an aggressive campaign for a new Vietnam trade policy a day after his July 18, 1994, appointment. He pushed that policy for the next 17 months while Lippo sought to expand into Vietnam.

Mr. Huang's calendars show that immediately after he left Lippo with a $780,000 bonus he began a series of meetings with White House officials, key associates, international bankers and corporate executives to discuss an expansion of trade with Vietnam.

Republicans have suggested his role in the matter was a conflict of interest and have called for hearings to investigate the matter.

[From the Washington Times, Dec. 14, 1996]

CLINTON TIES TO RUSSIAN VISITOR QUESTIONED

(By Jerry Seper)

The chairman of the House Rules Committee has asked the White House for records of all meetings and correspondence between President Clinton and Grigori Loutchansky, a White House visitor and head of a firm identified as being tied to Russian criminal activity.

Rep. Gerald B.H. Solomon, New York Republican, this week also sought records on Sam Domb, a New York real estate executive who brought Mr. Loutchansky as guest to a White House dinner in October 1993 and donated $160,000 to the Democratic National Committee over 12 months after the dinner.

I do not take pleasure in noting that the selective and carefully controlled release of information by the White House has obliged Congress to make repeated following inquiries about possible fund-raising irregularities and conflicts of interest,'' Mr. Solomon said in a letter to the president.

''Public accounts have placed you, Mr. President, and Vice President Gore with both Mr. Loutchansky and Mr. Domb at least once,'' Mr. Solomon said in his request for the records.

Mr. Loutchansky, head of an Austrian-based commodities trading firm known as Nordex, got a private two-minute meeting with Mr. Clinton and his picture taken with the president. He also was invited by the DNC to a fund-raising dinner with the president at the Hay-Adams Hotel in July 1995 but did not attend.

A Russian who now lives in Israel, Mr. Loutchansky was not available for comment yesterday. Mr. Domb also was unavailable but has said he took Mr. Loutchansky to the dinner as part of a business venture that ''didn't work out.''

''Any DNC invitation to Loutchansky in 1995 would show a severe lack of scrutiny and appalling bad judgment. It would be unwise in the extreme for there to be any ties between the U.S. government and Loutchansky or Loutchansky's company, Nordex,'' R. James Woolsey, who headed the CIA from 1993 to 1995 and is a partner at the Washington law firm of Shea and Gardner, has said.

''At a congressional hearing in April, the current director of central intelligence, John Deutch, identified Grigori Loutchansky's company, Nordex, as an 'organization associated with Russian criminal activity'. Next to Loutchansky, the Lippo syndicate looks like the Better Business Bureau.''

The Indonesian-based Lippo Group is at the center of a growing scandal over foreign-linked campaign donations to Mr. Clinton and the DNC. The real estate and investment firm was founded by Mochtar Riady, a longtime Clinton supporter and campaign contributor.

In a four-page report in July, Time magazine said Mr. Loutchansky's firm was linked with nuclear smuggling, drug trafficking and money laundering and that Nordex was established to ''earn hard currency for the KGB.''

Te magazine reported that, during the past three years, the National Security Agency ''found indications that Nordex was engaged in nuclear smuggling.'' It also said Mr. Loutchansky was the sole subject of a two-day Interpol meeting involving 11 nations in 1995.

More than a year before Mr. Loutchansky was invited to the 1995 White House dinner; Canada blocked him from entering that country because he failed a background check.

Questions this year about Mr. Loutchansky's visit to the White House—and that of convicted drug dealer Jorge ''Gordito'' Cabrera—prompted a review by the Justice Department into procedures used for screening guests.

In November 1995, Cabrera gave $20,000 to the DNC. He accepted invitations a month later to a White House Christmas party and a Miami fund-raiser.

[From the Stars and Stripes, Dec. 9–15, 1996]

'93 LIPPO LETTER RENEWS HILL SCRUTINY OF MOVE TO END VIET EMBARGO

(By Mark Allen Peterson)

President Clinton's 1994 decision to end the U.S. embargo with Vietnam has come under renewed scrutiny in the light of correspondence on the issue received by the White House from Indonesian businessman Mochtar Riady.

The Wall Street Journal last week revealed that the White House had received a letter

dated 9 March, 1993, filled with policy advice from Riady, who gave hundreds of thousands of dollars to the Democratic National Committee. Among other thing, the letter urged the president to normalize relations with Vietnam.

President Clinton 2 Dec. described the letter as being ''like tens of thousands of letters I get of people suggesting what our policy ought to be in various areas.''

SOLOMON DISTURBED

White House press secretary Mike McCurry denied Riady's suggestions played any part in the president's decision to lift the longstanding embargo.

But the Journal story created a furor on Capitol Hill, where several committees have expressed interest in probing the gifts by Riady's Lippo Group to the Democrats. One of those most disturbed was Rep. Gerald Solomon (R–NY), head of the Government Rules Committee, which is planning hearings on the issue.

In October, and again last month, Solomon requested from Secretary of Commerce Mickey Kantor ''all information'' involving contacts, agreements or ''other dealings'' with the Lippo Group, its founder Mochtar Riady, his son, Lippo executive James, and former Lippo executive and Commerce official James Huang and ''any influence of U.S. policy and the normalization of relations with the Socialist Republic of Vietnam.''

MORE INFORMATION

In particular, Solomon said, he wanted more information on Vietnam policy meetings called by Huang while he was deputy assistant secretary of international economic policy at Commerce and on efforts by Lippo to end the Vietnam embargo.

After reading the Journal story, Solomon fired off a letter to Clinton, asking why he had not been given a copy of the letter after his request for information, and requesting the White House to fax the letter to the Rules Committee.

The White House 4 Dec. faxed the letter to the House Committee on International Relations, which subsequently made it available to Solomon and other interested lawmakers and reporters.

Sources in Congress said the Rules Committee's investigation would be asking two key questions: First, was Clinton's decision to lift the U.S. trade embargo with Vietnam influenced by the Lippo Group's six-figure contributions and, second, did the administration leak advance information to Riady that the embargo was going to be lifted.

TRADE INITIATIVES

''The media has overplayed the idea that the president was influenced to lift the embargo and downplayed the second scenario,'' said a source close to the investigation. ''But we really think the second scenario is the more likely.''

The committee is particularly interested in whether advance information about the decision played a part in Vietnam ''trade initiatives'' hatched between Hong Kong-based Lippo, Ltd. and North Carolina's First Union Corp., sources said.

The lifting of the trade embargo was a difficult move for the president because of the emotional issue of POWs and MIAs still unaccounted for in Southeast Asia.

In 1992, Clinton said he did not think lifting the Vietnam embargo was a good idea.

REVERSAL

''I don't think we should normalize and then get an accounting [of American POWs and MIAs],'' he told The Washington Times. ''I think we ought to know where our people are. That's putting the cart before the horse.''

But after several visits to Vietnam by presidential advisors and lobbying by several visits to Vietnam by presidential advisors and lobbying by several congressmen, including former POW Sen. John McCain (R–AZ), Clinton reversed his position, saying, ''I am lifting the trade embargo against Vietnam because I am absolutely convinced that it offers us the best way to resolve the fate of those who remain missing and about whom we are not sure.''

SOLOMON STAFFERS WIDENING HUANG PROBE

WASHINGTON.—John Huang, a central figure in the investigation into Asian donations to Democrats, had more access to government secrets during his short tenure at the Commerce Department than previously disclosed, documents show.

The Commerce Department has identified 109 meetings in 1994 and 1994 attended by Huang and at which classified information ''might have been discussed,'' according to information released Tuesday.

Previously, the department disclosed 37 intelligence briefings Huang had attended while a deputy assistant secretary.

Investigators for House Rules Committee Chairman Gerald Solomon, R–Glens Falls, say they also have tracked other dates in which Huang received ''secret'' documents, then called the Los Angeles office of his former employer, the Indonesian-based Lippo Group.

Solomon has been investigating whether Huang, who later became a vice chairman of the Democratic National Committee, passed any secrets to Chinese government and business interests or to Lippo, a financial conglomerate with substantial interests in China.

In addition, the Justice Department is investigating whether the Chinese government plotted to influence U.S. elections last year by funneling illegal contributions to candidates and parties.

Huang, who had a top-secret security clearance while at the Commerce Department, has broadly denied wrongdoing. But he has refused to cooperate with congressional investigators, citing his Fifth Amendment right against self-incrimination. His lawyers did not immediately return calls to their offices Tuesday.

One week in May 1995 has stood out to investigators looking at Huang's activities at Commerce.

According to a summary prepared by Solomon's office, Huang received a document classified ''secret'' at 10 a.m. on May 4, 1995. Four hours later, Huang had a 10-minute call with Lippo's office in Los Angeles.

On May 9, 1995, Huang had a meeting scheduled with other senior Commerce officials on the ''status of Dragongate,'' a multi-billion-dollar Taiwanese power plant project. That afternoon, he made two short calls to Lippo. Taiwan was one area of interest for Huang.

The next day, Huang received additional secret documents and made two short calls to Lippo's office in Los Angeles.

[From the Washington Times, May 1997]

SOLOMON: IS COSCO ''STRATEGIC THREAT''?

(By Rowan Scarborough)

A senior House Republican yesterday asked Navy Secretary John H. Dalton to report whether the Chinese Ocean Shipping Co. (Cosco) represents a ''global tactical or strategic threat'' to the Navy.

The effort by Rep. Gerald B.H. Solomon, chairman of the House Rules Committee, to force the Navy to make an assessment is the latest development in a campaign to block Cosco from taking over the abandoned Long Beach Naval Station in California.

''In order to understand the magnitude of the growing threat of the PRC [People's Republic of China], I would like you to state the U.S. Navy's position on [Cosco],'' Mr. Solomon, New York Republican, wrote in a one-page letter to Mr. Dalton.

''Considering their potential world-wide information gathering capabilities, a history as the delivery system of weapons of mass destruction to terrorist countries and the size of this fleet under direct control of the communist regime—does Cosco pose a potential global tactical or strategic threat against the U.S. Navy?''

The Solomon letter represents a more specific question for the Navy. Before, congressional inquiries have centered on whether Cosco at Long Beach would be a regional threat. The congressman wants to know if Cosco, and its 600-ship fleet, poses a danger to the Navy itself.

Mr. Solomon was one of the first in Congress to speak out against the Chinese-Long Beach connection.

''This is almost a caricature of Lenin's prediction that the West will hand the rope to its Communist executioners,'' he said March 10. ''The Clinton administration seems to be going out of its way to help the most serious threat to American security, the so-called People's Republic of China.''

Cosco plans to lease 144 acres to operate a large container terminal, giving Beijing an important beachhead in making Cosco one of the world's largest carriers.

Lawmakers in recent weeks have emerged from closed-door intelligence briefings with conflicting interpretations.

Conservatives who oppose the deal say the intelligence shows Cosco is a tool of the Chinese People's Liberation Army, trafficking in weapons of mass destruction to known terrorist states such as Iran.

But local Long Beach legislators say the briefings show Cosco is not a threat.

President Clinton personally backed the city of Long Beach's overture to Cosco, after a commission had targeted the station for closure as part of armed forces downsizing.

The negotiations occurred at a time China is suspected of funneling millions of dollars in illegal campaign contributions into the United States in a government-sponsored operation to influence the 1996 election.

Some Republicans wonder if there is a connection between Cosco's expansion plans and the Democratic fund-raising scandal.

Reps. Duncan Hunter and Randy ''Duke'' Cunningham, both California Republicans, want to stop the Cosco-Long Beach marriage through legislation attached to the 1998 defense authorization bill. The House National Security Committee is schedule to write the bill next month.

However, the Cosco transaction may die before the Navy officially transfers the property to the city's Harbor Commission.

A coalition of conservationists and history buffs have filed suit to stop the project, which calls for leveling every naval station building.

A judge in Los Angeles has ordered the city to terminate the Cosco lease and reevaluate the plan's environmental impact.

The New York Times reported yesterday that a Clinton appointee, Dorothy Robyn, in November urged the preservationists to abandon their effort to save any buildings.

Miss Robyn, who serves on the National Economic Council, told the paper she made the calls as a favor to Long Beach's mayor. She said she had no contacts with Cosco officials.

Meanwhile, Sen. John McCain, Arizona Republican, has asked the Federal Maritime Commission to report whether Cosco is guilty of predatory pricing.

[From the Washington Times, May 1997]

SOLOMON SEEKS DETAILS AS NUMBER OF HUANG BRIEFINGS RISES

(By Jerry Seper)

The chairman of a House committee asked Commerce Secretary William M. Daley yesterday to explain briefings in which former Democratic fund-raiser John Huang may have receive classified information at 146 separate meetings instead of the 37 originally claimed or the 109 later acknowledged.

In a letter, Rep. Gerald B.H. Solomon, New York Republican and chairman of the House Rules Committee, also asked whether President Clinton or Vice President Al Gore attended some of those briefings, which the Commerce Department now says may have taken place at the White House.

Mr. Solomon's concerns were raised by a May 9 letter from Mr. Daley, who sought to explain published reports last month that Mr. Huang, now at the center of the growing campaign-finance scandal, received 109 classified intelligence briefings during his 18 months at Commerce, not the 37 previously acknowledged.

Mr. Daley said a recheck of the records showed that Mr. Huang received 37 ''intelligence briefings'' and may have attended 109 other meetings, including, some at the White House, ''at which classified material might have been discussed.'' He said 70 of those meetings were in 1994, and 39 were in 1995.

''These 109 meetings were not intelligence briefings,'' Mr. Daley wrote, although he acknowledged that classified information might have been made available.

Mr. Solomon, who first questioned Mr. Huang's possible ties to national-security violations and economic espionage and urged the FBI to investigate, told Mr. Daley his letter ''begged more questions than it answered.''

''With great concern and no little irritation, I now discover that John Huang received secret and top-secret information not merely 37 times, as the Commerce Department originally wanted Congress and the American people to believe, but possibly as many as 146 times,'' he said, adding that the questions surrounding Mr. Huang ''have long since gone beyond campaign financing to include possible espionage.''

''Until such time as Mr. Huang, who pled the Fifth Amendment, agrees to return to Washington and cooperate with Congress, the information I'm requesting would be helpful,'' he said. ''What's more, some of those meetings taking place at the White House may have included the president and vice president.''

He told Mr. Daley he wants a list of the 109 meetings at which classified material may have been discussed.

Last month, Mr. Solomon asked Mr. Clinton for a list of all meetings he had with Mr. Huang, and explanation for Mr. Huang's 1994 appointment as deputy assistant commerce secretary for international economic policy and a list of ''all meetings'' Mr. Huang had with other White House officials.

Sources close to the Rules Committee said Mr. Solomon is concerned about briefings in which Mr. Huang received classified information including documents stamped ''secret,'' after which telephone logs show he made calls to his previous employer, the Lippo Group.

Phone logs show 70 calls by Mr. Huang to Lippo Bank in Los Angeles and other calls to prominent Arkansas businessmen and lawyers with financial ties to Asia. The bank is controlled by the Lippo Group, a $6.9 billion conglomerate based in Indonesia. Mr. Huang was vice chairman of the bank until his Commerce appointment.

House investigators want to know how Mr. Huang received a top-secret security clearance five months before he reported to Commerce. Such a clearance was explained in a January 1994 memo as necessary ''due to the critical need for his expertise in the new administration'' of Commerce Secretary Ronald H. Brown.

He also was issued a ''consultant top-secret'' security clearance after he resigned at Commerce to become a fund-raiser at the Democratic National Committee. That clearance, issued in December 1995, remained in effect until December 1996, although it is not clear how he used it as a Democratic fund-raiser.

Mr. Huang, who became a U.S. citizen in 1976, has not been available for comment but previously denied any wrongdoing. He is believed to have returned to California.

SOLOMON QUESTIONS SECURITY AT FORMER BASE

WASHINGTON.—A high-ranking Republican lawmaker wants the Secretary of the Navy to determine if a Chinese shipping company seeking to lease a former naval base in Southern California poses a national security threat.

Rep. Gerald Solomon, R-Queensbury, wrote to Secretary of the Navy John H. Dalton Friday, asking if the Chinese Ocean Shipping Co., known as COSCO, poses ''a potential global tactical or strategic threat against the U.S. Navy.''

Dan Amon, a spokesman for Solomon, said the injury by the House Rules Committee chairman is simply an attempt to resolve controversy over COSCO's proposed lease of a $200 million shipping terminal to be build at the former Long Beach Naval Station.

The Clinton administration supported the city of Long Beach when it contacted the Chinese government-owned COSCO about leasing the naval base, which was a victim of military downsizing. But two California Republicans, Reps. Duncan Hunter and Randy Cunningham, want to stop the deal with an amendment to next year's defense spending bill. They say the lease will allow China to spy and smuggle weapons.

The controversy comes as the Justice Department investigates whether the Chinese government tried to influence 1996 elections with illegal campaign contributions

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[From MSNBC, June 10, 1997]

HUANG MAY HAVE PASSED TRADE SECRETS

(By Robert Windrem)

WASHINGTON.—U.S. intelligence agencies told the Senate Intelligence Committee last month that they have found there is evidence that former Assistant Commerce Secretary John Huang ''collected'' and ''passed'' U.S. trade secrets on to his former bosses at the multibillion-dollar Lippo Group of Indonesia, NBC News has learned.

According to a congressional staffer familiar with intelligence matters, the evidence was picked up at a U.S. electronic eavesdropping site targeted on trans-Pacific communications. The United States maintains an extensive network of eavesdropping sites around the Pacific Rim, from Yakima, Wash., to Pine Gap, Australia.

Huang raised millions of dollars for the Democratic National Committee from the Asian-American community after he left the Commerce Department in December 1995 to work as a Democratic fund-raiser. He is the focus of both congressional and Justice Department investigations.

By all accounts, Huang was an instant success, bringing in more cash from Asian-Americans than had been given to any previous president. But on Oct. 18, 1996, Huang was suspended from his job at the DNC after news surfaced that he had solicited a $250,000 South Korean donation in violation of U.S. laws against foreign political contributions. More questions were raised by Huang's dozens of visits to the White House in 1996. It could create a bad impression to have a fund-raiser spending so much time in the White House.

The congressional source said the focus of U.S. intelligence efforts now is what Huang did in the last few months of 1995 just before leaving for the DNC. Congressional critics, in particular Rep. Gerry Solomon, R–N.Y., have noted various meetings and phone calls in which Huang dealt with Lippo officials just before or just after a Commerce Department briefing.

One typical incident: According to phone records and logs, Huang called Lippo's Los Angeles office on Sept. 19, 1995, at 2:45 p.m., just 15 minutes before a classified briefing. After the briefing, at 5:34 p.m., he called Lippo back.

[From the San Diego Union-Tribune, May 11, 1997]

NAVY ASKED TO RULE ON THREAT OF CHINESE USING OLD BASE

(By Alice Ann Love)

WASHINGTON.—A high-ranking Republican lawmaker wants the secretary of the Navy to determine whether a Chinese shipping company seeking to lease a former naval base in Southern California poses a national security threat.

Rep. Gerald Solomon, R-N.Y., wrote to Secretary of the Navy John Dalton on Friday, asking whether the Chinese Ocean Shipping Co., known as COSCO, poses ''a potential global tactical or strategic threat against the U.S. Navy.''

Dan Amon, a spokesman for Solomon, said the inquiry by the House Rules Committee chairman is an attempt to resolve controversy over COSCO's proposed lease of a $200 million shipping terminal to be built at the former Long Beach Naval Station.

President Clinton's administration supported the city of Long Beach when the city contacted the Chinese government-owned COSCO about leasing the base, which was a victim of military downsizing.

But two California Republicans, Reps. Duncan Hunter of El Cajon and Randy Cunningham of Escondido, want to stop the deal with an amendment to next fiscal year's defense spending bill. They say the lease would allow China to spy and smuggle weapons.

The controversy comes as the Justice Department investigates whether the Chinese government tried to influence 1996 U.S. elections with illegal campaign contributions.

The Long Beach Harbor Commission says the new lease to COSCO, which has had a presence in the port for 16 years, would create 1,600 construction jobs over 1½ years, 600 permanent shipping jobs once completed and several hundred jobs elsewhere in the city.

The port would receive about $20 million a year in rent, while the city stands to reap about $1 million in taxes annually.

Local resistance has also stalled the lease. A group of Long Beach environmentalists and preservationists opposes the deal, saying historic buildings would be torn down.

Harbor commissioners face a hearing Tuesday before a Los Angeles Superior Court judge to prove that the project would comply with state environmental laws.

[From the Los Angeles Times, June 13, 1997]

HUANG ACCUSED OF ESPIONAGE—SOLOMON SAYS FUND RAISER SHARED CLASSIFIED INFORMATION TO LIPPO GROUP

WASHINGTON—John Huang, the former Clinton administration appointee and star

Democratic fundraiser, conveyed ''classified information'' to the Indonesia-based Lippo Group, Rep. Gerald Solomon alleged Thursday.

Solomon, R-Queensbury, chairman of the House Rules Committee, said he is aware of electronically gathered evidence—presumably telephone calls monitored by a U.S. intelligence agency—verifying that Huang relayed the information.

''I have received reports from government sources that say there are electronic intercepts which provide evidence confirming what I suspected all along, that John Huang committed economic espionage and breached our national security by passing classified information to his former employer, the Lippo Group,'' Solomon said.

The congressman and his aides declined to elaborate. They would not say, for instance, whether Solomon based his allegation on information provided directly by intelligence or law enforcement officials. The congressman does not serve on either the House Intelligence Committee or a separate panel that has jurisdiction to investigate Huang's activities.

FBI Director Louis J. Freeh, in recent weeks, has briefed members of the Senate and House Intelligence committees about the bureau's ongoing investigation of Huang and others. An FBI spokesman declined Thursday to comment on any aspect of the inquiry.

If Solomon's allegation proves credible, it would magnify the significance of the fund-raising scandal that already besets both President Clinton and Vice President Al Gore.

Documents disclosed earlier by the Commerce Department show that Huang made scores of calls on government phones to Lippo offices in Los Angeles. Some of those calls were made close to times when Huang was scheduled to attend classified briefings convened by the Commerce Department's Office of Intelligence Liaison.

The possibility that Huang passed classified data to Lippo is especially sensitive because the conglomerate is closely aligned with China.

[From the Wall Street Journal, July 1997]

CHINA, AFTER REQUEST FROM U.S., SEARCHES FOR CAMPAIGN DONOR

(By a Wall Street Journal Staff Reporter)

SHANGHAI, China—Responding to a request from Secretary of State Madeleine Albright, Chinese authorities are looking for Charlie Trie, an Arkansas-based restaurateur involved in the U.S. campaign fund-raising controversy.

Agents of China's State Security Ministry have made inquiries with people who may have been in touch with Mr. Trie since he came to this country, possibly to avoid questioning in the U.S. Some of those who were contacted say the authorities didn't appear to know his location.

Mr. Trie, a Taiwan-born entrepreneur who became close to Bill Clinton when they both lived in Little Rock, Ark., owns a restaurant in Beijing and has been involved in property projects in Shanghai and other Chinese cities. He contributed heavily to Mr. Clinton's reelection campaign, and tried to give $600,000 to the president's legal defense fund. (That money was rejected because of questions about the money's origins.)

In June, Mr. Trie came to Shanghai for an off-camera interview with NBC News, but acquaintances say he isn't living here.

Yesterday, Rep. Gerald Solomon (R., N.Y.) disclosed that Mrs. Albright last week asked the Chinese government to help find Mr. Trie. The State Department instructed the U.S. Embassy in Beijing to underscore that request, Barbara Larkin, assistant secretary of state for legislative affairs, wrote in a letter to Mr. Solomon.

[From the New York Times, July 23, 1997]

STATE DEPARTMENT ASKS CHINA TO HELP FIND FORMER FUND-RAISER

(By Leslie Wayne)

WASHINGTON, July 23—Under pressure from House campaign-finance investigators, the State Department has asked the Chinese Government to help locate Yah Lin Trie, a central figure in the Democratic fund-raising controversy, according to a State Department letter released today.

The letter was made public by Representative Gerald B. H. Solomon, the New York republican who heads the house Rules Committee and who is an outspoken critic of Democratic campaign fund-raising practices.

''I am pleased to inform you that, on July 14, the department communicated to the Chinese Government your interest in determining Mr. Trie's location,'' said the letter, which Mr. Solomon received earlier this week.

It continued: ''We informed the Chinese Government that this is a high priority in which Secretary Albright is personally interested. In order to emphasize the importance we attach to this matter, we have also instructed our embassy in Beijing to communicate your request to the Chinese Government there.''

Mr. Trie, a onetime Little Rock restaurateur and longtime friend of Mr. Clinton, raised more than $645,000 in donations that have been returned because of their questionable origin. In addition, investigators are looking at $470,000 in money transfers to Mr. Trie from an account in Macao. They were made about the time he brought cash donations to the Democratic Party or money from donors who cannot be found.

Mr. Trie, a naturalized American citizen, returned to China after the campaign finance investigations began. He has refused to testify before Congressional investigators. In an interview in Shanghai with NBC News in June, Mr. Trie said he had no plans to return to the United States.

''They'll never find me,'' he told NBC.

Three weeks ago the Clinton Administration said it preferred not to ask China for help finding Mr. Trie, citing questions of conflict of interest between the White House and the Congressional investigation.

[From the Washington Times, July 23, 1997]

STATE DEPARTMENT ASKS CHINA TO HELP LOCATE ELUSIVE TRIE

(By Jerry Seper)

The State Department has asked China for help in finding Democratic fund-raiser Charles Yah Lin Trie, a key figure in congressional and Justice Department investigations into accusations that foreign governments sought to influence the 1996 elections.

Barbara Larkin, assistant secretary of state for legislative affairs, said in a letter yesterday to Rep. Gerald B. H. Solomon, chairman of the House Rules Committee, that a request was made of the Chinese government on July 14, and that the U.S. Embassy in Beijing would make a follow-up request in person.

''Secretary [Madeleine K.] Albright has repeatedly made clear her commitment to do everything within her authority to assist Congress in its investigations regarding alleged violations of federal campaign financing laws,'' Mrs. Larkin wrote. ''We informed the Chinese government this is a high priority in which Secretary Albright is personally interested.''

Mr. Trie disappeared in China after surfacing in the campaign-finance probes of Congress and the Justice Department. Mr. Solomon asked the White House on July 3 for help in finding him.

The New York Republican, who described Mr. Trie as a key figure in Congress' inquiries, wants the department to assist congressional investigators in locating and obtaining evidence from the Arkansas businessman. He has questioned Mr. Trie's ties to the fund-raising scandal and his relationships with John Huang and Chinese arms dealer Wang Jun, both White House visitors.

Mr. Trie, who was interviewed in Shanghai by NBC's ''Nightly News'' but who has eluded congressional and federal investigators, has boasted he could hid in Asia for 10 years and has said he had no plans to return to the United States to answer questions by congressional investigators.

A subpoena was issued for him in February by the House Government Reform and Oversight Committee.

Mr. Trie, who ran a Chinese restaurant in Little Rock near the Arkansas State House where he first met Bill Clinton, then governor, came to public notice after the President's Legal Defense Fund announced it was returning $640,000 in donations he collected.

The cash, delivered in two envelopes, was returned when fund executives said they did not know its source. The donations included checks with signatures that matched those on other checks and money orders numbered sequentially but from different cities.

In a statement, Mr. Solomon said it was ''refreshing to see a Cabinet secretary in this administration willing to take a strong personal interest in helping us get to the bottom of such serious matters.''

Besides the Legal Defense Fund donations, House investigators want to know what role Mr. Trie played in getting Mr. Wang, chairman of China's Poly Technologies Ltd., to a White House meeting in February with Mr. Clinton. Two months later, Poly Technologies, which makes weapons for the Chinese military, was identified by U.S. Customs Service agents as a target in a sting operation to deliver 2,000 AK–47s to the United States.

White House records show Mr. Wang, as Mr. Trie's guest, met with Mr. Clinton at a reception with several Democratic campaign contributors. Mr. Huang arranged for Mr. Trie to attend a White House coffee with Mr. Clinton.

Mr. Solomon said that China could ''easily return Mr. Trie . . . if it had a will to do so.''

[From the New York Times, July 27, 1997]

SAVING FACEPOWDER

(By William Safire)

WASHINGTON—It was mid-October, the final month of the 1996 Presidential campaign. A column in this space titled ''The Asian Connection'' had just appeared, followed the next day by a front-page article about John Huang's fund-raising in The Wall Street Journal. Though TV lagged, The L.A. Times and New York Times were advancing the story of illegal Asian money flowing into the Democratic campaign.

But silence from the Republicans. Not only were they not the original source of the story, they offered little newsworthy reaction. I ran into Haley Barbour, then chairman of the Republican National Committee, campaigning in Birmingham, Ala., and put it to him: Did he have a statement?

His reply: ''This is something for Ross Perot to hit hard.'' That struck me as curious; why Perot, the third-party candidate—why not Dole and Barbour? I put it down to the Republican inability to react swiftly to news.

Now it comes clear. Haley must have been worried that the Asian connection would boomerang.

The Republican think tank he headed—an adjunct to the R.N.C.—had in 1994 borrowed $2 million on the collateral of Ambrous Tung Young, a citizen of Taiwan.

Haley made the deal aboard a yacht in Hong Kong and was reluctant at first to blast Clinton for foreign fund-raising.

At the Thompson hearings, that G.O.P. fund-raising chicken has come home to roost. As usual, most media coverage of the Barbour appearance centered on the witness's performance—''spirited,'' ''well-prepared,'' ''combative''—and less on the evidence of wrongdoing developed. We cover the show but ignore the case.

The case is that a top Republican official solicited a huge loan from a foreign national. The millions traveled through an affiliated think tank to the National Committee and—because money is fungible—materially helped G.O.P. political campaigns.

Barbour insists this shell game was legal; if so, the law needs tightening. He borrowed from a foreigner on the anticipation of a favorable I.R.S. ruling on a think tank's status; that was foolish and—most damaging to his reputation—politically debilitating. His Republicans stiffed Mr. Young for half his loan and now the R.N.C. must make him whole.

The Asian lender used a colorful expression to explain his loan: not just to gain influence and access, but ''to put powder on my face.'' That usually derisive Chinese phrase—tu zhi mo fen, ''rouge and powder''—means ''to hide blemishes with makeup,'' its extended meaning ''to improve one's image with superiors.''

That's behind some foreign giving. But to equate the one-time ethical lapse of a G.O.P. campaign chief with the sustained, widespread, and probably espionage-ridden marriage of Asian money to the Clinton-Gore White House is to fall for the ''everybody does it'' excuse.

''Everybody doesn't do it,'' said Barbour (meaning, ''Not everybody does it''). He's right; the scale of the Clinton-Gore Great Asian Access Sale is unprecedented, its pattern of cover-up unique.

The White House-Commerce cover-up has spread to the Justice Department. Lest credible evidence be developed by the Senate implicating a ''covered person'' (Vice President Gore), Janet Reno resisted allowing victimized nuns to testify publicly. Not even Democratic senators could swallow that insult.

In the same way, when the House's Burton committee subpoenaed Justice Department records of $700,000 in wire transfers from Vietnam to an account in the Bank Indo-Suez supposedly controlled by Ron Brown, Justice responded three days later with a subpoena for all Chairman Burton's election records.

Dan Burton is undeterred. His committee will hire a D.C. superlawyer or former U.S. Attorney as counsel this week.

Its staff is quietly taking depositions from aides to White House chiefs of staff and now-unprivileged counsel.

The vital power to depose witnesses under oath was voted at the behest of House Rules Chairman Gerry Solomon, who last week induced Secretary of State Albright to help bring Charlie Trie back from his Chinese hideout. Solomon, first in Congress to blow the whistle on espionage, gets few headlines but gets results.

Republicans who make mistakes and try to brazen their way out will get roughed up in the investigations; that's healthy.

But let us keep our eye on the main arena: the Clinton-Gore sale of influence to agents of Beijing.

TO AVOID SUCH A DISGRACE

(By William Safire)

If by the first week in October Attorney General Janet Reno does not seek appointment of Independent Counsel, she may well be the first Cabinet member since William Belknap in 1876 to be impeached.

That is the clear import of three coordinated letters, all dated Sept. 3 and delivered to the Justice Department last week.

One is a 23-page missive signed by every member of the majority of the House Judiciary Committee, delineating evidence that Federal crimes may have been committed by officials covered by the Independent Counsel Act. The crimes include bribery, use of the White House for political purposes, misuse of tax-exempt organizations and extortion of campaign contributions.

The second letter, from every member of the majority of the House Rules Committee, notes that the weak excuse given by Ms. Reno for refusing to trigger the act—that Vice President Gore's solicitations from the White House were only for ''soft money''—had been shattered by the revelation that the Democratic National Committee allocated funds raised by Gore from Federal property as ''hard money'' for the Clinton-Gore campaign.

Because Congressional committees do not issue threats, a third letter came from an individual member, House Rules Chairman Gerald Solomon, to inform her of the serious consequences of her continued stone-walling

''With credible evidence reported by Mr. Robert Woodward in today's Washington Post that Vice President Gore . . . may have committed a felony,'' wrote Solomon. ''I can not conceive you can so willfully neglect your duty . . . I should inform you that the mood in Congress to remove you grows daily.

If it should ever come to that. Ms. Reno's best defense would be to blame the egregious ineptitude of the vaunted ''career professionals'' in what Justice laughably calls its Public Integrity Section.

It is now 11 months since the Asian Connection story broke. In all that time, it never occurred to those humbling Justice bureaucrats to travel a few blocks over to the D.N.C. to find out if money raised from inside the White House was used to buy Clinton-Gore commercials. They waited to read about the crime in the Washington Post. Their lame excuse: ''The focus of our energies was elsewhere.''

But those conflicted, slow-walking ''energies'' have not been focused on tracking down and bringing back Little Rock's Charlie Trie, a suspected dirty-money conduit now lying low in Beijing. We rightly criticize Whitewater Independent Counsel Ken Starr for being slow; Clinton's in-house Dependent Counsel are hip-deep in Democratic molasses.

The sad part of all this is that Reno and Gore are paying the price for the political fund-raising strategy set not by them but by Bill Clinton in his infamous Sept. 13, 1995, Oval Office sellout to Rlady, Huang and company.

Gore is a serious person, solid on foreign affairs except for some global warming nuttiness, and I confess to liking and often admiring him. But Clinton's anything-goes political morality reduced Gore to describing 86 wrongful calls as ''a few occasions.'' John Huang, D.N.C. fund-raising vice chairman, brought a Buddhist leader into Gore's office to arrange a temple event; the event illegally raised $100,000; now Gore professes to never have known it was a fund raiser.

But here's a campaign memo from Gore's scheduler asking him to choose: give a speech to a long Island Jewish group or ''do the two fundraisers in San Joe and LA.'' Gore replies, ''if we have already booked the fundraisers then we have to decline.'' To call that Buddhist fundraiser ''community outreach'' takes a long reach.

Gore's followers, who see him as a Clinton with integrity, are circling the wagons, expecting two years of assault by Independent Counsel when Reno chooses honor over impeachment. Martin Peretz, owner of the New Republic, has just fired his editor-columnist, the gutsily gifted Michael Kelly, for taking too strong a stand against Clinton-Gore campaign crimes.

But John Huang and Johnny Chung will be flipped; Web Hubbell will be re-indicted and Jim Guy Tucker convicted; House committees will surprise: the F.B.I. will shake its shackles; media momentum will build; and justice, despite the Department of Justice, will be done.

[From the Washington Times, May 1997]

NO MFN WITHOUT TRIE, SOLOMON HINTS—URGES CLINTON TO PRESSURE CHINA

(By Jerry Seper)

The chairman of a House committee yesterday asked President Clinton to help find Arkansas businessman Charles Yah Lin Trie, who disappeared in China after surfacing in Congress' campaign finance probe, and he suggested that China's most-favored-nation status could be in jeopardy if the president refuses.

Rep. Gerald B.H. Solomon, New York Republican and chairman of the House Rules Committee, said that because of Mr. Trie's ties to the growing fund-raising scandal and his relationships with John Huang and Chinese arms dealer Wang Jun, Mr. Clinton should direct Secretary of State Madeleine K. Albright to determine his whereabouts.

''If Mr. Trie is indeed in China, it is vital he be returned before any renewal of the most-favored-nation trading status even be considered,'' Mr. Solomon said. ''That is not to say the return of Mr. Trie would convince me and a number of other members that renewing China's MFN status is advisable, considering that nation's performance in other areas.

''But Congress also has the duty to investigate any undue influence on U.S.-China policy, and Mr. Trie would be helpful in that regard,'' said Mr. Solomon, an outspoken opponent of giving China MFN status.

Congress is scheduled to begin debate next month on Mr. Clinton's expected decision to extend China's most-favored-nation trading status for another year. MFN status gives China's products low-tariff access to U.S. markets, similar to those enjoyed by most other U.S. trading partners. Revoking it would price most Chinese products out of the market.

White House Special Associate Counsel Lanny J. Davis declined comment on the letter, but said, ''I can state as a general matter, the president is fully committed to cooperating with the congressional committees and encourages others to do so.''

House investigators want to talk with Mr. Trie, former Little Rock restaurateur and Democratic National Committee fund-raiser, about his delivery of $640,000 in questionable contributions to Mr. Clinton's legal-defense fund. The contributions were later returned when legal-defense fund investigators found they could not establish the source of the money, which included checks with signatures that matched those on some other checks, and money orders that were sequentially numbered but purportedly came from people in different cities.

They also want to know what role Mr. Trie played in getting Mr. Wang, chairman of China's Poly Technologies Ltd., into a White House reception last February with Mr. Clinton. Two months after that reception, Poly

Technologies, which makes weapons for the Chinese military, was identified by U.S. Customs Service agents as a target in a sting operation that had been about to deliver 2,000 AK–47s to U.S. criminals.

Mr. Wang, according to White House records, met with Mr. Clinton at a reception with several Democratic campaign contributors. The records show he was Mr. Trie's guest at the event.

Mr. Trie and Mr. Huang have been described as longtime Arkansas friends of the president. It was Mr. Huang who arranged for Mr. Trie to attend a White House coffee with Mr. Clinton. Both men are now at the center of investigations by a Justice Department-FBI task force and Congress into irregularities involving money that was raised for Mr. Clinton's reelection and his legal-defense fund.

Mr. Clinton, who appointed Mr. Trie to the Commission on U.S. Pacific Trade and Investment Policy in April 1996, has said he did not know his longtime friend was collecting money for his legal-defense fund until after the fact.

Mr. Solomon said the Chinese government could ''easily return Mr. Trie to the United States if it had a will to do so,'' and that refusing a request by Mr. Clinton—through Miss Albright—''would certainly raise even more questions about any nation wanting good relations with the United States.''

Mr. Solomon also asked Mr. Clinton to turn over any background reports or investigations the White House possesses regarding Mr. Trie's appointment to the Commission on U.S. Pacific Trade and Investment Policy.

[From the Washington Post, July 17, 1997]

WAS JOHN HUANG DEBRIEFED?

(By Robert D. Novak)

A previously missing government form that should have indicated whether John Huang was debriefed by a security officer before the left the Commerce Department two years ago turned up last Friday. But the place where the now infamous Democratic fund-raiser was supposed to have signed is blank.

Any government official with top-secret access—Deputy Assistant Secretary of Commerce Huang included—must attest to the return of all classified information when debriefed as he leaves the government. But Huang's unsigned debriefing document underlines questions about what he did with government secrets and how well they were protected.

Complete answers can come only from investigators with subpoena powers. Contrary to the White House mantra, current Senate hearings concern much more than campaign finance reform—such as Huang's security clearance, dubious on its face. Immediately following CIA briefings, Huang would regularly contact the Chinese Embassy. Yet, even after resigning from the government and going to the Democratic National Committee (DNC), he received another security clearance. The CIA, which had given him documents, was not alerted to Huang's change of status.

Under the Freedom of Information Act, the conservative weekly Human Events several weeks ago obtained from the Commerce Department Huang's ''Separation Clearance Certificate,'' noting that his ''effective date of separation'' was Jan. 17, 1995 (though he actually went to the DNC in December). Commerce officials signed the document on Jan. 22, noting Huang's return of government charge cards, his parking permit and his diplomatic passport. ''Security debriefing and credentials'' was noted and signed by a Commerce Department security officer named Robert W. Mack.

At that debriefing, Huang should have signed a Standard Form 312 acknowledging return of classified material. But an official Commerce spokesman told Human Events editor Terrence Jeffrey two weeks ago: ''The recollection of our security personnel is that he [Huang] was debriefed but that a Standard Form 312 has not been located.''

What's more, there are indications it was never given to congressional investigating committees. On July 3, Rep. Jerry Solomon (R–N.Y.), chairman of the House Rules Committee, wrote Commerce Secretary William Daley demanding the Form 312 by July 9.

That deadlines came and went, but late on Friday, July 11, the pieces of paper was dispatched to Solomon. It showed that on July 18, 1994, Huang signed for his security briefing. But Huang never signed the debriefing acknowledgement that ''I have returned all classified information in my custody.''

If security officer Mack signed off for the debriefing, why didn't Huang? ''For reasons that we have not determined,'' Commerce press officer Maria Cardona told me. I called Mack himself, but he said he could not reply. ''When you're as low on the totem pole as I am . . .'' he said, trailing off.

However, an unsigned Commerce document of Dec. 9, 1996, supplied to Solomon earlier this year, quotes Mack as saying that ''he personally briefed Huang and had him sign a SF–312'' in July 1994 but adds: ''Mack has no recall of the debriefing'' the following January. The memorandum continues that ''he does recall'' a call from a high-ranking official ''to make sure that Huang did not lose his top-secret clearance'' but kept it as a ''consultant.''

''Mack said to the best of his knowledge, Huang never worked as a consultant, but DISCO [Defense Industrial Security Clearance Office] did issue a top-secret clearance to Huang. . . . DISCO has never been notified to cancel the clearance,'' the memo continued. The memo writer said the clearance, issued on Dec. 14, 1995, was still valid on Dec. 9, 1996.

Yet another mysterious document: Commerce security officer Richard Duncan—Mack's colleague—on Feb. 13, 1995, wrote an internal memo listing Huang among other officials as signing SF–312s. Was this an attempt to create a paper trail?

This is the curious conclusion of John Huang's access to secret information. It began with the official request Jan. 31, 1994 that the required background investigation for Huang be waived because of ''the critical need for his expertise . . . by Secretary [Ron] Brown.'' When Huang resigned a year later, Assistant Secretary Charles Meissner proposed the consultant's role, in order for Huang to retain access to classified documents. Brown and Meissner both perished in the tragic plane crash in Croatia, but their patronage of John Huang remains a fit subject for scrutiny.

[From Time Warner Pathfinder, Nov. 4, 1997]

INQUIRY SOUGHT INTO CHINA STOCKS

(By Marcy Gordon, AP Business Writer)

WASHINGTON (AP).—A senior congressman wants an investigation of the possibility that China may be skirting U.S. disclosure laws in sales of stock in its big government-owned companies.

Rep. Gerald Solomon, R-N.Y., who heads the House Rules Committee, recently told the chairman of the Securities and Exchange Commission, Arthur Levitt Jr., that the Chinese actions represent ''a potential threat to our country.''

He urged Levitt to take appropriate action, possibly including an investigation.

At issue is the sale to U.S. investors a chunk of giant state-owned China Telecom. Its special New York shares began trading on the New York Stock Exchange on Oct. 22.

In an Oct. 20 letter to Levitt, Solomon cited a Bloomberg News story that quoted China's communications minister as saying the government would ease accounting rules to boost China Telecom's profits.

The statement by Wu Jichuan came in mid-October as shares of companies backed by China plunged on the Hong Kong stock market.

Solomon called Wu's reported statement ''cynical, manipulative and direct evidence of fraud.''

''The highest priority of American securities law is to provide accurate information to the American investor, and (China's) actions flout that objective,'' he wrote Levitt.

The lawmaker expressed similar concerns about two other government-owned companies, China Southern Airlines and Beijing Enterprises, which also are expected to sell special shares in the United States.

At the same time, Solomon and Sen. Lauch Faircloth, R-N.C., are pushing House and Senate bills that would establish a new Office of National Security within the SEC to monitor foreign involvement in U.S. securities markets, financial institutions and pension funds. The legislation doesn't name any countries specifically.

Solomon is to testify Wednesday at a hearing on the issue by the Senate Banking subcommittee on financial institutions.

SEC spokesman Christopher Ullman declined comment on Solomon's letters to Levitt and the proposed legislation. Spokesmen at the Chinese Embassy didn't immediately return a telephone call seeking comment.

[From the Washington Times, November 1997]

17 IN HOUSE WANT CLINTON IMPEACHED—BARR LEADS CHARGE TO FORCE HYDE TO BEGIN INQUIRY

(By Mary Ann Akers)

The House Rules Committee yesterday took the first step toward initiating impeachment proceedings against President Clinton after 17 House conservatives raised the issue in a formal resolution.

Talk of impeachment, which was laughed off by the White House and dismissed as incredible even by most Republicans, was sparked by Rep. Bob Barr, Georgia Republican. His resolution calls for an ''inquiry of impeachment'' on everything from the 1996 campaign fund-raising scandal to the FBI files and White House travel office issues.

''I believe William Jefferson Clinton . . . has violated the rule of law, and however difficult it may be to go down the dark tunnel of impeachment, at the end of the tunnel there is light,'' Mr. Barr said.

Although the resolution has little chance of passing the House or making its way to the House Judiciary Committee for a formal review of impeachment, it is still likely to spark yet another line of investigation of the White House—this time by the Rules Committee.

Rep. Gerald B.H. Solomon, New York Republican and chairman of the panel, indicated he would hold hearings soon relating to ''the matter of the president and others in their potential illegal activities as custodians of the executive branch of the United States.'' He did not set a date.

This investigation would be parallel to the one being conducted by the House Government Reform and Oversight Committee under Rep. Dan Burton, Indiana Republican.

Mr. Barr's plan was to have his resolution go to the Rules Committee first, then to the Judiciary Committee, which has jurisdiction over impeachment proceedings, and finally to the House floor.

But House Judiciary Chairman Henry J. Hyde, Illinois Republican, made it clear yesterday that he wants no part of the impeachment inquiry and disagreed with Mr. Barr's assessment that the current fund-raising scandal is as serious as Watergate.

''The state of play is quite different now than it was then,'' Mr. Hyde said.

Among the differences Mr. Hyde noted: President Nixon's approval ratings were very low; two former attorneys general, John Mitchell and Richard Kleindienst, along with Mr. Nixon's general counsel, John Dean, had been convicted of felonies; Mr. Nixon himself had been named an unindicted co-conspirator; and a rash of other administration officials had either pleaded guilty to crimes or been forced to resign.

By contrast, Mr. Clinton has been enjoying unusually high approval ratings lately, no one in his administration has been indicted for anything relating to fund raising and the ongoing Justice Department or congressional probes have not yet demonstrated that crimes were committed by anyone in the Clinton administration.

''Impeachment is a very political act. It is a Draconian act, and ultimately it must be a bipartisan act,'' Mr. Hyde said.

Only one president in U.S. history has ever been impeached—Andrew Johnson in 1868 for firing his secretary of war without cause and without consent of the Senate.

House Republican leaders, meanwhile, indicated they were not as actively behind the impeachment inquiry resolution as Mr. Barr had implied to reporters.

''The speaker is aware of what we're doing here today, is supportive of it,'' Mr. Barr said. But a spokeswoman for House Speaker Newt Gingrich, Georgia Republican, said only, ''Speaker Gingrich is aware of Mr. Barr's resolution and feels it quite sobering that 17 members find this appropriate.''

At the White House, Mr. Clinton said of Mr. Barr, ''He's always had a rather extreme view of these things.''

White House Press Secretary Michael McCurry added: ''In any body of 535 people, there will always be a denominator that's lowest. And we've seen this from Barr before. . . . Every time things get a little quiet on the [scandal] inquiry front, he pops off about impeachment to get you all excited.''

WHITE WATER—CHINA HAWKS WARN OF BEIJING'S BONDS

(By Timothy W. Maier)

The China hawks are armed with a get-tough-on-China bill that could limit Beijing's access to the U.S. capital market. The bill, called the U.S. Market Securities Act, sailed through a Senate Banking subcommittee last month and now is traveling full-speed ahead for a possible vote next year in the House and Senate.

Supporters say the measure takes the first step in providing both national-security protection and a safeguard for taxpayers by creating a screening process at the Securities Exchange Commission, or SEC, to monitor fund-raising activities of companies with ties to Beijing. Opponents say it will be an expensive federal regulatory nightmare that won't work.

But to Wall Street's dismay, the legislation is gathering strong support on Capitol Hill. The China hawks claim Beijing fails to disclose its business dealings with military enterprises. They fear that of the funds being raised by the Chinese communist regime, close to $7 billion from bonds, may be finding their way into the arms of the People's Liberation Army, or PLA—the same army that rolled tanks into Tiananmen Square to crush a pro-democracy demonstration in 1989.

The U.S. Treasury Department does not restrict foreign countries from the bond market unless they are subject to embargo or trade sanctions, even if a national-security concern exists. The legislation doesn't sit too well with Wall Street. Economists warn that the day the bill is passed the Hong Kong flu that rocked the American stock market two days before the subcommittee held hearings on it will return with a vengeance.

A temporary market setback, however unlikely, is a small price to pay to ensure national security, says Roger Robinson, a senior director of international economic affairs at the National Security Council under President Reagan and one of the principal architects of the bill. ''If China is not doing the wrong thing, it has nothing to worry about,'' he insists. ''All we want is a list of names. The American people have inquiring minds and they want to know. What we want to know is who were the funders and suppliers that paid for weapons of mass destruction now held by Iraq. We can't answer that because we don't know.''

Charles Wolf, dean of the Rand Institute's graduate school of political studies, doesn't buy the story that the money is supporting missiles for the PLA. Wolf says, ''The hawks start the premise by saying China is doing as much as they can get away with, but that's like asking, How many angels can sit on the head of a pin? There is some indirect borrowing or some indirect leakage to the military, but it is not all that big a deal. What is a big deal is pursuing military modernization, especially the Russians. But that's something the intelligence agencies and military should do. I don't think that is the purview of the SEC.''

But Robinson points to China International Trust and Investment Corp., or CITIC, which is run by kaffeeklatsch guest and PLA arms dealer Wang Jun, to show it's not the amount of money but the potentially devastating quality of some of these weapons. For example, CITIC received $800 million from 15 bonds, and some of those funds may have drifted into Wang's weapons company, Poly Technologies—which last year was caught smuggling 2,000 AK–47 assault rifles to California street gangs and which tried to sell rockets capable of bringing down jetliners.

''How would we feel if a street gang shot down a national airliner?'' Robinson asks. ''When you have the wrong management with the wrong reporting structure and not a true corporate identity, you have the ingredients in today's information and technology age for world-class incidents and national-security challenges.''

Leading the charge that is gaining considerable support on Capitol Hill are Senate Banking subcommittee on Financial Institutions and Regulatory Relief chairman Lauch Faircloth of North Carolina and House Rules Chairman Gerald Solomon of New York. The bill these conservative Republicans introduced in the Senate and House also asks the Pension Benefit Guaranty Corp., a federal agency, to issue annual reports on communist China's securities that are held in the portfolios of pension funds—a protection for the American taxpayer.

On Nov. 5, Solomon spelled out the significance of the bill be predicting economic warfare soon will supersede more-traditional forms of conflict. ''With the emergence of the new global economy creating megamergers involving many foreign conglomerates, some of which are reported to involve international Mafia connections and drug-cartel monies, this Office of National Security within the SEC is an absolute must. In other words, we need a special watchdog agency specifically committed to making sure no entity can engineer fluctuations that could bring our markets down.''

And Faircloth tells Insight the bill simply is trying to protect the hard-earned savings of the American taxpayer. ''We must take steps to ensure that the average American investor enjoys the same market protection abroad that he does here stateside,'' Faircloth says. ''In other words, the American investment must be alerted to the insider trading, adulterated disclosure and manipulated accounting standards commonly practiced in the debt and equity markets of countries such as China. Further, the American people need to be aware that through their pension and mutual-fund investments they may be unwittingly supporting the modernization of the Chinese military.''

The bill has bipartisan support from the left-wing, Berkeley-based environmental watchdog group International Rivers Network, or IRN. The group last month launched an advertising blitz calling on American investors to order their fund managers to dump all investments tied with China's State Development Bank, which is behind the huge Three Gorges Dam project. IRN Executive Director Owen Lammers calls it one of the ''largest and most environmentally and socially destructive projects on Earth,'' claiming it will not improve flood control or provide the electrical power needed but instead will displace 1.9 million people. ''We're asking investors to tell their fund managers to get out of those bonds supporting this,'' Lammers tells Insight.

Investors probably have very little idea about how the money is spent based on the perspectives the Beijing banks provide. The State Development Bank supplies a list of 10 projects under development and less than 200 words about the Three Gorges Dam. ''They technically disguise this project claiming it will cost $30 billion but unofficially will likely cost $75 billion because they are building a dam that would stretch from Boston to New York,'' Lammers says.

Insight also obtained hundreds of pages of SEC documents involving other Chinese companies, and what is apparent is what is not present. Red Chinese entities are short on specifics and background information, especially regarding Wang Jun and his ties to the military. The lack of detailed prospectuses is one of the reasons why Randolph Shih Shung Quon, a Chinese-American financial consultant who worked in Hong Kong as an adviser to the Chinese Central Bank from 1993 to 1995, is demanding that the SEC investigate Beijing's offerings underwritten by some leading investment firms such as Goldman Sachs & Co. and Morgan Stanley, Dean Witter, Discover & Co. The SEC is not commenting.

Quon wants to know why foreign countries such as the People's Republic of China are not held to the same threshold of disclosure as American companies. Now based in Washington at the Free Congress Foundation, a conservative think tank, Quon claims he fled to the United States after reporting fraudulent activities among the Beijing princelings' children. ''Whether the Chinese government can be trusted to play by the rules, I have serious doubts,'' Quon tells Insight. ''This is the time to lay down the law in Asia. There is no level playing field. They are like 19th-century barons.''

Quon, who testified at the subcommittee hearings, called for SEC investigations into several high-profile stock and bond deals claiming disclosure violations. For example, he says that just before the $4.2 billion China Telecom offering Wu Jichuan, communist China's minister of posts and telecommunications, stated the government soon would hand over valuable assets to the new company. Wu also declared he would allow China Telecom to book certain networks that normally would go through state companies. In addition, Quon notes the China Telecom prospectus filed with the SEC failed to disclose

Hong Kong billionaire Li Kashing had been found to be involved in an insider-trading scheme and that Li controlled companies that in turn controlled 10 percent of China Telecom.

Michael J. Evans, managing director of Goldman Sachs, the firm that handled the offering, did not return repeated phone messages left at his offices in Hong Kong, London and New York. However, Evans has claimed in other interviews that his firm followed the letter and spirit of U.S. securities law, that Wu only repeated points made in the China Telecom prospectus and that any fee adjustments would have to be reviewed by SEC.

Some economists and Wall Street watchers warn that the legislative proposal creates a costly layer of bureaucracy and is impossible to enforce because, they argue, once funds go to a state-owned company, Beijing still could covertly divert the money to the PLA. ''This is a chapter out of Alice in Wonderland,'' says Steve Hanke, a professor of economics at Johns Hopkins and former Reagan economic adviser. ''I can't conceive how you would make certain the money would stay in state-owned enterprises. Even if it could be done, would it make any difference? The answer is no.''

Hanke says the money just would be funneled from another source and there is no possible way to monitor every single dollar. ''This is a full-employment bill for bureaucratic parasites that want to be doing something. It's jobs for the boys—for the bureaucrats in Washington who want to regulate something that is over China. The effect of this bill in China? You couldn't find it on the radar screen. You won't have any effect in what's going on in China. The administrative expense will cost us and it will cost them. It's going to raise the cost of Chinese doing business. It will be more difficult to make these bond issues.'' v. . . . Intelligence specialists including Robinson strongly disagree with Hanke's evaluation, claiming this simply could be done with one person plugging names into a computer and sending information to Congress for intelligence reviews.

''The idea that it is some costly process is rubbish,'' insists Robinson, who President Reagan credited as being ''the architect of a security-minded and cohesive U.S. East-West economic policy.'' If it is done, Robinson predicts huge defaults that ultimately would be paid by U.S. taxpayers.

To understand the seriousness of the situation, one must look no further than Beijing's major banks, which effectively are bankrupt because of $90 billion in nonperforming loans, says Robinson. Beijing acknowledges that 20 percent of all the bank loans have turned sour, although most analysts say that is an underestimate. Consider the recent bank failure in Japan—triggered by 8 percent nonperforming loans. The People's Republic of China has a banking crisis, with U.S. taxpayers potentially picking up the bill, Robinson says.

The Economist refers to these banks as ''unstable and mired in debt,'' because the ''banks' senior executives rarely are given reliable information by their loan officers.'' Peter Schweizer, a scholar at the Hoover Institution, says investing in bonds issued by these banks could be a disaster waiting to happen. ''U.S. pension funds and individuals who have invested in these bonds could end up holding worthless paper,'' he says.

Is Red China's debt really cause for concern? Tom Byrne, vice president and senior analyst at Moodys' Investors Service in New York, tells Insight he thinks the debt is manageable. ''It is a major problem, but unlike other countries external borrowing is fairly well-controlled,'' Byrne says. ''Long-term borrowing is fairly tight and the short-term debt is at a reasonable level. They have controlled it, and they have sent out signals that they will continue to control it.''

Robinson counters, ''I received the same assurances about the Soviet Union that Moscow's debt was entirely manageable. They said I was overreacting then. Well, what was the epilogue? Very simply, roughly $100 billion in Soviet debt to Western governments was lost in a 25-year rescheduling.''

What did the Soviet Union do with all that U.S. cash? They made their attack submarines quieter and enhanced their range so that now ''they can threaten every American city with no advance warning sign,'' Robinson says.

But there is a significant difference between Russia and China in these matters because, unlike bank loans, the bonds cannot be rescheduled. Instead, if it can't pay the debt, Beijing simply will default—forcing U.S. taxpayers to bail it out.

The whole Asian picture is cause for alarm in light of recent events with more than $100 billion in bailouts already expected. South Korea leads the pack with $50 billion; Indonesia is at $37 billion; Thailand, $17 billion; and Malaysia at $10 billion. The United States is responsible for bailing out 25 percent of it. Now throw Beijing into that picture and the result 10 years from now could be another $100 billion bailout.

And disclosure may be imperfect, Robinson admits. But he says a do-nothing approach could bankrupt the future of American children even as our money and credits, aid and trade, are used to finance building Red China into a military superpower. ''Taken alone, the widespread proliferation of weapons of mass destruction and ballistic-missile delivery systems constitutes a sufficient argument for the establishment of an Office of National Security at the SEC,'' Robinson says. ''After all, foreign governments are by far the largest category of proliferators—but you may be certain the American people will not want to discover in the future that their leaders bankrupted them to fund enemies in an epic global tragedy.''

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

The SPEAKER pro tempore. All time for debate has expired.

The resolution is considered read for amendment.

Pursuant to House Resolution 436, the previous question is ordered.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 69, answered ''present'' 12, not voting 10, as follows:

[Roll No. 177]

YEAS—342

Abercrombie
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman

Tiahrt	Watkins	White
Tierney	Watts (OK)	Whitfield
Traficant	Waxman	Wicker
Turner	Weldon (FL)	Wise
Upton	Weldon (PA)	Wolf
Walsh	Weller	Young (AK)
Wamp	Weygand	Young (FL)

NAYS—69

Ackerman	Hinchey	Owens
Andrews	Jackson (IL)	Pastor
Becerra	Jackson-Lee (TX)	Payne
Bonior	Jefferson	Pickett
Brady (PA)	Johnson, E. B.	Rangel
Brown (CA)	Kennedy (MA)	Rodriguez
Brown (FL)	Lee	Roybal-Allard
Brown (OH)	Levin	Rush
Carson	Lewis (GA)	Scott
Clay	Markey	Serrano
Clyburn	Martinez	Skaggs
Conyers	Matsui	Slaughter
Cummings	McDermott	Stark
DeGette	McKinney	Stokes
Delahunt	Meek (FL)	Thompson
Deutsch	Millender-McDonald	Towns
Dicks	Miller (CA)	Velazquez
Engel	Moran (VA)	Vento
Fattah	Murtha	Visclosky
Fazio	Nadler	Waters
Filner	Oberstar	Wexler
Furse	Olver	Wynn
Hastings (FL)		Yates
Hilliard		

ANSWERED ''PRESENT''—12

Berman	Frank (MA)	Sanchez
Bishop	Kind (WI)	Tauscher
Clayton	Maloney (NY)	Watt (NC)
DeFazio	McGovern	Woolsey

NOT VOTING—10

Bateman	Johnson, Sam	Pelosi
Franks (NJ)	McDade	Torres
Gonzalez	Meeks (NY)	
Harman	Parker	

□ 1447

Messrs. THOMPSON, CUMMINGS, MORAN of Virginia and OBERSTAR and Ms. MCKINNEY changed their vote from ''aye'' to ''no.''

Mrs. KENNELLY of Connecticut, Ms. MCCARTHY of Missouri, and Messrs. HINOJOSA, ROTHMAN, COSTELLO and MANTON changed their vote from ''no'' to ''aye.''

Mr. WATT of North Carolina and Mrs. CLAYTON changed their vote from ''no'' to ''present.''

Mrs. MALONEY of New York and Ms. WOOLSEY changed their vote from ''aye'' to ''present.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CERTIFICATION OF COOPERATION BY POLAND, HUNGARY, AND THE CZECH REPUBLIC WITH U.S. EFFORTS REGARDING OBTAINING ACCOUNTING OF CAPTURED AND MISSING U.S. PERSONNEL—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105–256)

The SPEAKER pro tempore (Mr. LATOURETTE) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

In accordance with the resolution of advice and consent to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic, adopted by the Senate of the United States on April 30, 1998, I hereby certify to the Congress that, in connection with Condition (5), each of the governments of Poland, Hungary, and the Czech Republic are fully cooperating with United States efforts to obtain the fullest possible accounting of captured and missing U.S. personnel from past military conflicts or Cold War incidents, to include (A) facilitating full access to relevant archival material, and (B) identifying individuals who may possess knowledge relative to captured and missing U.S. personnel, and encouraging such individuals to speak with United States Government officials.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1998.*

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 94

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor for H.R. 94, the Volunteer Firefighter and Rescue Squad Worker Protect Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

DEEMING THOMAS AMENDMENT NO. 41 TO HAVE BEEN INCLUDED AS LAST AMENDMENT IN PART D OF HOUSE REPORT 105–544 DURING FURTHER CONSIDERATION OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3616, pursuant to House Resolution 441, that the Thomas amendment presently at the desk be deemed to have been included as the last amendment printed in Part D of House Report 105–544.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Part D Amendment No. 41 offered by Mr. THOMAS:

At the end of title XXXIV (page 373, after line 2), insert the following new section:

SEC. 3408. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3415(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended by striking out the first sentence and inserting in lieu thereof the following: ''Amounts in the contingent fund shall be available for paying a claim described in subsection (a) in accordance with the terms of, and the payment schedule contained in, the Settlement Agreement entered into between the State of California and the Department of Energy, dated October 11, 1996, and supplemented on December 10, 1997. The Secretary shall modify the Settlement Agreement to negate the requirements of the Settlement Agreement with respect to the request for and appropriation of funds.''.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The SPEAKER pro tempore. Pursuant to House Resolution 441 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3616.

□ 1452

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Wednesday, May 20, 1998, amendment No. 3 printed in Part B of House report 105–544 had been disposed of.

PART D AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer amendments en bloc, as modified.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The text of the amendments en bloc is as follows:

Part D amendments en bloc offered by Mr. SPENCE:

Part D amendment No. 1 offered by Mr. BRYANTt:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN EMPLOYEES.

(a) LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.—

(1) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''§ 115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky

''Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

''115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

(b) CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(A) by inserting ''(a) GENERAL RULE.—'' before ''The United States'' the first place it appears, and

(B) by adding at the end the following:

''(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Columbia River, and

''(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

''(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

''(1) which is owned by the United States,

''(2) which is located on the Missouri River, and

''(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

Part D amendment No. 2 offered by Mr. CUNNINGHAM:

Strike out section 2812 (page 299, beginning line 1), and insert the following new section:

SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILITARY INSTALLATIONS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.

(a) ACCESS ENHANCEMENT.—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

''(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

''(2) Persons referred to in paragraph (1) are the following:

''(A) Disabled veterans.

''(B) Military dependents with disabilities.

''(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

''(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

''(c) ACCEPTANCE OF DONATIONS.—In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

''(1) the voluntary services of individuals and organizations; and

''(2) donations of money or property, whether real, personal, mixed, tangible, or intangible.

''(d) TREATMENT OF VOLUNTEERS.—A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

''(1) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, the volunteer shall be considered to be a Federal employee; and

''(2) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out ''SEC. 103.'' and inserting in lieu thereof the following:

''SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.

''(a) PROGRAM AUTHORIZED.—''.

Part D amendment No. 3 offered by Mr. UNDERWOOD:

At the end of section 653(e) (page 183, line 7), insert the following: ''The report shall be submitted not later than six months after the date of the enactment of this Act and shall include, in addition to the certification, a description of the system used to recover from commercial carriers the costs incurred by the Department under such amendments.''.

Part D amendment No. 4 offered by Mr. TRAFICANT:

At the end of title VIII (page 199, after line 25), insert the following new section:

SEC. 804. TIME FOR SUBMISSION OF ANNUAL REPORT RELATING TO BUY AMERICAN ACT.

Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2611; 41 U.S.C. 10b–3) is amended by striking out ''90 days'' and inserting in lieu thereof ''60 days''.

Part D amendment No. 5 offered by Mr. TRAFICANT:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. REQUIREMENT TO PROVIDE BURIAL FLAGS WHOLLY PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Section 2301 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(f)(1) Any flag furnished pursuant to this section shall be wholly produced in the United States.

''(2) For the purpose of paragraph (1), the term 'wholly produced' means—

''(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

''(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

''(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to flags furnished by the Secretary of Veterans Affairs under section 2301 of title 38, United States Code, after September 30, 1998.

Part D amendment No. 6 offered by Mr. TRAFICANT:

At the end of part II of subtitle D of title XXVIII (page 320, after line 11), insert the following new section:

SEC. 2843. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE FACILITY, YOUNGSTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 315 East Laclede Avenue in Youngstown, Ohio, and is the location of a Naval and Marine Corps Reserve facility.

(b) PURPOSE.—The purpose of the conveyance under subsection (a) is to permit the City to use the parcel for educational purposes.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Part D amendment No. 7 offered by Mr. BARTLETT of Maryland and Mr. SOLOMON:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. . INVESTIGATION OF ACTIONS RELATING TO 174TH FIGHTER WING OF NEW YORK AIR NATIONAL GUARD.

(a) INVESTIGATION.—The Inspector General of the Department of Defense shall investigate the grounding of the 174th Fighter Wing of the New York Air National Guard and the subsequent dismissal, demotion, or reassignment of 12 decorated combat pilots of that wing.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the results of the investigation under subsection (a).

Part D amendment No. 8 offered by Mr. FRANK of Massachusetts and Mr. SISISKY:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. LIMITATION ON PAYMENTS FOR COST OF NATO EXPANSION.

(a) The amount spent by the United States as its share of the total cost to North Atlantic Treaty Organization member nations of the admission of new member nations to the North American Treaty Organization may not exceed 10 percent of the cost of expansion or a total of $2,000,000,000, whichever is less, for fiscal years 1999 through 2011.

(b) If at any time during the period specified in subsection (a), the United States'

share of the total cost of expanding the North Atlantic Treaty Organization exceeds 10 percent, no further United States funds may be expended for the costs of such expansion until that percentage is reduced to below 10 percent.

Part D amendment No. 9 offered by Mr. HOBSON:

At the end of title VII (page 197, after line 5) insert the following new sections:

SEC. 726. REQUIREMENT THAT MILITARY PHYSICIANS POSSESS UNRESTRICTED LICENSES.

(a) IN GENERAL.—Section 1094(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) In the case of a physician under the jurisdiction of the Secretary of a military department, such physician may not provide health care as a physician under this chapter unless the current license of the physician is an unrestricted license which is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 727. ESTABLISHMENT OF MECHANISM FOR ENSURING COMPLETION BY MILITARY PHYSICIANS OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

''§ 1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements

''The Secretary of Defense shall establish a mechanism for the purpose of ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician completes the Continuing Medical Education requirements applicable to the physician.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements.''.

(b) EFFECTIVE DATE.—Section 1094a of title 10, United States Code, as added by subsection (a), shall take effect on the date that is three years after the date of the enactment of this Act.

Part D amendment No. 10 offered by Mrs. MALONEY of New York:

At the end of subtitle D of title VI (page 178, after line 20), insert the following new section:

SEC. 642. REVISION TO COMPUTATION OF RETIRED PAY FOR ENLISTED MEMBERS WHO ARE REDUCED IN GRADE BEFORE RETIREMENT.

(a) PRE-SEPTEMBER 8, 1980 MEMBERS.—Section 1406(i) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE.—Paragraph (1) does not apply in the case of a member who after serving as the senior enlisted member of an armed force is reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process, as determined by the Secretary concerned.''.

(b) POST-SEPTEMBER 7, 1980 MEMBERS.—Section 1407 of such title is amended by adding at the end the following new subsection:

''(f) LIMITATION FOR ENLISTED MEMBERS REDUCED IN GRADE.—

''(1) BASIC PAY DISREGARDED FOR GRADES ABOVE GRADE TO WHICH REDUCTION IN GRADE IS MADE.—In computing the high-three average of a retired enlisted member who has been reduced in grade, the amount of basic pay to which the member was entitled for any covered pre-reduction month (or to which the member would have been entitled if serving on active duty during that month, in the case of a member entitled to retired under pay under section 12731 of this title) shall (for the purposes of such computation) be deemed to be the rate of basic pay to which the member would have been entitled for that month if the member had served on active duty during that month in the grade to which the reduction in grade was made.

''(2) DEFINITIONS.—In this subsection:

''(A) RETIRED ENLISTED MEMBER WHO HAS BEEN REDUCED IN GRADE.—The term 'retired enlisted member who has been reduced in grade' means a member or former member who—

''(i) retires in an enlisted grade, transfers to the Fleet Reserve or Fleet Marine Corps Reserve, or becomes entitled to retired pay under chapter 12731 after last serving in an enlisted grade; and

''(ii) had at any time previously been reduced in grade as the result of a court-martial sentence, nonjudicial punishment, or other administrative process, as determined by the Secretary concerned.

''(B) COVERED PRE-REDUCTION MONTH DEFINED.—The term 'covered pre-reduction month' means, in the case of a retired enlisted member who has been reduced in grade, a month of service of the member before the reduction in grade of the member during which the member served in a grade higher than the grade to which the reduction in grade was made.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of a member who is reduced in grade by sentence of a court-martial only in the case of a court-martial conviction on or after the date of the enactment of this Act. Subsection (f) of section 1407 of title 10, United States Code, as added by the amendment made by subsection (b), shall not apply to the retired or retainer pay of any person who becomes entitled to that pay before the date of the enactment of this Act.

(d) TECHNICAL AMENDMENT.—Subsection (e) of section 1407 of title 10, United States Code, is amended by striking out ''high-36 average shall be computed'' and inserting in lieu thereof ''high-three average shall be computed under subsection (c)(1)''.

Part D amendment No. 11 offered by Mr. MARKEY:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. PROHIBITION ON USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER THE ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.

(A) PROHIBITION.—Section 57(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(e)) is amended by inserting after ''section 11,'' the following: ''or tritium''.

(b) CONFORMING AMENDMENT.—Section 108 of such Act (42 U.S.C. 2138) is amended by inserting ''or tritium'' after ''special nuclear material'' in the second and third sentences each place it appears.

Part D amendment No. 12 offered by Mr. STENHOLM and Mr. THUNE:

At the end of title VII of the bill (page 197, after line 5), insert the following new section:

SECTION 726. PROPOSAL ON ESTABLISHMENT OF APPEALS PROCESS FOR CLAIMCHECK DENIALS AND REVIEW OF CLAIMCHECK SYSTEM.

Not later than November 1, 1998, the Secretary of Defense shall submit to Congress a proposal to establish an appeals process in cases of denials through the ClaimCheck computer software system of claims by civilian providers for payment for health care services provided under the TRICARE program.

Part D amendment No. 14 offered by Mr. MCKEON:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. FACILITATION OF OPERATIONS AT EDWARDS AIR FORCE BASE, CALIFORNIA.

(a) FACILITATION OF OPERATIONS.—The Secretary of the Air Force may, in order to facilitate implementation of the Edwards Air Force Base Alliance Agreement, authorize equipment, facilities, personnel, and other resources available to the Air Force at Edwards Air Force Base to be used in such manner as the Secretary considers appropriate for the efficient operation and support of either or both of the organizations that are parties to that agreement without regard to the provisions of section 1535 of title 31, United States Code (and any regulations of the Department of Defense prescribed under that section).

(b) PRESERVATION OF FINANCIAL INTEGRITY OF FUNDS.—The Secretary shall carry out subsection (a) so as to preserve the financial integrity of funds appropriated to the Department of the Air Force and the National Aeronautics and Space Administration.

(c) EDWARDS AIR FORCE BASE ALLIANCE AGREEMENT.—For purposes of this section, the term ''Edwards Air Force Base Alliance Agreement'' means the agreement entered into in May 1995, between the commander of the Air Force Flight Test Center and the director of the Dryden Flight Research Center of the National Aeronautics and Space Administration, both of which are located at Edwards Air Force Base, California, to develop and sustain a working relationship between the two organizations to improve the efficiency of the operations of both organizations while preserving the unique missions of both organizations.

(d) DELEGATION.—The authority of the Secretary under this section may be delegated, at the Secretary's discretion, to the commander of the Air Force Flight Test Center, Edwards Air Force Base, California.

(e) REPORT.—Not later than May 1, 1999, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report on the implementation of this section.

Part D amendment No. 15 offered by Mr. HUNTER:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. COMMODITY JURISDICTION FOR SATELLITE EXPORTS.

(a) CONTROL ON MUNITIONS LIST.—All satellites of United States origin, including commercial satellites and satellite components, shall be placed on the United States Munitions List, and the export of such satellites shall be controlled under the Arms Export Control Act, effective 60 days after the date of the enactment of this Act.

(b) REGULATIONS.—Regulations to carry out subsection (a) shall be issued within 60 days after the date of the enactment of this Act.

Part D amendment No. 16 offered by Mr. SPENCE:

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

SEC. . TRANSMISSION OF EXECUTIVE BRANCH REPORTS PROVIDING CONGRESS WITH CLASSIFIED SUMMARIES OF ARMS CONTROL DEVELOPMENTS.

(a) REPORTING REQUIREMENT.—The Director of the Arms Control and Disarmament Agency (or the Secretary of State, if the Arms Control and Disarmament Agency becomes an element of the Department of State) shall transmit to Congress on a periodic basis reports containing classified summaries of arms control developments.

(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall include information reflecting the activities of forums established to consider issues relating to treaty implementation and treaty compliance, including the Joint Compliance and Inspection Commission, the Joint Verification Commission, the Open Skies Consultative Commission, the Standing Consultative Commission, and the Joint Consultative Group.

Part D amendment No. 17 offered by Mr. SESSIONS:

At the end of subtitle D of title III (page 67, after line 3), insert the following new section:

SEC. 340. BEST COMMERCIAL INVENTORY PRACTICES FOR MANAGEMENT OF SECONDARY SUPPLY ITEMS.

(a) DEVELOPMENT AND SUBMISSION OF SCHEDULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall develop and submit to Congress a schedule for implementing within the military department, for secondary supply items managed by that military department, inventory practices identified by the Secretary as being the best commercial inventory practices for the acquisition and distribution of such supply items consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than five years after the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term ''best commercial inventory practice'' includes cellular repair processes, use of third-party logistics providers, and any other practice that the Secretary of the military department determines will enable the military department to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(c) GAO REPORTS ON MILITARY DEPARTMENT AND DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not later than 240 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report evaluating the extent to which the Secretary of each military department has complied with the requirements of this section.

(2) Not later than 18 months after the date on which the Director of the Defense Logistics Agency submits to Congress a schedule for implementing best commercial inventory practices under section 395 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comptroller General shall submit to Congress an evaluation of the extent to which best commercial inventory practices are being implemented in the Defense Logistics Agency in accordance with that schedule.

Part D amendment No. 18 offered by Mr. GIBBONS:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. RELEASE OF EXPORT INFORMATION HELD BY THE DEPARTMENT OF COMMERCE FOR PURPOSE OF NATIONAL SECURITY ASSESSMENTS.

(a) RELEASE OF EXPORT INFORMATION.—The Secretary of Commerce shall transmit any information relating to exports that is held by the Department of Commerce and is requested by the officials designated in subsection (b) for the purpose of assessing national security risks. The Secretary of Commerce shall transmit such information within 5 days after receiving a written request for such information. Information referred to in this section includes—

(1) export licenses, and information on exports that were carried out under an export license issued by the Department of Commerce; and

(2) information collected by the Department of Commerce on exports from the United States that were carried out without an export license.

(b) REQUESTING OFFICIALS.—The officials referred to in subsection (a) are the Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy. The Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy may delegate to other officials within their respective agency and departments the authority to request information under subsection (b).

Part D amendment No. 21 offered by Mr. HUNTER and Mr. JONES:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING TAX TREATMENT OF PRINCIPAL RESIDENCE OF MEMBERS OF ARMED FORCES WHILE AWAY FROM HOME ON ACTIVE DUTY.

It is the sense of Congress that a member of the Armed Forces should be treated as using property as a principal residence during any period that the member (or the member's spouse) is serving on extended active duty with the Armed Forces, but only if the member used the property as a principal residence for any period during or before the period of extended active duty.

Part D amendment No. 23 offered by Mr. WELDON of Florida:

At the end of title X (page 234, after line 4), insert the following new section:

SEC.—. OPERATION, MAINTENANCE, AND UPGRADE OF AIR FORCE SPACE LAUNCH FACILITIES.

Funds appropriated pursuant to the authorizations of appropriations in this Act for the operation, maintenance, or upgrade of the Western Space Launch Facilities of the Department of the Air Force (Program Element 35181F) and the Eastern Space Launch Facilities of the Department of the Air Force (Program Element 351821F) may not be obligated for any other purpose.

Part D amendment No. 24 offered by Mr. BARR of Georgia:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COUNTER-DRUG CENTER IN PANAMA.

In anticipation of the closure of all United States military installations in Panama by December 31, 1999, it is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should continue negotiations with the Government of Panama for the establishment in Panama of a counter-drug center to be used by the Armed Forces of the United States in cooperation with Panamanian forces and military personnel of other friendly nations.

Part D amendment No. 25 offered by Mr. HASTINGS of Washington:

At the end of subtitle C of title XXXI (page 356, after line 14), insert the following new section:

SEC. 3136. HANFORD TANK CLEANUP PROGRAM REFORMS.

(a) ESTABLISHMENT OF OFFICE OF RIVER PROTECTION.—The Secretary of Energy shall establish an office at the Hanford Reservation, Richland, Washington, to be known as the ''Office of River Protection''.

(b) MANAGEMENT.—The Office shall be headed by a senior official of the Department of Energy, who shall be responsible for managing all aspects of the Tank Waste Remediation System (also referred to as the Hanford Tank Farm operations), including those portions under privatization contracts, of the Department of Energy at the Hanford Reservation. The Office shall be responsible for developing the integrated management plan under subsection (d).

(c) DEPARTMENT OF ENERGY RESPONSIBILITIES.—The Secretary of Energy shall—

(1) provide the manager of the Office of River Protection with the resources and personnel necessary to manage the tank waste privatization program in an efficient and streamlined manner; and

(2) establish a five-member advisory committee, including the manager of the Richland operations office and a representative of the Office of Privatization and Contract Reform, to advise the Office.

(d) INTEGRATED MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an integrated management plan for all aspects of the Hanford Tank Farm operations, including the roles, responsibilities, and reporting relationships of the Office of River Protection. In developing the plan, the Secretary shall consider the extent to which the Office should be physically and administratively separate from the Richland operations office.

(e) REPORT.—After the Office of River Protection has been in operation for two years, the Secretary of Energy shall submit to Congress a report on the success of the Tank Waste Remediation System and the Office in improving the management structure of the Department of Energy.

(f) TERMINATION.—The Office of River Protection shall terminate after it has been in operation for five years, unless the Secretary of Energy determines that such termination would disrupt effective management of Hanford Tank Farm operations. The Secretary shall inform the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of this determination in writing.

Part D amendment No. 26 offered by Mr. HASTINGS of Washington:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING PROGRAM.

The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the hazardous materials management and hazardous materials emergency response training program authorized under section 3140(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services, in lieu of payment for the training program.

Part D amendment No. 27 offered by Mrs. FOWLER:

At the end of title IX (page 217, before line 20), insert the following new section:

SEC. 910. ANNUAL REPORT ON INDIVIDUALS EMPLOYED IN PRIVATE SECTOR WHO PROVIDE SERVICES UNDER CONTRACT FOR THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2222. Information system to track quantity and value of non-Federal services

''(a) IMPLEMENTATION OF SYSTEM.—The Secretary of Defense shall implement an information system for the collection and reporting of information by the Secretaries of the military departments, Directors of the Defense Agencies, and heads of other DOD organizations concerning the quantity and value of non-Federal services they acquired. The system shall be designed to provide information, for the Department of Defense as a whole and for each DOD organization, concerning the following:

''(1) The number of workyears performed by individuals employed by non-Federal entities providing goods and services under contracts of the Department of Defense.

''(2) The labor costs to the Department of Defense under the contracts associated with the performance of those workyears.

''(3) The value of the goods and services procured by the Department of Defense from non-Federal entities.

''(4) The appropriations associated with the contracts for those goods and services.

''(5) The Federal supply class or service code associated with those contracts.

''(6) The major organization element contracting for the goods and services.

''(b) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—Not later than February 1 of each year, the head of each DOD organization shall submit to the Secretary of Defense a report detailing the quantity and value of non-Federal services obtained by that organization. The report shall be developed from the system under subsection (a) and shall contain the following:

''(1) The total amount paid during the preceding fiscal year to obtain goods and services provided under contracts, expressed in dollars and as a percentage of the total budget of that organization, and shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

''(2) The total number of workyears performed during the preceding fiscal year by employees of non-Federal entities providing goods and services under contract, shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

''(3) A detailed discussion of the methodology used under the system to derive the data provided in the report.

''(c) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing all of the information concerning the quantity and value of non-Federal services obtained by the Department of Defense as shown in the reports submitted to the Secretary for that year under subsection (b). The Secretary shall include in that report the information provided by each DOD organization under subsection (b) without revision from the manner in which it is submitted to the Secretary by the head of that organization.

''(d) DEVELOPMENT OF INFORMATION.—(1) The Secretary of Defense may prescribe regulations to require contractors providing goods and services to the Department of Defense to include on invoices submitted to the Secretary or head of a DOD organization responsible for such contracts the number of hours of labor attributable to the contract for which the invoice is submitted.

''(2) The Secretary shall require that each DOD organization provide information for the information system under subsection (a) and the annual report under subsection (b) in as uniform manner as practicable.

''(e) ASSESSMENT BY COMPTROLLER GENERAL.—(1) The Comptroller General shall conduct a review of the report of the Secretary of Defense under subsection (c) each year and shall—

''(A) assess the appropriateness of the methodology used by the Secretary and the DOD organizations in deriving the information provided to Congress in the report; and

''(B) assess the accuracy of the information provided to Congress in the report.

''(2) Not later than 90 days after the date on which the Secretary submits to Congress the report required under subsection (e) for any year, the Comptroller General shall submit to Congress the Comptroller General's report containing the results of the review for that year under paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) The term 'DOD organization' means—

''(A) the Office of the Secretary of Defense;

''(B) each military department;

''(C) the Joint Chiefs of Staff and the unified and specified commands;

''(D) each Defense Agency; and

''(E) each Department of Defense Field Activity.

''(2) The term 'workyear' means the private sector equivalent to the total number of hours of labor that an individual employed on a full-time equivalent basis by the Federal Government performs in a given year.

''(3) The term 'contract' has the meaning given such term in parts 34, 35, 36, and 37 of title 48, Code of Federal Regulations.

''(4) The term 'labor costs' means all compensation costs for personal services as defined in part 31 of title 48, Code of Federal Regulations.

''(5) The term 'major organizational element' means an organization within a Defense Agency or military department that is headed by a Senior Executive Service official (or military equivalent) and that contains a contract administration office (as defined in part 2 of title 48, Code of Federal Regulations).

''(6) The term 'Federal supply class or service code' is the functional code prescribed by section 253.204–70 of the Department of Defense Federal Acquisition Regulation Supplement, as determined by the first character of such code.

''(f) CONSTRUCTION OF SECTION.—The Secretary of Defense shall ensure that the provisions of this section are construed broadly so as enable accurate and full accounting for the volume and costs associated with contractor support of the Department of Defense.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2222. Information system to track quantity and value of non-Federal services.''.

(b) EFFECTIVE DATE.—The system required by subsection (a) of section 2222 of title 10, United States Code, as added by subsection (a), shall be implemented not later than one year after the date of the enactment of this Act.

Part D amendment No. 28 offered Mr. BISHOP:

At the end of subtitle B of title VI (page 176, after line 2), insert the following new section:

SEC. __. HARDSHIP DUTY PAY.

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended by striking out ''on duty at a location'' and all that follows and inserting in lieu thereof ''performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.''.

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out ''hardship duty location pay'' and inserting in lieu thereof ''hardship duty pay''.

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out **"location"**.

(4) Section 907(d) of title 37, United States Code, is amended by striking out ''duty at a hardship duty location'' and inserting in lieu thereof ''hardship duty''.

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

''305. Special pay: hardship duty pay.''.

Part D amendment No. 29 offered by Mr. BILBRAY:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. __. SENSE OF CONGRESS CONCERNING NEW PARENT SUPPORT PROGRAM AND MILITARY FAMILIES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the New Parent Support Program that was begun as a pilot program of the Marine Corps at Camp Pendleton, California, has been an effective tool in curbing family violence within the military community;

(2) such program is a model for future programs throughout the Marine Corps, the Navy, and the Army; and

(3) in light of the pressures and strains placed upon military families and the benefits of the New Parent Support Program in helping these high ''at-risk'' families, the Department of Defense should seek ways to ensure that in future fiscal years funds are made available for those programs for each of the Armed Forces in amounts sufficient to meet requirements for those programs.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the New Parent Support Program of the Department of Defense. The Secretary shall include in the report the following:

(1) A description of how the Army, Navy, Air Force, and Marine Corps are each implementing a New Parent Support Program and how each such program is organized.

(2) A description of how the implementation of programs for the Army, Navy, and Air Force compare to the fully implemented Marine Corps program.

(3) The number of installations that each service has scheduled to receive support for the New Parent Support Program.

(4) The number of installations delayed in providing the program.

(5) The number of programs terminated.

(6) The number of programs with reduced support.

(7) The funding provided for those programs for each of the four services for each of fiscal years 1994 through 1998 and the amount projected to be provided for those programs for fiscal year 1999 and, if the amount provided for any of those programs for any such year is less that the amount

needed to fully fund for that program for that year, an explanation of the reasons for the shortfall.

Part D amendment No. 30 offered by Mr. WELDON of Pennsylvania:

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

SEC. 214. NEXT GENERATION INTERNET PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), $53,000,000 shall be available for the Next Generation Internet program.

(b) LIMITATION.—Notwithstanding the enactment of any other provision of law after the date of the enactment of this Act, amounts may be appropriated for fiscal year 1999 for research, development, test, and evaluation by the Department of Defense for the Next Generation Internet program only pursuant to the authorization of appropriations under section 201(4).

Part D amendment No. 31 offered by Mr. WELDON of Pennsylvania and Mr. SKELTON:

At the end of Division A of the bill (page 265, after line 8) insert the following new title:

TITLE XIV—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1998''.

SEC. 1402. FINDINGS.

The Congress finds the following:

(1) Many nations currently possess weapons of mass destruction and related materials and technologies, and such weapons are increasingly available to a variety of sources through legitimate and illegitimate means.

(2) The proliferation of weapons of mass destruction is growing, and will likely continue despite the best efforts of the international community to limit their flow.

(3) The increased availability, relative affordability, and ease of use of weapons of mass destruction may make the use of such weapons an increasingly attractive option to potential adversaries who are not otherwise capable of countering United States military superiority.

(4) On November 12, 1997, President Clinton issued an Executive Order stating that ''the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction'') and the means of delivering such weapons constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States'' and declaring a national emergency to deal with that threat.

(5) The Quadrennial Defense Review concluded that the threat or use of weapons of mass destruction is a likely condition of future warfare and poses a potential threat to the United States.

(6) The United States lacks adequate preparedness at the Federal, State, and local levels to respond to a potential attack on the United States involving weapons of mass destruction.

(7) The United States has initiated an effort to enhance the capability of Federal, State, and local governments as well as local emergency response personnel to prevent and respond to a domestic terrorist incident involving weapons of mass destruction.

(8) More than 40 Federal departments, agencies, and bureaus are involved in combating terrorism, and many, including the Department of Defense, the Department of Justice, the Department of Energy, the Department of Health and Human Services, and the Federal Emergency Management Agency, are executing programs to provide civilian personnel at the Federal, State, and local levels with training and assistance to prevent and respond to incidents involving weapons of mass destruction.

(9) The Department of Energy has established a Nuclear Emergency Response Team which is available to respond to incidents involving nuclear or radiological emergencies.

(10) The Department of Defense has begun to implement a program to train local emergency responders in major cities throughout the United States to prevent and respond to incidents involving weapons of mass destruction.

(11) The Department of Justice has established a National Center for Domestic Preparedness at Fort McClellan, Alabama, to conduct nuclear, biological, and chemical preparedness training for Federal, State, and local officials to enhance emergency response to incidents involving weapons of mass destruction.

(12) Despite these activities, Federal agency initiatives to enhance domestic preparedness to respond to an incident involving weapons of mass destruction are hampered by incomplete interagency coordination and overlapping jurisdiction of agency missions, for example:

(A) The Secretary of Defense has proposed the establishment of 10 Rapid Assessment and Initial Detection elements, composed of 22 National Guard personnel, to provide timely regional assistance to local emergency responders during an incident involving chemical or biological weapons of mass destruction. However, the precise working relationship between these National Guard elements, the Federal Emergency Management Agency regional offices, and State and local emergency response agencies has not yet been determined.

(B) The Federal Emergency Management Agency, the lead Federal agency for consequence management in response to a terrorist incident involving weapons of mass destruction, has withdrawn from the role of chair of the Senior Interagency Coordination Group for domestic emergency preparedness, and a successor agency to chair the Senior Interagency Coordinator has not yet been determined.

(C) In order to ensure effective local response capabilities to incidents involving weapons of mass destruction, the Federal Government, in addition to providing training, must concurrently address the need for—

(i) compatible communications capabilities for all Federal, State, and local emergency responders, which often use different radio systems and operate on different radio frequencies;

(ii) adequate equipment necessary for response to an incident involving weapons of mass destruction, and a means to ensure that financially lacking localities have access to such equipment;

(iii) local and regional planning efforts to ensure the effective execution of emergency response in the event of an incident involving a weapon of mass destruction; and

(iii) increased planning and training to prepare for emergency response capabilities in port areas and littoral waters.

(D) The Congress is aware that Presidential Decision Directives relating to domestic emergency preparedness for response to terrorist incidents involving weapons of mass destruction are being considered, but agreement has not been reached within the executive branch.

Subtitle A—Domestic Preparedness

SEC. 1411. DOMESTIC PREPAREDNESS FOR RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.

(a) ENHANCED RESPONSE CAPABILITY.—In light of the continuing potential for terrorist use of weapons of mass destruction against the United States and the need to develop a more fully coordinated response to that threat on the part of Federal, State, and local agencies, the President shall act to increase the effectiveness at the Federal, State, and local level of the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction by developing an integrated program that builds upon the program established under title XIV of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2714).

(b) REPORT.—Not later than January 31, 1999, the President shall submit to Congress a report containing information on the actions taken at the Federal, State, and local level to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction.

SEC. 1412. REPORT ON DOMESTIC EMERGENCY PREPAREDNESS.

Section 1051 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1889) is amended by adding at the end the following new subsection:

''(c) ANNEX ON DOMESTIC EMERGENCY PREPAREDNESS PROGRAM.—As part of the report submitted to Congress under subsection (b), the President shall include an annex which provides the following information on the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction (as established under title XIV and section 1411 of the National Defense Authorization Act for Fiscal Year 1999):

''(1) information on program responsibilities for each participating Federal department, agency, and bureau;

''(2) a summary of program activities performed during the preceding fiscal year for each participating Federal department, agency, and bureau;

''(3) a summary of program obligations and expenditures during the preceding fiscal year for each participating Federal department, agency, and bureau;

''(4) a summary of the program plan and budget for the current fiscal year for each participating Federal department, agency, and bureau;

''(5) the program budget request for the following fiscal year for each participating Federal department, agency, and bureau;

''(6) recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction that have been made by the Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (as established under section 1421 of the National Defense Authorization Act for Fiscal Year 1999), and actions taken as a result of such recommendations; and

''(7) requirements regarding additional program measures and legislative authority for which congressional action may be recommended.''.

SEC. 1413. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1411 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State,

and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall, through the Federal Bureau of Investigation, conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

(3) The President shall identify and make available the funds necessary to carry out this section.

(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General, through the Federal Bureau of Investigation may, in coordination with appropriate Federal, State, and local agencies, conduct a pilot test of any proposed method or model by which such assessments are to be performed.

(2) The pilot test shall be performed in cities or local areas selected by the Department of Justice, through the Federal Bureau of Investigation, in consultation with appropriate Federal, State, and local agencies.

(3) The pilot test shall be completed not later than 4 months after the date of the enactment of this Act.

Subtitle B—Advisory Commission to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction

SEC. 1421. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction'' (hereinafter referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 15 members, appointed as follows:

(1) 4 members appointed by the Speaker of the House of Representatives;

(2) 4 members appointed by the majority leader of the Senate;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the minority leader of the Senate;

(5) 3 members appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed from among individuals with knowledge and expertise in emergency response matters.

(d) DEADLINE FOR APPOINTMENTS.—Appointments shall be made not later than the date that is 30 days after the date of the enactment of this Act.

(e) INITIAL MEETING.—The Commission shall conduct its first meeting not later than the date that is 30 days after the date that appointments to the Commission have been made.

(f) CHAIRMAN.—A Chairman of the Commission shall be elected by a majority of the members.

SEC. 1422. DUTIES OF COMMISSION.

The Commission shall—

(1) assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;

(2) assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;

(3) assess deficiencies in training programs for responses to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning and maritime region needs;

(4) recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and

(5) assess the appropriate role of State and local governments in funding effective local response capabilities.

SEC. 1423. REPORT.

Not later than the date that is 6 months after the date of the first meeting of the Commission, the Commission shall submit a report to the President and to Congress on its findings under section 1422 and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction.

SEC. 1424. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out this Act, hold such hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any department or agency of the United States information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.

SEC. 1425. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of a majority of the members.

(b) QUORUM.—Eight members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

SEC. 1426. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.

(2) The Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1427. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the United States.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(c) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

SEC. 1428. TERMINATION OF COMMISSION.

The Commission shall terminate not later than 60 days after the date that the Commission submits its report under section 1423.

SEC. 1429. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1999.

Part D amendment No. 32 offered by Mr. WELDON of Pennsylvania:

At the end of title XXXI (page 363, after line 5), insert the following new section:

SEC. 3154. ADVANCED TECHNOLOGY RESEARCH PROJECT.

(a) FINDINGS.—Congress finds the following:

(1) Currently in the post-cold war world, there are new opportunities to facilitate international political and scientific cooperation on cost-effective, advanced, and innovative nuclear management technologies.

(2) There is increasing public interest in monitoring and remediation of nuclear waste.

(3) It is in the best interest of the United States to explore and develop options with the international community to facilitate the exchange of evolving advanced nuclear wastes technologies.

(4) The Advanced Technology Research Project facilitates an international clearinghouse and marketplace for advanced nuclear technologies.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the President should instruct the Secretary of Energy, in consultation with the Secretary of State, the Secretary of Defense, the Administrator of the Environmental Protection Agency, and other officials as appropriate, to consider the Advanced Technology Research Project and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the following:

(1) An assessment of whether the United States should encourage the establishment of an international project to facilitate the international exchange of information (including costs data) relating to advanced nuclear waste technologies, including technologies for solid and liquid radioactive wastes and contaminated soils and sediments.

(2) An assessment of whether such a project could be funded privately through industry, public interest, and scientific organizations and administered by an international nongovernmental organization, with operations in the United States, Russia, and other countries that have an interest in developing such technologies.

(3) Recommendations for any legislation that the Secretary of Energy believes would be required to enable such a project to be undertaken.

Part D amendment No. 33 offered by Mr. WELDON of Pennsylvania and Mr. SPRATT:

At the end of subtitle C of title II (page 29, after line 21), insert the following new section:

SEC. 236. RESTRUCTURING OF THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM ACQUISITION STRATEGY.

(a) ESTABLISHMENT OF ALTERNATIVE CONTRACTOR.—(1) The Secretary of Defense shall select an alternative contractor as a potential source for the development and production of the interceptor missile for the Theater High-Altitude Area Defense (THAAD) system within a ''leader-follower'' acquisition strategy.

(2) The Secretary shall take such steps as necessary to ensure that the prime contractor for that system prepares the selected alternative contractor so as to enable the alternative contractor to be able (if necessary) to assume the responsibilities for development or production of an interceptor missile for that system.

(3) The Secretary shall select the alternative contractor as expeditiously as possible and shall use the authority provided in section 2304(c)(2) of title 10, United States Code, to expedite that selection.

(4) Of the amount authorized under section 201(4) for the Theater High-Altitude Area Defense system, the amount provided for the Demonstration/Validation phase for that system is hereby increased by $142,700,000, of which $30,000,000 shall be available for the purposes of this subsection, and the amount provided for the Engineering and Manufacturing Development phase for that system is hereby reduced by $142,700,000.

(b) COST SHARING ARRANGEMENT.—The Secretary of Defense shall contractually establish an appropriate cost sharing arrangement with the prime contractor as of May 14, 1998, for the interceptor missile for the Theater High-Altitude Area Defense system for flight test failures of that missile beginning with flight test nine.

(c) ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE FOR OTHER ELEMENTS OF THE THAAD SYSTEM.—The Secretary of Defense shall proceed as expeditiously as possible with the milestone approval process for the Engineering and Manufacturing Development phase for the Battle Management and Command, Control, and Communications (BM/C^3) element of the Theater High-Altitude Area Defense system and for the Ground-Based Radar (GBR) element for that system. That milestone approval process for those elements shall proceed without regard to the stage of development of the missile interceptor for that system.

(d) REQUIREMENT BEFORE PROCUREMENT OF UOES MISSILES.—The Secretary of Defense may not obligate any funds for acquisition of User Operational Evaluation System (UOES) missiles for the Theater High-Altitude Area Defense system until there have been two successful tests of the interceptor missile for that system.

(e) LIMITATION ON ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE.—The Secretary of Defense may not approve the commencement of the Engineering and Manufacturing Development phase for the interceptor missile for the Theater High-Altitude Area Defense system until there have been three successful tests of that missile.

(f) SUCCESSFUL TEST DEFINED.—For purposes of this section, a successful test of the interceptor missile of the Theater High-Altitude Area Defense system is a body-to-body intercept by that missile of a ballistic missile target.

Part D amendment No. 34 offered by Mr. SPENCE:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. EXECUTION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.

Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1932) is amended by adding at the end the following new subsection:

''(g) DELEGATION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.—For the purposes of the Department of Defense, the authority to issue an objection referred to in subsection (a) shall be executed for the Secretary of Defense by an individual at the Assistant Secretary level within the office of the Under Secretary of Defense for Policy. In implementing subsection (a), the Secretary of Defense shall ensure that Department of Defense procedures maximize the ability of the Department of Defense to be able to issue an objection within the 10-day period specified in subsection (c).''.

Part D amendment No. 35 offered by Mr. WELDON of Pennsylvania and Mr. PICKETT:

Page 21, line 12, strike out ''$3,078,251,000'' and insert in lieu thereof ''$4,208,978,000''.

Part D amendment No. 36 offered by Mr. RILEY:

Page 19, strike line 2 and all that follows through page 20, line 16 and insert the following:

SEC. 141. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall continue to manage the development and testing (including demonstration and pilot-scale facility testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Secretary of the Army, or his designee.

(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1998, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred pursuant to the plan submitted under paragraph (2) not later than 60 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)(2)).

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment program may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions may be implemented immediately after—

(A) the technology has been demonstrated to be successful;

(B) the Under Secretary of Defense for Acquisition and Technology has submitted to Congress a report on the demonstration; and

(C) a decision has been made to proceed with the pilot-scale facility phase for an alternative technology.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December, 1999.

(c) PLAN FOR PILOT PROGRAM.—If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

(d) FUNDING.—Of the amount authorized to be appropriated in section 107, $12,600,000 shall be available for the Assembled Chemical Weapons Assessment program for the following:

(1) Demonstration of alternative technologies under the Assembled Chemical Weapons Assessment program.

(2) Planning and preparation to proceed immediately from demonstration of an alternative technology to the development of a pilot-scale facility for the technology, including planning and preparation for—

(A) continued development of the technology leading to deployment of the technology;

(B) satisfaction of requirements for environmental permits;

(C) demonstration, testing, and evaluation;

(D) initiation of actions to design a pilot program;

(E) provision of support at the field office or depot level for deployment of the technology; and

(F) educational outreach to the public to engender support for the development.

(3) An independent cost and schedule evaluation of the Assembled Chemical Weapons Assembled program, to be completed not later than December 30, 1999.

(e) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT PROGRAM DEFINED.—In this section, the term ''Assembled Chemical Weapons Assessment program'' means the program established in section 152(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521), and section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101 of Public Law 104–208; 110 Stat. 3009–101), for identifying and demonstrating alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions.

Part D amendment No. 37 offered by Mr. PORTER:

At the end of part I of subtitle D of title XXVIII (page 317, after line 3), insert the following new section:

SEC. —. LAND CONVEYANCE, FORT SHERIDAN, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Lake Forest, Illinois (in this section referred to as the ''City''), all right, title, and interest, of the United States in and to all or some portion of the parcel of real property, including improvements thereon, at the former Fort Sheridan, Illinois, consisting of approximately 14 acres and known as the northern Army Reserve enclave area.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to not less than the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to provide for the construction of replacement facilities and for the relocation costs for Reserve units and activities affected by the conveyance.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Part D amendment No. 38 offered by Mr. DOOLITTLE:

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

SEC. 1032. REPORT ON PERSONNEL RETENTION.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing information on the retention of members of the Armed Forces on active duty in the combat, combat support, and combat service support forces of the Army, Navy, Air Force, and Marine Corps.

(b) REQUIRED INFORMATION.—The Secretary shall include in the report information on retention of members with military occupational specialties (or the equivalent) in combat, combat support, or combat service support positions in each of the Army, Navy, Air Force, and Marine Corps. Such information shall be shown by pay grade and shall be aggregated by enlisted grades and officers grades and shall be shown by military occupational specialty (or the equivalent). The report shall set forth separately (in numbers and as a percentage) the number of members separated during each such fiscal year who terminate service in the Armed Forces completely and the number who separate from active duty by transferring into a reserve component.

(c) YEARS COVERED BY REPORT.—The report shall provide the information required in the report, shown on a fiscal year basis, for each of fiscal years 1989 through 1998.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk read as follows:

Part D amendment No. 13, as modified, offered by Mr. HALL OF OHIO:

The amendment as modified is as follows:

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

SEC. 214. SCIENCE AND TECHNOLOGY FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to ensure sufficient financial resources are devoted to emerging technologies, a goal of at least 10 percent of funds available under title II for each of the Army, Navy, and Air Force should be dedicated to science and technology in each military department;

(2) management and funding for science and technology for each military department should receive a level of priority and leadership attention equal to the level received by program acquisition, and the Secretary of each military department should ensure that a senior member of the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology;

(3) to ensure an appropriate long-term focus for investments, a sufficient percentage of science and technology funds should be directed toward new technology areas, and annual reviews should be conducted for ongoing research areas to ensure that those funded initiatives are either integrated into acquisition programs or discontinued;

(4) the military departments should take appropriate steps to ensure that sufficient numbers of officers and civilian employees in each department hold advanced degrees in technical fields; and

(5) of particular concern, the Secretary of the Air Force should take appropriate measures to ensure that sufficient numbers of scientists and engineers are maintained to address the technological challenges faced in the areas of air, space, and information technology.

(b) STUDY.—

(1) REQUIREMENT.—The Secretary of Defense, in cooperation with the National Research Council of the National Academy of Sciences, shall conduct a study on the technology base of the Department of Defense.

(2) MATTERS COVERED.—The study shall—

(A) recommend the minimum requirements to maintain a technology base that is sufficient, based on both historical developments and future projections, to project superiority in air and space weapons systems, and information technology;

(B) address the effects on national defense and civilian aerospace industries and information technology by reducing funding below the goal described in paragraph (1) of subsection (a); and

(C) recommend the appropriate level of staff holding baccalaureate, masters, and doctorate degrees, and the optimal ratio of civilian and military staff holding such degrees, to ensure that science and technology functions of the Department of Defense remain vital.

(3) REPORT.—Not later than 120 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the results of the study.

Part D amendment No. 22, as modified, offered by Mr. KENNEDY of Rhode Island:

The amendment as modified is as follows:

Page 135, beginning on line 7, strike out ''**AND OTHER NATIONS**'' and insert in lieu thereof **''OTHER NATIONS, AND INDIGENOUS GROUPS**''.

Page 135, after line 16, insert the following (and redesignate the succeeding paragraphs accordingly):

(2) Indigenous groups, such as the Hmong, Nung, Montagnard, Kahmer, Hoa Hao, and Cao Dai contributed military forces, together with the United States, during military operations conducted in Southeast Asia during the Vietnam conflict.

Page 135, beginning on line 17, strike out ''the combat forces from these nations'' and insert in lieu thereof ''these combat forces''.

Page 136, line 1, insert '', indigenous groups,'' after ''Vietnamese''.

Page 136, line 13, insert '', as well as members of the Hmong, Nung, Montagnard, Kahmer, Hoa Hao, and Cao Dai,'' after ''the Philippines''.

Amendment deemed printed in part D of the report by order of the House of May 20, 1998, as modified, offered by Mr. EVERETT:

The amendment as modified is as follows:

At the end of title XII (page 253, after line 3), insert the following:

SEC. 1206. TRANSFER OF EXCESS UH–1 HUEY HELICOPTERS AND AH–1 COBRA HELICOPTERS TO FOREIGN COUNTRIES.

(a) IN GENERAL.—(1) Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2581. Transfer of excess UH–1 Huey helicopters and AH–1 Cobra helicopters to foreign countries

''(a) REQUIREMENTS.—The Secretary of Defense shall make all reasonable efforts to ensure that any excess UH–1 Huey helicopter or AH–1 Cobra helicopter that is to be transferred on a grant or sales basis to a foreign country for the purpose of flight operations for such country shall meet the following requirements:

''(1) Prior to such transfer, the helicopter receives, to the extent necessary, maintenance and repair equivalent to the depot-level maintenance and repair, as defined in section 2460 of this title, that such helicopter would need were the helicopter to remain in operational use with the armed forces of the United States.

''(2) Maintenance and repair described in paragraph (1) is performed in the United States.

''(b) EXCEPTION.—The requirements of subsection (a) shall not apply with respect to salvage helicopters provided to the foreign country solely as a source for spare parts.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2581. Transfer of excess UH–1 Huey helicopters and AH–1 Cobra helicopters to foreign countries.''.

(b) EFFECTIVE DATE.—Section 2581 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transfer of a UH–1 Huey helicopter or AH–1 Cobra helicopter on or after the date of the enactment of this Act.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the en bloc amendment, and thank the chairman of the committee for including the Bartlett-Solomon amendment in this package. I believe that a picture

is worth a thousand words, and this picture shows a scene which should grab the attention of every Member of Congress.

Last Thursday, on the East Front of the Capitol, 12 members of the New York Air National Guard, all of whom were combat-decorated veterans, surrendered their combat medals and decorations on the steps of the Capitol in protest.

These men, who are some of our Nation's best and brightest, were protesting the actions of the New York Air National Guard, who, with reckless abandon and complete disregard for combat capability, bowed at the altar of political correctness and rushed an unqualified female pilot into the combat unit at the expense of military readiness.

When the members of the Air Guard brought their allegations to their chain of command, their unit was grounded, and the pilots who brought the allegations forward were transferred, demoted, or dismissed.

These brave men, in whom our country has invested over $20 million, have shown that the New York Air Guard investigation into these allegations was fraught with charges of coverup, withholding of evidence, and perjury.

We cannot allow political correctness to ruin the lives and careers of members of the military who have sacrificed their lives for this country. The Bartlett-Solomon amendment will require a DOD inspector general to investigate the grounding of the Air National Guard. I urge support of the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I ask unanimous consent that the debate time for consideration of amendments en bloc be expanded by 30 minutes, and that such time be equally divided and controlled by the gentleman from Missouri (Mr. SKELTON) and myself.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

Mr. SKELTON. Reserving the right to object, Mr. Chairman, that gives each side how much time total?

Mr. SPENCE. If the gentleman will yield, Mr. Chairman, that is 25 minutes.

Mr. SKELTON. 25 minutes each? All right.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. WAMP. Reserving the right to object, Mr. Chairman, is there any way we could designate that extended time, 10 minutes on the Markey amendment, divided 5 minutes per side, on this critical issue of tritium production in the United States of America?

Mr. SPENCE. If the gentleman will yield, Mr. Chairman, we have about 30 people who want to speak now. That just about takes that up.

Mr. WAMP. I understand that, sir. This is a $4.5 billion issue. I think it deserves at least 10 minutes on the floor of the U.S. House of Representatives at this critical time in history, please.

Mr. SPENCE. If the gentleman will continue to yield, Mr. Chairman, I suggest to the gentleman he might get 10 people to say that much, and that would be 10 minutes.

Mr. WAMP. Mr. Chairman, I withdraw my reservation, and ask the ranking member and the chairman to please make sure we get our due time on the floor.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, it is my honor today to rise as a proud sponsor of the Kennedy amendment in the en bloc amendments. This amendment would recognize the services of the military forces of South Vietnam, other nations, as well as indigenous groups in connection with the United States Armed Forces during the Vietnam conflict.

From 1965 to 1971, these indigenous groups, such as the Kahmer, Nung, Hmong, Lao, Montagnard, Hao Hao, and Cao Dai, were the spearhead in the struggle for freedom in Southeast Asia. They fought against both the North Vietnamese army and the South Vietnamese insurgents.

They rescued downed American pilots and protected American air bases, bases from which thousands of missions were flown against North Vietnam. They were armed, equipped, fed, paid, and often transported into and out of conflict by the United States military. They all provided an invaluable service to the American military and to their own people.

By supporting this amendment, we will be giving these veterans the respect and recognition that they deserve. If we support this amendment, no one will ever again say that America and the world does not recognize the valor and courage demonstrated by these veterans in the struggle for freedom in Southeast Asia.

□ 1500

They can take pride in the fact that they will live on in American history as part of a long line of soldiers who fought to make the world a safer place.

In particular, Mr. Chairman, I would like to acknowledge and recognize the contributions of the Hmong and Lau veterans who comprise such a vital segment of the population in my own State of Rhode Island and with whom I have had a good personal working relationship.

On behalf of every one of the 86 Hmong and Lau veterans in my State of Rhode Island and on behalf of the 14,000 Hmong and Lau veterans in this country, I would like to ask my colleagues to show their support for this cause that they fought alongside our American service people with and show that America does not forget them.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, following up on the Bartlett-Solomon amendment, it is under very grave circumstances that we come to the floor today to ask the Inspector General of the Department of Defense to undertake an impartial investigation into a very disturbing and controversial case involving the 174th Fighter Wing of the Air National Guard in my home State of New York.

We cannot explain it all in one minute, but let me just say the members of the 174th, often referred to as the ''Boys from Syracuse,'' have had their names besmirched and their careers destroyed. They should not be kept in the dark any longer. They have turned in their medals from 15 heroes in the Vietnam War because of their protesting of the treatment they got because of politics in the New York State Air National Guard. I hope that we accept the amendment. Let us get on with this investigation.

Mr. Chairman, I rise in support of the amendment I have co-authored with my good friend and member of the National Security Committee, ROSCOE BARTLETT of Maryland.

Unfortunately, it is under very grave circumstances that we come to the floor today to force the Inspector General of the Department of Defense to undertake an impartial investigation into a very disturbing and controversial case involving the 174th Fighter Wing of the Air National Guard in my home state of New York.

Particularly, we are asking the IG to examine what seem to be retaliatory tactics taken against a number of members of that unit after they came forward to report what they believed to be serious wrong-doing by a trainee and superiors in their midst.

The worst part is that this stemmed from another social experiment in the military gone wrong when former Governor Cuomo's administration forced the acceptance of a female pilot into the wing who proved to be incapable of flying in a fighter wing and a constant source of controversy.

Even though this situation dates back several years to 1993, the fallout has been tragic and continues today.

Just last week, I had two of my own constituents turn in all of the medals they had earned from the Air Force as decorated members of the 174th Fighter Wing.

All tolled 15 pilots from the unit turned in their medals and Air Force Wings, many of whom are combat decorated veterans of the Persian Gulf War.

The question is why would so many members of one distinguished unit feel compelled to take such a dramatic step?

Why would the members of a wing who flew 1600 missions in the Persian Gulf War suddenly renounce their allegiance to the Air Force and the New York Air Guard they once so proudly and expertly represented?

Well, Mr. Chairman, the answer is simple to anyone who takes a minute to listen to their story.

These men were forced to retire, had their mental stability placed in question, accused of discrimination, reassigned to jobs copying papers, after being trained to fly fighters at a cost of $20 million to we taxpayers I might add, and otherwise humiliated.

In short, their distinguished military careers were destroyed and their future employment as private pilots jeopardized.

And for what? Because they had the guts to come forward and report wrongdoing in their unit and because they questioned the capability of the high-profile female trainee who couldn't pass muster as a fighter pilot.

Mr. Chairman, the military is not intended to be a social lab.

The American military has to be founded on a warrior culture that strives for uncompromising excellence because their mission is to fight wars and protect our way of life.

This case highlights just how much we place our national security and military preparedness at risk by continuing to press these politically correct experiments.

These principal pilots and officers were concerned for their units combat readiness yet their calls were ignored and they were punished.

That's exactly why we want the IG to examine this case now, Mr. Chairman.

We want to know what rules were violated and by whom, regardless of rank.

We want to know who did or did not perjure themselves during subsequent investigations, one by the military, the other by New York State's Inspector General.

We want to know if there was retaliation by superiors in the military against six pilots who made whistle-blower complaints and expected to be protected by whistle-blower laws.

We want to know if combat readiness was jeopardized.

And most importantly, we want all of this to be made public in full once and for all.

The members of the 174th, often referred to as the 'Boys from Syracuse', have had their names besmirched and their careers destroyed.

They shouldn't be kept in the dark any longer and they deserve to have an investigation into this mess that is open and fair.

Requirinfg this investigation and a report to Congress will provide that and is a positive step toward their complete vindication.

Please support the Bartlett/Solomon amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the ranking minority member yielding me the time. I appreciate the support on this I am getting, not just from the chairman and the ranking minority member, but from the gentleman from Virginia who has been an active proponent.

Last year we passed overwhelmingly, unanimously, an amendment that said the United States will not spend more than $200 million per year for our share of the cost of NATO expansion. NATO expansion is one thing. But an American subsidy of France and Germany and England and Italy and Scandinavia and the Benelux countries is quite another. We have a continuing problem.

Our wealthy, powerful European allies, who do not themselves face serious threats, have gotten so used to the American taxpayer picking up the tab for the common defense that they do not make a contribution. Part of the objection to NATO was an objection over an excessive contribution from Americans. We in this amendment take what the State Department and Defense Department told us it would cost and we say that will be the maximum.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I would say the gentleman is absolutely correct. It is a good amendment. We all should support it.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman because this may become a dispute between this body and the Senate, and I hope we will have our conferees standing firm for the American taxpayer if the Senate tries to kill it.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank Members on both sides of the aisle for their overwhelming support which enables disabled veterans and their disabled family members to participate in outdoor activities. For example, if they go fishing, they want a rail with a wheelchair or a sub. All funds are paid for by private funds. It has had overwhelming support from the Sportsmen's Caucus with over 200 members.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I would like to thank the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) and other members of the Committee on National Security for accommodating my amendment as part of the manager's en bloc amendment. The amendment that I offered allows service personnel who serve on the Joint Task Force for Full Accounting in Southeast Asia and who are working to seek a full accounting of our MIAs, it will allow them to receive hardship duty pay. There are about 155 members of the task force at any given time and hardship duty pay is up to $300 per month per person.

The men and women on these teams have volunteered for this tour of duty. They are dedicated to recovering and repatriating the remains of their colleagues, but must often work in areas that are littered with unexploded cluster bomb units and Sidewinder missiles. Add to that the malaria and snake infested, poisonous snake infested areas.

They provide great service to our Nation by giving the families of our lost service personnel hope and closure. They fully deserve our support. This small measure will demonstrate our commitment and show that we appreciate the danger that they encounter while on the job.

I had the opportunity to travel there and to see them at work and to experience firsthand the arduous ordeal that they go through in discharging this very, very sacred duty of returning the remains of our lost servicemen and women.

I appreciate this, Mr. Chairman. I appreciate the accommodation and certainly this is, I think, in the best interest of our service personnel and certainly in the best interest of the families of our lost servicemen who have not yet been repatriated.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank our chairman for yielding me the time. I want to yield to the gentlewoman from Washington and to the gentleman from North Carolina to explain a very important provision which will give the same tax breaks to our uniformed folks that we have given to the rest of the country with respect to a home sale.

I yield to the gentlewoman from Washington (Mrs. Linda SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, this provision expresses Congress's resolve to fix something that we did not do quite right last year in the Taxpayer Relief Act. Under the Taxpayer Relief Act, we allow people who sell their residence to exclude the first $250,000 of profit or $500,000 for a married couple. To qualify, though, the couple has to live in the home two of the last five years. In military States like mine and the two gentlemen standing with me, that does not always work with the deployment practices of this administration. So we just ask that we change this to say that if they are actively deployed, that also is considered as living in the home. It is only fair and they deserve it.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Mr. Chairman, I join the gentleman from California (Mr. HUNTER) and the gentlewoman from Washington (Mrs. LINDA SMITH) in offering this amendment today to urge the House to address this issue quickly.

The truth is Congress never intended to change the longstanding policy, that is, to understand the unique nature of homeownership for the American taxpayer serving in the military, when we drafted the Taxpayer Relief Act of 1997. It was an oversight. Clearly, it is unfair to deny men, women in the military the same tax relief as their civilian counterparts. That is exactly what is happening. I urge my colleagues to support this resolution and the legislation to correct this unfairness.

Mr. HUNTER. Mr. Chairman, this just says if you are stationed around the world and you may have been renting your home out for two of the last five years because of the extraordinary demands on uniformed service people, you can designate that home as your place of residence even though you

may be deployed in a different place. I thank both the authors of this legislation. They have done a lot to help our uniformed folks.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Chairman, I thank my good friend from Missouri for yielding me this time.

I rise to commend the bipartisan support for this bill and the leadership.

However, I am concerned that the level of modernization funding for our aging tactical trucks, specifically the HMMWV and the 2½ ton truck extended service program, may be inadequate. The Army and Marine Corps have placed HMMWV near the top of their unfunded requirements priority list, but the fiscal year 1999 HMMWV budget request level would result in a gap in HMMWV production.

The Army would require an increase to the budget of $65.7 million to meet existing requirements and avoid a production gap. The Marine Corps would require an increase of $37 million to accelerate replacement of aging HMMWVs with corrosion problems. In addition, the 2½ ton truck ESP program is critical to our Army Guard and Reserve forces which have large fleets of overage trucks. To meet existing requirements and to avoid a production gap, the 2½ ton truck ESP request needs to be increased by $93 million. The Senate version does this, and I would encourage the conferees to support the Senate authorization levels for these programs.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I understand the concerns of the distinguished gentleman from Indiana. The committee recognizes the importance of HMMWV and 2½ ton truck ESP and their unique roles in meeting defense requirements. I would like to assure the gentleman that I will ensure your concerns are carefully considered as this bill moves through the conference process.

Mr. ROEMER. I thank the gentleman from Virginia and the gentleman from Missouri and our Republican leadership on this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN) for the purpose of a colloquy.

Mr. HANSEN. Mr. Chairman, I rise to engage the chairman of the Committee on National Security regarding the development of fiber optic sensor technology in the Navy's anti-submarine warfare program.

Mr. Chairman, for several years the Committee on National Security has recommended additional funds for research and development of fiber optic technology for the Navy's anti-submarine warfare program. This effort has been highly successful.

Fiber optic technology is playing a major role in the development of advanced sonar centers and arrays for submarines, including the new attack submarine, surface ships, and the advanced deployable system.

This year, however, I am particularly concerned that funding for the advanced deployable system did not specifically address fiber optics and may inadvertently preclude the Navy from accelerating this technology, even though the Navy program office views fiber optics as a high priority.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I am pleased to report to the gentleman that despite the severe constraints on the budget, the committee fully funded the Navy's budget request for the development of fiber optic technology, including $11.3 million to complete the development of the All Optical Deployable System. The Navy's request represents an increased emphasis on the use of fiber optic technology, and I understand that the Navy's anti-submarine warfare plan emphasizes the exploitation of this technology in the future.

Mr. HANSEN. Mr. Chairman, I thank the gentleman from South Carolina for the information and trust that he will continue to work with me to accelerate the development of these important naval technologies.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, the fiscal year 1997 National Defense Authorization Act directed the Department of Defense to conduct an assessment of alternative technologies for the disposal of assembled chemical munitions. Congress allocated $40 million for the Assembled Chemical Weapons Assessment program in the past year, better known as the ACWA program. ACWA is expected to deliver its recommendations to Congress this December.

My amendment, which has been drafted in consultation with the House Committee on National Security staff, will allow the Department of Defense to continue the ACWA program beyond the demonstration phase. The Riley amendment transfers oversight of the alternative technology program from the Under Secretary of Defense for acquisition and technology to the Secretary of the Army. In addition, it provides $12.6 million for a full pilot demonstration of an alternative to high temperature incineration.

Mr. Chairman, I believe we must continue the progress that we have made in the development of alternative chemical demilitarization technologies. I thank the chairman and the staff for working with me on this amendment and urge my colleagues to support the en bloc amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, I want to thank the chairman, the distinguished ranking member for putting my amendments en bloc. One is a Buy American amendment with a compliance report which must be submitted in 60 days. The other would be a simple transfer, some task keeping in my district. I appreciate their help on the transfer of that property.

The third one was an unusual request from the veterans of America to me on my issue of Buy American. It states that when a veteran passes, that flag that is placed in that coffin shall be 100 percent made in America. That is what they wanted.

□ 1515

An unusual request. They did not want the flag to be made somewhere else. And that is in here, and I thank the gentleman because we did not get into any big debate about it.

But there is a fourth very important issue that I ask the chairman and the ranking member to consider. Nearly every major aviation tragedy has been due to bad weather, where the runway was absolutely missed with the existing technology. I am asking that report language, if necessary, or the conference, take up the position that would allow for and authorize a limited testing of laser-guided systems that work second to none in bad weather.

The gentleman from California (Mr. DUKE CUNNINGHAM) knows this; that when a pilot gets down into that cloud cover, they do not have a whole lot of time to react. And most of these aviation tragedies, including Ron Brown's, is they misjudged that landing strip.

So, now, this is not in there. And all I am asking, and I am not even asking that we put money into it, just get the Air Force, with whatever money they can find, if they can find it, to retrofit one air base and try it; where the pilot locks in and lands in the same spot on that runway every time.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I appreciate the gentleman's position. As he knows, we have been talking about this thing before, and I will do all I can as we go through the process to make this happen.

Mr. TRAFICANT. Mr. Chairman, I appreciate the gentleman's efforts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I first of all thank my distinguished chairman for yielding me this time, and thank again our ranking member for his cooperation.

I will speak briefly. I have four amendments, all of which are in the en

bloc, or five amendments, actually. One is a noncontroversial amendment I have cosponsored with the gentleman from Virginia (Mr. PICKETT) clarifying our R&D section of the bill.

A second clarifies our jurisdiction over next generation internet, to make sure that all the funding for next generation internet paid for by the Department of Defense is, in fact, authorized by the defense authorization bill.

The third amendment, Mr. Chairman, deals with the issue of a nuclear race cooperative program with Russia, a very severe problem. It allows our military, where they desire, to in fact exchange cooperative assistance to the Russians in cleaning up what is, in fact, a very real problem with their spent nuclear fuel and with their deactivated nuclear submarines.

The two major amendments I wanted to focus on, first off all is the THAAD amendment. We had, unfortunately, the fifth unsuccessful test of the THAAD program. Working with my colleague, the gentleman from South Carolina (Mr. SPRATT), we have gone in and we have tweaked the contractor. We are giving the Department of Defense the authorization to impose liability on any further failures of the test of THAAD. We break off the missile program to allow the radar and the BMC cube to move forward. They are both very successful. And we say to the Pentagon, bring in a second contractor team to help oversee the THAAD program.

And, finally, the last amendment I do with a distinguished Member, who is the ranking member, the gentleman from Missouri (Mr. SKELTON), and that is to look at the whole issue of how we respond to terrorist incidents. The gentleman from Missouri has been a lead in the body. He has, in fact, requested four consecutive GAO reports on the problems associated with response to planning for weapons of mass destruction and terrorist activities in this country.

My subcommittee has held five hearings on this issue. There are severe problems. James Lee Witt, the head of FEMA, just recently pulled FEMA out of the directorate role because of confusion. What we say to the administration is, it is time to step back and look at reorganizing this process to be more efficient and effective in responding to terrorist incidents.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

It gives me great pleasure to jointly offer this amendment with the gentleman from Pennsylvania (Mr. WELDON). I take this opportunity to commend him for his leadership and his effort, and I certainly enjoy working with him on this very, very important issue for our country, and I thank him for that.

The amendment contains several promising provisions. I am particularly pleased with section 1413, which contains language authorizing a domestic preparedness pilot program. The pilot, aimed at improving the Defense Against Weapons of Mass Destruction Act of 1996, allows the FBI to assist Federal, State and local agencies with threat and risk assessments in order to determine training and equipment requirements. This is something we need. I believe this is a step in the right direction.

Mr. Speaker, addressing the threat of terrorism presents great challenges for our Nation. At present, at least 43 Federal departments, agencies and bureaus are involved. At times, uneven and nearly incompatible levels of expertise exist, and duplication and poor communication may also complicate our effort.

Furthermore, GAO, at my request, as the gentleman from Pennsylvania (Mr. WELDON) pointed out, recently concluded a series of terrorism studies with these observations: That no regular governmentwide collection and review of funding data exists; that no apparent governmentwide set of priorities has been established; that no assessment process exists to coordinate and focus government efforts; and that no government office or entity maintains the authority to enforce coordination.

It is, therefore, within this context that I ask the House to consider this amendment. This language offers the potential to better prioritize training and assistance to American cities. It is also a timely and complementary amendment, in that, as I understand, the President will soon announce recommended improvements to our response program.

Together, these two efforts, this language and the President's proposal, should bring us one step closer to attaining adequate coordination throughout all aspects of government. With an eye aimed toward this goal, I look forward to working with both the majority and the administration over the next several weeks.

I again compliment the gentleman from Pennsylvania and thank him for his coordination and cooperation with me.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I commend the gentleman from South Carolina (Mr. SPENCE) and the committee for their attempt to bring objectivity and honesty to the readiness reporting system.

When I visit with military people in the field, I often hear about the lack of ammunition, spare parts, fuel and other essential equipment that is degrading their training for combat.

I thank the chairman also for incorporating my amendment in the en bloc amendments. This amendment would require the Secretary of Defense to report to Congress on the vital issue of retention. Air Force and Navy pilots, perhaps the most intensely and expensively trained members of the military, are leaving in droves, and other highly trained members of our Armed Forces are also leaving.

Why? Because over the past 5 years they have been asked repeatedly to do more with less. That means more missions of marginal value to the security of the United States, executed with fewer people, older equipment and, most vitally, less combat training.

This amendment will take a look at this. And I want to urge my colleagues to support the amendment and to support the bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the en bloc amendment, and I am very happy that the committee has agreed to accept the amendments sponsored by the gentleman from South Carolina (Mr. GRAHAM) and myself for inclusion in the en bloc amendment.

This amendment, quite briefly, continues to make this distinction between nuclear power plants, which are used to generate electricity that have light bulbs and toast made for civilians in their homes, and nuclear power plants or linear accelerators which are used to construct nuclear bombs.

For 50 years in America we have kept these two facilities separate. When people have their lights go on at home, they know they are not making any material that could be used in the construction of a nuclear weapon.

Now, the Congress realized this, and back in 1982, Senator Hart and Senator Simpson were able to pass an amendment which memorialized this. Kept them separate. But there is a little bit of a loophole. They did not mention the word ''tritium.'' And what the gentleman from South Carolina (Mr. GRAHAM) and I are seeking to do is add that word, this critical ingredient for nuclear bombs as well.

Otherwise, the TVA, civilian electricity generator for use in homes, will be able to qualify as a nuclear weapons material bomb making factory. And that is not good, especially when we are trying to convince the Indians that they should not use their civilian reactors for nuclear material; the Pakistanis that they should not use their civilian reactors for nuclear materials; that only military facilities should be used.

The facility that we are talking about here is a civilian facility that is overseen by the Nuclear Regulatory Commission. This is a policy which has served America well for 50 years. I urge the committee to adopt the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, the Reuse Technology Adoption Program, RTAP, assists the military services and defense agencies through

the reuse of computer software, originally developed for older defense systems, in the development of new defense systems.

For fiscal year 1998, Congress provided $2.5 million to continue RTAP as a part of the Defense Advanced Research Projects Agency's Computing Systems and Communications Technology program. Advanced software engineering techniques and training developed under the RTAP program have contributed to the reuse of software and programs such as the Joint Strike Fighter, the F–22, the EF–111 aircraft, the small ICBM, the global positioning system, and the Comanche helicopter. Other RTAP products have also been used in the software technology for Adaptable Reliable Systems programs and by the Institute for Defense Analysis.

Mr. Chairman, I believe the Reuse Technology Adoption Program will result in lower software development and acquisition costs, increase the quality and productivity of software intensive systems, and assist the Department of Defense in developing more efficient and cost effective systems for our Armed Forces.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I share the gentleman's views on the results of the programs, such as Reuse Technology Adoption Program, and the contribution such programs can make towards stretching the increasingly limited research and development funds available to DOD.

Mr. DAVIS of Virginia. Mr. Chairman, I thank the distinguished chairman of the committee.

Mr. SKELTON. Mr. Chairman, may I inquire how much time is remaining on each side?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 11 minutes remaining, and the gentleman from South Carolina (Mr. SPENCE) has 13 minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank the ranking member for yielding me this time.

I rise reluctantly in opposition to the en bloc amendments. Our colleague from Massachusetts just spoke about the tritium issue. The Markey-Graham amendment is a dangerous amendment, and I hope my colleagues will listen to me.

The issue is tritium. We will be interrupting, if we adopt this amendment in the en bloc amendments, we will be interrupting an already mandated process by DOE to evaluate how we produce tritium.

This country must have tritium for bombs. But tritium is not a substance that we are not already seeing commercial use of. It is used on airport runways. It is used in exit signs. There have been opportunities before for us to use this very important substance.

Back in 1988, we decided we had enough tritium. In 1993, we decided that we needed more tritium; that we needed to advance the production of it. So we mandated that DOE begin a process of evaluating how we would do that. If we adopt this amendment today, we are eliminating one of the two options for producing tritium that are under consideration by DOE.

So the Members need to be aware this is a very controversial amendment. This is a very controversial process that we will be getting into. And if Members are confused, they should vote against the en bloc amendments in order to allow DOE and the administration to complete a process that we started.

So please pay attention to this amendment. It should not be in the en bloc amendments. There has been no hearing over this particular issue at all, and here we are on the floor, within a matter of a few minutes that we can squeeze out, trying to decide an issue that is extremely important to this country.

Please vote against the en bloc amendments because of the Markey-Graham amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me this time.

My amendment would require the secretaries of each military department to draft a plan and set a schedule for implementing best inventory practices for secondary inventory items.

This may sound rather innocuous, Mr. Chairman, but this tiny amendment would reap substantial savings for the Department of Defense, the American people and, perhaps more importantly, the fighting men and women of this great country.

The General Accounting Office recently reported that 62 percent of the hardware items purchased by DOD went unused for an entire year, and that an additional 21 percent of these items had enough inventory to last for more than 2 years.

□ 1530

That means that 77 percent of the Department of Defense's $5.7 billion hardware inventory is wasting away in some warehouse.

With innovative solutions throughout the Department of Defense, our fighting men and women will have more reliable logistic systems at a lower cost, and that is what this amendment is about.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Chairman, first of all, I would like to thank the chairman, the gentleman from South Carolina (Mr. SPENCE), and the gentleman from Missouri (Mr. SKELTON), the ranking member, for accepting one of my amendments regarding soldiers' pensions en bloc.

While I understand this sort of protection is necessary for those who have served honorably, I was most disappointed to see it used as a loophole for enlisted men who have a felony conviction to avoid punishment. My amendment closes this loophole, and I thank them for accepting.

I also rise in support of the Session amendment requiring the Department of Defense to begin using modern, best-business practices, common-sense business practices for its inventory control. I am happy to see that he, as well as members of the Committee on National Security, are finally taking up an issue on which I have been working for many years.

The Department of Defense controls some of the most advanced technology in the world, but its inventory management practices are stuck in the stone ages. Last year, the General Accounting Office reported that DOD was holding a secondary inventory worth $67 billion, and they further reported that $41 billion of which was not needed. They reported there was a hundred-year supply of some items that were totally unnecessary and that it cost taxpayers $90 million a year just to house it.

This amendment will require the Department of Defense to order supplies on an as-needed basis. It will save taxpayers billions of dollars in useless parts and supplies.

I compliment my colleague, and I am glad that he has brought this to the floor, and I hope that it passes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST) for the purpose of a colloquy.

Mr. GILCHREST. I thank the chairman for yielding.

Mr. Chairman, I would like to engage the gentleman from Florida (Mr. SCARBOROUGH) in a colloquy on the issue of ship scrapping.

Mr. SCARBOROUGH, as we know, the government's program for scrapping obsolete ships of the Department of Defense and the Maritime Administration has recently come under scrutiny because of environmental, health and safety violations that have occurred at some domestic ship breakers and concerns about the conditions under which ships are scrapped overseas.

As chairman of the Coast Guard and Maritime Transportation Subcommittee of the Committee on Transportation and Infrastructure, I held a hearing on the problems of this program in March and will hold a follow-up hearing on June 4, 1998.

Based upon testimony at the March hearing and the recently published report of an interagency panel studying the issue, I continue to have concerns about the ability of DOD and MARAD

to develop a satisfactory plan to dispose of obsolete vessels.

I intend to aggressively pursue the ship scrapping issue with a goal of developing legislation to address this problem next year. I hope to work closely with the Merchant Marine Panel of the Committee on National Security to pursue the goal of establishing a viable and environmentally responsible ship scrapping program.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. Mr. Chairman, I understand the concerns of my colleague and want to work with him to examine this issue and work with him for a solution for the ship disposal problem that does not impose additional regulatory or financial burdens upon the Department of Defense or the Maritime Administration.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Florida (Mr. SCARBOROUGH) and the Chairman for their cooperation in this matter.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

(Mr. WAMP asked and was given permission to revise and extend his remarks.)

Mr. WAMP. Mr. Chairman, I am coming back to this tritium issue, the Markey amendment. We need to focus on this as part of this en bloc amendment.

Tritium is a gas. It is necessary to maintain our nuclear weapons capability in the United States of America. Just look around the world and we know that we need to do that. So we have to produce a tritium source again by a date certain. The Department of Energy was given a mandate, as the gentleman from Alabama (Mr. CRAMER) said, by Congress to pursue these legitimate options. And we must produce tritium.

Two options exist. One is an accelerator-based project, which would be built in the State of South Carolina, at an estimated cost of more than $4 billion with a pretty high annual operation cost. The accelerator has not been built, so the technology is really unproven and untested.

The other option, which has been tested, is to use a commercial reactor. TVA, the Tennessee Valley Authority, which has a defense mission in its charter, was given the Department of Energy project to test tritium. It has been enormously successful. We have tested the production of tritium in a commercial reactor. It is safe and reliable, and the operational costs are lower. And the initial capital cost, the total cost, is $2½ billion less than the accelerator.

But the Markey amendment, working with the leadership of this committee, is eliminating the cheaper option completely. The Senate will not revive it, I am afraid. This may be the last chance to save the taxpayers $2½ billion and do the right thing.

The National Taxpayers Union is against it. Citizens Against Government Waste is against it. The gentleman from Massachusetts (Mr. MARKEY) speaks eloquently. But, frankly, there is fear tactics being implemented about the safety of testing tritium or producing tritium at a commercial reactor.

This is a political power play that is going to cost the American taxpayers big time over time. This is arbitrary. Please vote and reluctantly vote against the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

Mr. GRAHAM. Mr. Chairman, now the rest of the story about tritium.

The good news is that when we are talking about tritium, something we ought to be talking about, my good friend the gentleman from Tennessee (Mr. WAMP) is absolutely right, it is an essential component to keep a nuclear deterrent force operational.

I speak about it from representing a district that has made tritium for the United States military for about 50 years. There is parochial interests involved. If they do not have a dog in this tritium, they make a decision they think is good for the country. But let me point a couple things out to my colleagues.

The reactor they are talking about that TVA owns is 85 percent complete. They do not have the money to complete it. Nobody will buy it, and they are trying to dump it on the Department of Energy. Let me tell my colleagues what would be so dangerous to let this happen.

The gentleman from Massachusetts (Mr. MARKEY) is right. Seldom do we agree on anything. And this is an historic agreement in Congress when the gentleman from Alabama (Mr. GRAHAM) and the gentleman from Massachusetts (Mr. MARKEY) can agree on something.

But if we allow a commercial reactor to make a nuclear weapons product, we are taking 50 years of American public policy and turning it on its head at a time the world is in the most danger it has been in recent times. And what are we going to tell the Indians when they use their commercial power plants to make nuclear weapons? ''Do not do that like us''? That is not what we want to tell them.

Let us talk about money. I will take my position as a fiscal conservative against anybody in this body. The $4 billion price tag we hear about the accelerator, the other way of making tritium, is too much. $4 billion is too much to spend.

A modular design is being had right now to reduce the cost of the accelerator to $2.6 billion. If they use the TVA numbers to complete this reactor, which is 85 percent complete, they say $2½ billion. A utility that looked at buying the thing said it cost over $4 billion to complete.

If they go down this road, they will be in court forever. Because every group in this country will sue them to keep them from using a commercial reactor to make a military product, and they ought to sue them. It will never happen. Do not take a bad reactor off TVA's hands and mess up American military policy.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, tritium production is necessary for our national defense; and it is certainly reasonable to select the safest, most economical source of production.

The Markey amendment which we have discussed today would force the Department of Energy to select an unproven accelerator option that is three times the cost of proven commercial lot water reactor technology.

The Council for Citizens Against Government Waste opposes the Markey amendment, and with good reason. Should the accelerator option not perform well or suffer delays in development, the government could be forced to purchase a light-water reactor in addition to the accelerator in order not to hamper our national security.

We can safely spend $1.8 to $2 billion on a commercial light-water reactor or risk $4 billion to $6 billion on the accelerator option. Unless the Markey amendment is removed, I must vote against the en bloc amendments and strongly encourage my colleagues to do the same.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BARR) for a unanimous consent request.

MODIFICATION TO AMENDMENT NO. 24 OFFERED BY MR. BARR OF GEORGIA

Mr. BARR of Georgia. Mr. Chairman, I ask unanimous consent that the amendment at the desk in place of amendment D–24 be inserted in this en bloc amendment.

Chairman. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. BARR of Georgia:

The amendment as modified is as follows:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COUNTER-DRUG CENTER IN PANAMA.

In anticipation of the closure of all United States military installations in Panama by December 31, 1999, it is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should continue negotiations with the Government of Panama for the establishment in Panama of a counter-drug center to be used by military and civilian personnel of the United States, Panama, and other friendly nations.

Mr. BARR of Georgia (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARR of Georgia. Mr. Chairman, I appreciate the opportunity to have this amendment in the en bloc amendment, and particularly as amended.

This amendment puts the Congress of the United States firmly on record as encouraging and supporting and urging the administration of this country and the administration in Panama to do everything possible to move forward the negotiations for the development of a multinational counter-drug center to be located in Panama after the date of December 31, 1999, which is when all U.S. military and civilian presence in control of the canal ceases.

This is a very important set of negotiations that are moving forward. They have not been moving forward with the dispatch that is necessary. And I think it is important in our joint effort with Panama and our colleagues in Latin America to go on record as encouraging, supporting and proactively moving forward with these very important negotiations for the development of a multinational counter-drug center to be located in Panama with military and civilian personnel from Panama, the United States and other friendly nations to fight the war against drugs.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the Chairman of the Committee for yielding me the time, and I thank the ranking member for supporting my amendment, which is included in the en bloc amendment. And I encourage all my colleagues to vote for the en bloc amendment.

My amendment is an amendment to fence off the funds for the modernization of the eastern test range located in Cape Canaveral in my district in Florida, as well as the western test range in California.

For years now, DOD, because of multiple demands from all of these overseas deployments, has been raiding various accounts, to include the account for modernizing our test ranges. The result is that the range modernization programs are falling way behind.

I recently witnessed a launch of a probe to Mars being scrubbed at Cape Canaveral because of the failure of a tube. Yes, a tube. We are relying on antiquated technology to keep our launch ranges operational. This is a disgrace. Support the modernization of our ranges. This is a critical issue to our national security. I encourage a yes vote on the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. DOOLITTLE) for the purpose of a colloquy.

Mr. DOOLITTLE. Mr. Chairman, I want to commend the gentleman from South Carolina (Mr. SPENCE) for his commitment to force readiness. He knows well how the cuts in training have put our national security at risk.

But I would like to ask for his commitment that when this bill is in conference that he will fight to maintain the House readiness reporting language and will work to keep my amendment on retention in the conference report.

Mr. SPENCE. Mr. Chairman, if the gentleman will yield, he can depend on it. We realize the importance of readiness is one of the important problems we have, and we will do our best to keep it in there.

Mr. DOOLITTLE. Mr. Chairman, I appreciate it.

Mr. EVERETT. Mr. Chairman, I rise in support of this en bloc amendment package, which includes my amendment to require that all excess military helicopters meet certain safety and operational requirements before they can be transferred to foreign governments. Any work required to meet these standards must be done by a qualified U.S. company in the United States. The amendment has been modified to meet the concerns of the International Relations Committee.

The purpose of this amendment is two-fold.

First, to ensure that when we transfer these helicopters (primarily UH–1 Huey's) to our allies for counter drug missions or other purposes, that the aircraft are actually operational, and at least, meet minimum safety standards. The current ''where is, as is'' standard often means these aircraft are not airworthy when they are transferred. Mexico has a large fleet of our excess Huey's rotting in a field, because they haven't been overhauled and can't fly.

Secondly, to help maintain the aviation industrial base, any work necessary to bring these aircraft up to these minimum standards ought to be done in the United States, by American workers. This would be consistent with the standard that we currently use for the transfer of naval vessels.

In the near term, most of these excess aircraft are destined for Columbia and other South American countries to help them fight the war on drugs. If America is serious about stemming the tide of the illegal drugs that are infiltrating our borders, we ought to send our allies overhauled Huey's with a five to ten year life extension, rather then an ''as is'' Huey that may last two months.

This policy change makes sense and I urge all members to support this amendment.

Mr. SHUSTER. Mr. Chairman, the amendment pending before the House, offered by Mr. WELDON of Pennsylvania and Mr. SKELTON of Missouri addresses matters relating to domestic terrorism involving weapons of mass destruction. Such matters fall within the jurisdiction of the Committee on Transportation and Infrastructure through our jurisdiction in Rule X, clause (1)(q) over ''Federal management of emergencies and natural disasters,'' including activities of the Federal Emergency Management Agency (FEMA), the lead federal agency for domestic emergency preparedness and response.

While I have some concerns about how broadly this amendment has been drafted, I fully support the intent of this Weldon/Skelton amendment to provide for proper coordination of Federal, State, and local efforts to prepare for and respond to domestic terrorism. Accordingly, I look forward to working with members of the National Security Committee in a House-Senate conference on this bill to provide some additional direction to the President to ensure that the authorizations provided by this amendment will not be used to undertake activities beyond the intent of Congress.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Hall-Boehlert Amendment which contains a series of sense-of-the Congress expressions directing the Department of Defense to focus more attention to long-term scientific research. It also requires the Secretary of Defense to initiate a study and recommend minimum requirements to maintain a defense technology base that is sufficient to project superiority in air and space weapons systems and information technology.

The amendment urges that the Defense Department give science and technology attention equal to the level received by program acquisition; that the secretary of each military department ensure that a senior member of the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology; and that annual reviews should be conducted to ensure a sufficient percentage of science and technology funds are directed toward new technology areas.

In the past, establishing science and technology as a priority for our military has effectively contributed to our National defense and it will be even more important in the future. Once, in an era of simpler technology, America's superior brain power could over take the enemy's technology through sudden spurts of scientific development. But now, with longer lead times for technology development, the Nation no longer has the luxury of ramping up scientific research only during the time of crises. Only a vital, invigorated, and ongoing science and technology program will provide our military with the technology required to maintain air, space, and information superiority.

Recent budget requests by the services, especially the Air Force, do not reflect the need for basic scientific research to maintain future military supremacy. My hope is that this amendment will instill the longer term view needed in the services to create quantum leaps in capability in the next century.

I thank Mr. BOEHLERT, the cosponsor of the amendment for his support on this issue. I urge the adoption of the amendment.

Mrs. CAPPS. Mr. Chairman, I rise in support of the en bloc amendment, which includes the Weldon-Capps provision. I want to commend my colleague from Florida, Dr. WELDON, for his hard work and leadership on this issue and I am pleased that the Committee has agreed to accept this important amendment.

This bill continues the commitment that we must make to ensure that our national defenses are strong enough to keep our country safe. It also continues the commitment that we have to the men and women of our armed services to ensure that they are provided with the equipment, facilities and support necessary to do their jobs safely and efficiently. They deserve nothing less.

The Weldon-Capps amendment does one simple thing: It protects funds in the Air Force Budget that are supposed to go to modernize our two launch ranges at Vandenberg AFB and Cape Canaveral. The upgrading of these facilities is crucial for our national defense and to support our growing commercial space industry.

The Air Force is currently undertaking a multi-year, $1.3 billion range modernization program for these two sites. Originally, it was

to be completed in 2003. However, this modernization program for our launch ranges is now running three years behind schedule, and is now not expected to be completed until at least 2006.

This delay has arisen because over the last five years funds have been continually siphoned off and used for other Air Force projects. This has needlessly delayed the much needed upgrade of the launch ranges at Vandenberg and at Cape Canaveral.

These are the primary launch facilities in the continental United States and their role is crucial in all of our space activities. However, a lack of modern infrastructure has seriously hindered U.S. space launch capabilities and it costs the Air Force money to maintain outdated facilities.

Unless we act to ensure that these funds are dedicated to this critical project, we will continue to hinder our military, NASA and commercial launches.

I am grateful that the Committee has recognized the value of this amendment to our national security and will support its addition to the bill.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Gilman amendment although I agree with many of the concerns about nuclear proliferation which he expresses.

I oppose the Gilman amendment because it is unnecessary, and it runs counter to our efforts to discourage nuclear proliferation. Non-OECD countries like Taiwan, Thailand, and others, are planning the construction of several nuclear power facilities over the next decade. U.S. companies are on the cutting edge of these technologies having recently developed and licensed advanced light water reactors which are strong competitors for this business. Business which could run into the billions of dollars.

But our interests here are not just commercial. Unlike their counterparts designed in Russia and elsewhere, U.S. light water reactors are at very little risk for nuclear proliferation. Our reactor designs are not conducive to the production of highly enriched uranium, plutonium, or other weapons materials. U.S. citizens can rest easier knowing that reactors built in these non-OECD countries are not producing weapons materials.

Sometimes the United States must sacrifice its commercial interests for the sake of national security, and I have supported that. But in the area of nuclear power technology, encouraging the use of U.S. designs significantly enhances our nonproliferation efforts, and enhances nuclear safety. And these sales will produce significant revenues for the U.S. treasury. The treasury will receive royalties as a result of our contribution to the Advanced Light Water Reactor program.

Current law already requires licenses and an opportunity for public comment in the export of these technologies. Adding a layer of complexity to this process is unnecessary. I urge a no vote on the Gilman amendment.

Mr. SPRATT. Mr. Chairman, I rise in strong support of the Weldon-Spratt amendment.

On May 12 the U.S. Army performed its eighth test of the THAAD anti-ballistic missile system. The test was a failure, and this failure comes despite almost a year of preparation following a string of 3 earlier unsuccessful intercept tests.

The Weldon-Spratt amendment addresses this problem in an aggressive manner. The amendment directs the Department to identify and contract with a company capable of producing the THAAD system in a leader-follower contract arrangement. In other words, we are telling Lockheed Martin that if they cannot fix the THAAD interceptor, the contract may be taken away from them. The amendment also directs DOD to modify its contract to ensure that THAAD's primary contractor shares in the cost of future test failures. Both steps are needed to bring necessary accountability to this program. Both steps are taken in the sincerest desire that they help the program succeed.

We take steps for the simple reason that THAAD is too important to fail. The THAAD system is the archetype upon which we are patterning our family of systems for missile defense. It is the mother of all missile defense systems, if you will.

THAAD is not the first system to experience difficulties in testing, and the Weldon-Spratt amendment builds on past experience in utilizing the prospect of competition to encourage improved program performance. Many members will remember the numerous problems experienced with the C–17, where the prospect of competition was used effectively by the Congress to bring focus back to the program. And the C–17 is now a success.

It is important to recognized that large portions of the THAAD system are and have been working well. The THAAD radar and its battle management command, control, and communications systems are working well. The Weldon-Spratt amendment allows these components of THAAD to proceed to the Engineering Manufacturing and Development (EMD) phase when they are ready.

Finally, the Weldon-Spratt amendment clarifies the criteria for allowing the program to proceed with the procurement of 40 UOES test missiles. We mandate two successful kinetic kill intercepts before any funding is committed for UOES procurement.

Mr. Chairman, these steps are necessary and prudent and I urge all members to support the Weldon-Spratt amendment.

Mr. CLEMENT. Mr. Chairman, today, I rise in strong opposition to the Markey-Graham amendment which would prohibit the production of tritium at Commercial Light Water Reactors (CLWR) for defense purposes. But I also want to raise the fact that this amendment is being considered in Mr. SPENCE's ''en bloc'' amendment with a group of amendments that are non-controversial in nature. And, for the most part I support the en bloc amendments.

However, the Markey-Graham amendment deserves an up or down vote on its own. This is a controversial issue and a major policy decision. This should not be buried in the en bloc amendment. Because, if we were to vote on this amendment alone—Members would have to vote against Markey-Graham. From a budgetary and fiscal standpoint, the Markey-Graham amendment eliminates choice of a more economic and scientifically proven method for tritium production—use of an existing commercial light water reactor.

Tritium gas is an essential component for nuclear weapons. In fact, tritium gas is used in every U.S. nuclear weapon to enhance its explosive yield. The last time the U.S. production tritium was in 1988 at a test reactor at Savannah River. That facility was shut down and the U.S. has not produced tritium since then.

In 1993, both the Department of Energy and the Department of Defense determined that the production of tritium must be resumed to enable the U.S. to maintain its weapons stockpile. Under current law, DOE will make a decision on tritium production by December of this year.

DOE has been engaged in a lengthy, thorough examination of the technology, environmental impact, cost, reliability, and nonproliferation concerns of each option. It is imperative to allow DOE to finish their review of the options an make an informed decision, selecting the option that best serves the national interest. This amendment would short circuit that important process and arbitrarily force DOE to select the accelerator option.

The accelerator option—by any standard—costs at least two times as much as the commercial reactor option. That's right, estimates from DOE and CBO show that the commercial reactor projected costs range from $1.8–$2.0 billion while the costs for the accelerator are in the $3.9–$6.72 billion range. Plus, approximately $150 million in federal funds for annual operating expenses would be required at the accelerator, whether it manufactures tritium or not. Do the math. It defies fiscal responsibility to eliminate the commercial reactor option from consideration.

And, it is important to remember that tritium production in a commercial reactor is NOT a proliferation issue. Let me repeat that—according to the Nuclear Non-Proliferation Treaty the production of tritium in a commercial reactor is not a proliferation issue. Tritium is not considered to be special nuclear material. And, it can be produced for commercial use—it is used to illuminate objects such as airport runway lights and non-electrical signs.

There is no question in my mind that my constituents and yours—and all American taxpayers—deserve an informed decision that has considered the cost and technological advantages, as well as the proliferation concerns of each option.

That is why I am voting no on the Markey amendment and urge my colleagues to vote no on the Markey amendment, as well.

Mr. STENHOLM. Mr. Chairman, I rise today in support of an amendment which will improve TRICARE, the military managed health care program. I have the privilege of representing the 17th District of Texas which includes Abilene, TX. Abilene is located one of the first regions in which TRICARE was implemented. There were many problems with the start up of the TRICARE Program in our area, and although many of the initial bugs have been worked out of the system, there are still several areas of improvements to the program which are needed—improvements which will help to maintain and to improve access to quality health care for our Nation's military, their dependents, and retirees.

One of the issues my constituents have identified is claim processing and the hassle associated with the TRICARE system. TRICARE requires that its regional contractors use a computer software program known as ClaimCheck. ClaimCheck is a bundling system similar to the Correct Coding Initiative used by the Medicare Program which ''bundles'' claims for multiple services performed during a single visit to a health care provider. When claims are bundled, services considered to be incidental to the primary service are reimbursed at a lower rate.

Currently there is no provision for appeals from ClaimCheck denials even though the Department of Defense has acknowledged that ClaimCheck software in some cases contradicts Department policy. The Department of Defense has indicated an interest in establishing a formal appeal process; however, no concrete steps toward establishing such a process have been taken. The amendment Congressman THUNE and I have proposed would simply require the Department to prepare and submit a proposal to establish an appeal process which could simply mean incorporating ClaimCheck denials into the existing appeals process. The amendment does not dictate the nature of the process.

Although this is a small step to decrease the hassle-factor for both military patients and civilian doctors, I believe it is an important step in the right direction to improve the military health care system and the quality of life of those who serve and have served our nation.

I urge my colleagues to support this amendment by voting for the en bloc amendment in which it is included.

Mr. GIBBONS. Mr. Chairman, the amendment that I am offering before the House today will compel the Secretary of Commerce to transmit any information that is requested by the Director of Central Intelligence, Secretary of Defense, Secretary of Energy, and Designees of these three officials in a timely manner (defined as within 5 days of request) upon receiving a written request for such material. The information that these officials could request includes: export licenses and information on exports that were carried out under an export license by the Department of Commerce and information collected by the Department of Commerce on exports from the United States that were carried out without an export license.

The amendment doesn't ask them to produce new data or collect additional information. It simply requires the Secretary of Commerce to provide the information that he maintains—as a part of his department's day-to-day mission—to these selected Executive Branch Secretaries to enable them to do their jobs of producing intelligence and protecting our nation.

Mr. Chairman, until recently, I would not have believed that this body would have to mandate timely cooperation between Executive branch departments. However, when the defense of this nation and it's citizens is challenged or compromised—the time has come.

The current situation with China and the transfer of satellite technology is in the news right now, but similar situations inside the administration are proliferating almost as quickly weapons of mass destruction are around the world.

Let me share the example that focuses on the seriousness of the issue.

In last year's defense bill, the National Security Committee recommended a study to assess the extent and the impact of the distribution of U.S. and allied supercomputers to China, the former Soviet Union, Iran, Iraq, Syria and Libya.

The National Security Committee has been increasingly concerned about technology transfers of this type in recent years.

The study would have assessed the effect of the technology transfers on the design, development, manufacturing, performance and testing of nuclear, chemical and biological weapons; weapons platforms; command and control communications; and financial, commercial, government and military communications.

The Defense Intelligence Agency and the Department of Energy were assigned the task of conducting the analysis.

However, they were unable to get any assistance from the Department of Commerce.

They needed assistance from Commerce since Commerce is charged with the responsibility to control the export of sensitive technologies that have both military and civil applications.

The Department of Commerce refused to cooperate for the entire period of the study. Only after pointed communications from the Chairman and Ranking Member of the National Security Committee, did they provide ''derivative'' data that was not usable for the analysis that had been requested.

Mr. Chairman, it is not uncommon for our intelligence entities to have to go to other Executive Branch departments to collect ''raw'' information that they process into usable intelligence. It is a common requirement that has not presented a problem in the past.

This ''stonewalling'' behavior by Commerce was unprecedented. While it was unprecedented, it was no less excusable!

This was one Executive Branch department refusing to provide information to another Executive Branch department.

I am at a loss to explain the difference between Commerce's response and the responses of the other Executive Branch departments. Did Commerce have something to hide or was there something else at play in this incident?

Commerce's intransigence had national security implications and it is incumbent on us to ensure that our decisions are not affected by faulty information and analysis in the future!

Our national security demands that the Congress and the President make decisions based on timely, accurate and truthful intelligence.

I urge my colleagues to support my amendment and ensure that our national security is not compromised in the future.

FISCAL YEAR 1998 NDAA—IMPLICATIONS OF TECHNOLOGY TRANSFER; ''A CASE STUDY OF THE STALL''

July 15, 1997—The HNSC recommended a study be conducted by the Defense Intelligence Agency (DIA) to study the distribution of United States and allied supercomputers to China, the former Soviet Union, Iran, Iraq, Syria and Libya to Assess the impact of Technology Transfers on:

Nuclear weapons design, development, manufacturing, performance and testing chemical and biological weapon design, development, manufacturing, performance and testing;

Design, development, manufacturing, performance and testing of major weapons platforms (tactical aircraft, cruise/ballistic missiles, submarines);

Anti-submarine warfare; command and control communications; intelligence collection, processing and dissemination; financial, commercial, government and military communications.

December 10, 1997—Chariman SPENCE and ranking minority member DELLUMS requested the study of DIA and asked for a report by 2 March 1998. Chairman SPENCE and Mr. DELLUMS also asked the Department of Energy to conduct a review concentrating on the impact of high performance computer exports on the design, development, manufacturing, performance and testing of nuclear weapons and associated delivery systems.

Early December 1997—The staffs of DIA and DOE submit oral requests for information from the Department of Commerce for all the info they have on supercomputers to the study target countries. The Department of Commerce is the executive agency with responsibility to control the export of sensitive technologies that have both military and civil applications. These oral requests were denied.

December 22, 1997—The Director, DIA, LTG Patrick Hughes wrote to the Deputy Secretary of Commerce and requested that the Commerce Department supply the information on supercomputer exports. The Commerce Department finally responded on 3 February 1998.

January 7, 1998—Chairman SPENCE and Mr. DELLUMS wrote to William Daley, Secretary of Commerce asking that the Department of Commerce provide the requested information to the DIA and DOE.

February 3, 1998—Under Secretary of Commerce William Reinsch responded to the December 22 letter from DIA.

Under Secretary Reinsch stated that Commerce would defer to the DCI on who should conduct the study that had been tasked to DIA and DOE. The CIA later attempted to transfer the requested information to the DIA and DOE but the Department of Commerce refused to allow such a transfer.

March 3, 1998—The Director, DIA wrote the HNSC that he could not complete the study because he was not able to obtain the necessary information from the Department of Commerce.

March 3, 1998—Chairman FLOYD SPENCE of the House National Security Committee wrote to William Daley, Secretary of Commerce.

Chairman SPENCE stated his understanding that the Department of Commerce had declined the DIA and DOE requests for information on supercomputer exports.

Chairman SPENCE stated that, ''I find the prospect that information is being denied to intelligence agencies that are attempting to determine the effect of illicit exports on U.S. national security highly disturbing and believe such dilatory tactics are indicative of a cavalier attitude by your department on matters of national security.''

Chairman SPENCE again requested the personal assurance of the Secretary of Commerce that Commerce would cooperate fully with the requested intelligence review.

March 3, 1998—the Secretary of Commerce responded to the January 7, 1998 letter from Chairman SPENCE and Ranking Minority Member DELLUMS.

Secretary Daley's letter stated, ''the Department of Commerce has been in contact with the Director of Central Intelligence regarding this matter, and we intend to defer to his judgment on how to best proceed with respect to the conduct of the study.'' (See the entry for February 3, above.)

March 9, 1998—the DIA and the DOE received ''derivative'' supercomputer export information from the Department of Commerce.

April 30, 1998—the Director of the DIA wrote to Under Secretary of Commerce Reinsch thanking him for the ''derivative report'' on the export of high performance computers but stating that the information provided by Commerce ''does not provide the requisite data necessary to complete a comprehensive review.''

General Hughes asked Commerce to provide DIA with the raw export data obtained from U.S. supercomputer manufacturers so that DIA could conduct its own independent analysis.

May 19, 1998—as of this morning, Commerce has not provided any additional information to DIA to enable them to complete the study.

Mr. Chairman, I offered this amendment today to address a vital national security issue. That issue is the failure of the Department of Commerce to provide complete and accurate information to our organizations that are charged with assessing threats around the globe.

The need for analysis to have a flow of raw data to produce intelligence is as old as war itself. Skilled analysts sift through the bits and pieces of everyday trivia and find patterns that allows them to formulate an adversary's likely intentions.

The Congress relies on the technical analysis of national intelligence resources. Last year, this Congress was concerned with the threat that was posed by the transfer of technology around the world.

The National Security Committee requested a study addressing the impacts of past transfers. Mr. Speaker, I find it inexcusable that the study could not be completed because the Department of Commerce refused to work with the Departments of Defense and Energy on the study.

The responsibility for controlling much of this technology was transferred by the administration to the Commerce Department last year, over the objections of both the Department of State and the Department of Defense.

The recent nuclear tests in India; Pakistan's threats to conduct its own tests and the improper transfers of technology to the Chinese underscore the dangerous nature of our world today.

We cannot allow ourselves to be forced to make decision with anything less than the best information and intelligence. We cannot allow executive branch departments to determine what information is important and what isn't.

This amendment ensures that our intelligence community has access to vital information. Let's allow our analysts do their jobs!

Vote yes on the Gibbons amendment.

Mr. HILLEARY. Mr. Chairman, I rise today in strong opposition to the Markey tritium amendment within this en bloc package. It is unfortunate that such a contentious issue is being included in what is historically a noncontentious package.

The Markey amendment would change the Atomic Energy Act by prohibiting tritium production in commercial nuclear reactors. This amendment is bad public policy and reckless economic policy. The American taxpayer deserves better than to be forced to pay for a project three times as expensive as the competition.

Tritium is an isotope of hydrogen that is required by all U.S. nuclear weapons in order to function as designed. Because tritium decays at a rate of about 5.5% per year, it must be replaced periodically to maintain our nuclear weapon stockpile.

The U.S. has not produced tritium since 1988, when the last tritium production reactor was shut down. By Presidential Directive, the Department of Energy must have a new supply of tritium available by 2005.

The Tennessee Valley Authority's (TVA), Watts Bar Nuclear Plant 1, has been selected by the Department of Energy (DOE) to conduct a one-time of components, to produce tritium in commercial light water reactors. If awarded the contract to produce tritium, the Bellefonte nuclear plant would assume the primary role, with Watts Bar as the backup. Total cost to the taxpayer for the TVA contract; about $1.8 billion. However, the competing ''accelerator'' proposal is going to sock the American taxpayers with a price tag around $7 billion.

For reasons ranging from unfair competition to wasteful government spending, it is only appropriate that Citizens Against Government Waste is also OPPOSED to the Markey amendment.

Again, the tritium program is a key element in DOE's Stockpile Stewardship and Management Program to ensure safety and reliability of the nuclear weapons stockpile without testing. We have to produce it and we should encourage fair competition.

The purpose of the Watts Bar test is to confirm excellent results from prior testing. This will provide added confidence to utilities, the public, and the Nuclear Regulatory Commission which regulates commercial reactors, of which tritium can be produced to meet national security requirements in a technically straightforward, safe and cost-effective manner.

The bottom line is this; TVA's professional experience, infrastructure and smart economic proposal exceed DOE's criteria. We should not legislatively hinder the Department of Energy's ability to choose which facility produces tritium.

By allowing the Markey amendment to pass, the federal government and the American taxpayer lose. We will lose the ability or fair competition, and we lose the opportunity to save money. The commercial reactor proposal allows money to be paid back to the Treasury from the sale of energy from the commercial reactor, thus we will recoup costs. The ''accelerator'' proposal has NO cost recoupment.

We must promote competition, and the Markey amendment does not. It would force the Department of Energy to choose one proposal for tritium production by default, and by doing so, sinks upwards of $8 billion into a new special facility.

I strongly encourage my colleagues to oppose the Markey amendment. Let the Department of Energy and their experts determine the most cost effective, safe, and professional tritium facility, not Congress.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Hall/Boehlert amendment which is included in the en bloc amendment, our amendment expresses the Sense of Congress that adequate resources—funding and personnel—be applied to the science and technology activities of the Army, Navy, and Air Force. The amendment will require the Secretary of Defense to initiate a study and recommend minimum requirements to maintain a defense technology base that is sufficient to project superiority in air and space weapons systems, and information technology.

A robust science and technology investment is critical if our Armed Forces are to move into the 21st Century and operate at the cutting edge of technology. The future of American defense rests on our ability to improve our technology and maintain our military superiority.

We must ensure that our Armed Forces continue to apply the necessary attention and resources to science and technology development if we are to safeguard our future national security. The investments we make today will make the difference tomorrow. I thank my colleague and co-sponsor, Mr. HALL of Ohio, for his work on this amendment and urge my colleagues to vote in favor of it.

Mr. SKELTON. Mr. Chairman, we have no further requests for time. Thus, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc were agreed to.

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The CHAIRMAN pro tempore (Mr. PEASE). It is now in order to consider amendment No. 4 printed in part B of the House Report 105–544.

AMENDMENT NO. 4 OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B, amendment No. 4 printed in House Report 105–544 offered from Mr. THORNBERRY:

At the end of title VII (page 197, after line 5), add the following new section:

SEC. 726. DEMONSTRATION PROJECT TO INCLUDE CERTAIN COVERED BENEFICIARIES WITHIN FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) DEMONSTRATION PROJECT.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1108. Health care coverage through Federal Employees Health Benefits program: demonstration project

''(a) FEHBP OPTION DEMONSTRATION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to conduct a demonstration project under which not more than 70,000 eligible covered beneficiaries described in subsection (b) and residing within one of the areas covered by the demonstration project may be enrolled in health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

''(b) ELIGIBLE COVERED BENEFICIARIES.—(1) An eligible covered beneficiary under this subsection is—

''(A) a member or former member of the uniformed services described in section 1074(b) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

''(B) a dependent of such a member described in section 1076(b) or 1076(a)(2)(B) of this title;

''(C) a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days; or

''(D) a dependent described in section 1076(b) or 1076(a)(2)(B) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act, regardless of the member's or former member's eligibility for such hospital insurance benefits.

''(2) A covered beneficiary described in paragraph (1) shall not be required to satisfy

any eligibility criteria specified in chapter 89 of title 5 as a condition for enrollment in health benefits plans offered through the Federal Employee Health Benefits program under the demonstration project.

''(3) Covered beneficiaries who are eligible to enroll in the Federal Employment Health Benefits program under chapter 89 of title 5 as a result of civil service employment with the United States Government shall not be eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(c) AREA OF DEMONSTRATION PROJECT.—The Secretary of Defense and the Director of the Office of Personnel Management shall jointly identify and select the geographic areas in which the demonstration project will be conducted. The Secretary and the Director shall establish at least six, but not more than ten, such demonstration areas. In establishing the areas, the Secretary and Director shall include—

''(1) a site that includes the catchment area of one or more military medical treatment facilities;

''(2) a site that is not located in the catchment area of a military medical treatment facility;

''(3) a site at which there is a military medical treatment facility that is a Medicare Subvention Demonstration project site under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

''(4) not more than one site for each TRICARE region.

''(d) TIME FOR DEMONSTRATION PROJECT.—(1) The Secretary of Defense shall conduct the demonstration project during three contract years under the Federal Employees Health Benefits program.

''(2) Eligible covered beneficiaries shall, as provided under the agreement pursuant to subsection (a), be permitted to enroll in the demonstration project during the open season for the year 2000 (conducted in the fall of 1999). The demonstration project shall terminate on December 31, 2002.

''(e) PROHIBITION AGAINST USE OF MTFS.—Eligible covered beneficiaries who participate in the demonstration project shall not be eligible to receive care at a military medical treatment facility.

''(f) TERM OF ENROLLMENT.—(1) The minimum period of enrollment in a Federal Employees Health Benefits plan under this section shall be three years.

''(2) A beneficiary who elects to enroll in such a plan, and who subsequently discontinues enrollment in the plan before the end of the period described in paragraph (1), shall not be eligible to reenroll in the plan.

''(3) An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change plans during the open enrollment period in the same manner as any other Federal Employees Health Benefits program beneficiary may change plans.

''(g) SEPARATE RISK POOLS; CHARGES.—(1) The Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 that participate in the demonstration project to maintain a separate risk pool for purposes of establishing premium rates for covered beneficiaries who enroll in such a plan in accordance with this section.

''(2) The Office shall determine total subscription charges for self only or for family coverage for covered beneficiaries who enroll in a health benefits plan under chapter 89 of title 5 in accordance with this section, which shall include premium charges paid to the plan and amounts described in section 8906(c) of title 5 for administrative expenses and contingency reserves.

''(h) GOVERNMENT CONTRIBUTIONS.—The Secretary of Defense shall be responsible for the Government contribution for an eligible covered beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section, except that the amount of the contribution may not exceed the amount of the Government contribution which would be payable if the electing individual were an employee enrolled in the same health benefits plan and level of benefits.

''(i) EFFECT OF CANCELLATION.—The cancellation by a covered beneficiary of coverage under the Federal Employee Health Benefits program shall be irrevocable during the term of the demonstration project.

''(j) REPORT REQUIREMENTS.—(1) The Secretary of Defense and the Director of the Office of Personnel Management shall jointly submit to Congress a report containing the information described in paragraph (2)—

''(A) not later than the date that is 15 months after the date that the Secretary begins to implement the demonstration project; and

''(B) not later than the date that is 39 months after the date that the Secretary begins to implement the demonstration project.

''(2) The reports required by paragraph (1) shall include—

''(A) information on the number of eligible covered beneficiaries who opt to participate in the demonstration project;

''(B) an analysis of the percentage of eligible covered beneficiaries who participate in the demonstration project as compared to usage rates for similarly situated Federal retirees;

''(C) information on eligible covered beneficiaries who opt to participate in the demonstration project who did not have Medicare Part B coverage before opting to participate in the project;

''(D) an analysis of the enrollment rates and cost of health services provided to eligible covered beneficiaries who opt to participate in the demonstration project as compared with other enrollees in the Federal Employees Health Benefits Program under title 5, United States Code;

''(E) an analysis of how the demonstration project affects the accessibility of health care in military medical treatment facilities, and a description of any unintended effects on the treatment priorities in those facilities in the demonstration area;

''(F) an analysis of any problems experienced by the Department of Defense in managing the demonstration project;

''(G) a description of the effects of the demonstration project on medical readiness and training at military medical treatment facilities located in the demonstration area, and a description of the probable effects that making the project permanent would have on medical readiness and training;

''(H) an examination of the effects that the demonstration project, if made permanent, would be expected to have on the overall budget of the Department of Defense, the budget of the Office of Personnel and Management, and the budgets of individual military medical treatment facilities;

''(I) an analysis of whether the demonstration project affects the cost to the Department of Defense of prescription drugs or the accessibility, availability, and cost of such drugs to covered beneficiaries;

''(J) a description of any additional information that the Secretary of Defense or the Director of the Office of Personnel Management deem appropriate and that would assist Congress in determining the viability of expanding the project to all Medicare-eligible members of the uniformed services and their dependents; and

''(K) recommendations on whether covered beneficiaries—

''(i) should be given more than one chance to enroll in a Federal Employees Health Benefits plan under this section;

''(ii) should be eligible to enroll in such a plan only during the first year following the date that the covered beneficiary becomes eligible to receive hospital insurance benefits under title XVIII of the Social Security Act; or

''(iii) should be eligible to enroll in the plan only during the two-year period following the date on which the beneficiary first becomes eligible to enroll in a Federal Employees Health Benefits plan under this section.

''(k) COMPTROLLER GENERAL REPORT.—Not later than 39 months after the Secretary begins to implement the demonstration project, the Comptroller General shall submit to Congress a report examining the same criteria required to be examined under subsection (j)(2).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1108. Health care coverage through Federal Employees Health Benefits program: demonstration project.''.

(b) CONFORMING AMENDMENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

''(d) An individual whom the Secretary of Defense determines is an eligible covered beneficiary under subsection (b) of section 1108 of title 10 may enroll, as part of the demonstration project under such section, in a health benefits plan under this chapter in accordance with the agreement under subsection (a) of such section between the Secretary and the Office and applicable regulations under this chapter.'';

(2) in section 8906(b)—

(A) in paragraph (1), by striking ''paragraphs (2) and (3)'' and inserting in lieu thereof ''paragraphs (2), (3), and (4)''; and

(B) by adding at the end the following new paragraph:

''(4) In the case of individuals who enroll, as part of the demonstration project under section 1108 of title 10, in a health benefits plan in accordance with section 8905(d) of this title, the Government contribution shall be determined in accordance with section 1108(h) of title 10.''; and

(3) in section 8906(g)—

(A) in paragraph (1), by striking ''paragraph (2)'' and inserting in lieu thereof ''paragraphs (2) and (3)''; and

(B) by adding at the end the following new paragraph:

''(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll, as part of the demonstration project under section 1108 of title 10, in accordance with section 8905(d) of this title shall be paid as provided in section 1108(h) of title 10.''.

(c) DISPOSAL OF NATIONAL DEFENSE STOCKPILE MATERIALS TO OFFSET COSTS.—

(1) DISPOSAL REQUIRED.—Subject to paragraphs (2) and (3), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(A) $89,000,000 during fiscal year 1999;

(B) $104,000,000 during fiscal year 2000;

(C) $95,000,000 during fiscal year 2001; and

(D) $72,000,000 during fiscal year 2002.

(2) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under paragraph (1)

may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Chromium Ferroally Low Carbons	92,000 short tons
Diamond Stones	3,000,000 carats
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces

(3) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under paragraph (1) to the extent that the disposal will result in—

(A) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or

(B) avoidable loss to the United States.

(4) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under paragraph (1) shall be—

(A) deposited into the general fund of the Treasury; and

(B) used to offset the revenues that will be lost as a result of the implementation of the demonstration project under section 1108 of title 10, United States Code (as added by subsection (a)).

(5) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in paragraph (1) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding materials specified in the table in paragraph (2).

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed, the gentleman from California (Mr. THOMAS), each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I ask unanimous consent that 10 minutes of my time be yielded to the gentleman from Virginia (Mr. MORAN) and that he may be entitled to yield time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THORNBERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is sponsored by the gentleman from Oklahoma (Mr. WATTS), the gentleman from Virginia (Mr. MORAN), and myself. I greatly appreciate their efforts as well as the efforts of the gentleman from South Carolina (Mr. SPENCE), the gentleman from Indiana (Mr. BUYER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. SOLOMON), the gentleman from Florida (Mr. MICA) and the gentleman from Indiana (Mr. BURTON) of the Committee on Government Reform and Oversight, the gentleman from California (Mr. CUNNINGHAM), as well as others who have worked on this issue.

The problem is we promised free lifetime medical care to military retirees if they serve the country 20 years. The problem is, we cannot keep that promise. Particularly with base closings, with the declining military budgets, we are not providing that health care.

We have got situations in this country where bases are closing. We have got other situations where there are military treatment facilities that are too crowded and other situations where people are a long way from any sort of care.

This amendment takes us a step toward keeping our commitments. We already have a pilot for Medicare subvention, which is under way. This sets up a demonstration project to allow over-65-year-old military retirees to participate in FEHBP.

The bottom line to the amendment, Mr. Chairman, is that this program would allow military retirees the same respect as civilian Federal retirees get now. It would treat them the same way. Now they are treated worse.

The pilot project is limited in cost. It is limited as far as the number of people who can participate. It is limited in the number of sites that can participate. But I think the key thing is that it is most important for us to take some action today to show the military retirees that we are serious about keeping our commitments, but, equally important, to show those young active duty folks that we are serious about respecting their service to their country, risking their lives for our freedom, and that we intend to keep our commitments to them, because that is in serious doubt at this point.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise reluctantly in opposition because, quite frankly, I am sympathetic with the concern, but I wish the gentleman who is the cosponsor of the amendment would appreciate the fact that this is an attempt to tap directly into the health insurance trust fund of Medicare.

The jurisdiction for the HI trust fund lies wholly within the Committee on Ways and Means. That is why, over the last several years, as chairman of the Subcommittee on Health from the Committee on Ways and Means, I have worked tirelessly to perfect a Department of Defense subvention program, which attempts to utilize military hospitals to provide the service for military retirees in conjunction with the Medicare trust fund. There are a number of safeguards that are contained in the Department of Defense subvention program that are missing from this program.

Shortly, perhaps immediately, the week that we come back, a bill will be on the floor providing a Veterans Administration subvention program. It will be a program for both the part A low-income service disabled veterans and for the so-called category C veterans who are not low income, nor do they have a service-related disability. That particular program has more than a dozen safeguards for the health insurance trust fund.

I am sorry that the subcommittee of jurisdiction was not involved in the crafting of this particular program, because, frankly, there are just a number of flaws in the bill. They do not just extend to a clear protection of the taxpayers in the HI trust fund, although, clearly, that is of some concern.

I would refer Members to a letter which was written in favor of this particular amendment by a group called The Military Coalition. Their concern is over the funding mechanism and the argument that the Congressional Budget Office believes that there will be an increased consumption of Medicare usage by these individuals.

This is not a new argument that we have had with the Congressional Budget Office. We had it over the DoD subvention program, the VA subvention program. Frankly, I tend to support the argument that, if they are already a Medicare eligible user, that they will not necessarily increase their Medicare usage.

The concern comes in the argument that says, ''Roughly 30 percent of all Medicare eligible military retirees have Medigap coverage right now. These are people that will switch to the FEHBP because it provides better coverage,'' that is the Federal Employees Health Benefit Program, ''at a lower cost than Medigap.''

This is a 3-year program. It is designed to terminate after 3 years. These people will give up their Medigap and take private dollars and substitute them for taxpayer dollars 75 cents out of every dollar.

In a moment, I will speak to the problems in the bill because these military retirees are not treated like any other Federal employee under the Federal Employee Health Benefit Program. They are treated entirely differently.

But let us take a look at this person who decides to get into this program, give up their Medigap, go under the

FEHBP, and, in 3 years, the program ends. They now will be forced to go back into the Medigap market, and they may, in fact, face that concern that all of us face in terms of trying to go back and buy insurance after you released it, and the potential of not being able to get the kind of insurance that they had prior to going into this program.

I would caution any military retiree who has Medigap insurance that I would be very, very careful of giving up my Medigap insurance to go into a program that has no guarantee that it would continue.

Let us take a look in an attempt, I assume, to control costs what this particular amendment actually does. It says military retirees will go into the Federal Employees Health Benefit Program, but they will not go in like every other Federal employee, including the retiree program. They have to create a separate risk pool for these people.

It means that, if they are in the separate risk pool, they are already Medicare eligible. They are above 65. They have gone through rigorous military duty. Their per-capita cost could be considerably higher.

But it says in another section of the amendment that the government's amount has to stay at the appropriate amount; that is the statistical average of 72 percent.

The argument that the amount for the Federal Employees Health Benefit Program will be exactly the same or lower than the Medigap, which is used as an argument in the letter in favor of it, is not necessarily true, because the amendment requires a separate risk pool to be developed for these individuals.

It is not clear what the complete role of the HI trust fund is. The argument is that it will be completely compensated.

Remember, the health insurance trust fund is a payroll tax fund paid into by individuals. The funding mechanism in this bill is selling assets of the Department of Defense, principally precious metals that are stored for strategic use. The selling off of those assets go into the general fund.

But the HI is a dedicated trust fund out of the payroll tax. There has to be a clear guarantee of transfer of funds to make sure that the HI trust fund is held harmless.

I can go on and on in terms of a series of flaws that are contained in this amendment which, as I said, I am sorry no one ever involved the committee of jurisdiction to make sure, one, that the HI trust fund was protected; two, that it was integrated properly and appropriately in the two other defense measures that we are working on in terms of people who serve their country, the Department of Defense TriCare subvention program and the Veterans Vision subvention program.

I would have to tell Members that this particular amendment is so fundamentally flawed that I am going to have to ask for a ''no'' vote on this amendment. I would very much like to sit down and see if there is not some way that we could correct these fundamental flaws.

But absent that, you may be exposing the HI trust fund; probably more insidious, you may be exposing these military retirees to a test program which will not allow them to get the Medigap coverage they had in the first place that they are giving up to go into this test program. It just does not make sense the way it is written.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment. At the outset of this debate, I first wanted to express my gratitude to the gentleman from South Carolina (Mr. SPENCE), chairman, and to the gentleman from Missouri (Mr. SKELTON), the ranking minority member, for their leadership on this issue and to Donna Hoffmeier, Mieke Eoyang of the Committee on National Security staff, and especially to Mike Brown of my staff for all the work that they have done to enable us to bring this amendment to the floor today.

This amendment establishes a demonstration project through which Medicare eligible military retirees will be able to join the Federal Employees Health Benefits Program.

We have taken the basic text of H.R. 1766, which is cosponsored by 284 Members of this body, and we have added one refinement after another until we have ensured that every concern has been addressed. As of this morning, every concern had been addressed that we have been told about.

Mr. THOMAS. Mr. Chairman, will the gentleman yield on my time?

Mr. MORAN of Virginia. Shortly.

Mr. THOMAS. On my time.

Mr. MORAN of Virginia. Sure.

Mr. THOMAS. I would not want to take the gentleman's time.

Mr. MORAN of Virginia. On his time, I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what is the provision that protects those military retirees who choose to give up their Medigap program to go into this 3-year test that they can go back to their original Medigap program without risk? Where is that guarantee in the amendment?

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield, I will tell the gentleman from California that the gentleman from California (Mr. STARK), who has also worked on this bill for some time and, as you know, serves with you on the Committee on Ways and Means, is going to address those issues.

Mr. THOMAS. Mr. Chairman, reclaiming my time briefly, I will tell you that the gentleman from California, to my knowledge, and of course he can speak for himself has not worked on this bill; that the Committee on Ways and Means and the Subcommittee on Health has not been involved in this bill at all.

Mr. Chairman, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Chairman, again, I yield myself such time as I may consume and tell the gentleman from California that CBO has looked at this, has determined that it would cost a maximum of $50 million. That assumes that military retirees will avail themselves of this opportunity and, in fact, will use Medicare to a somewhat greater extent than they do now.

Mr. Chairman, even though every enlisted service member was promised free quality lifetime health care as partial compensation for their service to their country, Medicare eligible military retirees are not provided adequate access to health care.

Free quality lifetime health care is no longer available to people once they become 65 years of age. They are precluded from participating in TriCare, they are prohibited from using Champus, and they are placed last on the priority list at military medical treatment facilities.

That is why we have this amendment. Federal civilian retirees and former Members of Congress in comparison have excellent health care. Civilian retirees are able to participate in the same health insurance program they enjoyed when they were active employees.

The Federal Government does not kick them out of their insurance program once they become eligible for Medicare. In fact, many of the plans provided for civilian employees provide greater coverage and more benefits to those who are Medicare eligible, because that is when they need health care the most, when they retire at 65.

We should correct this inequity in treatment between Federal retirees and military retirees by providing Medicare eligible military retirees the same options and the same insurance program as we provide Medicare eligible Federal retirees.

That is what this amendment does. It begins this process. It establishes a limited demonstration program that will allow 70,000 Medicare eligible military retirees the option to join the Federal Employee Health Benefits Program for 3 years. During that time, they have the same rights and benefits as their Federal civilian counterparts.

The amendment establishes separate risk pools to ensure that military retirees and Federal civilian beneficiaries do not cross-subsidize one another. Then it requires that DoD, the Office of Personnel Management, and GAO fully analyze the impact of this FEHBP option after the demonstration has ended.

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So we can then decide whether or not we want full national implementation based on complete factual information.

This is a bipartisan amendment. It is strongly supported by the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association. Every major military association endorses this amendment.

I know the gentleman from California (Mr. THOMAS) is concerned about it. I am disappointed the gentleman is opposed to it. It is going to have some minor impact on Medicare, $50 million, but that means in addition to the $700 billion Medicare program that Medicare will spend over that 3 year period, $50 million might be spent by military retirees who are eligible for Medicare? We could save 10 times this amount annually if we change HCFA's billing system, for example.

The gentleman from Texas (Mr. THORNBERRY) and I will enter into a colloquy with the gentleman from California (Mr. STARK) promising to work with him to address the concerns of the gentleman from California (Mr. THOMAS). It is unfortunate the gentleman from California (Mr. THOMAS) cannot join us to work out these problems.

I urge my colleagues to vote in favor of this amendment and support military retirees health care when they need it the most.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from California.

Mr. STARK. Mr. Chairman, I am inclined to support the Watts-Moran-Thornberry amendment. I am a cosponsor of the legislation of the gentleman from Virginia (Mr. MORAN), which does roughly the same thing.

The amendment is revenue neutral. It does have an accounting problem as currently drafted. As drafted, the amendment would increase Medicare utilization undoubtedly as the retirees find it less expensive to seek medical care there.

As we all know, we have a long-term financing problem in the Medicare Trust Fund, and if we increase Medicare spending, it is essential that we keep the trust fund neutral.

This amendment needs an accounting fix to make sure that that money that the DOD raises gets into the Medicare Trust Fund and not into general revenues. It is my understanding that staff has not yet had time to work out the details of the language, and I am wondering if the gentleman from Texas (Mr. THORNBERRY) could give us a commitment to address this problem in conference?

Mr. THORNBERRY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Texas.

Mr. THORNBERRY. I thank the gentleman, and I thank the gentleman from California (Mr. STARK) for raising this concern.

Mr. Chairman, we have discussed this issue and completely agree it is appropriate to make sure that the Medicare trust funds are not negatively impacted by the amendment. The offsets included in this amendment do include CBO's estimated Medicare costs, and I assure the gentleman I will certainly work with the gentleman from South Carolina (Mr. SPENCE), the gentleman from Missouri (Mr. SKELTON), the gentleman from Indiana (Mr. BUYER) and others in the weeks ahead to clarify that the legislative language addresses those concerns and that there are appropriate offsets, in addition to the protections that are needed on the concern that the gentleman from California (Mr. THOMAS) has raised.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, we look forward it addressing this concern in conference.

Mr. STARK. Mr. Chairman, if the gentleman will yield further, I thank the authors of the amendment. I think you have a winner. I would suggest that if anybody is concerned, that you do not extend it at the end of three years. In the balanced budget amendment we made it the law that people had to be able to get the Medigap policy back. So if in the third year we decide the experiment will not work, we can write that into law and see that no one is disadvantaged by losing the Medigap policy.

Mr. MORAN of Virginia. It sounds like a good solution.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may concern.

Mr. Chairman, notwithstanding the attempted agreement that was just made, which is clearly a concern in terms of the trust funds, but what I just heard was that the military retirees who give up their Medigap program and who may not in fact be able to get insurance, we will worry about them three years later when the demonstration program ends.

I would tell the gentleman, if that is the way you are going to treat military retirees, then I can fully understand why you have some concern about the DOD program which we are now working on. You may have some concern about the VA program. But in every one of those programs that we worked with, that we sat down and made sure were done correctly, the military retirees were protected from day one.

What you just heard, Mr. Chairman, was the hope that three years later, if this demonstration program does not work, those military retirees who gave up their Medigap insurance, we will see if we can pass a piece of legislation that will fix that problem. I cannot believe that the dialogue that just took place was concerned about the HI trust fund alone and showed no concern whatsoever for the military retirees that are the guinea pigs in this program.

Had you sat down with the committee of jurisdiction, we would have worked that out to make sure that the military retirees were protected. This is just another example of what the gentleman from Virginia said was a well-crafted amendment, which leaves every one of those up to 70,000 military retirees who are asked to participate in this program at risk on their Medigap program. I do not believe the House is willing to vote on that kind of a risk for our military retirees.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Let me just tell the gentleman, we have been working on this for four years. I can verify to you that I introduced this five years ago. Now, we have 284 cosponsors. We want to work with the gentleman. We did everything we could to work it out in conference.

Mr. THOMAS. Reclaiming my time, did the gentleman or the gentleman's staff ever call the Subcommittee on Health of the Committee on Ways and Means? The answer is if you did everything you could to work it out, it seems to me the subcommittee of jurisdiction, which has worked on the balanced budget amendment for the DOD subvention, which has worked with the Committee on Veterans Affairs on the VA subvention program, and which is currently working in the Medicare Commission to make sure that those individuals who served time in the military, and especially were in theaters of combat, are taken care of.

The gentleman continues to give this blanket assurance that everything has been done. I simply continue to repeat, you never once worked with the subcommittee of jurisdiction. I believe that is one of the reasons that all these flaws are in the amendment.

We have taken care of it in every other area that we have worked with combining Department of Defense and veterans interests with Medicare. They are not in this amendment. It is flawed.

If someone would indicate that we could sit down and resolve the flaws in the amendment, then I am far more interested in going forward. What I heard as a resolution for those individuals who are going to give up their Medigap is that three years from now, when this demonstration ends, maybe we can pass a law that will give them a chance to get their Medigap back.

I do not think that is a very comfortable assurance for military retirees. I certainly would not want to gamble my program to go into a program that may end on the assurance that this Congress, three or four years down the road, is going to be able to make sure I get back the insurance I lost when I started this experiment. That is not a solid guarantee, and that is what this amendment says, and that is what was just discussed on the floor.

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield further, we have invited the Committee on Ways and Means staff to meetings. Let me say, the Parliamentarian did not refer this to the Committee on Ways and Means as the committee of jurisdiction. So we worked with the Subcommittee on Civil Service within

the Committee on Government Operations, and we worked with the Committee on National Security, because they were referred to us as the committee of jurisdiction.

We are only talking about one line in this bill among many lines, and I think we can work that out in conference.

Mr. THOMAS. Mr. Chairman, reclaiming my time, perhaps the gentleman did not hear me. The one line you continue to refer to is the transfer of funds from the endangered HI trust fund, which is scheduled to go bankrupt in a short number of years. That is why we have the Medicare Commission, to protect those funds.

What I have continued to refer to is the requirement and in fact the argument that is made by the military coalition, that these military retirees are going to give up their Medigap insurance to get into the program. Because certainly they are not going to pay out of pocket their own private dollars for a Medigap program, when in fact the taxpayers are going to pay 75 cents out of every dollar to put them into the FEHBP program.

So you have the HI trust fund paying for the Medicare, and 75 cents out of every dollar of taxpayers money, the employer, to the retired military being paid in the FEHBP. They are giving up their private sector dollars, the Medigap dollars, to get this.

But it is a demonstration program. It is only for three years. Why could you not write into the program a protection for these military retirees? It is not the one line you are talking about, which is the HI trust fund. It is the guarantee that you do not lose any more than the insurance that you had when you went into the program. That is one of the fundamental flaws of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there are two important points in response to the concerns of the gentleman from California (Mr. THOMAS). Number one is I think all of us admire the protections that he has worked on in the Medicare subvention pilot program and want to work with him to see appropriate protections are included in this bill.

Secondly, before the Subcommittee on Personnel marked up, we were aware that the Committee Ways and Means were interested in this issue, and I have been informed as a matter of fact that the Committee on Ways and Means staff was invited to a meeting on Monday, May 4, 1998, at 11:30 a.m., and they did not show up. Included in that meeting were representatives of the Committee on Government Reform and Oversight, CBO and others.

Mr. Chairman, I yield two minutes to the sponsor of the amendment, the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the Watts-Thornberry-Moran amendment to H.R. 3616 that the Parliamentarian has cleared and that the Committee on Rules has ruled in order. This amendment is to the defense authorization bill for fiscal year 1999.

Just for the record, I have got a long list of support letters here from the American Military Retirees Association, the American Retirees, Korean War Veterans Association, the National Association of Uniform Services, the Veterans of Foreign Wars, and the list goes on and on.

This amendment is an important key to improving the delivery of high quality health care to our military retirees and their dependents. No one deserves the option of enrolling in the Federal Employees Health Benefits Program more than these good Americans.

For decades our government promised millions of people who served in the Armed Forces free lifetime health care for themselves and their dependents if they served for 20 or more years. They earned that benefit, yet we all know that the promise was broken and never fixed.

As a result, we face a situation wherein thousands of military retirees are forced to scramble for adequate health care for themselves and their dependents. Many must make do with the TriCare system or space available care in a rapidly diminishing number of military hospitals.

If they are 65 years old or older, they must use the Medicare system. Those who live far from military treatment facilities or hospitals except TriCare often purchase private medical insurance or simply remain uncovered.

The Watts-Thornberry-Moran amendment, again, is an optional program that would begin to restore that promise of health care for this group by enrolling a limited number of Medicare eligible military retirees in the FEHBP program at a number of sights around the country.

Mr. Chairman, the Watts-Thornberry-Moran amendment is but a small optional step, and I encourage Members to support it.

Mr. MORAN of Virginia. Mr. Chairman, I yield one minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong support of the Watts-Moran-Thornberry amendment. For almost three years now, I have worked with the gentleman from Virginia (Mr. MORAN) and others on this critical issue of providing quality lifetime health care to military retirees.

I want to thank the gentlemen from Virginia, Oklahoma and Texas for the opportunity to urge all of our Members to support this amendment, which will demonstrate a way to give the Medicare eligible retirees the option of participating in the Federal Employee Health Benefit Program. I am assured that the gentleman from California (Mr. THOMAS) is going to find a way to make this acceptable in the Committee on Ways and Means as well.

On the eve of Memorial Day, it seems not only the appropriate time, but it also is the honorable time to keep our promise to the military retirees that we would provide them health care.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Medigap is a wraparound insurance program. There are ten standardized Medigap programs that are made available by HCFA. The argument is that these military retirees will be giving up their Medigap insurance.

Now, I know as you begin to talk about how this program is supposed to fit together, some eyes begin to glaze over, and all you are supposed to do is just say, it ought to be done, and therefore it is done.

Well, I will tell you, in trying to work with the DOD subvention program, and now successfully with the VA, if you are really interested in looking out after the interests of these military retirees, you had better have in writing exactly what is going to occur. The Federal Employees Health Benefit Program does not match up to any of the Medigap programs.

What are the policies? What are the premiums? You are creating a structure which creates a separate risk pool. The premiums may be outrageous. You have no protections for the military retirees in that regard.

On page 4 of the amendment, line 11 through 14, if you agree to go into this program, what do you agree to do? You agree eligible covered beneficiaries who participate in the demonstration project shall not be eligible to receive care at a military medical treatment facility.

Under the DOD subvention program, we try to blend the military medical facilities with the HI program. What you do in this is you are a military retiree, you are used to going to a military facility, and, now, if you enter into this program, you become an FEHBP member, not knowing what your premium is going to be, because you are going to be in a separate risk pool, not knowing what the benefits are going to be in terms of an augmentation, and you get your Medicare money, which you also have been utilizing perhaps in conjunction with the military medical facility, but you are denied going to the military medical facility if you become part of this program.

□ 1615

You have to find an entirely different health care delivery structure, maybe somewhere else if you live by a military reservation which you have been going to.

These are the kinds of things in reading this bill and in analyzing it as we did with the DOD subvention and with the VA subvention that simply jump

out at us. There are very many flaws in this bill. Why are we trying to rush this forward without putting it together in a way the military retiree has some comfort? Is it absolutely necessary to tell them that if you enter this program for your own benefit, you have to give up military medical facilities completely, you can never go back?

A lot of times in today's health care system people are saying, I want to be able to choose my own doctor. What this demonstration program says is you have to give up the doctor you had or you cannot get in the program. That makes no sense. But after all, you have X number of cosponsors, you have X number of people whose heart is certainly in it, and my heart is in it, and the reason I am up here today is to tell my colleagues we have to put our heads in it as well as our hearts, and it is not impossible to work these out, but if we are going to move forward and simply say all of these are going to be resolved, unfortunately the end result will be a 3-year program which will fail. If we want a successful program, we ought to sit down and work out these difficulties, we will have a higher chance of succeeding, and perhaps my admonitions will go unheeded, and I am sorry, because it will be the military retirees who will have suffered.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I was waiting for the gentleman to catch his breath.

Mr. THOMAS. Mr. Chairman, reclaiming my time, when I feel strongly about an issue and I believe that folks are not being treated fairly, I do get impassioned.

Mr. MORAN of Virginia. Mr. Chairman, I am very much impressed, and I appreciate the gentleman bringing up these issues.

What I wanted to say to the gentleman, though, we have talked with the insurance companies. The fact is that with a separate risk pool, given the fact that these people are eligible for Medicare, Medicare is a payer of first resort, the insurance premiums are not going to be exorbitant as the gentleman has suggested, they are going to be quite affordable.

Mr. THOMAS. Mr. Chairman, reclaiming my time, I would inquire of the gentleman, under the current program with military retirees, is Medicare A the first payer?

Mr. MORAN of Virginia. Mr. Chairman, if the gentleman will yield further, if one goes to a military treatment facility, it is not the first payer, but for many, there is about 70 percent of military retirees.

Mr. THOMAS. Mr. Chairman, again reclaiming my time, so for the military retirees who use a military facility, that currently is the first payer, but they are denied the ability to go there; if they enter into this demonstration program, they are forced to find medical services elsewhere if they want to go in the program.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the rush is that World War II veterans, the average age is 72 years of age. They are not going to be around. The Thomas-Stump bill I applaud for what they are trying to do. We are both trying to do the same thing to help veterans.

But the Moran bill, the original Moran-Bond bill was limited, it only had two sites. The Thornberry-Watts-Cunningham bill put in $1.5 billion to a full program. That is what we need to do. This is a compromise between the 2 bills. Subvention does not give them enough care; it is a Band-Aid. They do not have access to TriCare. But I ask my colleagues to support this, and I look forward to working with the gentleman from California (Mr. THOMAS) because he is trying to do the same thing we are.

The CHAIRMAN pro tempore (Mr. PEASE). The Committee will rise informally.

The SPEAKER pro tempore (Mr. MICA) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate passed a concurrent resolution of the following title, in which concurrence of the House is requested:

S. Con. Res. 98. Concurrent resolution providing for a conditional adjournment or recess of the Senate and the House of Representatives.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Committee resumed its sitting.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of the Moran-Thornberry amendment.

I sat on the Subcommittee on Civil Service, and I have a full appreciation, because I heard the quagmire of technical problems associated with ensuring medical care for Medicare-eligible veterans. There are risks associated with being a part of any control group. I do not for a moment believe that this body is going to leave any veterans who decide to go into this program in a lurch at the end of the period.

I do think it is unthinkable to let this gap in health care for these veterans to go on any longer. I do think this is Congress at its best. We did not know what to do after we heard this testimony. We said let us do a demonstration project and learn from it; that will allow us to know whether we spread it or change it or fix it.

Moreover, these are the first people to be allowed into the FEHBP program other than the traditional clients programs. I think we will learn something about FEHBP as well, and I think the people to learn it from are veterans who have been left out of their full right to medical care.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I would like everyone to recognize, this has been one of the consequences of base closures. Many of the retirees, they located next to these military treatment facilities and now that the bases have closed, they are unwilling to move, and they do not want to move. They are stationed where they are. So we are dealing with some cleanup work to do from base closures, and that is what this is about.

I want to recognize the gentleman from California (Mr. THOMAS) on the Subcommittee on Military Personnel whose letter we received, we made it a part of the RECORD; not only the gentleman from California (Mr. THOMAS), but the gentleman from Texas (Mr. ARCHER), so we are well aware of their objections.

We recognize that the Committee on Commerce and the Committee on Ways and Means were not committees of jurisdiction on this, but what I want to say to the gentleman is that invitations were sent out, there were meetings with CBO and the Committee on the Budget and the Committee on Government Reform and Oversight, and the Committee on National Security on this. The gentleman has raised some very interesting points here today, and what I would like to do between now and conference is for us to work together on this as we move toward a demonstration.

I also want to compliment the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Texas (Mr. THORNBERRY). I appreciate them accepting that one of these sites should also be one of the Medicare subvention sites so we completely understand what we are doing, and I am glad we are not moving to the total phase-in, but only a limited pilot.

Mr. MORAN of Virginia. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of this amendment and would like to commend my colleagues, the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Virginia (Mr. MORAN) for their leadership in this area.

As a Member of the House Committee on Veterans' Affairs and a representative from Florida, I am very concerned

with the state of military health care, particularly since so many Floridians are being affected. I have received the letters and the personal visits by military retirees who are concerned about their health care options.

The health care industry is in change and we in Congress need to take some leadership. I support this pilot program 100 percent, and I urge a ''yes'' on this amendment.

As Memorial Day approaches, let us show our military personnel that we do care and that we as Members of the United States Congress do keep our promises to the veterans.

The CHAIRMAN pro tempore. All time of the gentleman from Virginia (Mr. MORAN) has expired.

Mr. THORNBERRY. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I rise in support of the Thornberry-Watts-Cunningham amendment.

Mr. Chairman. Because the need for expanded health care for military retirees is so important, I am pleased to join with my colleagues, Representatives WATTS, THORNBERRY and MORAN in their efforts to permit Medicare-eligible retired members of the Armed Forces and their Medicare-eligible dependents to enroll in the Federal Employees Health Benefits program (FEHBP).

This amendment proposes a three-year demonstration project at six to ten sites in the United States. The cost is offset by the sale of national defense stockpile materials.

We made a commitment to those who chose to serve in defense of our country. Military retirees were promised health care for life. However, there is a Catch–22 situation for Medicare-eligible retired military because once they either turn age 65 or qualify for disability treatment, they lose their CHAMPUS benefits. Unfortunately, they are placed last on the priority for treatment at Military Treatment Facilities, and they are prevented from participating in the new TRICARE program.

Of the 1.2 million military beneficiaries 65 or older who are Medicare eligible, approximately 324,000 receive ''space available'' care in military treatment facilities.

I want to address the FEHBP Program as a complement to military health care. The FEHBP has been successfully operating over the past thirty years at about one-third of the cost incurred in other private health insurance programs.

Under the FEHBP, a consumer could opt to buy coverage that would include fee-for-service, HMO, PPO, or a union sponsored plan similar to the postal workers, etc.

In order to ensure that our military have the same choice of plans now available to U.S. Senators and Representatives, the President and Vice President, and over ten million federal workers, I urge passage of this amendment that would offer our nation's military and veterans the same basic benefits that we here in Congress have available to us.

This amendment has been endorsed by The Retired Enlisted Association (TREA) and the National Association for Uniformed Services (NAUS). I agree with these groups and believe we must fulfill our commitment to our nation's military retirees and veterans.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Civil Service who has also been a leader in this effort.

Mr. MICA. Mr. Chairman, as chairman of the House Subcommittee on Civil Service, I have worked with the amendment sponsors to make our military retirees eligible for our Federal Employees Health Benefit Program.

While this amendment does not cover dependents and active military and retirees under age 65, which I have advocated, I strongly support this amendment.

This is a reasonable start with a 3-year demonstration project limited to 70,000 individuals. With base closures and military downsizing, our health care system for our military and our retirees has broken down. TriCare has been described to me as try-to-get-care.

As we approach Memorial Day, as we have heard said on the other side, we must remember those who have died in service to our country. How sad it would be if we abandon those who survived and those who have served us on this occasion. This amendment, my colleagues, only allows military retirees over 65 and surviving dependents and those who died in active duty to be eligible for the same benefits as Members of Congress.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment. I would like to commend the sponsors for their efforts to fulfill the promise made to military personnel. Since the Second World War, recruits were offered ''free health care for life'' at a military hospital if they served a 20-year career in the military. These promises were made when the ratio of active duty personnel to military retirees was much greater. However, as we have drawn down the force, base closures, reductions in medical personnel and budget cuts have diminished this health care for retirees, forcing them to rely on Medicare. This amendment will test the FEHBP option for those with the greatest need to improve the viability of the program.

Many of us are worried about the potential costs of this legislation, both to the Defense Department and to the beneficiaries. The Department had predicted that the costs of implementing this program would further reduce the space of available care. I am pleased to note that this proposal would not harm Defense health care program's budget, and it is funded by stockpile sales.

I take this moment to commend the gentleman from Virginia and the other cosponsors for their dedication to this issue.

Mr. Chairman, at this time I wish to make an inquiry of the gentlewoman from Texas (Ms. JACKSON-LEE).

I would like to ask if the gentlewoman supports this amendment, and if so, why?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for his leadership. I thank the gentleman from Virginia (Mr. MORAN) and the gentleman from Oklahoma (Mr. WATTS) for their amendment.

I absolutely do support this amendment. I think just a few days away from celebrating our veterans and our men and women in the military that we need to honor our military veterans. This amendment will not impact military readiness and it will not be offset by cuts in discretionary defense funds, but this amendment would ensure that every Medicare-eligible retiree is covered and provided health insurance and would allow Medicare eligible military retirees the option to join the Federal Employees Health Benefits Program through a 3-year demonstration project.

I would simply say that what this does is it answers the questions of all of my veterans, when I go home to my district, asking me about their medical program and how they cannot be in this retiree program.

So I simply say that this is a good amendment supported by the National Military and Veterans Alliance and every major military association. We must also show our support for our military retirees. It is a good amendment, a strong amendment, and the right thing to do.

I strongly support my colleagues' amendment concerning enrolling military retirees in the Federal Employees Health Benefits program.

Currently America's military men and women are denied free accessible and quality health care after they have retired from their dedicated service in the U.S. military.

We should honor our military veterans and we should be committed to ensure that the men and women who fight for and protect our country receive adequate health care. However, in our country, retirees from the military do not receive the same benefits as Federal employees.

This amendment would not impact military readiness and will not be offset by cuts in discretionary defense programs. But, this amendment would ensure that every Medicare eligible retiree is covered and provided health insurance, and will allow Medicare eligible military retirees the option to join the Federal Employees Health Benefits program through a limited 3 year demonstration project.

This amendment is supported by the national military and veterans alliance and every major military association. We must also show our support for our military retirees.

Mr. SKELTON. Mr. Chairman, I thank the gentlewoman for her answer to my inquiry.

I think it is very important that we do follow through on this program to see how it works, because we must do our very best in our committee and in this Congress to fulfill that promise made to military personnel, not just for those who it will affect directly, but to those future soldiers and retirees that we wish to keep the faith with.

□ 1630

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Mrs. FOWLER), a member of the committee.

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, I rise in support of this amendment.

It is common knowledge that many military retirees were promised access to free health care for life. All this amendment does is give military retirees a chance to participate in the same plan that every Federal employee has.

By providing more choices, the FEHBP uses market forces to control costs and ensure high quality. Military retirees should have these choices. This amendment merely provides for a demonstration project. Coupled with the subvention demonstration project that we passed in the Balanced Budget Act, this will provide some insights on how we can correct the current system.

This amendment does not fulfill the promise of free health care for life, but it is a step in the right direction. I urge my colleagues to support this amendment.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. RYUN), a member of the subcommittee.

Mr. RYUN. Mr. Chairman, I rise in strong support of this particular amendment.

I know that some of my colleagues oppose this amendment. However, as a member of the subcommittee, I have heard the testimony and I have met with retirees who face a real medical problem. As military installations are closed and downsized, our military retirees are being shut out.

This amendment is a small step forward, keeping the promises that we have made to our military many years ago.

Mr. THORNBERRY. Mr. Chairman, I yield 30 seconds to the gentlewoman from Washington (Mrs. LINDA SMITH).

Mrs. LINDA SMITH of Washington. Mr. Chairman, this is simply about keeping our word. I have no answer when retirees ask me, why when I reenlisted and they promised me lifetime health care, can I not get it? There is no excuse for not keeping our word; and this is a beginning, just a beginning, to do that.

Mr. THORNBERRY. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise in strong support of this amendment, Mr. Chairman. I think, as exactly as the gentlewoman from Washington (Mrs. SMITH) said, it is about keeping our word. This amendment does not keep our word, but it is a step in the right direction. It is a step in doing what we ought to do. We need to look harder for the resources necessary to do exactly what we told veterans we were going to do.

Mr. Chairman, I urge strong support of this amendment.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, obviously, what is at debate here is whether or not this program, the way it is currently constructed, is one which has a maximum chance of retaining viability.

One of our colleagues, I believe, got a little carried away in her eloquence and indicated that this was going to be available for every eligible retiree. It is not. It is a very limited program, 70,000. The gentleman from Virginia said it really exposed the trust fund to $50 million. That is correct. But it is a $327 million CBO estimate cost over 3 years, 70,000 retirees, $327 million. It also has no permanent transition.

One of the things we tried to do in the DOD subvention and that Members will see we are doing in the VA subvention is to say that if it is, in fact, successful, this is what occurs as a follow-up.

What we have here is an amendment that started out at more than $3 billion. In an attempt to get costs under control, although we were not able to work, and I would like to make one brief allusion to the May 4 meeting. That was the one meeting that was held. It was a late Friday night phone call, and my staff was unable to work because they were working on the VA subvention. They did a follow-up on Monday, and that was their only opportunity to try to have some input.

All of us want to help our military retirees and our veterans. We have two solid subvention programs going forward with all kinds of guarantees for the retirees and, if the program is a success, its ability to continue forward.

What we have here, I am sorry to say, is kind of a jerry-rigged program funded out of asset sales for 3 years in which there are a number of questions in terms of the way in which the program blends for the retirees, and it almost guarantees its failure.

What I have been trying to do is to get people to understand that, if we make certain changes in this, if we can sit down and get it to conform more to the kinds of underlying structures we had in the subvention bill, what all of us seem to want, which myself, the gentleman from California wants, is a successful program.

This program as it is currently constructed is doomed to fail. That is not the way we should go forward in terms of our military retirees. We should make the kinds of changes that enhance the chance of this program succeeding. It has fundamental flaws. Obviously, with the number of people who feel the pressure nearing Memorial Day, this measure is going to pass. I hope someone sits down and corrects the flaws. The military retirees deserve better than this amendment.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

(Mr. SPENCE asked and was given permission to revise and extend his remarks).

Mr. SPENCE. Mr. Chairman, I rise in strong support of the Watts-Moran-Thornberry amendment. Our government is not doing an adequate job of fulfilling the promise of lifetime health care that was made to those who have made a career in our military.

With budget cuts, reductions in military medical personnel, and base closures, access to quality care within the military health care system has become especially difficult for military retirees who are eligible for Medicare.

While Medicare-eligible retirees and their families remain eligible for space-available care in military hospitals, they are not eligible to participate in the Department of Defense Tricare program, and Tricare is reducing the amount of space-available care accessible to those beneficiaries.

As a result, many of these retirees are discovering that the health care benefit they earned through their dedicated service in the military may not be available when they need it most. We need to find a cost-effective way to meet the health care needs of these military retirees, and to fulfill the promise of lifetime health care that was made to them. This amendment is a step in that right direction.

The amendment would allow up to 70,000 Medicare-eligible military retirees in several sites across the country to enroll in the Federal Employees Health Benefits Program, and to receive the same health care benefits as Federal employees and Federal retirees. It has been carefully designed to establish a demonstration program that is large enough to provide for a valid test of this concept, yet keeps annual costs to a reasonable level over the course of the 3-year demonstration. The costs have been offset in full.

I want to commend my colleagues on the Committee on National Security, the gentleman from Texas (Mr. THORNBERRY), the gentleman from Oklahoma (Mr. WATTS), as well as the gentleman from Virginia (Mr. MORAN) for their dedicated efforts on behalf of our military retirees, on behalf of this amendment. They have worked tirelessly to develop a good demonstration program that will help us to begin to restore faith, not only with those who served in the military as a career, but those who will continue to serve to date.

I also want to commend the gentleman from Florida (Mr. MICA) for his longstanding support of improving health care for our military retirees, and the gentleman from California (Mr. THOMAS) for his contribution.

Mr. Chairman, I urge support for this bipartisan amendment.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. I want to just share with my colleagues here, Mr. Chairman, when I was in the Army Medical Corps, every month at the end of the

month my Secretary would bring me a stack of patients who were unable to get in to see me for an appointment, because we were too busy. We did not have enough doctors in the clinic.

I would go through that stack and I would be able to see which ones were going to end up in the emergency room. I did not like it. I did not like it at all, but at least I knew the emergency room was there when they got sick.

Now, today, we have closed the emergency room to them, or we have closed the whole facility. We have turned our back on these people, Mr. Chairman. I encourage everybody to vote in support of this amendment. If this is a flawed amendment, I say vote for it and let us fix it in conference, and let us move the process along.

When people say, we were not promised medical care when we retired, do not believe that. Everybody said that. I spent 6 years on active duty. We heard it all the time, do your 20 and you will get health care when you retire. We have turned our backs on these people.

I commend all my colleagues for bringing this to the floor, and I encourage everybody to vote in support of this.

Mr. INGLIS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding to me.

I rise in support of this amendment, Mr. Chairman, and thank all those the gentleman has just mentioned for their good work on this.

I believe it is important for us to realize it is not just a matter of keeping faith with our military retirees, it is also a matter of military readiness, because what I am hearing all around my State is that people who are on active duty now are telling their family members, do not re-up, do not reenlist. The military, the United States government, will not honor its commitments.

So it becomes not just a matter of keeping faith with those who have gone before, but rather, with the military readiness of this Nation. So it is essential, I believe, that we in this Congress rise to the occasion of backing up our commitments to those retirees, not just so we can keep faith with them, but so we can keep faith with this Nation in providing for military readiness.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, as the largest base closure in the United States, we need this bill.

(Mr. FARR of California asked and was given permission to revise and extend his remarks.)

Mr. FARR of California. Mr. Chairman, I rise today to express my strong support for the Moran-Watts-Thornberry amendment to the Fiscal Year 1999 Defense Authorization Act, which would create a demonstration project for military retirees to enroll in the Federal Employees Health Benefits Program (FEHBP).

Guaranteeing health care for our nation's military retirees should be one of our nation's top priorities. Yet millions of military retirees are prohibited from receiving Department of Defense health care because they have passed the age of 65 and are eligible for Medicare. As a result, Americans who served in our nation's defense are denied the health care they have more than earned as a result of their sacrifices to our nation.

In my own district, thousands of these retirees—individuals who dedicated many years of their lives to the military—are now without military health care. Denied CHAMPUS or TRICARE, and put last on priority lists for care at Military Treatment Facilities, these brave men and women have an increasingly difficult time obtaining the health care they need. This, Mr. Chairman, is simply unfair.

The amendment before us provides a solution to the problem. It establishes a three-year demonstration project in which up to 70,000 Medicare-eligible military retirees would be permitted to enroll in FEHBP at six test sites. The amendment would also allow dependents of these retirees to be eligible for FEHBP, as well as widows of those who died while on active duty for more than thirty days.

Passage of this amendment will allow military retirees and their immediate families to continue to obtain cost-effective health care from the federal government after the age of 65. It is a fair and flexible solution that will help ensure that these brave and dedicated Americans will not have to worry about obtaining the health care they need and deserve.

Mr. Chairman, next week we celebrate Memorial Day. I cannot think of a more appropriate time in which to act on behalf of our nation's military retirees. Let's pass this amendment today.

Mr. THORNBERRY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. THORNBERRY) is recognized for 30 seconds.

Mr. THORNBERRY. Mr. Chairman, I appreciate the gentleman from California (Chairman THOMAS) and his willingness to work with us to make sure that the protections that need to be in this provision are there as we move toward the conference. I think he is right, and I think that is important.

I also believe that it is morally wrong, not to mention detrimental to our country's security, not to treat military retirees at least as well as we treat civilian Federal retirees.

This amendment starts to fix that, and regardless of the other difficulties that have to be overcome, it is the right thing to do. This House ought to pass it.

Mr. NORWOOD. Mr. Chairman, I rise in support of the Watts amendment because I feel it is imperative that Congress do its best to rectify the injustice done to military retirees who were promised, but have not received, the guarantee of lifetime medical care.

Uncle Sam misled America's finest when he recruited them to the military. Therefore, while this amendment does not restore the entire promise, it does provide military retirees over the age of 65 with affordable, accessible, high-quality health care by allowing them to join the Federal Employee Health Benefit Program. Congress has access to FEHBP, Mr. Chairman, so why shouldn't our nation's military retirees?

The Watts amendment is a step in the right direction—a move toward partially restoring the quality of healthcare at an affordable price that these retirees were promised upon entering the military. We owe them no less!

Mr. ACKERMAN. Mr. Chairman, I rise to express my strong support for the Watts, Moran, Thornberry Amendment to the Defense Authorization Bill. For too long, our nation's military retirees have been denied access to the Federal Employees Health Benefits Plan (FEHBP) even though they have devoted their entire lives to the defense and security of our nation. Most of these individuals entered the military on the premise that they would be entitled to comprehensive, quality health care for the rest of their lives. Unfortunately, our nation has not lived up to this important commitment.

This amendment would create a demonstration program that would enroll 70,000 Medicare eligible members or former members of the armed forces into the FEHBP. The program would be available in six sites around the country. At the end of the project, the Secretary of Defense, and the Director of the Office of Personnel Management will analyze whether or not the demonstration yielded its intended results.

Throughout my tenure is Congress, I have often spoken out in behalf of using the FEHBP to cover the underinsured and the uninsured. The FEHBP is financially sound and in most states, the program provides at least three quality benefit plans for its members. This the least we can do for our armed forces who have stood up to protect the rights and freedoms that we all cherish today. After a long fight, we have taken the first step toward providing comprehensive coverage for such brave and selfless individuals. It is my hope that this provision will remain in the conference report and will be signed into law by the President in the most timely manner possible. Our armed forces deserve nothing less.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the amendment offered by Congressmen WATTS, MORAN and THORNBERRY to allow military retirees who are eligible to join Medicare to enroll in the Federal Employees Health Benefits Program (FEHBP).

Mr. Chairman, under this amendment, the Department of Defense would be allowed, on a trial basis, to give 70,000 military retirees, their eligible dependents, and certain ''Gold Star Widows'' the option of enrolling in the FEHBP program.

For too long, the men and women who have served our nation in the armed forces have not been afforded access to the same health care programs that other federal retirees are eligible to join. For the first time, under the provisions of this amendment, they will be offered the choice of enrolling in the FEHBP program for their health care services. These are individuals who are not eligible for TRICARE, which serves active duty and under-65 military retirees.

Our military retirees should have the same quality of health care coverage as other federal retirees, and should pay equitable premiums for that coverage.

Mr. Chairman, this amendment is supported by numerous veterans organizations, including

the Veterans of Foreign Wars, and I want to add my support for the Watts/Moran/Thornberry Amendment. It is a first step toward providing our military retirees with needed, affordable health care coverage.

Mr. DAVIS of Virginia. Mr. Chairman, I rise today in support of this amendment offered by my colleagues, Representatives J.C. WATTS (R–OK), JIM MORAN (D–VA), and WILLIAM ''MAC'' THORNBERRY (R–TX) that will help provide a portion of the military retiree community with affordable, accessible, high-quality health care by allowing them to join the Federal Employee Health Benefits Program (FEHBP). This amendment authorizes the Department of Defense (DoD) to conduct a demonstration program to enroll Medicare-eligible military retirees in the (FEHBP). The cost of the demonstration program is offset by the sale of the National Defense Stockpile materials. Furthermore, this demonstration project features a three-year program located at 6–10 sites around the nation. It will provide coverage for Medicare eligible military retirees (age 65 and above). This amendment will also cap costs at $100 million per year.

Mr. Chairman, although adoption of this amendment falls far short of our original commitments to our veterans. I believe that the passage of this amendment will bring a step closer the promise of lifetime health care made to career military and retirees is kept and I urge all of my colleagues to support the passage of this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. THORNBERRY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MORAN of Virginia. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 1, answered ''present'' 1, not voting 11, as follows:

[Roll No. 178]

AYES—420

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—1

Thomas

ANSWERED ''PRESENT''—1

Ganske

NOT VOTING—11

Bateman
Gonzalez
Harman
Johnson, Sam
McGovern
Meeks (NY)
Parker
Pickett
Skaggs
Torres
Wicker

☐ 1702

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. LAHOOD) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman William, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

The Committee resumed its sitting.

PREFERENTIAL MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I move that the Committee do now rise and report the bill back to the whole House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I have offered the motion to strike the enacting clause to have a chance to protest against the outrageous denial of democratic procedures.

Along with the gentleman from California (Mr. CAMPBELL), the gentleman from Ohio, who chairs the Committee on the Budget, the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. CONDIT), and the gentleman from New York (Mr. SERRANO), I offered an amendment to the Committee on Rules to require that American ground troops leave Bosnia by December 31 of this year.

We recently had a supplemental in which we were asked and voted, I did not but the majority did, an additional $162 million per month for the American ground troops in Bosnia. I believe, and others do, that it is time for the Europeans to step up.

We believe, at the very least, this House ought to vote on whether or not

there should be a continuation of American ground troops in Bosnia. I have heard a number of Members complain about this. We have heard the people on the committee complain that we do not have enough funds to fund Defense. Some of us feel Defense is taking too much money from other programs. What justification is there for bringing a bill and having the Committee on Rules refuse to let this House even vote on whether or not we ought to have the ground troops in Bosnia?

Another amendment was offered by the gentleman from California and the gentleman from Colorado to reaffirm the role of this House in dealing with troops in Iraq. Let us be very clear. Many of us disagree with what the President is doing. It is the leadership of the House that has decided that the House will not be able to speak on Bosnia or Iraq.

And I will say this: If Members voted for the rule and are going to vote for the bill, at least have the consistency not to complain about American troops being in Bosnia and Iraq, because we are trying to give those Members a chance to deal with it. As to Iraq, most of us would probably vote to authorize that, but it ought to be voted on by the House. As to Bosnia, a majority of the House might say it is time for Europe to defend Europe and pull out. But, again, the House is not being given a chance to vote on it.

This is a very grave error and we have to protest. If we were able to defeat this bill, it could come back very soon after we came back and those amendments could be made in order. And we just want Members to be on record that if they vote for the bill in this form, they have waived their right, by any reasonable standards, to complain about the troops in Bosnia or to complain about executive branch excesses not listened to by the Congress.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I thank my colleague for yielding.

The gentleman is quite right, the Constitution gives the Congress the responsibility to declare war. It gives it to no other part of our government. No other part of our government. Politically, sometimes it is difficult to go on record on a question of war, but it is our responsibility to do so.

When I brought a privileged motion under the War Powers Resolution concerning Bosnia to the House floor, I was proud to be able to say that the American Legion had endorsed my effort. The American Legion agreed that we should not send soldiers and sailors and air personnel overseas, potentially to die, in service of their country, without the request of the people's representatives in Congress. Regrettably, that particular motion failed by a few votes. That motion failed, I think at least in part, because it was under the War Powers Resolution.

So with my colleague from Massachusetts, I attempted to get in the rule the chance to vote on whether we should have troops in Bosnia or troops in the Persian Gulf without having to rely on the War Powers Resolution. But we were denied that chance.

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Chairman, we ought to be very clear. If Members are going to go ahead and vote for this bill, let us at least change the title.

We asked for a vote on troops in Bosnia. We asked for a declaration of a congressional role in Iraq. Let us call it, if we are going to ratify a rule which says these things cannot even come up, the Congressional Abdication of Constitutional Responsibility Act of 1998, because that is what we will be doing.

We will be saying we in Congress will take our shots, we will make our political points, but tough decisions about the Middle East or Bosnia, let somebody else do them because we find them inconvenient or difficult.

I was told by the chairman of the Committee on Rules that he kept them off the floor to accommodate the President. I must say that it came as sort of a surprise to me that this bill was being constructed to accommodate the President. And it is not the sort of accommodation of a President we ought to engage in. We could save $2 billion a year by telling the Europeans it is their turn to do Bosnia. And we could serve the Constitution of the United States by the elected representatives debating it.

The leadership of this House has apparently decided, in cooperation with the President, not to speak out and to abdicate its constitutional responsibilities. That is a very grave error that does not serve well the traditions we profess to care about.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California once again.

Mr. CAMPBELL. Just to add, Mr. Chairman, one additional point of praise to our colleague from Colorado (Mr. SKAGGS), who offered an amendment in the supplemental that we not go to war in the Persian Gulf without the approval of this House. That was stricken in conference. This is our last chance to do our constitutional duty.

Mr. BUYER. Mr. Chairman, I rise in opposition to the motion.

The motion before us is a motion to strike the enacting clause. This is a preferential motion that is debatable only by 5 minutes on each side. If it is withdrawn before the vote, the motion may be repeated as soon as there is any intervening business, like further debate. If the motion is agreed to, the Committee will rise and there is a vote on the motion before the House. If that motion is agreed to, the defense bill is dead.

So I want everybody to completely understand what is before the House.

Secondly, let me address the comments on Bosnia. What I said of the President is, I would become not his critic but his constructive critic. And what I mean by that is that I want to work with the administration on an end state in Bosnia.

What we hope to do, and what I have been working on with the gentleman from Nebraska (Mr. BEREUTER) of the Committee on International Relations, along with the administration, is that when the President said he would set benchmarks of success in Bosnia on the civil implementation of the Dayton Accords, that in fact these are benchmarks that are realistic and achievable; ones that are pragmatic and ones that I believe are realistic.

We are in the course of drafting that resolution so it can be brought to this House floor so we can have the type of vote that the two Members that just previously spoke can actually have. Hopefully, we can do that in the next month.

I urge Members, if in fact a vote is called, to vote against the motion.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK).

The motion was rejected.

□ 1715

The CHAIRMAN. It is now in order to debate the subject of the assignment of members of the Armed Forces to assist in border patrol.

Pursuant to House Resolution 441, the gentleman from Indiana (Mr. BUYER) and the gentleman from Missouri (Mr. SKELTON) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, after consultation with the gentleman from Texas (Mr. REYES) and the gentleman from Ohio (Mr. TRAFICANT), the sponsor of the first amendment in order, I ask unanimous consent that the 30 minutes of general debate time be divided three ways between myself, the gentleman from Texas (Mr. REYES) and the gentleman from Ohio (Mr. TRAFICANT) each controlling 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BUYER. Mr. Chairman, I would ask that the sponsor of the amendment please proceed, and I reserve the balance of time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment is straightforward. It does not mandate the use of troops on our border. What it does, though, is it says that if the Administration, through the Attorney General, the Secretary of the Treasury, decides to use the military, which I believe they should to stop this narcotics madness, there are certain requirements.

Number one, they must be adequately trained. Number two, they

could never be on patrol without the presence of a law enforcement entity, and they could not make arrests, and the local governor and communities shall be notified of their presence.

Now, we have a number of substitutes presented here, and the last one attempts to almost replicate my original amendment, supposedly. But the difference is mine would provide for patrols without question. The substitute provides for reconnaissance missions. And under the dictionary of ''reconnaissance,'' it is in fact to gather information and to scout but do not engage.

Let there be no mistake, the difference is, if we decide that we are going to do something about these broad shipments of narcotics, the Traficant amendment would allow our troops to be adequately trained, never to be without the presence of a law enforcement entity. But, by God, they can engage and they can take issue.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to troops on the border.

As everyone knows, my background is one of having spent 26½ years patrolling this Nation's border as a border patrol agent and as a chief. I think it is a bad idea. I believe that we have to understand that the only way we are going to ensure the integrity of our borders is through trained, professional, Federal agents.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly rise in opposition to the Traficant amendment. I know this body passed the amendment in the last Congress. I believe that the President, as the chief executive officer of the land, has the inherent ability if in fact there is an emergency or a threat to the borders of our Nation, I believe it is inherent to, not only as the chief security officer but also as the Commander-in-Chief, that if in fact our law enforcement agencies are inadequate to protect the ports of entry or the borders of our Nation, the military in fact should be there to do that. I believe that is inherent as the President, and we would expect the President to do that.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, that is all my amendment says. But it then codifies how those troops shall be used so there are no more accidental shootings, there is adequate training, they are never without the presence of a law enforcement entity. And it does exactly what the Chairman now is discussing.

Mr. BUYER. Mr. Chairman, reclaiming my time, what makes me uncomfortable is the fact that we are going to set forth a process that when the Attorney General notifies the Department of Defense, then they have to provide, and it becomes very bothersome to me.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Texas.

Mr. REYES. Mr. Chairman, I just want to clarify that today, in the Immigration Naturalization Act that the government has already passed that is in effect, it provides that kind of authority. There is a section that provides the authority to the President to declare an emergency and do exactly what the gentleman is talking about.

Mr. BUYER. Mr. Chairman, reclaiming my time, what we all have to recognize is that, in 1993, as we had a larger military force than we have today, that there were people that were looking for other jobs for the military to do in civil military affairs and other things. This idea also came about around that same time period.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. BUYER) has expired.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, what we have to recognize right now with the United States Army is we are left with 10 divisions and of those 10 divisions, we have the five follow-on divisions that are being hollowed out; and we have to be very careful if we are going to be taking our troops and assigning them into collateral duties. Let us be very careful.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, I would like to commend my colleague, the gentleman from Ohio (Mr. TRAFICANT), and I think even my colleague, the gentleman from Texas (Mr. REYES), who recognizes just how much the gentleman from Ohio has tried to moderate this issue and all he is trying to do is send a very clear message not just to the administration, not just to the American people, but to everyone that America will do for itself what it does for everyone else in the world and that it would defend its children and its neighborhoods with whatever resources are available.

We are just talking about allowing the people who pay the bills to have this military available, to have their neighborhoods protected just as much as the people in Bosnia or the people in Europe or the people in Africa. Is it too much to ask, Mr. Chairman, that we just recognize the people paying the bills should have the same peacekeeping capabilities that the rest of the world does?

Mr. Chairman, if we do not care about the drugs that are coming across the border, and we all know that, and illegal immigration and the related crime, let me remind my colleagues that this is a human issue, too.

More people die every year trying to cross the border illegally than were killed in the Oklahoma explosion. Let me say that again. Every year, more people die on the border trying to cross illegally. And many of those people that are dying are young juveniles who are being dragged across the border by people who think that it is safe to come across our borders.

I ask my colleagues that we send a clear message that America will do everything possible to secure its national frontiers, that the United States Congress expects the Federal Government to treat the boundaries of America as sacred and as secure as the boundaries in Bosnia or anywhere else in the world. We are asking that the commonsense approach of enforcing and using all the resources are available.

Let me just close with the gentleman from Texas (Mr. REYES) saying we want to secure the borders. The problem with not securing the borders, Mr. Chairman, is that we have refused to do everything humanly possible in the United States. Let us do as much here on our own soil as we do on everyone else's soil.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman from Indiana (Mr. BUYER) for yielding me time.

Mr. Chairman, I rise in strong support of the Traficant amendment. I think everyone here, particularly those Members from border states such as my State of Florida, recognize the simple truth. We are losing our war against drugs, and we are nowhere near winning our battle against illegal immigration.

I have a great deal of respect for efforts of the border patrol, the INS, the DEA and others who have been waging these wars for years. They have been valiant in their attempts, and they deserve our thanks and credit. But given the ease in which smugglers seem to be importing illegal drugs into our country and the steady stream of illegal aliens that keep crossing our borders, we obviously have not been able to equip them with the resources and tools they need to really stop these activities. And both these activities threaten our Nation by aiding and abetting crime and by weakening the fabric of our society.

The Traficant amendment is not radical. It simply allows those who are fighting these wars against illegal drugs and aliens to ask the military for help. It is not mandatory. It is not required. It simply allows the Pentagon to lend its resources where needed and when available.

I do not know about my colleagues, but I am growing tired of the term and hearing it ''the war on drugs.'' I want to end the war. I want to win the war. But we cannot do that as long as the resources of our drug lords outstrip those who we have asked to fight.

I would hope that all my colleagues who have talked tough about fighting drugs and talked tough about terrorism and talked tough about illegal immigration will put their votes where their rhetoric have been and support the Traficant amendment as offered today.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

(Mr. RODRIGUEZ asked and was given permission to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Chairman, as a member of the Committee on National Security, I oppose the amendment by the gentleman from Ohio (Mr. TRAFICANT).

An increase of U.S. troops on the border with Mexico is a dangerous proposal that will put the border residents in danger. Our military is the world's best trained fighting forces, and they are not the police officers, and they are not the border patrol agents. They are trained to fight, and we put our own citizens in danger.

I would like to remind my colleagues, exactly 1 year ago an 18-year-old high school student, American citizen, was shot to death by the Marine on patrol in west Texas. This tragic incident highlights the complexities of placing soldiers on the border and the potential harm to many residents.

I represent the border, and I recognize the importance of fighting drugs. And border residents also, just like everyone else, want to stop the influx of illegal drugs, and they believe in stopping the flow of undocumented immigrants. But the solution they support is more border patrol and Customs Service agents. The Customs Service agents are the ones that are directly involved in assuring when products come across that those things are well checked out.

It is no wonder that the Department of Defense and Justice and the Immigration and Naturalization Service all oppose this proposal. The border patrol has nearly 8,000 agents patrolling our national borders, and the Congress has authorized an additional 1,000 agents every year up to the year 2001.

Last year, the San Antonio Express and News pointed out that the incident in west Texas is an isolated incident. Yet it is one that puts everyone in danger. We need to be concerned about the possibility of future incidents such as those when we put people that are untrained on the border that are U.S. citizens.

Mr. Chairman, I serve on the Committee on National Security Subcommittee on Military Readiness. At a time when readiness concerns are at their highest and with the troops sent for extended periods of time to Bosnia and elsewhere, we cannot afford to pull additional men.

I would ask that my colleagues vote no on the amendment.

Mr. RODRIGUEZ. Mr. Chairman, as a member of the House National Security Committee, I oppose the amendment offered by the gentlemen from Ohio. An increase of U.S. troops on the border with Mexico is a dangerous proposal that will put border residents in danger and reduce military readiness. Our military is the world's best trained fighting force; they are not police officers and they are not border patrol agents. They are trained to fight, and we put our own citizens at grave risk by deploying them on American soil.

I represent two counties along the border with Mexico. In my town hall meetings, almost everyone I spoke with opposed putting troops on our border. Many of them had served in our military, and I respect their opinion. Border residents, just like everyone else, want to stop the influx of illegal drugs, and they believe in stopping the flow of undocumented immigrants. But the solution they support is more Border Patrol and Customs Service agents who are well trained to deal with the challenges of patrolling the border.

Exactly one year ago, an 18 year old American citizen was shot to death by a Marine on patrol near Redford, Texas. This tragic incident highlights the complexities of placing soldiers on the border and the potential harm to border residents. It is no wonder that the Departments of Defense and Justice and the Immigration and Naturalization Service all oppose this proposal. The Border Patrol has nearly 8,000 agents patrolling our nation's borders, and Congress has authorized an additional 1,000 agents every year until 2001. Last year, the San Antonio Express-News pointed out that the Redford incident may be isolated but warned against deploying soldiers into an area lawfully and peacefully used by private citizens.

Mr. Chairman, I serve on the House National Security Readiness Subcommittee. At a time when readiness concerns are at there highest and with troops sent for extended periods of time to Bosnia and elsewhere, we cannot afford to pull additional men and women away from their posts to do the work of Border Patrol agents. It is unfair to our fighting men and women, and it does harm to our national security. The military can provide assistance in numerous ways without this unwarranted diversion of troops.

All of our budgets are tight. Putting troops on our border is extremely costly; it is a bad use of scarce resources. The drain on our defense budget puts our readiness at risk. The Department of Defense has warned that the troops' work along the border are of minimal value to military readiness and detract from training with warfighting equipment for warfighting missions. This lack of training would directly reduce unit readiness levels; it could require troops to spend more times overseas with less time to train between deployments. These funds could be better used training our Armed Forces for their warfighting missions or ensuring Border Patrol agents are properly trained and have the resources needed to enforce our nation's laws and to protect themselves.

The substitute offered by Congressman REYES seeks to partially address these concerns by requiring data from the Department of Defense on the costs, military value, effects on readiness, training, and preparedness of deploying military personnel to our borders.

Mr. Chairman, I, and the tens of thousands of residents I represent along the border, urge my colleagues to vote against this misguided proposal and for the substitute offered by Congressman REYES. Hopefully, in conference, this entire provision will be removed. The placement of additional soldiers on our borders is a dangerous proposal that could have deadly consequences for border residents. We must remember who we are protecting.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS. Mr. Chairman, I appreciate the gentleman yielding 2 minutes. But it might take me a little longer. Will the gentleman from Ohio (Mr. TRAFICANT) yield me 1 minute?

Mr. TRAFICANT. Mr. Chairman, I yield the gentleman from Georgia (Mr. COLLINS) 1 minute.

Mr. COLLINS. Mr. Chairman, in the Third District of Georgia, illegal immigration and drug trafficking are major concerns. I congratulate my colleague from Ohio (Mr. TRAFICANT) for offering his amendment, which helps to address both of these difficult challenges.

I strongly support the amendment, which will allow our military forces to participate in the most basic national defense function there is, that of the defense of our own borders.

General Charles Wilhelm of the U.S. Southern Command recently referred to the international drug trade as the greatest chemical weapons threat to our national security.

□ 1730

Congress should act today to allow the U.S. military to pursue its mission to protect our national security.

It is high time for Congress to set its own priorities. The administration and some Members have shown great willingness to sacrifice American service members around the world to protect the borders of other nations. Today, we must act to protect our own borders, our own hometowns, and our own children and grandchildren from the hardships and suffering caused by illegal immigration and drug trafficking.

Members have a clear choice to make today. We can support the amendment of the gentleman from Ohio (Mr. TRAFICANT) and represent the interests of our constituents by addressing the flow of illegal immigrants and drugs across our southern border, or we can choose to represent the interests of illegal aliens and drug smugglers by supporting and maintaining the current failed policies.

If you believe there is not an illegal immigration problem, you should support the Reyes substitute. If you believe the drugs are not flowing from the nations of the Andean Ridge to the streets and schools of your hometown, you should support the Reyes substitute.

If, however, you know, as I do, that illegal immigration and drug trade are destroying the fabric of our communities, you should oppose the Reyes substitute and stand in strong support of the Traficant amendment.

I urge my colleagues to support the amendment of the gentleman from

Ohio (Mr. TRAFICANT) and to provide the INS and the Custom's Service the assistance they need to defend our American borders.

Mr. REYES. Mr. Chairman, can I ask the time remaining?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 7½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 8 minutes remaining. The gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining.

Mr. BUYER. Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS).

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, here we go again. Everybody that is soft on drugs supports this amendment. If you are really tough for getting drugs, then you support the other amendment. Real simple, right? Wrong again.

I know my friend from Ohio is a big antidrug, anticrime, antiillegal activities; but understand this, most of the drugs come through the port of entry, not from the points in between. So you are putting troops out on the highways and byways, and that is not where the problem is. What am I saying is that this will not work. Even if we did it, it would not work. We would have another failure. What happened?

Number two, we are only asking some requirements that would at least let us know what in the devil is going on beside this mindless running the military and the antidrug activity and everything else.

Three, have you ever heard of Posse Comitatus at all? Anybody? Is this strange? Think about what you are doing and think about the simple fact that it will not work.

Let us give everybody real high points for being against drug proliferation, but let us use our senses about this. The Committee on National Security mostly and the Armed Services is against this, not because they do not want more jurisdiction, because they know it will not work; and you should, too.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I think the gentleman brings up a very good point that the Members should understand about the Posse Comitatus Act. When we have many different agencies out there, whether it is the Customs agency on the Border or any agencies, then if it is such a threat, then we should be beefing up those agencies, not our military getting involved in civil affairs.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Traficant amendment covers ports of entries as well, and it specifically states they can not make arrests, and it has been determined by the Parliamentarian that it does not infringe with Posse Comitatus laws at all.

We have got young people overdosing in cities all over this country, and we are going through this same type of constitutional jargon.

Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I strongly rise to support the amendment of the gentleman from Ohio (Mr. TRAFICANT). I think the gentleman is precisely right. It is time this country did something about drugs. If we think the border patrol is doing it, then let us ask ourselves why do we have 20,000 young people a year dying from drug overdoses?

It is time to use our best, but any method we need to stop drugs in this country. I cannot tell the gentleman how strongly I feel that he is exactly right.

Put the 82nd Airborne on maneuvers down there if you want to stop drugs. You have the safeguards in the bill to take care of the terrible tragedy we had before, but the tragedy is you cannot stop it in my hometown, and you cannot stop it in the State. We have got to stop it on the borders, and our military can do the job.

Mr. REYES. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Ohio (Mr. TRAFICANT) has 6½ minutes remaining. The gentleman from Texas (Mr. REYES) has 5½ minutes remaining.

Mr. TRAFICANT. Mr. Chairman, parliamentary inquiry. Who has the right to close this debate?

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has the right to close.

Mr. TRAFICANT. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. HASTERT).

Mr. BUYER. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. HASTERT).

The CHAIRMAN. The gentleman from Illinois is recognized for 1½ minutes.

Mr. HASTERT. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Indiana (Mr. BUYER) for yielding me the time.

Mr. Chairman, as you know, the national security of this country is threatened. It is not city to city. It is not State to State. But it is country to country.

We have 400 tons of cocaine, we have hundreds of hundreds of tons of marijuana, we have multiple tens of tons of heroin coming across our border every year. We lose 20,000 kids a year either to drugs or drug violence. If that is not national security, I do not know what it is.

If we lost 20,000 kids today in Bosnia or the Middle East, this country would be up in arms. We darn well better do everything we can, including putting our troops with civil authorities along the borders to stop the scourge of drugs.

We have to stand up. It is a matter of national will. It is a matter of national understanding and desire to solve a problem. I salute the gentleman from Ohio for his amendment. We need to stand behind him and make sure it becomes law.

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

I have a great deal of respect for the gentleman from Ohio (Mr. TRAFICANT). It seems to me both amendments seek the same objective, and that is to ensure that we successfully confront the scourge of drugs in America. I am for that. But, unlike the formulation of the gentleman from Georgia, I do not accept the premise that I, therefore, have to be against Reyes and for Traficant.

I am for Reyes because I think it is a more thoughtful way of accomplishing the objective. The President of the United States has put General McCaffrey in charge of our drug control effort. I do not think he is a wimp. I think he understands military security needs. I think he understands how to utilize the military. He is the former Commander in Chief of SOUTHCOM, as so many of you on this floor know. His advice is that we do not move in this direction at this time. I think we ought to respect that.

I would also say, on a different front, that I am concerned, as all of you are, about conserving the resources we have available to keep this Nation secure. This bill does not have enough money in it for the military. I know some of my colleagues think that is not the case. I would be for spending more money in this bill.

I agree with the gentleman from Missouri (Mr. SKELTON), and I congratulate him for his leadership, and I agree with the chairman of this committee who have joined together in a bipartisan way to say, America, this is not a time to pretend that our security interests have been secured. This is not a time to retreat from our commitment and our responsibilities. We may not like being the sole superpower in the world, but that which we are, we are; and we have responsibilities.

I am supportive of deployment in Bosnia. We have saved hundreds of thousands of lives, and we have saved millions of people from being dispossessed from their homes. That is not only a moral good, it is a strategic good.

I say to my friends that, although I am going to support the Reyes amendment, I, too, agree that we ought to make every effort possible to secure our borders from the scourge of drugs.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has 1¼ minutes remaining. The gentleman from

Ohio (Mr. TRAFICANT) has 5½ minutes remaining. The gentleman from Texas (Mr. REYES) has 3½ minutes remaining.

Mr. REYES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. EDWARDS), my good friend.

Mr. EDWARDS. Mr. Chairman, I live in Texas; frankly, much closer to the Mexican border than the gentleman from Ohio. While I have great respect for the gentleman's interest in fighting drugs, as a father of two small sons who will be raised in Texas near the Mexican border I will absolutely take a back seat to no one in this House in my interest in fighting drugs.

Let us be fair in this debate. This is not about who wants to fight drugs and who does not. This is about the best way to do it. There is a right way and a wrong way to accomplish our Nation's goals. The wrong way is to put thousands of U.S. soldiers on the Texas/Mexican border to make our State look like east Berlin during the Cold War.

The Army does not want this. Those of us who represent major Army installations, and I represent the largest populated Army installation in the world, Fort Hood, I can speak for thousands of Army soldiers in saying that they came into the Army to fight for our Nation's defense and wars, not to stand on the borders of our States in the fight against drugs, a noble cause, perhaps, but one that is inappropriate because of the Posse Comitatus.

What is the next step? I agree that fighting drunk driving fatalities is terribly important. Do we want to station thousands of soldiers on American roads and highways to fight drunk driving? Certainly not. For the same reason, we should not put thousands of Army soldiers on the border of Texas.

The fact is that it takes three soldiers for every one deployed, those to be trained, those deployed, and those who just recently deployed. We simply cannot afford in our national security interest to allow thousands of soldiers to be diverted to the Texas or any other border in our States.

Mr. REYES. Mr. Chairman, I only have one speaker remaining.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has the right to close.

Mr. TRAFICANT. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 5½ minutes remaining.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in order to vote on the Traficant amendment, you must defeat the Reyes amendment. Mr. REYES admitted when he started he opposes troops on the border. The buzzword in here is reconnaissance. Reconnaissance means to gather information, to scout, but do not engage. That is the difference.

I do not mandate anything. No one is doing anything. Someday maybe we will get a President that may want to. The gentleman from Texas (Mr. EDWARDS) does not want it. The gentleman from Texas (Mr. REYES) does not want it. Maybe the Pentagon does not want it.

The American people not only want it, they need it. How many more overdoses in cities across America? Well, 100 percent of all heroin and cocaine comes from overseas. All the Traficant amendment says, and this disguise of an amendment which parallels it, even though he does not want it, with the reconnaissance language, no engagement is just that.

We are not engaged in a war around here. This is a joke. I do not mandate it. But, by God, if there is an emergency and we are to do it, here is what the Traficant language says: They can be deployed. They must be trained. They can never be out unless it is a joint participatory law enforcement envoy with them who would make the arrest. But if they see a narcotic trafficker, they can tackle them. They can engage.

How much more are we going to protect? You said we have done a good job in Bosnia. We save lives. We have.

□ 1745

We saved lives in Korea. This is a national security issue. This is a national security bill. Is the border between Mexico and Canada the same as the border between Ohio and Pennsylvania? The border is a national security issue, and, by God, the Congress of the United States better start securing our borders.

Now, I know the business and the politics of this place, but I have got kids dying of overdose, and we are not doing a damn thing about it.

This is camouflaged language, and the only way you are going to have this vote, and maybe it will not become law this time; it took 14 years to change the burden of proof in a tax case, and it might take another 10. But you answer this question: How many more overdoses have we had? How many more kids getting shot and ripped? If we do not protect our borders, who is going to do it? Japan? How about China now?

I want a ''no'' vote on Reyes, and I want to send a message to everybody, the American people want the Congress of the United States to treat our borders as a national security checkpoint, and I want an admission from this Congress. We have had a lot of rhetoric and talk. We have failed. We do not even engage. The substitute does not even engage. This is about our war on drugs.

Now, I am not the most well-liked guy around here. I do not come with easy things. But, damn it, I am going to present the engagement of a debate on this, because we have been wrong. And if we need more money, appropriate it. I think we are real low in the military. And if they decide they want to have an emergency and send troops, they should come in here and ask for the money, and we should give them the money.

That is exactly what I stand for, very simple. This substitute, the man says he opposes deployment of troops, and he puts the buzz word ''reconnaissance, do not engage.'' Well, if we are not going to engage, then why do not we just throw out the ball, give the needles, and keep jacking the arms of kids all over America.

I want the Committee on National Security not only to vote for this, I want you to fight like a junkyard dog to keep it in the final bill. And I hope to God we get some day a President that is going to utilize the option that the Congress of the United States would make available to him. I do not mandate it. I will just ensure if they do it, we do not have another shooting we had in Redford, Texas. And that is why we had it. The Congress was not engaged, and the Congress let a slipshod, throw-out-the-ball program end up taking a life. We did not throw out the FBI for Ruby Ridge, and we should not throw out the military presence on the border because of an accidental shooting.

My major concern is not immigration, which some people are demeaning me with; it is tons and tons of heroin and cocaine. For those who represent cities overrun with narcotics, you are talking about the source. Not treatment now, you are talking about the drugs coming in. And if we do not intercept them, folks, we do not have a program.

So I am going to ask in closing here, because I cannot come back now, to defeat the amendment of a substitute that does not engage. And if we are going to do this, allow us to engage under restricted parameters that meet Posse Comitatus and could also get us into all ports of entries to get at this madness. We can do that, we should do that. This is a national security issue.

Mr. REYES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes.

Mr. REYES. Mr. Chairman, we have heard a lot this afternoon about being proactive, being engaged, being pro-law enforcement. I would like to begin by clearing up a misconception on this issue.

Voting to send armed military personnel to the border and patrolling our Nation's borders is not a pro-enforcement vote. It does not mean that you are tough on crime; it does not mean that you are tough on drug traffickers or tough on illegal aliens.

If anyone wants to be tough on crime, wants to be tough on drug traffickers, then you need to come spend some time on the border. Come spend some time with me working with the Border Patrol. Come spend some time with me working with Customs, with DEA.

If you want to be tough on crime and you want to understand how tough it is to patrol the Nation's borders, come

with me and see it for more than a couple of hours. Do not stand here in this House and talk about how tough we can be and how tough we should be and the kinds of things that we are or are not doing.

The truth is, all across the border, both on the southern and the northern border, we have got Border Patrol officers, we have got Customs officers, we have got Inspectors, we have got DEA, they are all engaged in enforcing this Nation's laws against both illegal immigration and narcotics trafficking.

The gentleman from Ohio, whom I respect, is concerned about drugs. I have repeatedly explained to him, 90 percent of the drugs coming into this country come through ports of entry, ports of entry that today are utilizing National Guard to help Customs inspect the trucks.

Now, let me give you a statistic. Out of every 100 trucks coming in from Mexico, only three get fully inspected by Customs. So I would ask the question, if you were a drug trafficker and you had those kinds of odds, would you send drugs through the river, or would you send them through the ports of entry in that way?

Mr. Chairman, I ask that Members not support sending military to the border, and I ask that you support my amendment.

Mr. BUYER. Mr. Chairman, I yield one minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, the gentleman from Ohio spoke about the war on drugs, and nobody can deny that that is happening in America today. But the front line of the war on drugs is just as much in Youngstown, Ohio, as it is in Nogales, Arizona; and I do not think any of us believe that the 82nd Airborne should be patrolling the streets of Youngstown, Ohio.

The fact is, we are already using military forces in a substantial way along the border. We have JTF–6 located in El Paso that coordinates all of the intelligence work that we are doing on the war on drugs. We have the Air Force operating the aerostats that look for the planes that would be crossing the border. We have Reserve engineering companies that are on active duty along the border building roads and fences every single day. We have the National Guard that is helping to load and unload trucks so they can be inspected along the border.

Mr. Chairman, I serve on two of the appropriations subcommittees that between them fund almost 100 percent of Federal law enforcement. We are struggling in those subcommittees to make sure that we have adequate resources to provide the Customs agents, the Border Patrol, the INF inspectors, the DEA people that we need. But we need specialized people trained to do the work. We do not need paratroopers, we do not need Abraham tanks, we do not need B–2 bombers. We need to have the kind of people that can do the work of interdicting drugs and protecting our borders. I urge Members to vote ''no'' on the Traficant amendment.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to compliment the gentleman from Ohio for his passion and years of work on this measure. I just want to say to the gentleman that we have in place the DEA, Customs and Border Patrol. This is an issue of who are the proper agencies out there and whether they have the sufficient funds.

I respectfully disagree with the gentleman. I would urge the Members to vote for the Reyes amendment and against the gentleman's measure, respectfully.

The CHAIRMAN. It is now in order to consider the amendments printed in part C of House Report 105–544, which shall be considered in the following order:

Amendment No. 1, by the gentleman from Ohio (Mr. TRAFICANT); and Amendment No. 2, by the gentleman from Texas (Mr. REYES).

It is now in order to consider Amendment No. 1 printed in part C of House Report 105–544.

AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 1 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members of the armed forces under subsection (a) may only occur—

''(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

''(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

''(c) TRAINING PROGRAM.—If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

Mr. REYES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Texas (Mr. REYES) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself one minute.

To the distinguished chairman, you are advising this Congress to support troops on the border that cannot engage. You are telling them to vote for a substitute that does not engage, but puts troops on the border.

Mr. Chairman, the only difference with these two amendments is he says you can put them on the border, but they cannot engage. The Traficant amendment says, I do not limit them. They can tackle them, they can detain them, but they can only be there if the administration wants them, and they must be out there with a civilian law enforcement entity, and they cannot make the arrests, and it specifically states and cites the Posse Comitatus laws.

How many more overdoses will we have? Why does not the Congress just deploy troops to the border and then tell them, ''Don't engage.''

Beam me up, really. That states it. That is the drug policy of the United States of America.

Mr. REYES. Mr. Chairman, I yield 1½ minute to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the Department of Defense does not support this, the Department of Justice does not support the Traficant amendment, the people who live along the border in Texas and parts of California do not support this amendment. And if you do not believe that, talk to the folks in Redford, Texas. When the military was deployed in Texas last year for that brief time they were out there, while we all talk here, talk about reducing drugs and the number of people who die in this country as a result of drug overdoses, the deaths that were occurring were not because of drug use so much as Ezequiel Hernandez, a U.S. citizen, dying at the hands of our own military. The first time since 1970 that someone who was an American citizen on American soil has perished at the hands of his own compatriot.

That is what happens when you put a force that is trained to kill on a border to do work that is not necessarily to kill, but to interdict.

If I were a Border Patrol agent watching this debate, I would say, ''Thanks a lot. I go out every day and I try to stop drugs from coming into this country, and you are telling me I do not do a good job. And you are telling me my fellow companions that go out there every day, they do not do a good job, and we have to have now someone else not trained to do my job, do my job.''

We have got to stop talking and give the resources, so the folks who do the work have the chance to do it. That is what we have to do. A lot of talk here, a lot of action on the border. Let us support the folks who do the action and stop the drugs from coming in, rather than just saying we are going to stop the drugs. That is what we need to do.

Mr. REYES. Mr. Chairman, I yield one minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I had not intended to become involved in this debate, but as ranking member of this committee, I must. I must look out for the military that we have, knowing the various missions that we have and, frankly, the lack of young men and young women that we have presently on duty.

Mr. Chairman, first we should look at the specialists, those that are involved in Border Patrol, the Customs, the National Guard. We already have military people of all services, including the Navy, working against the drug traffic.

This evidently involves brute force. The 82nd Airborne, my goodness, they are the first line of our defense. We have today too few young men and young women to cover the necessary missions that they have. We need more. We need more resources for the right specialists, and even to consider this, we need more resources for those in uniform.

PARLIAMENTARY INQUIRY

Mr. REYES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. REYES. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has the right to close.

Mr. REYES. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I was born and raised on the border, and I stand and I speak in favor of the Reyes substitute amendment and against the Traficant proposal.

I find it incredibly ironic that exactly one year ago today a Marine assisting the INS on our border shot and killed Ezequiel Hernandez, an 18-year-old U.S. citizen from Redford, Texas. Zeke, as he was called, had the misfortune of living on our southern border in an area known for drug trafficking, and he paid the price with his life.

□ 1800

I have to ask all of my colleagues here if they believe that that is fair. Ezequiel became a casualty of America's drug wars, the victim of an upsurge of violence along the 2,000-mile United States and Mexican border that has put residents and law enforcement officials on edge. Zeke is dead and there is nothing we can do to bring him back.

It is unfair to our fighting men and women, and it does harm to our national security. The military can provide assistance in numerous ways without this unwarranted diversion of troops. All of our budgets are tight. Putting troops on our borders is extremely costly, and it is a bad use of resources.

These funds could be better used training our Armed Forces for better war-fighting missions or ensuring Border Patrol agents are properly trained and have the resources needed to enforce our Nation's laws and to protect themselves.

Mr. Chairman, I urge each and every colleague to vote against the Traficant amendment and to support the Reyes amendment.

Mr. TRAFICANT. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) has 4 minutes remaining, and the gentleman from Texas (Mr. REYES) has 1 minute remaining.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG), the distinguished chairman of the Appropriations Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me the time. I am going to support with enthusiasm the Traficant amendment.

To lose the war against drugs is tragic, but to surrender to the war on drugs without even launching a fight is just inexcusable. I think that while it might be different than the policies that we have used in the past, I think that the gentleman's approach to this could certainly be one of the major efforts in stopping the terrible influx of drugs into the Nation and into the bodies of Americans.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume. I am proud to have the support of the distinguished chairman of the Appropriations Subcommittee on National Security.

Our military is underfunded. We have taken a meat ax to it. We have sent our military all over the world to protect the borders all over the world. We come down to very sophisticated, legalized types of debates when we talk about our own border.

Today's debate is not just about a nonengagement, status quo alternative that is not really even wanted; today's debate is not about Ezequiel Hernandes. Zeke is dead because Congress did not put in safeguards to the madness that exists.

Today's debate is about national security in our border. There was, in fact, a report issued by the National Defense Panel, and I want to share this with the gentleman from Florida (Mr. YOUNG), because I do not believe I have, and I want to quote: ''The apparent ease of infiltration of our borders by drug smugglers illustrates a potentially significant problem. It suggests that terrorist cells armed with even nuclear, chemical and biological weapons, could also infiltrate our borders.''

I have nothing against the Border Patrol. They need 25,000 more of them. When I call over there, if we had 25,000 more Border Patrol, they say we would have to hire anywhere between 6,000 and 9,500 support personnel to accommodate another 25,000.

I think it is time to reassess the issue of national security. I am not talking about New York and New Jersey, New Mexico and Texas, I am talking about every port of entry and I am talking about the border of our Nation, and if that is not a national security checkpoint, then we do not know what we are doing here.

Now, if, in fact, we are saying we are going to lose readiness, I do not mandate this, and we should not have to lose readiness protecting our borders, Congress. That is an insult. If we need money and the President would decide to do it, there is an appropriation process, there is a Committee on Appropriations.

Let me say one last thing. What I do is codify how this would happen if that Commander in Chief would so decide, and maybe this one may never do it, and maybe there are people in the House that might never want it. But how many more tragedies and deaths and tons of cocaine and heroin do we keep reading about before we act?

I offer a process. It is very imperative that we defeat the Reyes amendment. It does not engage and he does not even want troops. I am saddened that the gentleman from Indiana (Mr. BUYER), the authorizing chairman, would support a nonengagement deployment that costs the same amount of money, but would leave them handcuffed. I would ask that my colleagues support my amendment.

Mr. REYES. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Texas (Mr. REYES) has 1 minute remaining.

Mr. REYES. Mr. Chairman, I yield myself the remainder of my time. Again, I rise in opposition to troops on the border, and in reference to the comments from my colleague from Ohio, I doubt that we in this body want troops at O'Hare, at JFK, LaGuardia, LAX, those are all ports of entry, and when we are talking about terrorism, I have been there. I have done it. Terrorists do not come in a specific profile, they come dressed like the gentleman from Ohio (Mr. TRAFICANT), they come dressed like me. Most importantly, they come through the ports of entry. They have nothing to do with the troops being out patrolling between those ports of entry.

Drug smugglers, border bandits. The last time I was in a gun fight was in March of 1995 with border bandits and drug smugglers. I know the issues, I know what is important, and I can tell my colleagues, military on the border is a bad idea.

If my colleagues doubt that, let me give an example. I was in Bosnia in January. Of about 28 soldiers that we had a town hall meeting with, 3 of them had told me that they had been on a drug mission in Texas and part of the problem that I see here is that when we are involving our troops doing police work, it is completely different from combat. I think it is a disservice to have them on the southern border of Texas today and 6 months from now have them in Bosnia, in real danger, and having to decide, is this combat or is this law enforcement?

The CHAIRMAN. The gentleman's time has expired. All time has expired.

It is now in order to consider the substitute amendment to the Traficant amendment, numbered 2 in part C of House Report 105–544.

AMENDMENT NO. 2 OFFERED BY MR. REYES AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. TRAFICANT

Mr. REYES. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Part C amendment No. 2 offered by Mr. Reyes as a substitute for amendment No. 1 offered by Mr. Traficant:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—The Secretary of Defense may assign members of the armed forces to conduct reconnaissance missions to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States.

''(b) WRITTEN REQUEST FOR ASSIGNMENT; ELEMENTS.—(1) The assignment of members of the armed forces under subsection (a) may only occur at the written request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, and at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

''(2) The written request from the Attorney General or the Secretary of the Treasury (as the case may be) shall include—

''(A) a precise definition of which activities the members of the armed forces are to participate in, the duration of their mission, and the liability to be assumed by the Department of Defense upon assignment of armed forces personnel;

''(B) an examination of the beneficial and detrimental effect of these assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

''(C) the estimated cost of such assignments to the Immigration and Naturalization Service or the United States Customs Service (as the case may be), as required under subsection (f); and

''(D) an examination of the possibility that members of the armed forces may inadvertently participate in law enforcement activities in violation of section 375 of this title and 1385 of title 18 (popularly known as the 'Posse Comitatus Act'), both of which prohibit direct participation of military personnel in civilian law enforcement activities.

''(c) TRAINING PROGRAM.—(1) If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that the members to be assigned are properly trained to deal with the unique and diverse situations that the members may face in performing their assignment along the international borders of the United States and major ports of entry.

''(2) A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member of the armed forces who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments and local law enforcement agencies in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of reconnaissance missions to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

''(g) REPORTING REQUIREMENTS.—Upon the completion of each assignment of members of the armed forces under subsection (a), the Secretary of Defense shall submit to Congress a report containing—

''(1) an examination of the beneficial and detrimental effect of such assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

''(2) an assessment of the value of this section; and

''(3) recommendations on the continued use of the authority provided under subsection (a).

''(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Texas (Mr. REYES), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

(Mr. FILNER asked and was given permission to revise and extend his remarks.)

Mr. FILNER. Mr. Chairman, I rise in support of the Reyes amendment and in opposition to the Traficant amendment, and I thank my friend from Ohio for raising this issue.

I live in the district that has the busiest border crossing in the world. We need the attention to this issue. We need the help of this Congress to fight those drugs. But I tell my colleagues, this is the wrong way to do it.

We should ask ourselves, I say to the gentleman (Mr. TRAFICANT) and those who spoke from Georgia and Illinois, why is it that the Members of this body who represent the 2 cities that are the biggest on the border, that have the busiest crossings on the border, and many other of the border Congress people oppose the Traficant amendment? We know something about the border. We know that this fight has to be increased. But we have constituents who we are bound to protect.

We believe, and we have evidence, and my colleagues have heard it today,

that those who are trained in the best equipped, best disciplined, most efficient fighting machine in the world are not equipped or trained to fight this fight.

Our constituents are at risk with American troops at the border, and may I remind my colleagues, this is a friendly country. Nobody has said that yet. The last invasion I recall was maybe the Alamo, but this could do serious damage to that relationship. It could do serious damage to our constituents.

Yes, I say to the gentleman from Ohio, (Mr. TRAFICANT), let us fight this war, but let us not limit ourselves to the old and easy ideas of ending the scourge; let us go beyond the conventional solutions of this greater force, move toward more innovative proposals.

We who represent the places where the gentleman is concerned about are against the gentleman's amendment. I urge my colleagues to join us in defeating the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I claim the time in opposition, and I yield myself 30 seconds.

The gentleman opposes the deployment of troops under the Traficant amendment, but supports the deployment of troops under the Reyes amendment, and they cannot engage. That is what the gentleman just said.

My constituents do not live on the border either, but 80 percent of the heroin and cocaine going into their arms and up their nose comes across that border.

Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we just heard it said that if we have our American armed services personnel on the border that it will harm American constituents. It is not the Army, Navy, Marines that I know of. They are not going to turn their guns and use their weapons on American constituents, and I probably misunderstood what I heard, but I did hear that it was going to harm our constituents. That is not the point.

The point is to keep drugs away from our constituents who are being harmed by drugs that are getting in.

Mr. Chairman, if one is in a burning building and one has to jump 5 stories, one does not say wait a minute to the fireman below with the safety net, are you from the right fire jurisdiction? I do not want to jump just to anybody.

Our school kids are being flooded with illegal drugs, and this is not about which uniform is going to protect our border; this is about protecting the children in the schoolyard, it is not about a turf war between the DEA or the INS or the Marines. It is about protecting children.

I am a member of the drug task force. We have been studying the problem for a long time. We cannot effectively fight drugs without a strong interdiction program, and much of that has to be done at our border. This is not about telling the INS they are not doing a good job, this is about saying, send in the cavalry, the war is a lot bigger than we thought it was, and we need to have everybody on deck, helping out to try and stop this, because it is killing our children. Forget which government agency is going to get the credit. Let us save our children and put kids first.

Mr. REYES. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of the Reyes amendment. Let us think about this for a minute. We have 2 borders in this country, one with Mexico and one with Canada. The shortest of the 2 is Mexico. We are suggesting here that that is the border we need to put troops on in a country that has been a great ally to the United States, and frankly, the border between California and Mexico and Texas and Mexico is the busiest commercial border in the world.

We are going to try to now slow down that border and put people that are untrained on that border, and it just does not make sense. Essentially it sends out a message that our country just wants to be fortress America. Most of America is surrounded by water. What about all the coastlines? Are we going to put the troops in my district in Pebble Beach in Florida and in West Palm Beach? People would not stand for that.

Besides that, the gentleman from Ohio (Mr. TRAFICANT) comes up here and says his amendment allows him to engage and yet we read in the amendment, here it says, ''Nothing in this section shall be construed to authorize a member assigned under subsection (a) to conduct search, seizure or similar law enforcement activity or to make an arrest.''

The Reyes amendment is a better one, please support it.

□ 1815

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman, the Traficant amendment lets them engage, to tackle and detain them for the law enforcement entity to arrest them.

Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Chairman, I will take 30 seconds, since I have to go get a BESTEA bill out on the floor so Members can go home tomorrow.

I ask Members, defeat the Reyes amendment, because it is status quo. Support the Traficant amendment because then we will do something about the drugs crossing these borders that are killing our children. Please defeat the amendment of my good friend, the gentleman from Texas (Mr. REYES). He is a great guy but the amendment is wrong. The amendment offered by the gentleman from Ohio (Mr. TRAFICANT) is right. It is a good amendment, vote for it.

Mr. TRAFICANT. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I ask for opposition to the Reyes amendment. Let us not be so darned politically correct when it comes to the defense of this Nation.

Mr. Chairman, the drug importers and sellers are watching us today, and they will say, either we vote for the Reyes amendment, which maintains the status quo, or we vote for the Traficant, which will say we will do what we can at the border within the resources of this country to defend this country.

Those who are saying that Mexico might get upset, and let me challenge them, Mexico has been willing to do at the border what we have not. Everyone who votes against Mexico's certification ought to look at that vote. They have put the troops on the border, not because it is anti-American, but because it is antidrug.

Let us have the guts to be pro American and antidrug, and if Members want to vote against Mexico, they had better vote for this bill.

Mr. TRAFICANT. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Traficant amendment and oppose the Reyes amendment. The basic reason, in 1968 I was in the Marine Corps stationed in Quantico, Virginia. We came up here when there were D.C. riots after Martin Luther King, Junior, was assassinated.

We as the U.S. Marine Corps patrolled the streets, made sure people were not out looting and things like that. Whenever we came across a problem, we called the District of Columbia police. They were the ones that made the arrest. The point is, we operated with them in a very fluid manner. I think this is a possibility for the Southwest. Support the Traficant amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if Members support the Reyes amendment, they say we can put troops on the border, but they cannot be engaged. The gentleman from Texas (Mr. REYES) admitted when he started the debate he does not even want troops on the border. They are just trying to kill the Traficant amendment. We know that.

The Traficant amendment says they must be trained, they must be requested by the Attorney General, the Secretary of the Treasury, and the President; let us face it, specifically

trained. They can never go out on a patrol by themselves. And yes, they cannot make the arrest. That is the protection constitutionally, the posse comitatus law. They can tackle that guy, they can return fire.

Narco terrorists have been shooting across the border at our people for quite a while. We have border patrol agents in hospitals being shot by narco terrorists, Mr. Chairman.

In order to have a vote on the Traficant amendment, Members must defeat the substitute. I am asking Members to do that, and give this House a chance to up-or-down vote on an amendment that we can fight for in that conference. Maybe right now there is not enough steam with it, but we are engaging in the debate for our constituents. I am asking Members to defeat the Reyes substitute and vote for the Traficant amendment.

Mr. REYES. Mr. Chairman, first, I would like to thank the gentleman from Ohio (Mr. TRAFICANT). I have spent some time today discussing this issue with him, and I appreciate the fact that this year I believe that the debate has been on a very high level, and about the real issues. I respect the fact that he is concerned about the amount of narcotics in this country. We are all concerned about that.

But where we disagree is where we think that in support for the Traficant amendment, where we think that we can stand here or vote for a proposal that could conceivably cost the lives of, yes, constituents.

Somebody made mention of questioning whether we are harming constituents. Ironically enough, one year ago today a young man in Redford, Texas, was shot and killed in a very unfortunate incident by a United States marine deployed on one of these patrols. If that is not harming a constituent, I do not know what is.

We talk about being members of the drug task force, we talk about drug strategy. There is only one way to defeat drugs. That is on three different levels. I know, because I spent 26½ years doing that, not being a member of a drug task force, or not being a part of this or a part of that, but doing the job, working with other Federal agencies, local and State agencies.

There are three ways we need to approach this problem. That is through education, that is through treatment, and yes, that is through enforcement. But enforcement does not include deploying the military into our communities along the border. The price is too high. The death of one young man in Redford, Texas, is too high. Stop and think, as parents, what Members would be feeling today one year ago, when that young man was shot and killed. It pours salt in a wound that has not even healed yet.

The gentleman from Ohio (Mr. TRAFICANT) makes mention of my opposition to troops on the border. Yes, I am opposed to troops on the border, but I think I am opposed to the troops on the border for the right reasons. I do not have to sound tough on drugs, I have been there. I have done that. I ask that Members support the Reyes amendment, and that they ultimately understand why we are opposed to sending troops to our borders.

Mr. ORTIZ. Mr. Chairman, I rise today to register my opposition to the Traficant amendment, by my friend from Ohio; and in support of the Reyes substitute which would better organize the scope of the military's role on the border.

As a veteran and a former law enforcement officer, I understand the unique perspectives of those who strive to keep the peace on the border, and the views of those in this Congress who believe we should put military resources we already have in a place they are needed. However, putting our soldiers on the border is a very bad idea.

For 50 years, the United States spent our money and our energy fighting a war against communism. In 1989, we saw the Berlin Wall finally come down.

It would be a mistake of enormous proportions if we erected our own wall, in the form of our military, along our southern border.

At a time when Mexico is our neighbor, friend and economic partner, it would be folly to station troops WHO ARE TRAINED TO KILL on the international border.

There is a huge difference between law enforcement officers trained to police the civilian population and the military troops who are trained to kill the enemy.

We are painfully aware that illegal immigrants and drugs are coming across the border. But the answer to that problem is to increase the Border Patrol staff along the border, not reinforce it with troops trained to shoot to kill.

Already there have been two incidents along the border in which the military engaged. As a result, one young U.S. citizen has died at the hands of another in pursuit of an ambiguous mission. We cannot change that; but what we do here today may well prevent it from happening again.

The reason I support trade treaties like NAFTA and GATT is that they address the economic foundations of this region by expanding economic and job opportunities.

We are better served as a nation if we address the economic motivation behind the movement of illegal immigrants and drugs, as opposed to positioning U.S. troops to be our cops at a friendly international border.

PARLIAMENTARY INQUIRY

Mr. TRAFICANT. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. TRAFICANT) will state his parliamentary inquiry.

Mr. TRAFICANT. Mr. Chairman, the first vote that will be taken will be taken on the Reyes substitute, am I correct?

The CHAIRMAN. The gentleman is correct.

The question is on the amendment offered by the gentleman from Texas (Mr. REYES) as a substitute for the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to not less than 5 minutes the time for any recorded vote that may be ordered on the Traficant amendment, without intervening business or debate.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 11, as follows:

[Roll No. 179]

AYES—179

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Cannon
Capps
Cardin
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Towns
Velazquez
Vento
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn

NOES—243

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane

Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kucinich
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—11

Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Torres
Wicker

□ 1841

Mr. RIGGS, Mr. DAVIS of Virginia, Ms. RIVERS, Mr. DEUTSCH, and Mr. EHRLICH changed their vote from ''aye'' to ''no.''

Mr. JOHN, Ms. BROWN of Florida, and Mr. CANNON changed their vote from ''no'' to ''aye.''

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 288, noes 132, not voting 13, as follows:

[Roll No. 180]

AYES—288

Aderholt
Andrews
Archer
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Moakley
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wolf
Young (AK)
Young (FL)

NOES—132

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Capps
Cardin
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Furse
Green
Gutierrez
Hamilton
Hastings (FL)
Hayworth
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kolbe
Lampson
Lee
Lewis (GA)
Linder
Lofgren
Markey
Martinez
Matsui
McDermott
McGovern
McHale
McKinney
Meek (FL)
Menendez
Millender-McDonald
Minge
Mink
Mollohan
Morella
Nadler
Neal
Oberstar
Olver
Ortiz
Pastor
Paul
Payne
Pelosi
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Ryun
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stump
Stupak
Thompson
Tierney
Velazquez
Vento
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Armey
Barrett (NE)
Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Torres
Wicker

□ 1850

Mr. TOWNS changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in part D of House Report 105–544.

AMENDMENT NO. 19 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 19 offered by Mr. GILMAN:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. NUCLEAR EXPORT REPORTING REQUIREMENT.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by adding at the end the following new chapter:

"CHAPTER 11—NUCLEAR EXPORT REPORTING

"SEC. 111. REPORTS ON EXPORTS.

''(a) ACTIONS REQUIRING REPORTING.—Unless and until the conditions set forth in subsection (b) are met—

''(1) no license may be issued for the export of—

''(A) any production facility or utilization facility,

''(B) any source material or special nuclear material, or

''(C) any component, substance, or item that has been determined under section 109b. of the Atomic Energy Act of 1954 to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

''(2) the United States shall not approve the retransfer of any facility, material, item, technical data, component, or substance described in paragraph (1); and

''(3) no authorization may be given under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material.

''(b) CONDITIONS.—

''(1) IN GENERAL.—The conditions referred to in subsection (a) are the following:

''(A) Before the export, retransfer, or activity is approved, the appropriate agency shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing such export, retransfer, or activity and the basis for any proposed approval thereof, and, in the case of an authorization described in subsection (a)(3), the appropriate agency shall transmit to the Committee on Commerce of the House of Representatives a report describing the activity for which authorization is sought and the basis for any proposed approval thereof. Each report under this subparagraph report shall contain—

''(i) a detailed description of the proposed export, retransfer, or activity, as the case may be, including a brief description of the quantity, value, and capabilities of the export, retransfer, or activity;

''(ii) the name of each contractor expected to provide the proposed export, retransfer, or activity;

''(iii) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in the recipient country to carry out the proposed export, retransfer, or activity;and;

''(iv) a description, including estimated value, from each contractor described in clause (ii) of any offset agreements proposed to be entered into in connection with such proposed export, retransfer, or activity (if known on the date of transmittal of the report), and the projected delivery dates and end user of the proposed export, retransfer, or activity; and

''(v) the extent to which the recipient country is in compliance with the conditions specified in paragraph (2) of section 129 of the Atomic Energy Act of 1954.

The report transmitted under this subparagraph shall be unclassified, unless the public disclosure thereof would be clearly detrimental to the security of the United States.

''(B) Unless the President determines that an emergency exists which requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, no such approval shall be given until at least 30 calendar days after Congress receives the report described in subparagraph (A), and shall not be approved then if Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export, retransfer, or activity. If the President determines that an emergency exists that requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, thus waiving the requirements of this paragraph, he shall submit in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a detailed justification for his determination, including a description of the emergency circumstances that necessitate the immediate approval of the export, retransfer, or activity, and a discussion of the national security interests involved.

''(2) CONSIDERATION OF JOINT RESOLUTIONS IN THE SENATE.—Any joint resolution under paragraph (1)(B) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

''(c) PUBLICATION OF UNCLASSIFIED TEXT OF REPORTS.—The appropriate agency shall cause to be published in the Federal Register, upon transmittal to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the full unclassified text of each report submitted pursuant to subsection (b)(1)(A).

''(d) EXCEPTIONS.—The requirements of this section shall not apply to—

''(1) any export, retransfer, or activity for which a general license or general authorization is granted by the appropriate agency; or

''(2) any export or retransfer to, or activity in, a country that is a member of the Organization for Economic Cooperation and Development.

''(e) DEFINITIONS.—As used in this section, the terms 'production facility', 'utilization facility', 'source material', and 'special nuclear material', have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of this amendment which enhances the oversight role of Congress in the licensing of nuclear exports.

There is currently little to no congressional review of United States nuclear exports. Export licenses granted by the Nuclear Regulatory Commission are subject to advanced publication and the possibility for public comment, including a formal hearing. But there is no public transparency involved in these licenses granted by the Department of Energy.

More to the point, there is no role for congressional review of licensing decisions with regard to either agency except for subsequent arrangements for retransfers of nuclear fuel as outlined in section 131 of the Atomic Energy Act.

Accordingly, Mr. Chairman, this amendment establishes a process in law which is similar to that in existing law for the export of conventional arms. If the Congress has the right to review and potentially disapprove the sale of a grenade, then it should have the right to review and potentially disapprove the sale of a nuclear reactor.

Under this amendment, Mr. Chairman, the administration must submit a report to the Congress on proposed nuclear exports to certain countries. Those proposed exports include nuclear reactors or components, nuclear fuel or nuclear fuel components, or retransfer of such items in any technology transfer.

Once the appropriate committees in the Congress receive notice of the proposed export, they would have 30 calendar days to review the proposed sales and, if applicable, introduce and move through the Congress a resolution to disapprove the proposed sale.

Mr. Chairman, I would note that under the Arms Export Control Act, the Congress has never successfully enacted a resolution of disapproval over a President's objection to ban an arms sale. More importantly, however, is that under the AECA, and now under the procedures established by this amendment for nuclear exports, the Congress will have a mechanism to hold the appropriate executive branch agencies accountable for what exports are being approved. Such a formal mechanism would allow the Congress the ability to hold hearings and to gain information on proposed nuclear sales.

This amendment, Mr. Chairman, is purposely drawn to exclude nuclear exports to our Western European allies as well as other allied and friendly countries, including Japan, Australia and New Zealand. This amendment is also purposely drawn to exclude certain types of nuclear exports, including those requiring general licenses or general authorizations.

The purpose of narrowing the list of countries and the type of licenses that are captured under the amendment is to make certain that the Congress does not create an undue administrative burden on the executive branch or adversely affect our Nation's nuclear industry's ability to compete in a world market.

I fully recognize that there is a fundamental difference between a weapon and a nuclear reactor provided for the purposes of a civilian nuclear energy program. But, Mr. Chairman, there are real world examples in which U.S. nuclear technology has been provided for purportedly civilian nuclear programs but then diverted to military programs. I am thinking, of course, of India.

Mr. Chairman, I believe that this amendment will give us the ability to hold both China and Russia's feet to the fire with respect to their nuclear nonproliferation policies.

In the case of China, we want to make certain they do not backtrack on their pledge to halt new nuclear assistance to Iran, and that they maintain their commitments made pursuant to

the U.S. nuclear cooperation agreement.

And with regard to Russia, we want to make certain that they meet their commitments pursuant to their membership in the Nuclear Suppliers Group and we want to examine closely their continued assistance to the Iranian nuclear program.

Mr. Chairman, I would like to point out that, in my view, had there been any knowledge in the Congress of the possibility of a missile technology transfer to China as a result of satellite exports, those exports would have been denied. This amendment gives the Congress the ability to give the necessary congressional scrutiny to nuclear exports, particularly those which may be of a proliferation risk.

Accordingly, Mr. Chairman, I urge my colleagues to support this amendment. It is a vote for enhanced congressional review of U.S. nuclear exports.

Mr. PICKETT. Mr. Chairman, I rise in opposition to the gentleman's amendment.

I do agree with many of his concerns about nuclear proliferation. I think Congress does need sufficient information to be able to accomplish its oversight responsibilities, but I believe we already have that.

□ 1900

I am concerned about the unintended consequences of this amendment which will be contrary to our Nation's best interest. This amendment is unnecessary. Applications for licenses to export nuclear facilities, fuel and controlled nuclear technology are already required to be made public immediately upon filing with the Nuclear Regulatory Commission. We do not need to add another layer of bureaucracy and complexity to this process.

Non-OECD countries like Taiwan, Thailand and others are planning the construction of several nuclear power facilities over the next decade. U.S. companies are on the cutting edge of these technologies and would be strong competitors for this business. This is business that could run into billions of dollars during the next 25 years.

No other nation prohibits its nuclear equipment suppliers from selling to potential customers, including China. Unlike their counterparts designed in Russia, U.S. light-water reactors are at very little risk for nuclear proliferation, and our reactor designs are not conducive to the production of highly enriched uranium, plutonium and other weapons-grade materials. We as a nation can rest easier knowing that reactors built in these non-OECD countries are not producing weapons materials.

Mr. Chairman, I believe that that amendment is overkill, that it will add a layer of bureaucracy and unnecessary time-consuming requirements to our suppliers, and I would urge a vote in opposition to the Gilman amendment.

The CHAIRMAN. The time of gentleman from New York (Mr. GILMAN) has expired. The gentleman from Virginia (Mr. PICKETT) has 3 minutes remaining.

Mr. PICKETT. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding me the time.

In studying this amendment, we find that, quite frankly, it is unnecessary and that under the Atomic Energy Act no export license can be granted unless the United States Government has already negotiated a nuclear cooperation agreement with the nation receiving the equipment or the technology.

These agreements are reviewed by the Congress before their implementation, thereby eliminating the need for further congressional review with each individual license. Changing licensing procedures would reward India, imposing new restrictions on peaceful nuclear trade, especially with China at this time. It would harm U.S. China relations and would perversely reward India for detonating its nuclear device and punish China for India's misdeeds.

New licensing procedures that institute greater delay and greater certainty will leave China and other potential markets like Brazil to view U.S. vendors as unreliable suppliers.

Mr. PICKETT. Mr. Chairman, we have no further speakers on this amendment, and I yield back the balance of our time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from New York (Mr. GILMAN) will be postponed.

It is now in order to consider Amendment No. 20 printed in part D of House Report 105–544.

AMENDMENT NO. 20 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 20 offered by Mr. HUNTER:

At the end of title VIII (page 199, after line 25), insert the following new sections:

SEC. 804. INCREASE IN MICRO-PURCHASE THRESHOLD.

(a) INCREASE IN THRESHOLD.—Subsection (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428(e)) is amended by striking out ''$2,500'' and inserting in lieu thereof ''$10,000''.

(b) EXEMPTION OF MICRO-PURCHASES FROM PROCUREMENT LAWS.—Subsection (b) of such section (41 U.S.C. 428(b)) is amended by striking ''to section 15(j)'' and all that follows through the end of such subsection and inserting in lieu thereof the following: ''any provision of law that sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that provides for criminal or civil penalties.''.

(c) DOMESTICALLY PRODUCED GOODS AND SERVICES.—In the implementation of the amendments made by this section through the Federal Acquisition Regulation (as required by section 32(e) of such Act), the Federal Acquisition Regulation shall require the head of each executive agency to ensure that procuring activities of that agency, in awarding a contract with a price not greater than the micro-purchase threshold, make every effort to purchase domestically produced goods and services.

(d) CONFORMING AMENDMENTS.—(1) Subsections (c) and (d) of such section (41 U.S.C. 428(c) and (d)) are each amended by striking ''$2,500'' and inserting in lieu thereof ''the micro-purchase threshold''.

(2) Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking ''$2,500'' and inserting in lieu thereof ''the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f))''.

SEC. 805. AUTHORITY FOR STATISTICAL SAMPLING TO VERIFY RECEIPT OF GOODS AND SERVICES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting at the end the following new section:

''§ 2410n. Statistical sampling procedures in the payment for goods and services

''(a) VERIFICATION AFTER PAYMENT.—Notwithstanding section 3324 of title 31, in making payments for goods or services, the Secretary may prescribe regulations that authorize verification, after payment, of receipt and acceptance of goods and services. Any such regulations shall prescribe the use of statistical sampling procedures for such verification. Such procedures shall be commensurate with the risk of loss to the Government.

''(b) PROTECTION OF PAYMENT OFFICIALS.—A disbursing or certifying official who carries out proper collection actions and relies on the procedures established pursuant to this section is not liable for losses to the Government resulting from the payment or certification of a voucher not audited specifically because of the use of such procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 141 is amended by adding at the end the following new item:

''2410n. Statistical sampling procedures in the payment for goods and services.''.

MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer a modification to my amendment at the desk, and I ask unanimous consent that my amendment be considered in accordance with this modification.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified, offered by Mr. HUNTER:

The amendment as modified is as follows:

At the end of title VIII (page 199, after line 25), insert the following new section:

SEC. 804. STUDY ON INCREASE IN MICRO-PURCHASE THRESHOLD.

(a) STUDY REQUIREMENT.—The Comptroller General, in consultation with the Administrator for Federal Procurement Policy, the Administrator of the Small Business Administration, and the Secretary of Defense, shall conduct a study to assess the impact of the current micro-purchase program and the advisability of increasing the micro-purchase

threshold under section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) to $10,000.

(b) MATTERS COVERED.—(1) The assessment of the impact of the current micro-purchase program shall be based on purchase activity under the micro-purchase threshold conducted during the two-year period beginning on February 10, 1996 (the date of the enactment of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106)). The assessment shall include, to the extent practicable—

(A) a general breakdown of the supplies, services, and construction purchased; and

(B) an evaluation of the rate of small business participation, economic concentration, and competition.

(2) The assessment of the advisability of increasing the micro-purchase threshold shall include a comparison of any adverse impact of an increased micro-purchase threshold (such as on small business participation) to benefits (such as cost savings, including administrative cost savings, savings from a reduced acquisition workforce and logistics structure, and reduction in acquisition lead time).

(c) REPORT.—Not later than 30 days after completion of the study, the Comptroller General shall submit a report on the results of the study to—

(1) the Committees on Armed Services and on Small Business of the Senate; and

(2) the Committees on National Security and on Small Business of the House of Representatives.

SEC. 805. AUTHORITY FOR STATISTICAL SAMPLING TO VERIFY RECEIPT OF GOODS AND SERVICES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting at the end the following new section:

''§ 2410n. Statistical sampling procedures in the payment for goods and services

''(a) VERIFICATION AFTER PAYMENT.—Notwithstanding section 3324 of title 31, in making payments for goods or services, the Secretary may prescribe regulations that authorize verification, after payment, of receipt and acceptance of goods and services. Any such regulations shall prescribe the use of statistical sampling procedures for such verification. Such procedures shall be commensurate with the risk of loss to the Government.

''(b) PROTECTION OF PAYMENT OFFICIALS.—A disbursing or certifying official who carries out proper collection actions and relies on the procedures established pursuant to this section is not liable for losses to the Government resulting from the payment or certification of a voucher not audited specifically because of the use of such procedures.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 141 is amended by adding at the end the following new item:

''2410n. Statistical sampling procedures in the payment for goods and services.''.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is simply a request for a study, and it is a study in an area where we are trying to make some headway in bringing the Department of Defense up to speed with domestic civilian practices; and, particularly, we are now undertaking a program whereby we use credit cards instead of lengthy contract orders to purchase items up to $2,500.

The Department of Defense and the Administration would like to move ahead and increase that limit from $2,500 to $10,000. There are a number of people in the small business community who have concern about that. They feel that there may be problems. They want to know what the impact is.

And so, we now have a modification to this amendment, which, for practical purposes, simply requests the GAO to study the issue and to give us what it believes to be the impacts on small business and also on savings that could accrue to the Department of Defense should we move that threshold from $2,500 to $10,000. That is the essence of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent to claim the time in opposition, as there is no Member opposing the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I wonder if the gentleman from California (Mr. HUNTER) would be kind enough to engage in a bit of a dialogue with me.

I am sure that he would agree that the question of bundling contracts is of some concern to our small business constituents and friends, and I wonder if the gentleman could comment with respect to the study and the question of bundling contracts.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, there is concern. Because when we move to a credit card system, the government buyers are under an obligation to try to look at the entire market, the entire array of sellers to the best of their ability. They are required to try to be good purchasers, to get the best value. That means, in most cases, the lowest price. But not always.

And there is always a fear in the small business community that we are going to have a buyer who is going to choose their favorite seller, if you will, or their favorite company and simply move contracts that way. And so, small businesses are always concerned about this.

On the other side, sometimes we end up, because we have a very complicated system of contracting, we end up paying $500 for $100 desks after we have gone through all the competitions and all the things that attend that and, ultimately, write a fairly complicated contract.

So the idea is let us give our buyers for the small amounts for the small goods, let us assign them a certain element of discretion and presume that they are going to be honest and have good judgment, and that when they go down to buy office equipment and other things that come up under the $2,500 threshold, that they are going to use good judgment and that they are going to use the small business community in a practical way and they are going to spread these purchases around. And that means that we pay $100 for the $100 desk instead of $500.

So there is a certain fear on one side; and, on the other hand, there is a certain efficiency to be gained. So this simply asks the question and requires a study as to what the results will be.

Mr. ABERCROMBIE. Mr. Chairman, reclaiming my time, I appreciate that. But the intent here, and I guess I just want to make the intent clear for those who may be doing the study, the intent here is to also look at such questions of working something up so we get a series of $10,000 or 10,000 $100-contracts that could go to a fairly large corporation and cut out otherwise legitimate small business.

I know that is not the intent of the gentleman from California (Mr. HUNTER). But we do not want to have a study that ends up in that fashion.

Mr. HUNTER. Mr. Chairman, if the gentleman would further yield, first, this does not affect or change the ability of the government to bundle contracts. But we want the GAO to look at that also, the idea of loading up or bundling contracts.

Mr. SKELTON. Mr. Chairman, we have reviewed the amendment on this side, and we have no objection.

Mrs. MALONEY of New York. Mr. Chairman. I wish to commend the gentleman from California (Mr. HUNTER) for revising his amendment regarding the Micro-Purchase Threshold. I support his amendment to provide for a study of implementation of the Micro-Purchases procedures that were enacted as part of the Federal Acquisition Streamlining Act of 1994 (FASA).

During the consideration of FASA, the small business community had voiced deep concerns about the contracting procedures that applicable to Micro-Purchases, those purchases less than $2,500 in value. They could be awarded without any competition. Of even greater concern, Micro-Purchases were exempt from the long-established requirements of the Small Business Act that initially reserved small purchases for competition among small firms.

Purchases below the $2,500 Micro-Purchase Threshold also represented a very substantial pool of potential business highly suitable for small firms. Procurements below $2,500 are estimated to represent approximately 85% of the procurement actions each year, which totalled some $15 million in fiscal

year 1997. In dollar terms, procurement opportunities below $2,500 total approximately $4 billion.

The Department of Defense has been advocating increasing the Micro-Purchase Threshold. Such action should not be taken until we know the impact of Micro-Purchase procedures at the current $2,500 threshold. To do otherwise would do a disservice to the small business community.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 4 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from California (Mr. HUNTER).

The amendment, as modified, was agreed to.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) considered as Amendment No. 39 printed in part D of House Report 105–544.

AMENDMENT NO. 39 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 39 offered by Mr. TAYLOR of Mississippi:

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

SEC. 1023. RANDOM DRUG TESTING OF DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXPANSION OF EXISTING PROGRAM.—(1) Chapter 81 of title 10, United States Code, is amended by inserting after section 1581 the following new section:

"§ 1582. Random testing of employees for use of illegal drugs

''(a) PROGRAM REQUIRED.—The Secretary of Defense shall expand the drug testing program required for civilian employees of the Department of Defense by Executive Order 12564 (51 Fed. Reg. 32889; September 15, 1986) to include the random testing on a controlled and monitored basis of all such employees for the use of illegal drugs.

''(b) TESTING PROCEDURES AND PERSONNEL ACTIONS.—The requirements of Executive Order 12564 regarding drug testing procedures and the personnel actions to be taken with respect to any employee who is found to use illegal drugs shall apply to the expanded drug testing program required by this section.

''(c) NOTIFICATION TO NEW EMPLOYEES.—The Secretary of Defense shall notify persons employed after the date of the enactment of this section that, as a condition of employment by the Department of Defense, the person may be required to submit to mandatory random drug testing under the expanded drug testing program required by this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1581 the following new item:

''1582. Random testing of employees for use of illegal drugs.''.

(b) FUNDING.—No additional funds are authorized to be appropriated on account of the amendment made by subsection (a). The Secretary of Defense shall carry out the expanded drug testing program for civilian employees of the Department of Defense under section 383 of title 10, United States Code, as added by subsection (a), using amounts otherwise provided for the program.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as was pointed out in the recent dialogue with the gentleman from Ohio (Mr. TRAFICANT) and the gentleman from Texas (Mr. REYES), there is a war on drugs going on, and our Nation is losing.

Mr. Chairman, the point that would I like to make with this amendment and the law that I would like to change with this amendment would allow our Department of Defense to test all of its employees for drugs and, in the future, tell future hires that, as a requirement of working for the Department of Defense, that they will submit to random drug testing.

In February, I went to Colombia, went to places like Ibague, went to places likes San Jose, where American pilots are flying crop dusters and being shot at by Colombian guerillas and Colombian narco-traffickers.

We have American A-teams on the ground in Colombia training the Colombian Lance Arrows, their word for Ranger. We have American Seals training their navy. We have Americans in Iquitos, Peru, right across the Amazon River, training their riverine operations. It is a real war. It is a real war with real casualties.

The week after I left Colombia, the Lance Arrows that I had the privilege of visiting went out, 125 of them. Eighteen of them returned. The remainder were either killed or captured.

The point I am trying to make is it does not make much sense to tell our uniformed personnel that work for the Department of Defense that they are subject to drug testing but the civilian who does almost the same job as a mechanic, as a technician who is working right next to him, is not.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I applaud the gentleman from Mississippi (Mr. TAYLOR) and will concur, and I intend to vote for his amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. DEFAZIO).

□ 1915

(Mr. DEFAZIO asked and was given permission to speak out of order.)

TRAGEDY AT THURSTON HIGH SCHOOL IN SPRINGFIELD, OREGON

Mr. DEFAZIO. Mr. Chairman, a tragic event has occurred in my congressional district, in my hometown; and I am requesting a leave of absence for Friday and the balance of the week, as the eyes of the country turn toward my hometown of Springfield where, early this morning, a number of students at Thurston High School were shot by a fellow student.

Our hearts and prayers go out to the victims and their families. At this time, many, many questions remain about the circumstances of this horrible tragedy. But what we do know is that a terrible tragedy has occurred. I need to return to Oregon to be with my family and my community in this time of sorrow.

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent to use the 5 minutes in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have a drug problem. As a State Senator of Mississippi, I am real proud of the fact that I helped pass the toughest drug law in America. In Mississippi, if you sell two ounces of cocaine, two ounces of heroin, 100 pills, 10 pounds of marijuana, in one sale or intent or a series of sales over the period of 1 year, you are caught and convicted, you spend the rest of your life in the Mississippi State Penitentiary.

But it is not enough, because we have this disconnect in our country where we say, if you are a dealer, you are bad; if but if you use it, it is okay.

I often wonder how many kids here on Capitol Hill use drugs. They work for our Nation. They should not. I would hope at some point during this Congress we will see to it that everyone who works for this Nation, as a requirement of working for this Nation, will subject themselves to drug tests.

But I cannot do that on this bill. I can, however, require that we take a step in that direction and say if you are going to work for our Nation's Department of Defense, if you are committing your life to defending our Nation or working to support those people who defend our Nation, you are not going to use drugs. You are not going to take your Federal paycheck and break the law and use illegal drugs. That is what we are asking to do.

I do not think there is any opposition to this. I want to thank the chairman for allowing this amendment to come to the floor. I want to thank our ranking member who went to bat with the Committee on Rules to see to it that this amendment was made in order.

I want to thank the Committee on Rules. I think they made a mistake

when they voted not to bring it to the floor, but they admitted their mistake and saw to it that it could be voted on. It takes a big man to admit he made a mistake.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider the amendment of the gentleman from California (Mr. THOMAS) considered as amendment number 41 printed in part D of House Report 105–544.

AMENDMENT NO. 41 OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 41 made in order by an order of the House of May 21, 1998, offered by Mr. THOMAS:

At the end of title XXXIV (page 373, after line 2), insert the following new section:

SEC. 3408. TREATMENT OF STATE OF CALIFORNIA CLAIM REGARDING NAVAL PETROLEUM RESERVE NUMBERED 1.

Section 3415(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 7420 note) is amended by striking out the first sentence and inserting in lieu thereof the following: ''Amounts in the contingent fund shall be available for paying a claim described in subsection (a) in accordance with the terms of, and the payment schedule contained in, the Settlement Agreement entered into between the State of California and the Department of Energy, dated October 11, 1996, and supplemented on December 10, 1997. The Secretary shall modify the Settlement Agreement to negate the requirements of the Settlement Agreement with respect to the request for and appropriation of funds.''.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from California (Mr. THOMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I certainly do want to thank the chairman of the Committee on National Security and the ranking member, respectively the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON), first of all for their courtesy in allowing me to discuss the amendment at this time. Actually, I have to go back. The original genesis of this amendment is once again thanking them; only at that time they were known as the Armed Services Committee and the subcommittee that consists of the gentleman from Virginia (Mr. BATEMAN) and the gentleman from Virginia (Mr. SISISKY).

It involved the sale of the naval petroleum reserve known as Elk Hills. In 1974 President Ford ordered oil produced at this naval petroleum reserve at its maximum efficient rate. For more than two decades, oil was produced commercially, but it was a government-held property. We always wanted to try to sell it if it was going to be used to simply produce oil to sell. But as I was wont to say at one time, you can shear a sheep every year, and you can slaughter it only once.

It was producing more than $1 billion a year of revenue for more than a decade. But the gentleman from Virginia put together a sale and bidding procedure which not only succeeded in reaching the CBO's estimate of a $2.6 billion sale, but, in fact, sold for $3.65 billion.

One of the reasons we think it sold at that price was that a lien on land held by State teachers, given to the teachers during the land grant college period, and the tracts of land being incorporated in the Elk Hills area, they never received a penny off the land. It was a Federal Reserve. But when it was going to be released for sale, they certainly were going to claim a revenue stream from that land.

The solution put in the legislation in the then Armed Services bill was to take 9 percent of the sales price, whatever it was, and provide it to the State Teachers Retirement Fund. It was put in language that said pursuant to an appropriation.

Elk Hills has been sold, $3.65 billion. Almost $326 million is held in reserve to be doled out over the years. In the wisdom of a number of people around here, we came to the conclusion of why not just give it to them. The money is sitting there. There is no reason to dole it out. Certainly $1 billion more than was planned would cover the cost of moving these dollars.

So I am indebted, once again, to the now Committee on National Security for their willingness to accommodate the ability to pay the State teachers once out of a fund that is now reserved. That is the sum and substance of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, as there is no Member to claim the time in opposition, I ask unanimous consent to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, I hereby yield back the balance of my time.

Mr. THOMAS. Mr. Chairman, after having once again thanked the Committee on National Security, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. THOMAS).

The amendment was agreed to.

AMENDMENT D–19 OFFERED BY MR. GILMAN.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GILMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 9, not voting 19, as follows:

[Roll No. 181]

AYES—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Filner
Forbes
Ford
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)

Menendez	Rahall	Snyder
Metcalf	Ramstad	Solomon
Mica	Rangel	Souder
Millender-McDonald	Redmond	Spence
Miller (CA)	Regula	Stabenow
Miller (FL)	Reyes	Stark
Minge	Riggs	Stearns
Mink	Riley	Stenholm
Moakley	Rivers	Stokes
Mollohan	Rodriguez	Strickland
Moran (KS)	Roemer	Stump
Moran (VA)	Rogan	Stupak
Morella	Rogers	Sununu
Murtha	Rohrabacher	Talent
Myrick	Ros-Lehtinen	Tanner
Nadler	Rothman	Tauzin
Neal	Roukema	Taylor (MS)
Nethercutt	Roybal-Allard	Thomas
Neumann	Royce	Thompson
Ney	Rush	Thornberry
Northup	Ryun	Thune
Norwood	Sabo	Thurman
Nussle	Salmon	Tiahrt
Oberstar	Sanchez	Tierney
Obey	Sanders	Towns
Olver	Sandlin	Traficant
Ortiz	Sanford	Turner
Owens	Saxton	Upton
Packard	Scarborough	Velazquez
Pallone	Schaefer, Dan	Vento
Pappas	Schaffer, Bob	Visclosky
Pascrell	Schumer	Walsh
Pastor	Scott	Wamp
Paul	Sensenbrenner	Waters
Paxon	Serrano	Watkins
Payne	Sessions	Watt (NC)
Pease	Shadegg	Watts (OK)
Pelosi	Shaw	Waxman
Peterson (MN)	Shays	Weldon (FL)
Peterson (PA)	Sherman	Weldon (PA)
Petri	Shimkus	Weller
Pickering	Shuster	Wexler
Pitts	Sisisky	Weygand
Pombo	Skeen	White
Pomeroy	Slaughter	Whitfield
Porter	Smith (MI)	Wise
Portman	Smith (NJ)	Wolf
Poshard	Smith (OR)	Woolsey
Price (NC)	Smith (TX)	Wynn
Pryce (OH)	Smith, Adam	Young (AK)
Radanovich	Smith, Linda	Young (FL)
	Snowbarger	

NOES—9

Brown (CA)	Frank (MA)	Sawyer
Dooley	McIntyre	Skelton
Fazio	Pickett	Tauscher

NOT VOTING—19

Bateman	Johnson, Sam	Spratt
Blumenauer	McDade	Taylor (NC)
Coyne	Meeks (NY)	Torres
Dixon	Oxley	Wicker
Foley	Parker	Yates
Gonzalez	Quinn	
Harman	Skaggs	

□ 1942

Messrs. FAZIO of California, FRANK of Massachusetts and SAWYER changed their vote from ''aye'' to ''no.''

Messrs. SISISKY, ADAM SMITH of Washington and RANGEL and Mrs. CAPPS changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Ms. DEGETTE. Mr. Chairman, I rise today in opposition to H.R. 3616, the Department of Defense Authorization Act for FY 99, because it contains two egregious provisions which adversely affect women in the military—allowing gender segregated training and housing facilities, and banning access to health care clinics overseas for a full range of health care services.

However, I am in support of the bill's authorization of $655 million to aid in the cleanup and closure of the Rocky Flats nuclear site near Denver. This total represents an additional $40 million to President Clinton's request, and I commend the Committee on National Security for its vision and leadership on this important project.

Yet the provisions which attacks on the rights of women in the military are needless poison pills to this very important and necessary authorization bill. Every woman in America has a constitutional right to have an abortion. The anti-choice movement in Congress has been relentless in its effort to overturn this constitutional right. Additionally, segregating women from men will not improve discipline, training, or effectiveness. In times of war, women and men fight together, not separately. In fact, our military opposes this initiative, yet the House of Representatives has approved this unprecedented initiative.

Consequently, I oppose this legislation in its current form and I urge my colleagues to think about the message they are sending to all American women when they take away these rights of military women. I hope that the conference report will return to the House without these two meanspirited and harmful provisions.

Mr. HOYER. Mr. Chairman, I rise in support of this bill and would like to commend the work of both the Chairman, Mr. SPENCE and the Ranking Member, Mr. SKELTON. I believe the priorities which they have established in this bill are good for both our Nation and for our Nation's defense.

We are preparing to enter the 14th consecutive year of real decline in defense spending. I am one of those who believe that we cannot continue to put the military at risk. The funding constraints imposed by the balanced budget agreement make our choices more difficult. However, we still must ensure that other priorities do not drive us away from one of the primary responsibilities the Congress has, and that is ensuring for the Nation's defense.

We all realize that the United States holds a unique position in the world. People all over the globe look to us for security and stability. It may not be fair, but it is the reality. While our Military Forces are shrinking, operations around the world are increasing. The increased pace of peacekeeping, humanitarian relief, and other contingency operations is forcing our Armed Forces to do more with less. However, doing more with less is not always conducive with ensuring the long term readiness of our Armed Services. Our troops serving today in Bosnia are just one of the recent examples of our global leadership and responsibility. I continue to support our deployment of troops in Bosnia and believe the work they are accomplishing there makes America a better place and the world a safer one.

I say to both the Chairman and the Ranking Member that their priorities are right for our Nation, we need to stand up for those priorities and pursue them.

I support this bill to authorize $270 billion for critical defense needs in fiscal year 1999 and want to commend the committee for what is in the bill before us: a 3.6% military pay raise; the $2.7 billion for procurement of 27 FA–18 E/F's; $36.2 billion for continued research and development, which includes $456 million for the joint strike fighter; the continued support for the important mission of the special operations command; the $2 billion to purchase the second new attack submarine. The $285 million for 30 Blackhawk helicopters, 18 of which are for the Army National Guard; and the procurement of 8 V–22 Ospreys for the Marine Corps.

I also want to commend Chairman HEFLEY and Ranking Member ORTIZ for their work on authorizing $8.2 billion for military construction.

I commend the Committee for funding these DOD and Navy priorities and for addressing the needs of our men and women in the Armed Services.

Mr. QUINN. Mr. Chairman, although I am unable to cast my vote for this legislation, I am pleased to take this opportunity to voice my support for H.R. 3616, the Fiscal Year 1999 National Defense Authorization Act.

For the fourth consecutive year, the Department of Defense's modernization budget fell far short of the $60 billion that former Chairman of the Joint Chiefs General Shalikashvili testified the military needs each year to update its aging force. Even more disturbing is the continuing trend of budget requests for modernization that are billions less than they were forecast to be during the previous year.

The research and development situation in the United States military looks very bleak as well. Spending for research and development accounts are forecasted to fall by at least fourteen percent.

This year's overall budget request represents the lowest real level of U.S. defense spending since before the Korean War. Clearly, the practice of the United States military increasing its number of missions while resources decline will continue unless the defense budget is increased.

H.R. 3616, while consistent with the Balanced Budget Act, continues the 14-year trend of real decline in defense spending. I commend the National Security Committee for working within these constraints to focus the limited resources available on addressing readiness, quality of life, and modernization shortfalls. This bill provides the Department of Defense with some of the tools necessary to better recruit and retain quality personnel, better train them to the highest possible standards, and better equip them with advanced military technology while trying to provide for an improved quality of life.

The high pace of operations continues unabated with attendant negative impacts on military quality of life. America's military forces are under severe stress.

H.R. 3616 takes proactive measures to directly reduce the stress and would provide military personnel a 3.6 percent pay raise—.5 percent more than that requested in the budget—to halt the growing pay gap. In addition, the bill limits the Department of Defense's ability to accelerate military personnel cuts and add $74 million to help the Army maintain adequate manpower levels.

Among many other important provisions, the bill also would mandate that burial honors for all veterans be provided on request after October 1999 and increase funding for the National Guard Youth Challenge Program to $50 million.

Mr. CHAMBLISS. Mr. Chairman, I rise to congratulate Chairman SPENCE and Ranking Member SKELTON for bringing forward a good bill in a tough year. At a time when we are asking our armed services to do more with

less, this bill represents the most balanced approach to our military priorities.

I would like to take a few moments to highlight a few issues in this legislation that I have had the privilege to work on over the last several months.

F–22

I am very concerned about recent GAO recommendations that would have us further delay the F–22. This program has experienced too many delays and too many reductions in planned buy. Specifically, the GAO has expressed concern about lack of test hours conducted to date. The truth is this program is meeting or exceeding all performance targets set by the USAF, and the Air Force is fully satisfied with the quality of data derived from the test hours that have been conducted.

Furthermore, last year this Congress imposed a very restrictive, unprecedented cost cap on the contractor, a cap that set in stone the cost of this program over a planned buy of nearly 340 aircraft. I am pleased to report that the Air Force and contractor are meeting the terms of those caps while also meeting established performance requirements. Now is not the time to throw this program into further disarray.

I am also pleased to report that Raptor 01, our first test aircraft, flew again just two days ago at Edwards AFB. This fully successful flight lasted nearly two hours. The bottom line is that this bill provides for a fully funded program that is absolutely necessary to ensuring air dominance for our warfighters into the 21st century. I commend the Committee on its work in this area.

JSTARS

Over the last decade, DoD has well-established this nation's ground reconnaissance need. That need is translated into 19 fully operational JointSTARS aircraft. Today, DoD is ignoring that stated need for 19 aircraft, and it has stopped procurement at 13.

This bill makes a commitment for long-lead funding for 2 of the necessary 6 additional aircraft. In the area of intelligence, there is no room for compromise. There is no substitute. And the bottom line is that JSTARS is absolutely necessary to meeting our land reconnaissance needs in the 21st century.

MWR

Morale, Welfare and Recreation is an issue that does not receive much attention in such a massive bill, but one that is very important to our troops in the field—it relates to their quality of life.

I am proud of the good work in this bill, under the leadership of Chairman MCHUGH, work that will translate directly into a better standard of living for our men and women in the armed services.

Tough decisions were made, decisions that require we balance many interests, but decisions that ultimately must weigh heavily in favor of the military men and women who have committed themselves to us.

Specifically, the Panel authorized the expansion of commissary benefits to Reserves from 12 to 24 days. Today we are asking more and more of our guard and reserve forces. It is only fair that they are more integrated into our military community, which includes increased access to the ''military benefit.''

In addition, the Panel worked hard to protect the military resale system. Notwithstanding the hard work of DoD, the Panel remains concerned about unsupported initiatives that may do more harm than good to our resale system.

Finally, I am pleased to report that the Panel recommended a provision that will require that DoD privately contract for a survey of military resale consumers to determine their preferences on key issues facing the resale system. A key item to be surveyed is the desirability of the availability of beer and wine products in military commissary stores. The Panel authorized such sale by DoD. It is the opinion of many members of the Panel that convenience to the military consumer must come first. I look forward to the results of such a survey.

PAY RAISE

Last, but not least, I am proud to observe that this bill includes a 3.6 percent pay raise for our military members. We must invest in our military and continue to draw the most talented young people in our nation. Today we face very serious recruiting and retention issues in all of our services. It is my hope that this pay raise will begin to show our commitment to the hard work our military does every day.

MORE FUNDING

Mr. Chairman, we have done the best with what we have been given. However, it is not enough. The world continues to be a dangerous place, and recent developments in India and Pakistan bring this point home. As Chairman WELDON often notes, we are facing a train wreck around 2001 and 2002—a train wreck that will require tradeoffs that will not be in the national security interest of this nation. We must have more resources, as we must never grow complacent with our role as the world's superpower. I vow to work together with my colleagues to continue to press for adequate funding of our military priorities. Until that day, I am pleased to report that this bill is a fair balance of our priorities.

Mr. GREENWOOD. Mr. Chairman, I rise today in support of the FY 1999 Defense Authorization Act and in appreciation of the inclusion of a provision, brought to my attention by my constituent, Mr. James Biscardi of Quakertown, Pennsylvania. Without his continued dedication, the men of the Navy Armed Guard, who served with honor, dignity, and courage, would still be awaiting their deserved congressional recognitioin.

In the beginning of the 104th Congress, Mr. Biscardi, a true American Patriot, contacted my office seeking recognitioin for those who served in the Navy Armed Guard. By working with him, I drafted legislation, now part of the FY 1999 Defense Authorization Act, that recognizes the outstanding service of the members of the Armed Guard during World Wars I and II and thanks the surviving crewmen of the Armed Guard for their service.

The Armed Guard was created as a branch of the United States Navy during World War I to protect the merchant ships of the United States by maintaining weapons on 384 merchant ships. During World War II, the Armed Guard was reactivated as a response to the German strategy of attacking and sinking merchant ships, even those of neutral countries, which appeared to be bringing goods to the Allied Nations in Europe. Over 144,900 men served in the Armed Guard on 6,236 merchant ships during World War II. Nearly 2,000 of these men made the supreme sacrifice, and gave their lives in defense of their country.

The dedication of, and sacrifices made, by the men of the Armed Guard deserve the recognition and gratitude of the United States. Through the passage of the Defense Authorization bill, the United States Congress will be acknowledging the outstanding service of the 144,970 men who served in the Armed Guard during World War II, and the men who served in World War I. These men have earned a heartfelt thanks from the country that they so gallantly fought to protect.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, pursuant to House Resolution 441, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1945

MOTION TO RECOMMIT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LAHOOD). Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. Yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves that the bill be recommitted to the Committee on National Security with instructions to report it back forthwith with the following amendment:

At the end of title XII (page , after line), insert the following new section:

SEC. . WITHDRAWAL OF UNITED STATES ARMED FORCES FROM THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1999 may be used for the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina after December 31, 1998, unless a law has been enacted that explicitly authorizes the deployment of such Armed Forces.

(b) EXCEPTIONS.—The limitation contained in subsection (a) shall not apply with respect to—

(1) the deployment of United States Armed Forces for the express purpose of ensuring

the safe withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina;

(2) a limited number of members of United States Armed Forces sufficient only to protect United States diplomatic facilities and citizens; or

(3) noncombatant personnel to advise the North Atlantic Treaty Organization (NATO) Commander in the Republic of Bosnia and Herzegovina.

Mr. SPENCE. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from South Carolina (Mr. SPENCE) reserves a point of order.

The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I apologize to the House for intruding at this late date, but it did seem to me, having the elected representatives of the American people vote on whether or not American ground troops ought to stay in Bosnia until infinity was a reasonable use of about 20 minutes.

It is not ideal to do it this way, but the gentleman from California (Mr. CAMPBELL), the gentleman from California (Mr. CONDIT), the gentleman from Ohio (Mr. KASICH), the gentleman from Tennessee (Mr. HILLEARY), the gentleman from New York (Mr. SERRANO) and I submitted this germane amendment in a timely fashion to the Committee on Rules and we were told we could not debate it. My colleagues may not realize how important the issues have been that we have been dealing with, because they were so important, the ones we have been debating for the last couple of days, that we did not have a chance to vote on Bosnia.

We are told that we are spread too thin. A number of Members have complained of the President's dispensing the troops to Bosnia. Being heard here today is important, because a lot of Members here have been heard on the subject of Bosnia. I am delighted to give them a chance to put their voting cards where their mouths have been.

We are here faced with an amendment that says the troops have to leave by December 31. That is plenty of time. It does allow for troops afterwards, if they are needed, to pull out in an orderly fashion. This is a correctly drawn amendment by the gentleman from California. It even says, because we were told, well, later we will come in with the right conditions. This amendment says, if a subsequent bill comes forward, then that will cover it. All this says is, we will not by silence acquiesce in the indefinite extension of that mission.

This is not Mission Creep, this is Mission Rush. This is Mission Hurdle, and we are all allowing it to happen if we do not vote for this.

Now, I believe it was a good thing that the world, and the U.S. leading, stopped people from killing each other in Bosnia. The fight has been broken up; we have stopped the killing. We have a relatively easy military mission, I think. It is to keep the combatants apart.

Now, Bosnia is very close to the following countries: Germany, France, Italy, England, the Scandinavian countries, the Benelux countries. They are members of a vestigial organization known as NATO. We are giving NATO a chance to mean something. The U.S. carries the burden in South Korea; the U.S. carries the burden in Iraq. Is it never to be time for Europe to do something on their own? Can Europe never be expected by us to do this? It is a relatively small thing: Keep the troops in this police action to separate people.

Members just voted, I did not vote, but Members just voted to put American troops on the border. Well, where are they going to come from? Maybe we can take them from Bosnia. We are told we have to have troops in Europe because they are our allies. Well, if that is the case, if we show we are allies by having troops in each other's countries, are we sending for Dutch troops to control the Mexican border to deal with drugs? Can we expect some French troops to help us implement the Traficant amendment? We cannot keep voting for more and more and not sometimes say no. If we do not believe the European troops are capable of maintaining the peace in Bosnia on their own, then let us stop pretending that there is anything but a unilateral American presence.

This amendment is a chance for Members to vote to say, and we will save, by the way, $2 billion. In the supplemental we asked for $162 million a month, Pentagon calculation. That is the incremental cost of keeping the troops in Bosnia. So we can save $2 billion on the defense bill, we can inconvenience our European allies by asking them to increase their forces, and we can be consistent if we have said we are for pulling the troops out of Bosnia, and I have to say to my Republican colleagues, you have been fighting the President all over the place. You have been whacking him and hitting him and smacking him. This is something he cares about. They have the troops in Bosnia, you have been shadow boxing and dancing and creating and melting snowmen. You have been taking care of China and you have been taking care of this and that. Here it is.

The chairman of the Committee on Rules said he could not allow this amendment because the President told him not to. Well, the President cannot control the vote on a motion to recommit, so if you want to show that you believe in the constitutional function of Congress, you can vote for it.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Speaker, I appreciate the gentleman yielding, and I will only take a moment to say that the gentleman in the well is expressing about the most important prerogative that a Member of the House of Representatives can express. The Constitution makes it imperative that we vote to go to war, that it not be done by a President, that it be done by the people's representatives. When we send soldiers and sailors and air personnel to die overseas, they must know it is with the approval of the people's representatives in this House.

I applaud the gentleman for his courage and I ask for an ''aye'' vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of the time, but I hope I do not yield back the prerogatives of this House.

Mr. SPENCE. Mr. Speaker, I withdraw my point of order, and I claim the time in opposition to the motion.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me this time.

Let us stop and pause for a moment in where we are. This is a motion to recommit saying we are going to tell the President of the United States that he has to bring the troops home and we have to do it now. I have been before this body and I have stood here and I have offered amendments in the past with the gentleman from Missouri (Mr. SKELTON) and the gentleman from Pennsylvania (Mr. MCHALE). I did not like how we went into the Dayton Accords, but let us stop and think about where we are right now.

Has the mission been successful? It has. Have we completely and always agreed? No, we have not. I gave a commitment to the President, I said I would no longer be your critic, I will be your constructive critic, and this is not about politics, because it could be in the year 2000 we could have a Republican President and we are going to inherit Bosnia and there are going to be troops that are going to be in Bosnia, because I firmly believe those troops are still going to be in Bosnia. The key is, how do we slowly bring those troops home so we then have a commitment to an enduring peace in Bosnia? That is what this is about, an enduring peace in Bosnia.

Do not get consumed by this by saying, oh, this has got to be about the troops, bringing the troops home. If we believe in the commitment toward peace, if we really believe in that, this is also about NATO and our relationship with our NATO allies. Oh, I also want NATO to carry; actually, I want our European allies to carry a greater burden in the peace and the stability of the continent of Europe.

But right now, where are we right now? This is not a wise thing to do. The gentleman from Nebraska (Mr. BEREUTER) of the Committee on International Relations and myself are working on a resolution, along with the administration. When the President of the United States said that what we are going to do is we are going to set very real benchmarks for success in the civil implementation of Bosnia,

what is key is that we make sure that the benchmarks of success are realistic, they are viable, and that they are pragmatic.

What we are going to do is, and we put this into resolution form, we want to come here to this body so that everyone has a comfort level with regard to the benchmarks of success, because I do not want, nor do my colleagues want troops in Bosnia for a very long time, and what is unfortunate is they may be there because of the parameters that were set out in the predicate of the Dayton Accords that may require generation secure.

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

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I rise in opposition to this.

We debated this fully this past March. With the gentleman in the well I had an amendment that opposed the initial placing of troops in Bosnia for the simple reason that there was army and training that should not have taken place. That has been a success. This is not the right message to send to the troops, it is not the right message to send to our allies who, by the way, furnish 75 percent of the troops there, and by the way, provide 85 percent of the reconstruction assistance. I think we should vote this down and pass this bill.

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

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—ayes 167, noes 251, not voting 15, as follows:

[Roll No. 182]

AYES—167

Archer
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bilbray
Bilirakis
Blunt
Bonilla
Brady (TX)
Brown (CA)
Bryant
Bunning
Burton
Camp
Campbell
Canady
Cannon
Chabot
Chenoweth
Christensen
Coble
Coburn
Combest
Condit
Conyers
Cook
Costello
Crane
Crapo
Cubin
Danner
Davis (IL)
Deal
DeFazio
Doggett
Duncan
Emerson
English
Ensign
Ewing
Farr
Filner
Forbes
Fox
Frank (MA)
Franks (NJ)
Furse
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Graham
Granger
Green
Greenwood
Gutierrez
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hooley
Hulshof
Hutchinson
Inglis
Istook
Jackson (IL)
Johnson (CT)
Kaptur
Kasich
Kelly
Kingston
Klug
LaHood
Largent
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas
Manzullo
McCollum
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Mink
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Owens
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Poshard
Pryce (OH)
Ramstad
Rangel
Regula
Roemer
Rogers
Rohrabacher
Roukema
Royce
Rush
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shays
Shimkus
Smith (MI)
Smith (TX)
Snowbarger
Souder
Stark
Stearns
Stokes
Stump
Sununu
Talent
Thomas
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Upton
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Whitfield
Woolsey
Young (AK)

NOES—251

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Cooksey
Cox
Coyne
Cramer
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Everett
Fattah
Fawell
Fazio
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Goodling
Gordon
Goss
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHale
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Portman
Price (NC)
Radanovich
Rahall
Redmond
Reyes
Riggs
Riley
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Shadegg
Shaw
Sherman
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Smith, Linda
Snyder
Solomon
Spence
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Turner
Velazquez
Vento
Visclosky
Walsh
Waxman
Weldon (FL)
Wexler
Weygand
White
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—15

Bateman
Foley
Gonzalez
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Skaggs
Spratt
Taylor (NC)
Torres
Wicker
Yates

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Mrs. EMERSON and Messrs. NETHERCUTT, SNOWBARGER, MCKEON and HUTCHINSON changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 357, noes 60, not voting 16, as follows:

[Roll No. 183]

AYES—357

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Crane
Crapo
Cubin
Cummings
Cunningham
Danner

Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Forbes
Ford
Fossella
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
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Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOES—60

Barrett (WI)
Becerra
Bonior
Brown (CA)
Brown (OH)
Campbell
Conyers
Cramer
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Engel
Eshoo
Filner
Frank (MA)
Franks (NJ)
Furse
Gutierrez
Hinchey
Hoekstra
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Lowey
Luther
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Miller (CA)
Minge
Morella
Nadler
Oberstar
Obey
Owens
Paul
Payne
Petri
Rahall
Rivers
Roybal-Allard
Royce
Rush
Sanders
Sensenbrenner
Serrano
Shays
Slaughter
Stark
Velazquez
Vento
Woolsey

NOT VOTING—16

Bateman
Foley
Gonzalez
Goodling
Harman
Johnson, Sam
McDade
Meeks (NY)
Parker
Quinn
Skaggs
Spratt
Taylor (NC)
Torres
Wicker
Yates

☐ 2021

The Clerk announced the following pair:

On this vote:

Mr. Quinn for, with Mr. Yates against.

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

''A bill to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.''.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3616, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3616, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3616, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

MOTION TO INSTRUCT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998 OFFERED BY MR. MINGE

Mr. MINGE. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MINGE moves the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R 2400, be instructed to ensure that spending for highways and transit programs authorized in the conference agreement on H.R. 2400 is fully paid for using estimates of the Congressional Budget Office, to reject the use of estimates from any other source, to reject any method of budgeting that departs from the budget enforcement principles currently in effect, or the use of the budget surplus to pay for spending on highways or transit programs.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. MINGE) will be recognized for 30 minutes, and a Member in opposition will be recognized for 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. MINGE).

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

Mr. Speaker, the transportation bill that is pending before the conference committee exceeds what was in the balanced budget agreement of 1997. It exceeds what is in the Senate budget resolution. It exceeds what is in the pending House budget resolution. It is clear that we have a budget busting bill that is coming out of the conference committee.

Mr. Speaker, it is clear that the conferees have a very heavy burden of identifying offsets that would make this particular transportation bill fit within any type of reasonable budget process. In this context, it is becoming clear that the conferees are sorely tempted to use a process called directed scoring.

This body has established a tradition of referring to the Congressional Budget Office to determine the cost of programs that are proposed, to determine the cost of offsets that are proposed, to provide guidance to this body. The Congressional Budget Office, over the years, has earned the reputation of being bipartisan, actually of being nonpartisan. The Congressional Budget Office, if it had been listened to, 10, 15 years ago, would have provided us with the guidance that would have avoided the tremendous deficits that we incurred in the 1980s and the early 1990s. Tragically, we did not listen to the Congressional Budget Office.

The question that we now face is, should we depart from this honored principle, should we disregard the rules and the traditions of this body and simply pick and choose?

Mr. Speaker, the tradition that is so well established and the rules that are so well established are ones that we should continue to observe. If we are to allow the conferees to simply determine what particular scoring agency or

entity provides the most favorable figure and then use that figure in a conference report, we will essentially have gutted the responsibility that we have to the American people to make sure that we comply with the budget principles that are so important in this country. We have come close to balancing the budget in 1998. All we are doing is using the Social Security Trust Fund that appears to keep us in the black.

□ 2030

At this point I almost feel like I need to start again. But the point that I am trying to make is that cherrypicking in scoring is an abhorrent practice and it is one that we should not allow to be established, and it is one that we should instruct the conferees to not use in connection with the transportation bill.

The precise way in which this appears to be unfolding here in mid-May is that the Veterans Administration, the Department of Veterans Affairs, has, by a ruling of an administrative law judge, an obligation to cover the cost of health care for veterans that have illnesses related to smoking or tobacco use. The Office of Management and Budget has apparently estimated that it will cost $17 billion to provide that health care. The Congressional Budget Office has estimated it will cost $10 billion.

The question is should we allow the conferees to pick and choose what agency's scoring will be used in connection with the conference report. Seven billion dollars, in a sense, is hanging in the balance here. Seven billion dollars that may well be added to the deficit; or $7 billion that would be added to this Nation's debt; or $7 billion that we would not have available for Social Security reform; or, ultimately, $7 billion that might have to be sequestered from other programs.

It is not responsible, Mr. Speaker, for us, as a body, to engage in any picking and choosing of who is to be doing the scoring in connection with our offsets. We have an agency that we have established. Let us use that agency. That agency is the Congressional Budget Office.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Does the gentleman from Texas (Mr. DELAY) seek the time in opposition for the majority party?

Mr. DELAY. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DELAY) is recognized for 30 minutes.

Mr. DELAY. Mr. Speaker, I rise in opposition to this motion to instruct, and I am instructed that the conferees, who would like to be out here to debate against this motion to instruct, but they are hard at work in the conference in order to turn out an excellent highway bill, but I am instructed to tell the House that the Committee on Transportation and Infrastructure is against this motion to instruct.

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

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Speaker, 2 years ago this Chamber was filled with people, people fighting over whether we should be using Congressional Budget Office numbers or GAO numbers. And the people on the majority side of the aisle said we cannot trust those numbers. We cannot trust those numbers. We have to go with the Congressional Budget Office numbers. And that was the agreement that was reached. The administration agreed to that, the parties on this side agreed to that, because we felt that it continued the fiscal integrity that had been established by the Congressional Budget Office.

Today, the concern is cherrypicking. The concern today is whether the conferees are going to pick and choose which budget estimates they like the most. And this is a real world concern, as the gentleman from Minnesota indicated, because $7 billion hangs in the balance. If we use the GAO numbers, we are looking at $17 billion. If we use the Congressional Budget Office numbers, we are looking at $10 billion.

If we are going to be truthful with the American people, and if we are going to keep this process as pure as it should be, we have to use consistent numbers. It is wrong for us to shop around to try to find the best price and stick it in at that point.

So I am proud to stand with the gentleman from Minnesota, because I think he is basically trying to come forward with some truth in budgeting. And I think it is important for us to retain the integrity of the process. So I would urge all my colleagues to support the gentleman's motion.

Mr. MINGE. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am somewhat surprised that the Republican leadership would want to take credit for cutting $17 billion out of veterans' health care programs rather than just cutting $10 billion. But I presume if they want to take credit for cutting those veterans' benefits, despite the opposition of every major national veterans organization, then they can have that credit.

Mr. Speaker, the principle behind the Minge motion is very simple. It says, first, if Congress is going to increase spending for new programs, it should pay for it with cuts in other programs. Second, the Minge motion says Congress should use honest numbers, honest numbers in budgeting.

I would hope that every Member of Congress who has claimed to be a fiscal conservative will vote for this motion. I would like to see bipartisan support for it.

The first point, paying for new spending with other budget cuts, is certainly not a new idea. Every Member who voted, Republican and Democrat alike, who voted for the 5-year Balanced Budget Act just 9 months ago in this body, in this Chamber, has already gone on record saying new spending should be paid for, not passed on to our children and grandchildren as an increase in the national debt.

The second point to the Minge motion, using honest budget numbers, is something my Republican colleagues have strongly embraced in the past. Specifically, Republican House Members up to now have argued that the Congressional Budget Office numbers should be used to ensure, in their terms, honest budgeting.

In light of numerous Republican floor speeches in 1995, when many House Republicans were even willing to shut down the Federal Government over the principle of using CBO numbers, it would be surprising today if that principle should now be abandoned in the name of cutting veterans' programs, health care programs, more deeply, or in the name of increasing Federal spending by $7 billion.

It seems to me, Mr. Speaker, if a principle is good enough to justify shutting down the Federal Government, with all the harm that caused just 3 years ago, then surely that same principle should be worth voting for today in the Minge motion.

Let me use not my words but the words of Republicans on the floor of this House just a few years ago about the important principle that the gentleman from Minnesota (Mr. MINGE) is showing today.

Speaker Gingrich said, ''All the President has to do,'' and then went on to finish by saying, ''is to commit to a 7-year balanced budget with honest numbers and an honest scoring system,'' referring to the CBO numbers.

The gentleman from New York (Mr. SOLOMON), the chairman of the Committee on Rules, said, on November 20, 1995, in this House:

> There is no wiggle room there, ladies and gentlemen. We will do it with 7 years, as estimated by the Congressional Budget Office. There is no wiggle room there. No smoke and mirrors. We will do it with realistic figures.

Seems to me if smoke and mirrors were a bad habit in 1995 they are a bad habit in 1998.

Let us go on to see what other Republican Members of the House said about using CBO numbers.

The gentleman from Oklahoma (Mr. LARGENT), my friend and colleague, a strong fiscal conservative, said:

> I also rise in favor of the concurrent resolution that says we will balance the budget in 7 years, that we will use honest numbers.

The Congressional Budget Office numbers are what he was referring to.

And finally, let me just mention another Republican statement from December 20 of 1995 made in the well of this House. The gentleman from Michigan (Mr. UPTON) said:

> I believe a lot of Members on that side want a balanced budget, too. They want it honestly scored, and that means by the Congressional Budget Office. We are tired of smoke and mirrors and phony numbers.

Yet phony numbers are what this House will endorse if it votes against the Minge motion.

Mr. Speaker, quite frankly, from my political perspective as a Democrat, it would probably help me more if most Republicans vote against the Minge motion. Such a vote would show the increasingly restless core Republican voters that the Republican leadership in this House has turned its back on principles such as fiscal responsibility and using honest budget numbers that seemed so terribly important just 36 months ago. If these core principles were the Republican justification for shutting down the Federal Government in 1995, then surely those principles should be worth supporting in the few minutes ahead.

Because, though, I believe that the policy of fiscal responsibility in this highway bill is more important than its politics, frankly, I hope that Republicans will stick with their past principles and join Democrats in supporting the Minge motion.

Mr. Speaker, this highway bill is the first major test of the 5-year, 5-year, balanced budget agreement signed just 9 months ago. If we fail to be fiscally responsible in this, our first major test of the budget agreement, then the so-called 5-year Balanced Budget Act should be renamed the 9–Month Budget Act, or perhaps even the ''We Really Didn't Mean It Budget Act''.

Any Member who supported the Balanced Budget Act or has spoken of ''honest budgeting'' can show their constituents this evening they mean what they say by voting for the Minge motion.

Mr. MINGE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. MINGE) has 17 minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Minnesota for yielding me this time. I wish there was a little more attention being paid to this motion to instruct.

As one that spent a good part of my congressional career striving for a balanced budget, I am rather happy to see that for the first time in years we have a surplus. Too many people, though, are ignoring that we have a surplus because of the Social Security trust fund surplus for this year.

Any dollars that we spend over and above the balanced budget agreement of last year are going to eventually come from Social Security. Let no one be deceived or deceive anyone with their vote on any bill that exceeds that which we agreed to in the balanced budget agreement.

We have spent a lot of time fussing over the last several years about whose scoring is going to be used. It is, well, I do not want to use the word amazing, it is rather alarming and disturbing that all of a sudden it seems that the majority that have spent a good part of their time criticizing OMB suddenly are willing to cherrypick a number that suits the current needs that will borrow an additional $7 billion from the Social Security trust fund to pass a highway construction bill. And I am not opposed to the highway construction bill, except that portion which busts the budget.

I think we are soon going to find, even though I hear that the budget that is going to be submitted after we come back after Memorial Day, 2 months late, is not going to talk about specifics. Once again, Members of this body are going to get to vote for principles, numbers.

If we are really truly wanting to keep our country on a fiscally sound direction, this motion to instruct should not just pass here on the floor but our conferees, who are working, as the majority whip said, as we speak, they ought to be listening to this and they ought to be already doing that which we are asking them to do: Use CBO scoring.

If it was reason enough to shut the government down in a dispute with the President a couple of years ago, how can it be tonight that we suddenly say it does not matter anymore? If it was so much of a principle for us to stand on, and I disagreed with the tactic of shutting the government down, but I agreed with the principle that we should use CBO scoring. And now all of a sudden are we just going to wink and nod and convince the people that we are doing budget responsible things? I hope not.

We have a surplus this year. We are going to have a surplus next year. It is because the economy is performing. It is because somebody out there in the marketplace believes that something of what we have been doing over the last 5 years is working. We have 5 consecutive years of a deficit coming down. Five consecutive years. We are in the black this year.

But how long will we be in the black, particularly if we start going against the very principles that we have agreed unanimously, unanimously, last year, that when it comes to scoring various bills we are going to use CBO scoring?

□ 2045

If we cherry-pick $7 billion, and I have got my concerns about the utilization of veterans' funding for purposes of paying for this bill, very big concerns. And a lot of other Members are going to have their concerns. Because if we have $10 billion in the veterans area, we should spend that on improving veterans' health care, not on some other purpose. Because we have tremendous need, as we almost had a unanimous vote this afternoon on the defense authorization bill.

But I conclude by saying this: This motion will hold the conference committee to the standard that this Congress and the President unanimously agreed to as part of the budget agreement. If we could unanimously agree to this last year, how can we change our mind? For what convenient purpose can we do it tonight?

I urge an aye vote for the motion to instruct. But, more importantly than that, I encourage our conferees, who are meeting to do it without us instructing them to do it, to do it. Because that is what every one of my colleagues conferring on this bill agreed last year that they were going to do. Do it for that purpose, if for no other reason.

Mr. MINGE. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, the issue that the gentleman from Minnesota (Mr. MINGE) raises tonight is a very simple one. It is one with which many Members on both sides of the aisle are familiar. It is an issue that dominated American politics for most of the last decade. The issue is phoney numbers.

David Stockman, when he directed President Reagan's Office of Management and Budget, called it the ''magic asterisk.'' It involves the ability of budget analysts to show that virtually any spending proposal is budget neutral if they are willing to make the right assumptions.

Now, the Congressional Budget Office is supposed to decide what proposals that are offered by various Members and various committees will actually cost or save. The game that is presently being played on the highway bill is to simply say that the Congressional Budget Office just does not understand that the savings that the Congress will get from disallowing certain veterans from receiving health benefits that they are now entitled to will be much greater than their analysts estimate. The committee is, in essence, saying that CBO has it all wrong and that we have to use another estimate.

At the same time, the conferees are trying to argue CBO just does not understand that the outlays that will occur from the highway bill are much lower than the CBO estimate, so they have got it all wrong; and, so, we are supposed to use another estimate.

Well, Mr. Speaker, I do not have any particular hang-up about whether CBO or OMB numbers are used. I think that the goal ought to be to determine who is the most accurate and what is the most real. It is clear that that is not what is happening in this case.

What is happening in this case is that the conferees, apparently, are looking for ways to spend almost an extra $10 billion without admitting that they are spending it. So they are simply rejiggering the estimates of the spending regs in order to make that happen.

Well, I would say that there is little question that these numerical manipulations have been cleared by the majority party leadership on both sides of the Capitol and that virtually any number that will help sell the highway bill is going to be deemed acceptable.

This is the same leadership, as I understand it, that repeatedly shut down the Federal Government over the sanctity of CBO scoring just 2½ years ago.

On November 15, 1995, the gentleman from Georgia (Mr. GINGRICH) took the floor and said, ''We do not ask you to agree to anything but two principles, that the budget will be balanced in 7 years and that the scoring will be honest numbers based on the Congressional Budget Office.''

The gentleman from Pennsylvania (Mr. SHUSTER) himself told the Congress in 1971, ''So we should support our Congressional Budget Office, a bipartisan office. We should not rely on OMB's figures. Because certainly in the past they have been very, very unreliable.''

But that was before the Republican leadership had the opportunity to hand out $9 billion in special projects. So I guess, with that kind of opportunity, we may decide not to be quite so picky about their facts. And so, we have a new set of principles that apparently are going to be applied. We will always use the CBO unless using estimates from another source helps us to pass bills which we want to push through.

Well, Mr. Speaker, this is not a budget process. This is not discipline. There is no limit to how far that approach can take us in balancing revenues that outlays on paper even if they will not do it in the real world. We can buy anything we want as long as we can find a friendly estimator, and that is what is happening here tonight.

So if we are going to throw the budget process overboard, it seems to me we should not do so selectively and maintain the false pretense that we are still maintaining discipline. If we are going to do that, then perhaps we should plan to eliminate the $26 million we are planning to spend on the Congressional Budget Office, period. At least that would be a real offset to the billions of deficit spending contained in the present version of the highway bill.

So I would simply urge, Mr. Speaker, we adopt the Minge amendment in the interest of honesty and budgeting.

Mr. MINGE. Mr. Speaker, I yield myself the time remaining to summarize the position in the debate.

As has just been pointed out, Members of this body on both sides of the aisle have held the Congressional Budget Office in high esteem. It is particularly important to note that the Republicans in this body have said that it is virtually worth dying for as a political principle.

We have shut the Government down over the question of whether we would use the CBO scoring or use estimates from some other source. And now to say that that principle is no longer worth even participating in a debate is amazing.

The Honorable Chairman of the Committee on Transportation and Infrastructure himself has noted on a prior occasion in 1991 that, at that time, it was a fight between OMB downtown and the Congressional Budget Office, and I am quoting: ''Now we must remember that OMB downtown is that same wonderful organization that gave us a $100 billion mistake, as I recall it, on their estimates of revenue with regard to the budget estimate. CBO estimates are based on actual, obligational experience. And if indeed they are wrong, this bill has in it a fail-safe provision.''

Continuing on to say, ''So we should support our Congressional Budget Office, a bipartisan office. We should not rely on OMB figures. Because certainly in the past they have been very, very unreliable and we should support the committee position.''

Mr. Speaker, I submit that we should listen to the chairman of the Committee on Transportation and Infrastructure in this very important respect.

Mr. Speaker, I think that it is also very important to note that by taking the risk of using designated scoring that takes a much more expansive cost estimate of the values, so to speak, of this offset, that is assuming we are saving $17 billion and that we can therefore spend $17 billion places us in the very awkward position of going after Social Security.

We have to remember, Mr. Speaker, that the only reason we can talk about any type of a surplus these days is that we are borrowing $100 billion in 1998 from the Social Security Trust Fund. If it were not for this borrowing, we would be running a deficit of close to $50 billion. We do not have a surplus. We cannot afford to invade the Social Security Trust Fund year after year.

It is time for budget candor. It is time for those of us here in the House of Representatives to continue to observe the commitment that we have made to the American people that we are going to use solid budget scoring numbers; we are going to use the Congressional Budget Office.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CONDIT).

Mr. CONDIT. Mr. Speaker, I rise to support the amendment. I know that it has been said, but I wanted to say it again. We had this debate a couple years ago where we talked about who we should use in terms of doing a financial analysis, and I think all of us had a pretty lengthy debate and had an opinion about this. But, in the final analysis, we thought CBO was the appropriate agency to use.

All I am saying is that I think we ought to stick to that. That is what we agreed to. And we have gone through this. I think this is a good amendment, and I would call on Members on both sides of the aisle to do what we said we were going to do when we agreed to do this a few years ago. Use the CBO. That is the numbers that we all agreed upon. And let us not confuse the matter by using one set of numbers one time and another set of numbers another time. Let us keep some continuity to this and use CBO.

I would just ask all those people to come over here and support the amendment. It is a good amendment, and I congratulate the gentleman from Minnesota (Mr. MINGE) for offering it.

Mr. MINGE. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Minnesota (Mr. MINGE) has 2½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I am somewhat disappointed that so many Republican Members, colleagues who are willing to shut down the Federal Government, harming veterans, harming seniors on Social Security, putting many of our Federal employees at risk of losing their homes, not being able to pay their bills, did not think it was important enough to come back to the floor tonight to be here with less than half a dozen of our colleagues on the other side of the aisle.

But what I do hope is that hundreds of thousands, if not millions, of American that were directly harmed by the Government shutdown, such as our veterans in my district that did not receive compensation and pension checks, did not have their cases handled, I hope the hundreds of thousands of Federal employees that were put out of work because the Republicans said the principle of using the Congressional Budget Office numbers were so important we had to shut down the Government over that principle, I hope all those millions of people will notice this debate tonight and realize that the distinguished Majority Whip has now said this principle is no longer worth defending. Not only is it not worth defending, he said he is going to oppose the motion.

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

I certainly appreciate those observations by the gentleman from Texas (Mr. EDWARDS). It clearly is a sad day when we can blatantly run over this principle and proceed to pass legislation in disregard of what I think on a bipartisan basis we have over the years established as a very sound budgeting principle.

Mr. Speaker, I would simply like to close by saying that it is easy for us, in the euphoria of passing a highway bill or a transportation bill, to sort of give a wink and a nod at what we have thought was important on another day.

There is something in this highway bill for all Americans. It is important that we continue to invest in our infrastructure. I do not think there is any question about that. All of the speakers this evening agree with that principle. I would like to make sure that I am among those individuals.

But the real question that we face is our responsibility, the American people, as we proceed to pass this very important legislation. Let us make sure that we do not use this opportunity to

invest in our infrastructure as an opportunity to slide back on our commitment to balancing the budget and giving the American people the fiscal responsibility that they deserve.

□ 2100

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Minnesota (Mr. MINGE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MINGE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, further proceedings on the question of adoption of this motion to instruct conferees are postponed until after consideration of the motion to instruct to be offered by the gentleman from Wisconsin (Mr. OBEY).

The point of no quorum is considered withdrawn.

MOTION TO INSTRUCT CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998, OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct House conferees on the bill (H.R. 2400) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2400, be instructed to limit the aggregate number of earmarked highway demonstration projects included in the conference report on H.R. 2400 to a number that does not exceed the aggregate number of such highway demonstration projects earmarked during the 42 years since the enactment of the Highway Trust Fund in 1956.

The SPEAKER pro tempore. Under rule XXVIII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kentucky (Mr. WHITFIELD) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, this motion to instruct the conferees on the highway bill now pending somewhere in this Capitol is an attempt to put some limits on the pork barrel spending in BESTEA by placing a ceiling on the total number of highway demonstration projects that can be included in the conference report.

It instructs the House conferees to make a great sacrifice and to limit the number of highway demonstration projects to the total number of highway demonstration projects that have been approved in all of the previous four years combined since the establishment of the Highway Trust Fund.

Mr. Speaker, the last time I checked, there were over 1,500 highway demonstration projects earmarked in the House version of BESTEA at a cost of about $9 billion, and the number is growing.

Apparently, the conferees intend to keep all of the House demonstration projects and add an undetermined number of Senate projects into the total pot of $9 billion for highway demonstration projects.

At 1,500 projects, that is nearly three times the number of projects included in the last surface transportation bill, and 10 times the number of projects in the 1987 reauthorization bill that President Reagan vetoed for going too far.

Mr. Speaker, in all of the years going back to the establishment of the Highway Trust Fund in 1956, Congress has earmarked some 1,022 highway demonstration projects, costing about $10 billion according to information supplied by the Federal Highway Administration.

If this highway bill passes, which the conferees are intending to wrap up tonight, they will have earmarked in one year 50 percent more pork projects than the Congress passed in the previous 42 years combined.

Let me make it clear. I do not object to all highway demonstration projects. Some are perfectly reasonable. I think that some of the projects in this bill will be reasonable, but it is a question of balance. This bill sets a new record of excess.

I would simply note that, when our good friends on the Republican side of the aisle were trying to win control of this House 3 years ago, they spoke repeatedly about 40 years of excess and mismanagement by the Democratic majority. Often that phrase was used to deride Democrats for using the legislative process to earmark individual projects that may have helped a small number of people or a particular region of the country but could not be justified in the broader context of what was good for the entire country.

But now, the Republican leadership is evidently proposing in a single piece of legislation to earmark more projects than were earmarked by Democratic Congresses during that entire 40-year period. That is enough to give excess a bad name.

Mr. Speaker, the bottom line is that my motion will merely trim about one-third of the demonstration projects included in BESTEA. I would observe that we know from previous experience with highway demonstration projects that, frequently, they languish in the pipeline and may never get built.

Just looking at the 538 demonstration projects approved in the 1991 ISTEA bill, we know that nearly 200 have not even begun construction; and that has tied up nearly $800 million in resources that cannot be reallocated to more pressing road and bridge projects. In all, over $1½ billion in ISTEA funds earmarked for highway demonstration projects remain unobligated today.

In my view, the pork barrel spending spree in this bill is going to make Congress the laughing stock of America. This is one of those bills that will probably pass tomorrow, and it will not receive very much attention. But I would predict to you that, over the next 5 or 6 months, the press is going to dig into this bill, and they are going to find incredible laughing items. You will see on network news on a weekly basis this outrage or that joke funded by the bill. A lot of Members who vote against this motion tonight or who vote for the bill tomorrow will wish that they had not.

This is the time when you have a chance to correct the problem. Frankly, the motion that I am offering is so modest that I am almost embarrassed by it. I want to repeat once more. All this says is that you should not appropriate in this one year, or you should not authorize in this one year more projects than were previously funded in the entire 42-year history of the highway program. I really think that that is the minimum that we should ask the conferees to consider cutting. I would urge Members to adopt the motion.

Mr. Speaker, I reserve the balance of my time.

Mr. MINGE. Mr. Speaker, will the gentleman from Wisconsin yield?

Mr. OBEY. I am happy to yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Speaker, I would like to ask a question of the gentleman. I have heard that occasionally when bills are introduced, presented on the floor, and they contain a large number of projects for individual Members around the country, that this can affect the acceptability of the legislation and perhaps lead to the passage of legislation that otherwise would be very difficult to pass. Has this problem come to your attention, and could you comment on that?

Mr. OBEY. Mr. Speaker, reclaiming my time, I would certainly say that is true. Let me stipulate, I am not a ''Percy Pureheart'' on this issue. I think that there are times when it is just as legitimate for the Congress to specify that $5 million will go for a specific highway project as it is for the administration to determine that that is where the money ought to go.

But I do believe that, when you have this number of projects, there is only one reason you have this many projects in the bill; and that is to pass a budget busting monster.

I did not vote for the budget that passed last year, because, as the ranking Democrat on the Committee on Appropriations, I warned that this Congress would never live up to the cuts that they were promising in that proposal. I need go no further than this bill in order to demonstrate that that was the case.

I have had many a Member come up to me today and say, I would like to vote for you. In fact, I would like to speak for you. I had one Member say, do you see that? This is the chart that demonstrates the historical growth of the project. One Member said, you see this little item at the top of that red line? I am afraid that is my project.

So you are going to see a lot of folks vote for that bill tomorrow because they have gotten a tiny little bit for their district, and that will mean that they will vote for a product which will bust the budget and, as the gentleman from Texas (Mr. STENHOLM) says, wind up putting much more pressure on Social Security and other crucial problems that we have in this country.

So I would urge Members that this bill, in my view, cannot even pass the laugh test. If we still had the TV program Laugh-In, this would consume the entire show. I would hope that the Members would support the amendment and oppose the bill tomorrow if it does not comply with it.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, in the discussion of the previous motion, our majority whip had yielded our time back, and we did not reply in any way to that discussion. But I would like to take this opportunity to just point out one thing.

There was expressed great consternation on the minority side that the majority was going to agree to use CBO numbers in the scoring in this conference on the ISTEA or BESTEA bill, and that we allegedly closed the government down last year because the CBO scoring was not used, and then they expressed great consternation that now we are going to use OMB scoring.

I would simply say that, while I am not a member of the conference, I have discussed with Members who are, and it is my understanding that they agreed to use OMB numbers because, in the negotiations with the administration, and the administration's concerns, that the administration insisted that the OMB numbers be used; and that was the reason that they were.

Then as far as the budget, I would just say this, that this side, obviously, we are as committed today as we have always been to making sure that we maintain the balanced budget, that we try to pay off part of the Federal debt, that we try to give the American taxpayer some tax reduction, that we save Social Security, that we put Medicare on a sound footing.

Then I would make one other comment. I think that Congress does have a right to specify how some money is spent for highway projects. The State that I am from, Kentucky, the money goes down to the State, and, usually, the Governor and the transportation cabinet in that State make all the decisions.

So I do not think that we should apologize for directing where a small amount of this money will go, because needs have been brought to our attention. We appropriate the money, so we should have some say in how the money is spent.

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

Mr. OBEY. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, I wonder if the gentleman who just spoke approves of the grant to PBS that is in the highway bill? Let me simply say that I must say I find it hard not to chuckle at the observations made by my friend from Kentucky.

He indicates that the reason OMB scoring is used is because the administration wants it. If he is telling me that the reason that OMB scoring is being used is to accommodate the administration, I would say congratulations. This is the first time that side of the aisle has paid any deference to the administration this entire year. The rest of the time, they have been savaging them.

I would also simply say that I fully agree with the gentleman that the Congress has an absolute right to designate projects that it thinks are high priority.

My objection is not that there are projects in this bill. My objection is that there is such a gross number in the bill, that these projects are being used to drive a bill that otherwise would not pass, because this bill is a blatant budget buster.

This bill is going to spend at least $10 billion more than we are allowed to spend under the budget which passed this Congress last year. That means that Congress will have two choices. It will either have to take that money out of some other program and, evidently, the conferees have decided to take a good piece of it out of veterans health care, which I object to, or else the conferees are going to simply use a different set of numbers to wiggle their way out of the budget and wind up enabling themselves to spend at least $10 billion more than they will admit to spending publicly through their funny money estimates.

□ 2115

That is why I object to these projects.

I would also simply say that just because the administration supports or acquiesces in something, does not mean that I always will or that people on this side of the aisle always will. I do not care who engages in this process. In this instance it happens to be wrong.

The administration, it is clear to me, is acquiescing in this legislative outrage because they do not believe that they have the votes to sustain a veto, and that is because the bill has been structured so that virtually every State and every Member has a project that will drive them to support this bill.

This bill is not going to be a bill that is passed to meet the national interests of the country. It is going to be a bill that is passed to meet the political needs of the leadership in this House and Members individually in this House, and that is not the way we are supposed to deal with a major national responsibility.

I passionately support highway construction. I think we need more investment in it. But that is not my only priority. I do not put it ahead of veterans health care. I do not put highways ahead of education. I do not put highways ahead of health. Most of all, I do not put highways ahead of honest budgeting.

So that is the reason that I make this motion; not because I have a ''Percy Pureheart'' objection to Congress occasionally selecting a high priority project. It is because this is a blatant political power play to bust the budget, and Members ought not to swallow it.

Mr. Speaker, I yield three minutes to the distinguished gentleman from Texas [Mr. EDWARDS] .

Mr. EDWARDS. Mr. Speaker, I was wondering if my colleague from Kentucky would be willing to have a discussion. I appreciated his comments, trying to explain why Republicans might oppose the very principle tonight that they were willing to shut down the government for three years ago. I would be willing to hear from the gentleman from Kentucky once again.

Mr. Speaker, I have a lot of veterans in my district who did not get compensation and pension checks, service-connected veterans who did not have their cases processed because Republicans said in these statements I have before me, made on the floor of this House, that we are willing to shut down the government basically to stand up for this principle of using CBO numbers.

I would like to be able to go back and explain to them tomorrow why the principle that the Republican Party used to shut down the government and cut off veterans' checks, to basically lay off Federal employees, to put their financial health at risk, why the principle that was so important three years ago in fighting for is not worth fighting for, or even, frankly, coming to the floor of the House to even discuss tonight? I would be glad to yield some time to the gentleman to answer.

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

Mr. EDWARDS. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Speaker, I would just remind the gentleman that the President is the one that vetoed those bills, and because of that funding ran out. As I said earlier in these discussions, in the conference regarding this very complicated, complex bill, that was one of the areas that I understand our side gave in on, to use the OMB numbers, in an effort to be amicable in this situation.

Mr. EDWARDS. Mr. Speaker, reclaiming my time, in response I would say I think the American people made it very clear who they held responsible for shutting down the government, and it was not the President they held responsible, it was the Republican majority in this House. Criticism even came from Republican Members in another body in this town of that.

But I guess the answer that I still do not have this evening is why Republicans were willing to hurt veterans, willing to hurt people on Social Security, willing to lay off Federal employees to the tune of hurting millions of American families just three years ago over this principle of honesty in budgeting, and yet tonight we hear that there will be total acquiescence to the President. What happened to the commitment to principle?

Perhaps, frankly, I better understand now why the Republican core base in this country is beginning to have some second guesses about supporting the majority it thought it was electing, committed to certain principles that we find tonight it is very conveniently ignoring in the name of spending more money or cutting more funding out of veterans' health care, perhaps.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I would simply say that I really find it incredible that the conferees are going to be bringing back a bill tomorrow which ignores virtually everything that has been promised to the country on this bill over the last month.

We had a motion last night, which this House adopted unanimously, asking the conferees not to cut veterans' health care in order to pay for highway projects. Yet the conferees will be reporting back a bill which ignores that instruction.

We will soon be leaving for our Memorial Day recess. I wonder how many Members of this House are going to go home and rub shoulders with their veterans and pose for political holy pictures with their veterans organizations, one day after they have voted ''yes'' to pork and ''no'' to veterans? And yet that is what is going to happen, I would predict.

I hope that the American people are watching, and I hope that they will understand what is being done. To me, it would be an act of consummate arrogance for the conferees to do that, but I expect that is exactly what they will do tomorrow.

The best we can do is to try to urge them through motions like this not to do it, which is why the gentleman from Minnesota (Mr. MINGE) and I are both here tonight.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Without objection, any electronic vote on the motion to instruct offered by the gentleman from Minnesota (Mr. MINGE) will be conducted as a 5 minute vote, if conducted immediately following this 15 minute vote.

There was no objection.

The vote was taken by electronic device, and there were—yeas 77, nays 332, answered ''present'' 1, not voting 23, as follows:

[Roll No. 184]

YEAS—77

Archer
Ballenger
Barrett (WI)
Barton
Bilbray
Brown (OH)
Campbell
Castle
Chabot
Christensen
Coburn
Condit
Cox
Crane
Cubin
Edwards
Eshoo
Gibbons
Goss
Graham
Hall (TX)
Hastings (FL)
Hayworth
Hill
Hilleary
Hobson
Hoekstra
Inglis
Istook
Johnson (CT)
Jones
Kaptur
Kasich
Kind (WI)
Kleczka
Klug
Kolbe
Largent
Leach
Lewis (GA)
Maloney (NY)
McCollum
Meehan
Meek (FL)
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Obey
Pastor
Porter
Portman
Rangel
Rohrabacher
Royce
Salmon
Sanford
Sawyer
Scarborough
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shays
Sisisky
Souder
Stearns
Stenholm
Stump
Thornberry
Vento
Waters
Wexler
Wolf

NAYS—332

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefley
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Saxton
Schaefer, Dan
Scott
Serrano
Shaw
Sherman
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Velazquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Lofgren

NOT VOTING—23

Bateman
Berman
Deutsch
Foley
Gonzalez
Harman
Johnson, Sam
Manzullo
McCrery
McDade
Meeks (NY)
Moran (VA)
Ney
Parker
Quinn
Skaggs
Stark
Taylor (NC)
Torres
Towns
Waxman
Wicker
Yates

□ 2143

Messrs. SKEEN, SMITH of New Jersey, SHAW, ROTHMAN, DOOLEY of California, HILLIARD, ANDREWS, BISHOP, POMEROY, RUSH, HEFNER, GEJDENSON, MILLER of California and PAYNE, and Ms. DANNER, Mrs. THURMAN and Ms. PRYCE of Ohio changed their vote from ''yea'' to ''nay.''

Messrs. SENSENBRENNER, JONES, KOLBE, STUMP, HILLEARY and GIBBONS changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2145

MOTION TO INSTRUCT ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION ACT OF 1998, OFFERED BY MR. MINGE

The SPEAKER pro tempore (Mr. HANSEN). The pending business is the question de novo of agreeing to the motion to instruct on the bill (H.R. 2400) offered by the gentleman from Minnesota (Mr. MINGE).

The Clerk will designate the motion to instruct.

The Clerk designated the motion to instruct.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. MINGE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINGE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 251, answered ''present'' 2, not voting 24, as follows:

[Roll No. 185]

AYES—156

Andrews
Archer
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bentsen
Bilbray
Boyd
Brady (TX)
Brown (OH)
Burr
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clayton
Coble
Coburn
Combest
Condit
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Doggett
Dooley
Dreier
Edwards
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fazio
Fox
Gephardt
Goodlatte
Goss
Graham
Hall (TX)
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Hooley
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Johnson (CT)
Jones
Kasich
Kennedy (RI)
Kennelly
Kind (WI)
Kingston
Kleczka
Klug
LaFalce
Lantos
Largent
LaTourette
Leach
Levin
Lewis (GA)
Lofgren
Lucas
Luther
Maloney (NY)
McCarthy (MO)
McCollum
McDermott
McIntosh
McIntyre
McKinney
Meehan
Mica
Miller (FL)
Minge
Morella
Myrick
Nethercutt
Neumann
Norwood
Nussle
Obey
Paul
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Radanovich
Rivers
Roemer
Rogan
Rohrabacher
Royce
Salmon
Sanchez
Sanford
Sawyer
Scarborough
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Smith (MI)
Smith, Adam
Snyder
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Tanner
Taylor (MS)
Thornberry
Thurman
Turner
Wamp
Watkins
Watts (OK)
Wexler
Weygand
Wolf
White
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Peterson (MN)
Sabo

NOT VOTING—24

Bateman
Berman
Deutsch
Foley
Gonzalez
Harman
Johnson, Sam
Manzullo
McCrery
McDade
Meeks (NY)
Moran (VA)
Ney
Parker
Quinn
Skaggs
Stark
Taylor (NC)
Torres
Towns
Waxman
Whitfield
Wicker
Yates

NOES—251

Abercrombie
Ackerman
Aderholt
Allen
Armey
Bachus
Baesler
Baldacci
Barcia
Bass
Becerra
Bereuter
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (CA)
Brown (FL)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Capps
Chambliss
Clay
Clement
Clyburn
Collins
Conyers
Cook
Cooksey
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doolittle
Doyle
Duncan
Dunn
Ehlers
Engel
English
Ewing
Fattah
Fawell
Filner
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodling
Gordon
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Hastert
Hastings (FL)
Hefley
Hilliard
Hinchey
Hinojosa
Holden
Horn
Hostettler
Houghton
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Latham
Lazio
Lee
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Maloney (CT)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McGovern
McHale
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (KS)
Murtha
Nadler
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sanders
Sandlin
Saxton
Schaefer, Dan
Serrano
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Spence
Stabenow
Stokes
Strickland
Stupak
Talent
Tauscher
Tauzin
Thomas
Thompson
Thune
Tiahrt
Tierney
Traficant
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Weldon (FL)
Weldon (PA)
Weller

□ 2153

Ms. ROYBAL-ALLARD and Messrs. BISHOP, GEJDENSON, MILLER of California, and ROTHMAN changed their vote from ''aye'' to ''no.''

Messrs. ROGAN, SPRATT, FOX of Pennsylvania, and EVERETT changed their vote from ''no'' to ''aye.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 119, PROPOSING AMENDMENT TO CONSTITUTION TO LIMIT CAMPAIGN SPENDING, AND H.R. 2183, BIPARTISAN CAMPAIGN INTEGRITY ACT OF 1997

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 442 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 442

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the joint resolution (H.J. Res. 119) proposing an amendment to the Constitution of the United States to limit campaign spending. The first reading of the joint resolution shall be dispensed with. General debate shall be confined to the joint resolution and shall not exceed one hour equally divided and controlled by Representative DeLay of Texas or his designee and a Member in favor of the joint resolution. After general debate the joint resolution shall be considered for amendment under the five-minute rule. The joint resolution shall be considered as read. During consideration of the joint resolution for amendment, the Chairman of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 or rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of

questions shall be 15 minutes. At the conclusion of consideration of the joint resolution for amendment the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2183) to amend the Federal Election Campaign Act of 1971 to reform the financing of campaigns for elections for Federal office, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendments in the nature of a substitute specified in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order specified, may be offered only by the Member who caused it to be printed in the Congressional Record or his designee, shall be considered as read, and shall not be subject to a substitute amendment or to a perfecting amendment carrying a tax or tariff measure. During consideration of the bill in the Committee of the Whole, all points of order against each amendment in the nature of a substitute specified in the report are waived. Consideration of each amendment in the nature of a substitute specified in the report shall begin with an additional period of general debate, which shall be confined to the subject of the amendment and shall not exceed one hour equally divided and controlled by the Member who caused the amendment to be printed in the Congressional Record or his designee and an opponent. During consideration of amendments to an amendment in the nature of a substitute, or of other amendments to the bill, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. If more than one amendment in the nature of a substitute is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted and reported to the House. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted and reported to the House. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that allows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment to the bill reported from the Committee of the Whole or to an amendment in the nature of a substitute finally adopted and reported to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 2200

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

I would like to begin by saying it is my understanding that the only debate tonight will be on the rule with a prospective vote perhaps on the rule, and all general debate will be tomorrow.

Mr. Speaker, House Resolution 442 provides for the consideration of H. J. Res. 119 under an open amending process with one hour of general debate equally divided between the gentleman from Texas (Mr. DELAY) and a Member in favor of the joint resolution. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and allows the chairman to postpone votes and reduce the voting time to 5 minutes if the postponed vote follows a 15-minute vote.

On the joint resolution, the rule provides for one motion to recommit with or without instructions.

The rule also provides for consideration of H.R. 2183 under a modified open amendment process any time after the adoption of the rule.

H. Res. 442 provides for two hours of general debate equally divided between the chairman and ranking minority member of the Committee on House Oversight. Following the two hours of general debate, the rule provides for consideration of the 11 amendments in the nature of a substitute specified in the Committee on Rules report. In order to allow for consideration of as many alternatives as possible, the Committee on Rules has waived all points of order against each of the amendments in the nature of a substitute. Under this very fair, open rule, each amendment in the nature of a substitute may be offered only in the order specified, may be offered only by the Member who caused it to be printed in the CONGRESSIONAL RECORD or his designee, shall be considered as read, and shall not be subject to a substitute amendment or perfecting amendment carrying a tariff or tax provision.

Mr. Speaker, we have provided one hour of general debate at the beginning of consideration of each of the 11 substitutes, which shall be equally divided and controlled by the Member who caused the amendment to be printed in the RECORD or his designee and an opponent. The rule permits the Chair to accord priority in recognition to preprinted amendments and allows the Chair to postpone votes during the bill's consideration.

Mr. Speaker, we do not allow the King of the Hill rule that the Democrats instituted for 40 years in an effort to subvert popular legislation and undermine free and open debate. Under H. Res. 442, the substitute that receives the most votes will be reported to the House. If more than one amendment in the nature of a substitute is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted and reported to the House.

I am certain that I did not see this kind of process on campaign finance reform when the Democrats controlled the House. In fact, in my first year in this House, former Speaker Foley and the Democrat Committee on Rules muzzled the minority and forced a closed rule upon us. Not only were we allowed to offer only one amendment to the entire bill, but the Democrats refused to allow us a basic right to offer a motion to recommit with instructions.

A quick glance back in history shows that this was not simply an isolated incident but a pattern of suppressed debate on this issue in Democrat Congresses.

In the 102nd Congress, for example, the Democrats again stifled open and free debate with a similarly closed gag rule. I expect that the calls today will again be for a return to the days of closed rules and limited debate. The opponents of this open debate want us to close down the process, allow consideration of only one bill, and foreclose all other opinions on this subject.

Mr. Speaker, it is only fair that we present the House with a wide open amending process that allows each Representative the ability to amend and perfect each of the 11 campaign finance reform bills. This rule will create the most open debate process in the history of campaign reform, as was promised by the Speaker.

Although I am not as cynical as some on the subject of campaign finance reform, I agree that the system can be improved. However, the first amendment guarantees our right to express ourselves, and that right extends to political expression as well. Therefore, the right of Americans to contribute to political campaigns should not be infringed. Clearly, it is important for voters to know which individuals and which groups are financing a candidate. I have cosponsored legislation that ensures that voters know where that money is coming from and can act accordingly.

On the subject of free speech, the rule allows for consideration of a constitutional amendment that was originally introduced by the minority leader, the

gentleman from Missouri (Mr. GEPHARDT), that would give Congress new power to regulate campaign expenditures. The Member offering that amendment, the gentleman from Texas (Mr. DELAY), opposes it because it basically gives the Congress the authority to enact any legislation that may abridge an array of free speech and free association rights under the First Amendment. Nevertheless, under this open amendment process, the Committee on Rules wanted to allow a full debate on the measure.

I also think it should be noted that we need to deal with the problem of union money being funneled into races across the country. Despite their calls for reform, the $400 million in union money that was dumped into the 1996 elections has been protected by Democrats against the will of hard-working American union members. If we are truly going to talk about reform, then we need to address how unions are using, for partisan political purposes, the paychecks of the union workers.

While I do not believe that major changes are necessary to the existing campaign finance laws, I do, however, believe that these existing campaign finance laws have been under assault since early 1996.

We have now found that two major Democrat donors benefited from an administration policy change that improved the accuracy of missiles pointed at American cities. Even some in the administration believe that the decision to provide American technology to China has put American national security at risk. Personally, I believe it would be more useful if we could get some kind of assurance that the current laws we have on the books are going to be honored. Nonetheless, the administration is calling for new reforms.

However, it should be noted that it is already illegal to funnel millions of dollars in foreign money into the United States electoral system as the Chinese did. It is already illegal to make fund-raising calls from Federal property. It is already improper to use the Lincoln bedroom and Air Force One for fund-raising activities, and it is also already illegal under current law to go a Buddhist temple and accept illegal campaign funds.

These actions are already against the law, and they were shamelessly violated in 1996. Mr. Speaker, nothing in this new campaign reform legislation will matter if one party or the other simply decides that the law does not apply to them.

That is why our focus today should be on how current campaign finance law was so flagrantly violated. Unfortunately, we cannot get to the bottom of the 1996 campaign finance scandal because 91 witnesses who know the truth about campaign violations have either fled the country, refused to testify, or have taken the Fifth Amendment.

Amidst this enormous left wing coverup come the artificial calls for campaign finance reform. Mr. Speaker, if we are going to consider campaign finance reform, this majority is committed to a process that allows for a full debate on the pertinent issues. This rule provides for that kind of open debate.

The rule for the campaign finance bill was favorably reported out of the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with the general debate and consideration of each of the substitute campaign finance reform bills.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, this rule proves once and for all that the Republican majority has no real interest in actually pursuing real campaign finance reform. Under the guise of full and free debate, the Republican majority has brought to the House a process which could in all probability take up weeks of the time we have left in this session of Congress and in the end might produce nothing.

Mr. Speaker, there are many points of view on this subject, but it does not serve the institution well, nor does it serve the American people well, to debate those views in a cynical process which is little more than a charade. The process the Republican majority has brought to the floor ensures that the House will not have the opportunity to have an up or down vote on either the bipartisan freshman proposal or the Shays-Meehan proposal.

This rule makes in order 11 substitutes to the freshman reform proposal, as well as the consideration of any germane amendment to each and every one of those substitutes. In essence, as each substitute is considered, the rule will allow multiple amendments to that substitute. In addition, it is anticipated that the Committee on Rules will meet again after the Memorial Day recess to report another rule which will make in order a number of nongermane amendments to the substitutes. Included in those nongermane amendments are a number of proposals which many Members in this House consider to be poison pill amendments.

After each substitute has been considered, whichever has received the most number of votes will be judged the winner. This may be an open process, Mr. Speaker, but I beg to differ with those who might characterize it as allowing the House to reach a decision when in fact it may be designed to do the very opposite.

To further compound the complication, the rule allows the House to bring up a constitutional amendment introduced but not supported by the majority whip, the gentleman from Texas (Mr. DELAY). The majority whip has called this proposal a ''big brother'' remedy, yet he came to the Committee on Rules yesterday to ask that it be made in order. Consideration of this constitutional amendment is just more of the same attempt to divert the attention of the House and the American public from the real question: Do we want real campaign finance reform or do we not?

The Shays-Meehan proposal is considered by many outside good government groups to be true campaign finance reform. The bill bans soft money at the Federal and State level if those funds are used to influence Federal elections. The bill redefines express advocacy to include radio and television communications that refer to a clearly defined Federal candidate within 60 days of an election or that include unambiguous support or opposition to a Federal candidate outside the 60-day period.

All ads falling under this definition could only be run by using legal hard dollars. The bill clarifies the Pendleton Act restrictions on fund-raising on Federal property and bars political parties from making coordinated expenditures on behalf of candidates who do not limit spending their own money to $50,000.

Finally, the Shays-Meehan proposal codifies the Beck decision that ensures that nonunion employees who pay union agency fees do not have to pay for union political activities.

Unfortunately, this bill does not contain a nonseverability clause. Should the Supreme Court find any essential part of this proposal to be unconstitutional, the remainder, however unbalanced or unwise because of the loss of that element, would remain the law of the land. Losing an essential element of Shays-Meehan would lead us right back to the situation in which we now find ourselves.

□ 2215

After the Supreme Court struck down one of the four essential pillars in Buckley v. Valeo in 1976, what was left was an unbalanced and unstable hodgepodge that gave us the quagmire we are trying to work our way out of today. If we are to consider amendments to these proposals, Mr. Speaker, I suggest that prominent among them should be one which provides for nonseverability.

The Shays-Meehan proposal represents a sea change in how Federal elections are conducted today, Mr. Speaker, and it deserves the opportunity to be fully and freely debated. Unfortunately, this rule does not provide that opportunity.

The freshman bipartisan bill, sponsored by the gentleman from Arkansas (Mr. HUTCHINSON) and the gentleman from Maine (Mr. ALLEN), is also a proposal which would make significant changes in the way Federal election campaigns are conducted. The freshman proposal also bans national parties from accepting or raising soft money on behalf of the national committee or on behalf of State political parties. However, the freshman proposal does permit State political parties to continue to raise and spend soft money and use those funds for activities intended to affect Federal elections. These are significant changes,

Mr. Speaker, and deserve to be debated by this House.

The freshman proposal indexes for inflation the allowable amount of PAC and individual contributions into $100 increments beginning in 1999 and increases the aggregate annual contribution limit from $25,000 to $50,000 each year, instead of election cycle, with a maximum of $25,000 in donations to candidates and PACs, and a maximum of $25,000 to political parties. This bill also raises PAC contributions to national parties from $15,000 each election cycle to $20,000 each calendar year and removes party candidate coordination limits.

Finally, the bill requires third-party advocacy groups who run issue ads on either television or radio to report expenditures of more than $25,000 on a single candidate, or more than $100,000 on multiple candidates. Failure to comply with the requirements set out in the bill could result in fines up to $50,000. These changes, Mr. Speaker, are quite significant and do deserve to be fully and freely debated.

So, Mr. Speaker, some Democratic Members, in an effort to provide for debate on campaign finance reform that is not designed to derail the process, will vote against the previous question. They hope to amend this rule to provide for the kind of process that was set out in the discharge petition that came so close to reaching the requisite 218 signatures. They hope to allow the House to consider each substitute, and when the House has agreed to the substitute it wishes to work from, then consider amendments to that proposal. The Democratic rule is a much more reasonable process and one which will allow the House to choose within a reasonable period of time whether it wishes to pursue campaign finance or not.

Mr. Speaker, we just heard Mr. LINDER expound about things that are currently in the press related to China rather than talking about campaign finance reform. It is obvious that the Republicans do not want to deal with campaign finance reform. All they want to deal with is things that are in newspapers and on TV, whether they are substantiated or not.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself 30 seconds to point out that the reason I raise the issue of Chinese money is it was a precise violation of current finance laws with respect to campaigning, and if they are not going to obey the current laws, how can we expect them to obey any future ones?

Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the rule.

I thank the gentleman from Georgia for his excellent work on the Committee on Rules and his efforts in regard to this rule and this legislation. And I also want to express my appreciation to the gentleman from New York (Mr. SOLOMON), chairman of the Committee on Rules, for his commitment to a fair and open debate on campaign finance reform.

I am one of the lead sponsors of the bipartisan Campaign Integrity Act, also known as the freshman bill, and I just want to congratulate my cosponsor, the gentleman from Maine (Mr. TOM ALLEN), for his work, and the other Democrat freshmen that have worked so hard; as well as the gentleman from Missouri (Mr. KEN HULSHOF), the gentleman from Texas (Mr. KEVIN BRADY), the gentleman from Montana (Mr. RICK HILL), and so many other freshmen Republicans that have worked hard for over a year in developing a proposal that is bipartisan in formation and bipartisan in nature and it continues in a bipartisan fashion today. We have worked well together on this. So this is the base bill that is under consideration.

The rule before us allows for the consideration of 11 substitute amendments to the base bill. Those substitutes range from the commission bill, sponsored by the gentleman from Washington (Mr. RICK WHITE), to the Paycheck Protection bill, offered by the gentleman from Colorado (Mr. BOB SCHAFFER). It allows votes on the vast range of reform bills, even the extremes, from the Doolittle bill, which removes all limits on contributions, to the Shays-Meehan bill, which is massive in terms of its regulatory control over issue advocacy groups. In other words, the rule is fair to all and will provide ample opportunity for debate on this critical issue.

What will the result be? Certainly it is unknown, and the amendment process is still up in the air. But I am hopeful that we can go through this process in a bipartisan fashion; that we will not be slamming each other throughout this but that we work to get the job done.

I believe the freshmen who came here believe that we are here to accomplish something and not get sidetracked on a multitude of issues. We need to start this and we need to finish it. I ask colleagues to support this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to congratulate all of the Members who signed the discharge petition, which has brought about this rule tonight and brought about the consideration of campaign reform. And in particular I want to commend the gentleman from Massachusetts (Mr. MEEHAN) for all the work that he has done, and I want to commend the gentleman from Connecticut (Mr. SHAYS) for all of the work and effort that he has put forth.

I want to thank the members of our Blue Dog coalition here in the Democratic Caucus and all the work that they have done. And I want to commend the freshmen on both sides who have worked so hard to see that this issue comes up.

In truth, this issue should have come up some months ago, when we had this tortured procedure of having a suspension. It is time for campaign reform. The reason the discharge petition got signed by so many Members, and the reason that so many Members in this body are for campaign reform is that its time has come. The American people want us to enact campaign reform. The perception in the country, right or wrong, is that money is the dominant feature of America's campaigns. People are sick of that. They want to have a control on the money.

I would simply say to the Members that I hope all of the Members will vote for the Shays-Meehan bill. The Shays-Meehan bill is, in my view, of all the bills, and I have worked on many of the bills that are going to be up, is the best bill. It is the first step that we can take. It gets rid of soft money, the large contributions which have been so dominant in this system. We need to take this first step.

It does something about outside expenditures, of outside independent groups coming in and spending thousands and thousands of dollars at the end of campaigns.

It does not do everything that should be done in campaign reform, but it is a solid first step. And I hope that every Democratic Member on my side of the aisle will support this legislation with their vote, and I hope Republicans will support it as well.

We should be able to get 218 votes on the floor of this House next month and we will make a blow for what the American people want to clean up this system and move it in the right direction.

Vote for the rule, vote for Shays-Meehan when we get that chance.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

My colleagues, I too rise in support of this rule, and I listened with great interest to the minority leader decry the current state and the perception of running for political office and raising funds.

Mr. Speaker, I think there are three words that sum up the essence of what is transpiring in the body politic today, and that is: Obey existing laws. That is what should be done. Sadly, because of an association with foreigners and foreign money, we now have serious allegations.

Rather than changing the rules, although I think we are all happy to do so under an open fashion, in stark contrast to what went on for some 40 years here before the new majority took control, we will have a chance to openly debate this, but make no mistake, my

colleagues, the most radical reform would be for my liberal friends and those at the other end of Pennsylvania Avenue to obey existing laws.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR), the Democratic whip.

Mr. BONIOR. Mr. Speaker, every 2 years America's airwaves are flooded with political attack ads. These negative ads leave voters feeling cynical, disenchanted, and with little faith in politicians or in the political process.

These attack ads are also the main reason why we spend so much time fund-raising, defending ourselves against vicious 30-second spots, often now funded by outside groups, and have become more and more costly every single year and every single election. Free TV time for credible candidates could drastically lower the cost of campaigns and eliminate the need for excessive fund-raising.

The broadcasters and the radio folks and the TV folks and the cable folks, they do not own those airwaves. They belong to the American people, not the media corporations.

Under the current system, many people feel they have no political voice. No political voice at all unless they contribute $50,000 or $70,000 or $100,000 to the major parties. And many public officials feel they have no choice but to court such contributions. This ends up excluding all but the wealthiest Americans from the political process, spawns investigation after investigation, and really eats away at the very heart of our democracy.

One of the reasons we are seeing the decline of people participating at the polls is because of this very system that we are forced to operate under. Look at what is happening in California where millionaires are duking it out to be governor, and the poor man in the race is spending $8 million in the primary.

This Congress has the capacity to change that. We can dismantle the current system that, I daresay, very few of us like. We can restore the integrity of our elections. We can renew the faith of the voters. And the first important step on that path, the first important step in this process is passing a bipartisan bill, the Meehan-Shays bill.

This bill, as the leader said, would ban soft money, the huge contributions to political parties that really are just an end run around Federal contribution limits. This bill would require outside groups that run so-called issue advertisements to play by the same funding rules as the actual candidates. This bill would force timely disclosure of who is really funding campaigns so that the voters can make informed decisions about the information that they are getting.

□ 2230

Meehan/Shays will not solve our problems entirely, but it is a good first step. It will demonstrate that this Congress is committed to genuine reform; and that is no small commitment for the Speaker, who, as the leader has said, has blocked reform at every step, who said that the problem with our political system is that we spend too little money.

It does not have to be that way. Raising more money to clean up politics would be like using a bucket of kerosene to put out a fire. But we can work together this week, next month in fixing the system.

Mr. Speaker, schedule a full and a fair debate on campaign finance reform. Americans will not accept any more political games, any more false delays, any more poison pills, any more sham reforms, any more gaming of the system. Give the Members of this House, Democrats and Republicans alike, a clean up-or-down vote on Meehan/Shays. It is a fair, bipartisan approach; and it should be judged on its merits, nothing else.

The American people are watching. The Meehan/Shays is the one vote that will tell them everything. I urge my colleagues when we get to this debate to be vigilant and to stand with those who stand for reform.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, is soft money constitutionally protected? No, not exactly.

Are the political parties and others constitutionally protected to raise money in any amount from any sources? No, not exactly.

Many of those who will be arguing about soft money bans are going to claim that soft money is constitutionally protected, and they will be using an illusionist's sleight of tongue when they make that argument.

Some will refer to the Supreme Court decision in Colorado v. FEC. In that case, the Colorado Republican Party sued the FEC, saying that the Federal agency had no authority to regulate soft money issue advocacy campaigns.

Did the court sanction soft money in that decision? Well, no, not exactly. What it said was that the Federal Election Campaign Act permits unregulated soft money for some uses. It did not say it was a constitutional right. It simply said the Federal Election Campaign Act did not encompass soft money.

So what does the freshman bill do about soft money in Colorado? It says this. It says that the National Republican and Democratic Parties cannot give soft money to the Colorado State parties. It says that federal officeholders cannot raise soft money for those State parties. It says that Colorado cannot get soft money from another State party. And it ends money laundering.

But if the people of Colorado want the State parties to be able to raise and spend soft money, they can; and if they do not, they can stop it. That is what the tenth amendment is about, letting States make decisions that impact the States.

The Supreme Court has said that limits on spending have serious constitutional problems because they restrict free speech. This bill does not limit spending. It places limits on contributions, which the Supreme Court has ruled is constitutional.

This freshman bill limits contributions by saying ''no more soft money'' to our national parties. No more corporate money. No more big labor money. No more laundering of money. And no limits on free speech.

I say, support the rule; defend the freshman rule. It is fair to both political parties. It meets constitutional muster, and it will restore integrity to campaigns.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FAZIO), the chairman of the Democratic Caucus.

Mr. FAZIO of California. Mr. Speaker, believe it or not, I would like to be here in the well tonight to congratulate the Republican leadership for finally relenting and allowing a fair debate on genuine campaign finance reform. Unfortunately, I cannot do it.

The Republican leadership want no part of campaign finance reform. The gentleman from Georgia (Mr. GINGRICH) repeatedly has said that not enough money is spent on political campaigns. He does not think that billions of dollars spent each year on 30-second negative TV spots is enough.

But this is the Speaker who made a promise in Claremont, New Hampshire, 3 years ago. He looked President Clinton straight in the eye, shook his hand, and promised to commit himself to campaign finance reform. We know the old phrase ''a promise made, a promise broken.''

Last winter, the Speaker made another promise. After the Senate began debate on campaign finance reform, he committed to have a vote on real campaign finance reform by the end of March. Well, instead, we got a rigged process and a phoney bill and a lot of bad press. Another promise made, another promise broken.

It brings us to today, after House Democrats from across the spectrum and a handful of Republicans forced the Speaker to promise a vote on real campaign reform by May 15. Well, check the calendar. It is May 21. And we are just beginning a debate 1 day before a 2-week recess, with no sign of a simple vote on campaign finance reform on the horizon. We are destined to be filler for the next several months. Another promise made, another promise broken.

What is the Republican leadership afraid of? Well, it is pretty obvious. They are afraid that campaign finance reform will pass. So they bottled it up, put it off and now, in their latest attempt to kill it, have made it complicated and cumbersome.

I think it is time we send the final message. Let us tell them that we want a straight up-or-down vote now on the

Meehan/Shays campaign reform bill. No more delay. No more technical mumbo-jumbo. No more broken promises.

I want my colleagues to know that the gentleman from Missouri (Mr. GEPHARDT); our Whip, the gentleman from Michigan (Mr. BONIOR); all of those who have worked on our side are asking for a no vote on the previous question as a way of explaining our frustration with a process that has not served not only this body but the American people well. Then perhaps should we prevail. We could have that vote up or down, as the American people deserve it.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I would like to start by congratulating the gentleman from Georgia (Mr. LINDER) the representative of the Committee on Rules here, the gentleman who yielded to me. Because I think they did the right thing, and they have done something which I think all of us in this House should embrace who believe that we should have an open rule process for this in.

I have heard that there are supposed to be 500 amendments on this, and it is going to be a very difficult task to straighten out what we should be voting on and what we should not be voting on. But the bottom line is that the leadership and the Committee on Rules in particular heard the message here, and they have done a wonderful job, and I think they deserve the heartfelt thanks of all of us who have been campaigning for campaign finance reform in some way or another here in the last couple of years.

There are a lot of good bills which are here. I think the Freshman bill is a particularly good bill. I also happen to favor Meehan/Shays. I think the gentleman from California (Mr. THOMAS) has done a much more exceptional job on campaign finance reform than anyone has given him credit for.

But I would caution each and every one of us as we enter into this fray I guess after we come back from the Memorial Day break that it is going to be very difficult to hold intact the concept of a majority for a particular bill that will be campaign finance reform and perhaps even more difficult to hold together a majority for the particular bill that one cares about.

And yet, in my judgment, there have been enough abuses, some maybe perfectly legal, as a matter of fact, and some perhaps even illegal, that the time has come in the United States of America when we all should look in the mirror.

I have a hunch that there is enough blame to go around from one political party or the other and perhaps from one candidate to another as we look across America. And I must say that most candidates live well within the rules, but there have been a lot of abuses and the time has come for us in the Congress of the United States to really focus on this issue.

So it is my hope as we stand here tonight that, first of all, we do adopt this rule. That is, ultimately, very, very important. And I hope we adopt it by a large majority. And that, secondly, we pay attention to this debate. And then, hopefully, when it is all said and done, we will have campaign finance reform in America.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Speaker, they said pigs would fly before we got an open debate on campaign finance reform in the House. Well, Mr. Speaker, it is time to bring home the bacon because we are here at last. After 4 years of promises made and promises broken, we are finally going to get a vote on Shays-Meehan.

Or are we? It is not all clear to me that this rule will allow for a vote on the Shays/Meehan bill, especially in light of the commitment of the gentleman from Texas (Mr. DELAY) to essentially filibuster this bill by offering hundreds of amendments throughout the summer.

The Speaker's message is clear. He supports more money in campaigns, not less. He wants to enhance the role of wealthy special interests in congressional elections rather than diminish it. Well, the public clearly feels differently.

In a recent NBC Wall Street Journal poll, 92 percent of the American people felt that too much money was spent on campaigns. We are here today because the American voters demand that we fix a broken system.

Over the course of this debate, there will be many substitutes and many amendments. I urge all of my colleagues to remember that there is only one bill that is both bipartisan and bicameral and that will enact real campaign finance reform this year, there is only one bill that has the support of nearly every grassroots organization that is active on reform, and there is only one bill that has the support of editorial boards all across this country. That is the McCain/Feingold/Shays/Meehan bill.

Unlike the other substitutes and alternatives, only Shays-Meehan will conclusively ban soft money. Only Shays-Meehan will address the growing problem of third-party campaign advertisements and only Shays-Meehan will give the FEC the teeth it needs to prevent abuses in the current system.

Above all, our bill is a product of compromise. It will benefit neither party at the expense of the other. At the end of the day, Mr. Chairman, a vote for campaign finance reform is a vote for Shays-Meehan.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentlewoman from New Jersey (Mrs. ROUKEMA).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong support of the rule.

I guess I would like to say I guess it is better late than never. We should have had this debate last year. But at least now, with this rule, we are about to have this debate. But, again, better late than never.

I think we must thank the Committee on Rules. It was a hard job to structure this rule. Given the complexities of the issues and the controversies generated, and we have heard some of them here tonight, and the interest groups that have been working at cross purposes here, I think it is probably the best vehicle that we could have supported.

Well, whatever one would say about that, the point is the time is now to deal with this issue and we can finally get at our campaign system that is clearly out of control. We can at least have an intelligent debate of sorts on this.

I think there are many critically important issues that we can discuss and examine during the course of this debate, some of them mentioned tonight. We must support this rule and, hopefully, pass Shays-Meehan in the end.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

The freshmen Democrats and the freshmen Republicans came together as our major undertaking in this class, all of us were involved in targeted races in the 1996 election, and we decided we were going to work together. It does not always happen in this House, but we decided to work together, and we put together H.R. 2183, the bipartisan freshman bill.

We are proud that that bill is the base bill for a debate in this Congress. We respect everything that other reformers have done, including the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) to bring this cause forward.

Now, we could look at this rule and say, ''We are proud of this rule. It is going to give us the complete, open debate that we asked for.'' But when we look back at the history over the last month or two, we see an enormous reluctance to bring up campaign reform. We remember that when the Republican leadership tried to bring up a bill they tried to bring up a bogus reform bill that took two-thirds in order to pass. That was not the way, and the people of this country said, ''No, that is bogus reform. We need real reform.''

Now we have a rule that allows 11 substitutes and many amendments; and the question is, can this process be managed so we have a fair debate here on the floor so we can give the American people what they want? And what they want in every poll in every time we go back to our districts, they say, ''There is too much money in politics. We have got to contain the money. We need campaign finance reform.''

□ 2245

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I heard a lot about people denouncing attack ads and independent expenditures and soft money, but it is interesting to me, not one person that has spoken has denied that money being spent in their district. They could very easily say, I do not want any of this money in my district, but none of these self-righteous people are doing that in their own districts.

We hear from many people too much is being spent. We also know that Americans spend about as much each year on yogurt and potato chips as we do on electing our officials. Are the proponents of limiting free speech and expenditures trying to tell the American people they spend too much money on yogurt?

They are going to come up next and say, you spend too much money on sports, because that money is more than campaigns. Are they going to say, you spend too much money on entertainment, because that is greater than the amount spent on campaigns.

We have a lot of concerns. My concerns are foreign money and campaigning on Federal property and illegal money. But, oh, my goodness, we have laws that prevent that. We have to keep this in mind, that you need to enforce existing laws.

Mr. FROST. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, having joined with the gentleman from Kentucky (Mr. BAESLER) and other members of the Blue Dog Caucus to initiate a discharge petition last October to force consideration of campaign finance reform under a fair and open process, I am very pleased to be here tonight debating a rule to bring up campaign finance reform under an open process.

The American people deserve to know where their representatives stand on the major proposals to reform our campaign finance laws. Although this rule meets the standard of openness that the Blue Dogs call for in our discharge petition, the process for considering campaign finance reform will fall far short of the standard of fairness unless we defeat the previous question and allow the gentleman from Massachusetts (Mr. MOAKLEY) to offer an amendment to allow the House to have clean votes on all the major proposals under a fair process.

Having worked with my Republican colleagues to use discharge petitions to force a fair debate on the balanced budget constitutional amendment and other issues, I am very disappointed that the majority did not listen to the advice of those of us who initiated the discharge petition that brought us to this point.

The Blue Dog discharge petition in the underlying rule, H. Res. 259, calls for extensive debate on leading reform legislation followed by votes on each offered substitute.

The guiding principle behind the Blue Dog discharge petition was that we should allow clean up-or-down votes on all major campaign finance plans: the freshman bill, who worked awfully hard on their bill; the Shays-Meehan bill; the Doolittle bill; any alternative either leadership wishes to offer and any other alternatives as substitutes at the beginning of the process.

Under the king-of-the-hill process in which the amendment receiving the largest number of votes becomes the base bill for the purpose of perfecting amendments, if more than one amendment receives a majority vote, the Blue Dog discharge rule would have allowed clean votes on all amendments in the form the authors of the amendment wanted by prohibiting second degree amendments.

Let me just sum up by saying what we must do to provide for a clean and open debate is to allow all the substitutes to be submitted as those authors wish them to be submitted and vote on them and allow the one that gets the most votes to become the base bill and then allow anyone that has an amendment to offer that amendment to the base bill ultimately getting to the final package of true campaign reform. To do less than that will make another sham. We have already been through one sham in this process. To do other than that will end up with another sham.

Mr. LINDER. Mr. Speaker, I find it interesting now that wide-open rules are considered shams when they are not getting their way.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I thank the gentleman for the time, and I am going to overlook the specifics and the details for a moment and just say that I am grateful to our leadership for hearing the appeal of some of us and many from the other side to give us an opportunity over the coming days and weeks to debate this issue in an open process. I think, in all fairness, it will be an open process.

But just to say that our party, the majority party here, has possibly decided to change strategy and quit running and hiding from this issue and get on the offensive and be proactive. If we disagree with our friends on the other side on the specifics, let us debate the issue, and let us have a vote on each and every substitute, and let us let majority rule. Democracy still works in this country.

Back in 1974, when this current system was brought into place, the shoe was on the other foot, and the Democrats were in charge here. They used this floor to debate these issues and bring forth what they thought were their priorities. We should do the same thing. If we have a legitimate disagreement, we should be on the offensive to say this is the way things used to be.

I am most concerned about the corrupting influences of soft money in the American political process. Mr. Speaker, alcohol, tobacco and gambling are not the influences that I want to drive this process. They are proliferating. Millions of dollars of unregulated, unlimited soft money from some of these influences that are not good for our country or good for our children or good for this process are now dominating this business. Pretty soon, we, as candidates, will not even control the messages in our own elections if we do not do something about it.

We can have an honest disagreement about whether we should fix the current system or even possibly go back to the way things used to be before Watergate. But, most of all, we should have the debate.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Georgia (Mr. LINDER) has 10½ minutes remaining. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I am struck by many different emotions. I do not intend to talk about the merits of the issue tonight. But I feel proud to look at Members on both sides of the aisle who, in the last 3 years, passed congressional accountability getting Congress under the same laws as the rest of the Nation. And I'm proud Republicans and Democrats working together passed gift ban and lobby disclosure legislation as well.

I am proud of the work of the Blue Dogs, and I see the gentlemen from California (Mr. FARR) and Mr. MILLER and the gentleman from Connecticut (Mr. GEJDENSON) who have worked hard on campaign finance reform legislators over many years.

I see other Members on the Democratic side of the aisle who helped forced this issue to come to the floor with a few Republicans. Ultimately, my leadership recognized that we did need to have a vote on campaign finance reform and I thank them for that.

It is going to be a dicey time because it is going to be truly an open debate. There is plenty of opportunity for mischief. Some can misuse the process. So reform minded Members on both sides of the aisle have got to make sure this does not happen.

I am proud also of the freshmen who made it a point to work together to find common ground. And I look forward to the next few weeks and the debate we will have.

I thank my colleagues who supported efforts to form debate and vote. And I thank my leadership for recognizing we need to have an open and honest debate. I hope and pray that, in the end, we can all be proud of the outcome.

Mr. FROST. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

(Ms. KAPTUR asked and was given permission to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, I rise in strong opposition to this Titanic Gingrich stall proceeding and the previous question as well as the rule.

Mr. Speaker, throughout the recent history of the Rules Committee, no other major issue has ever been subjected to such a convoluted process as campaign finance reform is being accorded;

By proposing no less than 11 substitutes, and currently considering nearly 600 amendments, a ''doomsday'' scenario is being presented to the American people;

Previously, the Republican leadership blocked reform efforts, made promises for floor action and reneged and delayed, brought up meaningless legislation on the suspension calendar and made a mockery of the House. Today, the effort now is to kill reform by overloading the process;

The Republican leadership is proposing an endless debate that will take us well into the summer, will result in no resolution, and will fail to bring about much needed reform;

As our colleague JOE MOAKLEY has said, ''We'll just go through a lot of motion and not get any action.''

[From the Washington Post, May 21, 1998]

RAFT OF CAMPAIGN FINANCE REFORM PLANS MAY MEAN LENGTHY HOUSE DEBATE

(By Helen Dewar)

Rival camps in the fight over campaign finance legislation got the official go-ahead yesterday for a free-for-all on the issue in the House that could last well into summer.

Under a procedure approved by the Rules Committee after a lengthy hearing, the House will begin debate today on a dozen plans, including alternative proposals to ban or sharply curtail the unregulated ''soft money'' donations to political parties at the heart of fund-raising abuses in the 1996 presidential campaign.

No votes are anticipated until after Congress returns from its Memorial Day recess, and still to be determined by the committee is the problem of how to deal with an extraordinary load of amendments, including 586 that have been filed so far.

Never in the history of the Rules Committee has it faced such a formidable load of amendments, said committee Chairman Gerald B.H. Solomon R-N.Y.), who promised to prune the list to manageable proportions over the recess. He dismissed some lawmakers' complaints that the process could take all summer. ''It could but it won't,'' he said. Without interruption, the bill could be wound up in four days, he added.

Only a couple of months ago, House Republican leaders resorted to extraordinary means to block votes on the leading proposals, including a total soft-money ban proposed by Reps. Christopher Shays (R-Conn.) and Martin T. Meehan (D-Mass.) and a somewhat less stringent alternative proposed by a bipartisan group of freshmen.

But their tactics created an uproar, and, in order to keep from losing control of the House on the issue, GOP leaders did a sudden about-face and opted for a wide-open process providing for votes on a multitude of plans and even more numerous amendments to them.

As a result, the reform groups, once united in opposition to the leaders' tactics, are competing against each other, raising the possibility that none of the plans would get enough votes for passage—or that all of them would get bogged down in a struggle over amendments.

Now it was Democratic leaders, as well as their Republican counterparts, who were getting caught in the squeeze. Minority Leader Richard A. Gephardt (D-Mo.), who has been pushing for the Shays-Meehan bill, raised some hackles at a Democratic caucus Tuesday night when, according to several observers, he acknowledge without apparent disapproval that some Democrats would also support the freshmen's bill.

At yesterday's hearing, several lawmakers expressed concern that the debate might be stretched out over weeks, with interruptions for other business, making it little more than ''filler'' to plug into open spaces in the schedule. Several also objected to allowing amendments to each of the plans as they come up for votes, instead of holding them in reserve for action on the final version, saying this could lead to lethal delays. ''We'll just go through a lot of motion and not [get] any action,'' said Rep. Joe Moakley (Mass.), ranking the committee's ranking Democrat.

[From the Roll Call, May 21, 1998]

CONGRESS INSIDE OUT

(By Norman J. Ornstein)

MESSAGE TO MEMBERS: LOOK BEYOND RHETORIC BEFORE VOTING ON CFR

Campaign reform is back—for an extended debate in the House. The ''strange bedfellows'' coalition that Sen. Mitch McConnell (R-Ky) pulled together for the Senate debate on campaign reform is alive and well—from the National Right to Life Committee (NRLC) and the National Rifle Association to the ACLU.

Encouraged by House Majority Whip Tom DeLay (R-Texas) and McConnell crony Rep. Anne Northup (R-Ky), and led by the NRLC's Douglas Johnson, this coalition has used the guise of the First Amendment to fight bitterly and unrelentingly against any reform, and in particular against any proposal that changes the free-for-all jungle surrounding all electioneering communications that do not use ''magic words'' like ''vote for'' or ''vote against,'' and thus call themselves issue advocacy.

The coalition opposes the Shays-Meehan plan in this area, which would treat electioneering communications in the period just before an election by the same rules that apply to independent expenditures—disclosure of donors and ad sponsors, and contribution limits for groups.

It opposes with equal fervor the freshman Hutchinson-Allen plan, which is a simple, watered-down disclosure provision for a narrow category of electioneering ads that covers only sponsors, not donors—not even very large donors.

It opposed unalterably the Snowe-Jeffords Amendment in the Senate, which covered disclosure of large donors only for electronic communications of $10,000 or more within 60 days of an election, tailored at influencing directly the election or defeat of a candidate, and banned direct electioneering contributions from labor unions and corporations.

This anti-reform coalition has already been hitting House Members hard. The NRLC has made each provision on sham issue advocacy a right-to-life test, telling Members that a vote for any reform will harm their pro-life record, a serious problem for many GOP lawmakers. The group ran harsh negative radio ads against staunchy pro-life Rep. Asa Hutchinson (R-Ark) for his temerity in supporting any disclosure for any political ads.

Using the umbrella aegis of the ACLU, the coalition will cloak itself in the First Amendment, claiming it is just for free speech. Of course, the ACLU position is simply the position of the organization's current leadership; as Burt Neuborne, a former legal director of the ACLU has pointed out, virtually every previous leader in the ACLU has a sharply different view than the current elite in the organization on the constitutionality of campaign reform proposals.

But whatever the real civil liberties position on reform, Members of Congress should be more directly aware of what the members of this broad anti-reform coalition are for and against:

1. They are against disclosure. Some ''reformers,'' like Rep. John Doolittle (R-Calif), claim they are for lifting all limits and stiffening disclosure, relying on the market and informed consumers to self-regulate the political and election process. This would be a worthy position for debate if it were accurate.

But Doolittle, along with the NRLC's Johnson and the ACLU's Laura Murphy and Ira Glasser, are not for full disclosure. In fact, they are opposed to any and all disclosure of sources or sponsors of any political ads except the very narrow class of those using the few magic words.

They oppose any disclosure for the more than $150 million in ads run in 1996 that were self-labeled ''issue advocacy'' but, as an analytical study by the Annenberg School of Communications has shown, were candidate-centered, more harshly negative than any other category of ads, and clearly designed to elect or defeat particular candidates.

2. They are for secrecy, obfuscation and misdirection. The Annenberg study and good investigative reporting around the country in 1996 and 1997 showed that sham issue-advocacy ads were often designed to blindside candidates and to obscure deliberately the origin of the attacks. Funds often were laundered through two or more organizations, with vague names like ''Citizens for Reform,'' making it difficult to figure out the source of the campaign electioneering messages.

Attack campaigns were often run at the end of the campaign, leaving no time for the attacked candidate or the press to uncover the source. Very likely, some candidates and/or their party campaign committees colluded with outside groups to orchestrate ''issue advocacy'' attacks on their opponents, leaving the attacking candidate with his or her hands clean, able to disavow the vicious attack while reaping the benefit.

Absent any disclosure, we will see a whole lot more of this approach, aimed at confusing voters and blurring responsibility and accountability. Ask yourself if confusion, surreptitiousness, irresponsibility and unaccountability are the values of the First Amendment the Framers intended to put first.

3. They are for unlimited corporate and labor involvement in electioneering. Since 1907, corporations have been barred from using their funds to influence directly the outcome of elections. The same ban has existed for labor unions and their dues since the 1940s. Corporations and labor unions can use voluntary political action committees to mobilize their executives, employees and members to get involved in electing or defeating candidates for office.

But the so-called issue-advocacy campaigns have provided a gigantic loophole to allow corporations and unions to use unlimited (and undisclosed) amounts of corporate funds and union dues to target candidates, violating the intent of those existing laws.

Of course, some conservatives are trying to have it both ways, using the backdoor approach of ''paycheck protection'' to cripple labor unions while leaving corporations free to do what they want to shape election results. But the best way to stop labor unions and corporations from running these campaigns is to follow the legal traditions and ban their funds from use in electioneering—an approach opposed by this coalition.

4. They are for foreign involvement in American elections. Current laws ban the use of foreign money in American campaigns. But any source of funds, foreign or domestic, can be used for these so-called ''issue advocacy'' campaigns. And we will never know if foreign funds, including funds from the Chinese government, are used in ads that are clearly designed to elect or defeat candidates—there is no disclosure.

So here's a message for Members of Congress as you prepare to vote on reform plans and amendments that address this sham issue advocacy. Look beyond the threats and the mantra of the First Amendment offered by opponents of any reform in this area and consider the implications of the votes you cast:

Do you really want to vote against disclosure of the authors and funders of vicious attack ads?

Do you want to be on record voting for unlimited and undisclosed use of labor union dues and funds from corporate coffers to elect or defeat candidates?

Do you want to endorse a system allowing unlimited, unregulated and undisclosed use of foreign money to influence American elections?

Of course, there are reasonable and heavy-handed, constitutional and unconstitutional, ways to approach reforming this system. The freshman plan is frankly too week; it includes disclosure, but only of the groups sponsoring these ads, not the major sources of funds. The Shays-Meehan approach (which, in the interest of disclosure, I helped to craft) is a better one, although I fear that it will be hard to sell to the Supreme Court.

I am much more comfortable with the approach my colleagues and I subsequently devised that became the Snowe-Jeffords Amendment, which puts reasonable if broad limits on electioneering ads masquerading as ''issue advocacy'' by providing targeted disclosure of large contributors and keeping out corporate and labor funds.

Each of these approaches at least tries to apply the spirit and approach of the Buckley decision and a sensitivity to the First Amendment rights of issue advocates to a class of ads that are not issue advocacy and thus defy the intent of the Court. Whether too weak, too strong or just right, the zealots from the NRLC and the ACLU will be opposed.

Which side are you on?

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, it is 11 o'clock, 5 minutes of 11:00, and we are now finally getting to the debate on the rule on campaign finance reform, an interesting rule that brings 11 different viewpoints to the floor, allows an hour vote for each one, and unlimited amendments.

The question is whether this Congress is going to be serious about passing campaign reform. It was just mentioned that, when our party was in control, we and the 101st, 102d, and 103rd did pass campaign reform, and it was substantive.

It was a bill that, first of all, had the premise of fairness, a bill that did not favor one party over another. Second, it reduced the influence of special interest. Third, it leveled the playing field. And, fourth, it made access to the system by nontraditional candidates.

One of the bills that is in order is a bill that does that. It caps spending. It reduces individual PAC contributions. It reforms the role of wealthy donors and people who use their own money. It reforms the role of soft money. It finally puts the brakes on massive expenditures of money in the political realm that are now unregulated, undisclosed and outside the law, those that are independent expenditures.

I hope Members of the party will take a look at this bill. There are 106 coauthors on this side. It is the only bill that is on the floor that is really comprehensive, the only bill that addresses all the issues that the 101st, 102d, 103rd Congress did. If you adopt this rule, you will have a chance to do comprehensive campaign finance reform.

Mr. LINDER. Mr. Speaker, I yield myself 2½ minutes to point out to the gentleman that just spoke in the well that all of these wonderful bills and all of the previous approaches by the Democrats in previous Congresses left out one minor piece; that is, the special interests that spend more money in politics than all the rest combined, the labor unions, which spent, in the last cycle, in the last election, somewhere between $300 million and $500 million according to a Rutgers University study.

Are they at all impinged by any of these bills? Of course not. That is not soft money. You see, that is Democrat money. We will not abuse it at all.

I know the gentleman from Texas (Mr. FROST) said that the Shays-Meehan bill codifies the Beck decision. What the Beck decision says is that labor union members must approve their money being used for political activity.

This codification of the Beck decision says you may get your money back if it was used for political activity so long as you are no longer a union member, which is to say you have to leave the money to get your money back.

This is the sham. This is the game that is being played. Stop the union or stop the corporate soft money accounts. That is fine. We both get about $140 million a year. We both get $140 million over a 2-year cycle from three committees. But eliminate any opportunity from impinging on the labor unions which support the Democrats 100 percent.

The gentleman from Michigan (Mr. BONIOR) said that the airwaves are flooded with negative political attacks. Yes, of course they were, by unions. Of course they were. He was not there stopping them. In fact, he was welcoming them.

When the unions this year decided that occasionally they would support some friendly Republicans, the Democrat leadership wrote a whining letter to the union leadership and said, do not dare support Republicans. You are our guys.

The gentleman from Michigan (Mr. BONIOR) also said that, in this process, no political voice is heard unless they contribute up to $50,000. It is only a rich guy's game. He may be speaking from personal experience; but from my experience, and anyone that I know, we listen to all. We hear from everyone, whether or not they are contributors. If it is his experience only to listen to those who contribute $50,000, that is his problem, not the country's problem.

There is, indeed, an outside influence. If we are going to treat them fairly, we treat them all, including the labor union's money. But I will point out to the gentleman there is no controlling legal authority to do that.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, the gentleman from California (Mr. FAZIO) was going to point out that the facts of the gentleman from Georgia (Mr. LINDER) are wrong. We will get into that. But I take seriously your description of the issue. You say major changes are not needed to implement present law. I say implement present law and make major changes in the law. That is what you said.

Money is swamping the Democratic process and you are standing up, defending the status quo. The present system demeans the contributor. It demeans the recipient. It increases polarization, and it deepens public cynicism.

Shays-Meehan addresses both soft money and issue ads. I say to the minority who usually are not such defenders of free speech, free speech is not the same as unlimited paid campaign ads. Vote for Shays-Meehan.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time for the last speaker.

Mr. FROST. Mr. Speaker, I would inquire of the remaining time.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) has 4 minutes remaining. The gentleman from Texas (Mr. FROST) has 6½ minutes remaining.

□ 2300

Mr. FROST. Mr. Speaker, I yield one minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this rule, because it will eventually allow us to vote on campaign finance reform, though I must say that it should be called the heel-dragging rule. There is so much debate scheduled on this issue, that I am afraid it could go on for months.

While I object to this filibuster tactic, I am pleased that it will finally allow us to vote on Shays-Meehan. Shays-Meehan bans soft money, it regulates third party expenditures, it will help to level the playing field between challengers and incumbents and it encourages greater disclosure. It will help

to turn the political process back to an election, instead of an auction that is going to the highest bidder, the person who spends the most money.

Mr. Speaker, we need to show the public that our elections are not for sale, our government is not for sale, and bring in real campaign finance reform. We need to vote on it before we go back and ask our constituents to vote for us.

Mr. FROST. Mr. Speaker, I yield one minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, the message the American people are sending us is clear: Reform our campaign finance system; reform it now. The Republican leadership does not get that message. They do not want to get that message.

There was a famous handshake three years ago with President Clinton. The Speaker said he was going to have a vote on campaign finance reform. Time and again that vote has been delayed. He promised a vote in March. It is May; we are still waiting.

Keep in mind the Speaker is in charge of this House. If he wanted a vote on campaign finance reform, we would have that vote tonight. That is what we ought to be doing, instead of delay and delay on this issue. And speaking of delay, the gentleman from Texas (Mr. DELAY), the Republican Majority Whip, is working vigorously to kill campaign finance reform. You should clap. We all know what you are doing.

The Republican leadership thinks we need more money in this political system. They would lift current limits on campaign contributions. They would increase the influence of the wealthiest in this country.

POINT OF ORDER

Mr. LEVIN. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman will state it.

Mr. LEVIN. Mr. Speaker, is hissing, and I mean this seriously if we are going to set precedent, is hissing from Members of this House in order?

The SPEAKER pro tempore. Hissing is not proper decorum in the House, under Jefferson's manual.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. MILLER).

The SPEAKER pro tempore. The gentleman from California is recognized for 2 minutes.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I urge the people of America to pay close attention to this debate on campaign finance reform. Pay close attention, because you will hear so many different arguments, facts, figures and legal theories, not just today, but possibly for weeks to come. There will be so much that is said that it may be hard to follow what is really important in this debate.

There is only one thing that matters when all is said and done: Will your representative in Congress vote for the only meaningful campaign finance reform bill to be offered this year? Will your representative vote for the Shays-Meehan bill? That is all that matters.

The Shays-Meehan bill is the only bill that truly bans soft money and has the support of grassroots campaign finance reform organizations. Huge soft money contributions have become the leading corrupting influence in our political process today. Soft money contributions have caused politicians to do many things that they would not ordinarily do to abandon their constituents, to abandon the taxpayer, to abandon the public interest.

My friends, ask yourself this: With all of the evidence of the corrupting influence of campaign contributions on politics, why should it be so hard to reform this system? Why should it be so hard? The answer is because the Republican leaders who control this House are committed to blocking the successful passage of campaign finance reform.

The vast majority of Democrats are committed to real reform, and we have been joined by a small group of concerned Republicans. Together, hopefully, we represent a majority. But we do not control the action on the floor. That is why, ladies and gentleman across this country, you must pay attention.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

Mr. MILLER of California. Remember, there is only one way to determine whether or not your Representative truly believes and supports and is for campaign finance reform. That is, at the end of this debate, did they vote for the Shays-Meehan bill?

Mr. LINDER. Regular order.

The SPEAKER pro tempore. The time of the gentleman from California (Mr. MILLER) has expired.

Mr. MILLER of California. * * *

The SPEAKER pro tempore. The time of the gentleman from California has expired.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. LINDER. Mr. Speaker, is it the regular order of the House for the gentleman to ignore the Speaker and to ignore the time limits and speak as long as he did?

Mr. MILLER of California. As did the gentleman when he just previously spoke. You were also told time expired, and you continued to speak.

The SPEAKER pro tempore. The rule of the House is the person speaking must cease speaking and his remarks are not transcribed when he is no longer under recognition. The gentleman is out of order.

Mr. LINDER. Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY) the Majority Whip of the House.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 6½ minutes.

Mr. DELAY. Mr. Speaker, I think we just got——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, we have jeering back here on this side. Can we get some order in the House?

The SPEAKER pro tempore. The House will be in order.

Mr. DELAY. Mr. Speaker, I hope the American people just saw that display, because what they saw is Big Brother on the prowl again, Big Brother government trying to stifle the American people once again, and they are not even satisfied with open and honest debate. They want the debate on their terms, voting up or down on their bills, and they do not want any amendments. Well, I look forward to having a vigorous and complete debate about the state of our campaign laws, the laws that the gentleman from California enacted around 1974.

Some believe that the laws that govern our elections are in such desperate shape that we should erect a huge government bureaucracy and sharply limit the ability of our citizens to participate through further spending limits; others believe that things are so serious that we need to scrap the First Amendment to the Constitution, the premier political reform in human history, and start all over with a new First Amendment that restrains the exuberance of the American electorate; and the president uses campaign finance reform as a way to distract the American people from his own campaign's shameless abuse of the campaign laws.

Well, Mr. Speaker, I do not think we need to throw the baby out with the bath water. We do not need to scrap the First Amendment simply because the Clinton campaign could not abide by our own current laws.

Some of my colleagues, with very good intentions in their hearts, have crafted legislation that would make our Founding Fathers turn in their graves. The Shays-Meehan approach is a direct assault upon the First Amendment. The Hutchinson bill is only slightly less offensive. I contend that these two bills will erect a Byzantine set of laws that will gag citizens' speech, and, as the ACLU has warned, not exactly one of my best supporters, but they have warned that this barrier would inevitably be analogous to barbed wire fences. No individual or group would try to scale it, unless they were willing to become ensnared in a complicated set of laws, whose penalties would inflict serious pain.

Now, attempts to regulate and to require disclosure of issue advocacy that has been talked about a lot here

through statute and through FEC regulation have repeatedly been declared unconstitutional by the Supreme Court and other lower Federal courts.

□ 2310

The Court has always viewed issue advocacy as a form of speech that deserves the highest degree of protection, strict scrutiny under the First Amendment. And that Court has not only been supportive, has not only been supportive of issue advocacy, it has affirmatively stated that it is untroubled by the fact that issue advertisements may influence the outcome of an election. In fact, in Buckley v. Valeo the Justices stated, and I quote, and it is a wonderful quote, ''The First Amendment denies government the power,'' denies big brother the power, ''to determine that spending to promote one's political views is wasteful, excessive, or unwise. In a free society ordained by our Constitution, it is not the government, but the people, the people, individually, as citizens and candidates and collectively, the people as associations and political committees, they are the ones who must retain control over the quantity and the range of debate on public issues in a political campaign.'' Not this House, not some bureaucracy, not the FEC, not even you. The people, something we forget about in this Chamber a lot.

Freedom of speech is the issue. My friends who support Shays and other bills to restrict freedom of speech will deny that any First Amendment issue is at stake.

Well, Mr. Speaker, the First Amendment is not a loophole. Freedom and reform are not mutually exclusive principles. They go hand-in-hand.

The First Amendment is not an idea that should be tossed aside like a piece of garbage. It is our first freedom. It is our most critical freedom. It is the First Amendment in America's premier political reform. We should be expanding freedom. We should be encouraging participation in the political process.

Now, many campaign reform proposals go in the other direction. They clamp down on freedom, they gag citizens, they restrict freedom. I believe that there are things we can do to improve our campaign laws. We should have full disclosure so that the American people have quicker and better access to the information that they need to make informed decisions. And the proposal of the gentleman from California (Mr. DOOLITTLE) to require that all campaign contributions be posted on the Internet I think is an excellent way to get full disclosure.

We should cut out the bureaucracy and the paperwork so that more of our citizens feel more comfortable about running for office. We should lift up campaign limits so that middle America can solicit the support that they need to run for office, not only rich people.

We should oppose any effort to give welfare to politicians, and I urge my colleagues to stand for freedom and join with me in protecting the First Amendment from further attack.

Ms. ESHOO. Mr. Speaker, I rise today in support of the Meehan-Shays Bipartisan Campaign Reform Act of 1998. This legislation bans soft money and prevents this ban from being circumvented by loopholes and exceptions.

Campaign finance reform is essential to restoring public confidence in not only the political system but our legislative process, as evidenced by a Wall Street Journal/Hart poll in which 68% of the people questioned said they believed the American political system is more influenced by special interest money than it was 20 years ago. But we don't need polls to tell us that the American people distrust the way that soft money has infiltrated this institution. All of us in this body have heard from our constituents, and they are clamoring for reform.

Mr. Speaker, those opposed to this legislation would have us believe that the bill is unconstitutional, that it would erode our First Amendment rights to free speech. H.R. 3256 does not impinge on our constitutionally guaranteed rights to free speech. What it does do, however, is strengthen the definition of the term ''campaign ad'', so that groups who pay to produce and broadcast these ads must adhere to federal election laws. Specifically, under the Meehan-Shays Bipartisan Campaign Reform Act, any ad run within 60 days of an election that features a clearly identified federal candidate is considered ''campaigning'' and will have to be paid for according to FEC guidelines.

This provision ensures that the public is fully aware of who is paying for these so-called ''issue advocacy'' ads. It would be applied evenly, to Republicans and Democrats, corporations and unions, individuals and organizations. Mr. Speaker, we have a limited number of legislative days remaining in the 105th Congress. We are well into the 1998 election cycle. H.R. 3256 is a reasonable and well-crafted bipartisan approach to an issue that the American people want this Congress to address as soon as possible.

Let's do the right thing, let's pass real reforms to the Congressional Campaign System.

Mr. LINDER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HANSEN). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The SPEAKER pro tempore. Pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 208, nays 190, not voting 35, as follows:

[Roll No. 186]

YEAS—208

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Buyer
Callahan
Calvert
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa

Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—35

Bateman
Berman
Boehner
Burr
Burton
Canady
Clement
Coburn
DeFazio
Deutsch
Foley
Gonzalez
Harman
Hefley
Herger
Johnson, Sam
Manzullo
Martinez
McCrery
McDade
Meeks (NY)
Oxley
Parker
Paul
Quinn
Scarborough
Shaw
Skaggs
Stark
Taylor (NC)
Torres
Towns
Waxman
Wicker
Yates

□ 2333

Ms. HOOLEY of Oregon changed her vote from ''yea'' to ''nay.''

Mr. PICKERING and Mr. KNOLLENBERG changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE HUMANITIES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. SESSIONS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and the Workforce:

To the Congress of the United States:

I am pleased to present to you the 32nd annual report of the National Endowment for the Humanities (NEH), the Federal agency charged with advancing scholarship and knowledge in the humanities. The NEH supports an impressive range of humanities projects advancing American scholarship and reaching millions of Americans each year.

The public has been enriched by many innovative NEH projects. These included a traveling exhibit, companion book, and public programming examining the history and legacy of the California Gold Rush on the occasion of its Sesquicentennial. Other initiatives promoted humanities radio programming and major funding for the critically acclaimed PBS series, ''Liberty! The American Revolution.''

The NEH is also utilizing computer technologies in new and exciting ways. Answering the call for quality humanities content on the Internet, NEH partnered with MCI to provide EDSITEment, a website that offers scholars, teachers, students, and parents a link to the Internet's most promising humanities sites. The NEH's ''Teaching with Technology'' grants have made possible such innovations as a CD–ROM on art and life in Africa and a digital archive of community life during the Civil War. In its special report to the Congress, ''NEH and the Digital Age,'' the agency examined its past, present, and future use of technology as a tool to further the humanities and make them more accessible to the American public.

This past year saw a change in leadership at the Endowment. Dr. Sheldon Hackney completed his term as Chairman and I appointed Dr. William R. Ferris to succeed him. Dr. Ferris will continue the NEH's tradition of quality research and public programming.

The important projects funded by the NEH provide for us the knowledge and wisdom imparted by history, philosophy, literature, and other humanities disciplines, and cannot be underestimated as we meet the challenges of the new millennium.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 21, 1998.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before recognizing Members for 5-minute special orders, the Chair will recognize 1-minute requests, but not beyond midnight.

TOBACCO LEGISLATION

(Mr. GOODE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODE. Mr. Speaker, there is legislation pending before both Houses of Congress that would raise the excise tax on tobacco products by $1.50 per pack. As a practical matter, these proposals result in a total tax increase of at least $500 billion over 25 years. This tax increase of a half trillion dollars will fall most heavily on the American working men and women. Those who make $30,000 per year pay 43 percent of the Federal tobacco tax burden.

□ 2340

The median income in the Fifth District of Virginia, which I represent, is less than $28,000 per year. In fact, if this excise tax of $1.50 per pack goes in, the Federal tax burden on the Virginia family in the Fifth District would be more than $500 per year, and that is a staggering tax increase for a family that is struggling to make ends meet.

HONORING FORMER SOUTH VIETNAMESE ARMY COMMANDOS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SANCHEZ. Mr. Speaker, 2 weeks ago the House Committee on National Security unanimously approved my amendment to honor and recognize the former South Vietnamese army commandos who were employees of the United States Government during the Vietnam War.

Today, the Members of this House had the opportunity to properly honor those brave men by supporting the Department of Defense authorization bill for fiscal year 1999.

Last year, the President signed into law legislation that I advocated to ensure that the United States Government honor a 30-year-old bad debt and pay these men who worked for the United States Government the wages they earned but were denied during the Vietnam War.

These individuals were trained by the Pentagon to infiltrate and destabilize communist North Vietnam.

Many of these commandos were captured and tortured while in prison for 15 to 20 years, and many never made it out.

Declassified DOD documents showed that U.S. officials wrote off the commandos as dead even though they knew from various sources that many were alive in Vietnamese prisons.

The documents also show that U.S. officials lied to the soldiers' wives, paid them tiny ''Death Gratuities'' and washed their hands of the matter.

For example, Mr. Ha Va Son was listed as dead by our Government in 1967, although he was known to be in a communist prison in North Vietnam. Today he is very much alive and well and living in Chamblee, GA. In my hand I hold the United States Government's official declaration of his death.

Because it was a secret covert operation, the U.S. Government thought they could easily ignore the commandos, their families, friends, and their previous contacts without anyone noticing.

As the Senior Senator from Pennsylvania said in a recent hearing, ''This is a genuinely incredible story of callous, inhumane, and really barbaric treatment by the United States.''

In the 104th Congress, this House approved legislation that required the Department of Defense to pay reparations to the commandos.

This bill would have provided $20 million to the commandos and their survivors, an average grant of about $40,000 per commando. It called them to be paid $2,000 a year for every year they were in prison, less than the wages they were due.

President Clinton signed this legislation into law (Public Law 104–201).

However, in April of 1997, the Department of Defense said that the statute was legislatively flawed and the Secretary could not legally make payments.

I then contacted Secretary Cohen requesting the administration's help to correct this error.

The administration responded by supporting inclusion of the funding in the Supplemental Appropriations Bill for fiscal year 1997 (Public Law 105–18)

Last year, I met at a public forum with 40 commandos from my district.

One individual shared with me his story of how he parachuted into enemy territory, was captured, convicted of treason, beaten, thrown into solitary confinement for 11 months, then moved among hard—labor camps for the next seven years.

His story is not unlike countless others. I request unanimous consent to insert into the record one story of this abuse headlined ''Uncommon Betrayal'' as reported by an Atlantia newspaper recently.

Today, however, I am pleased to provide this Body with this update.

To date, the Commando Compensation Board has been established at the Pentagon; 266 claims have been processed; 142 Commandos have been paid.

All this was made possible because of the commitment of this House.

After years of torture by the North Vietnamese, the callousness of being declared dead by the United States Government, and years of anguish over not receiving their rightful compensation—these brave men now deserve recognition.

The South Vietnamese Lost Army Commandos are finally a step closer to having the United States Government honor their contracts for their years of service to the United States Army.

I am proud that the members of the House had an opportunity to properly honor these brave men.

We can not bring those who perished back, but we can give these individuals the dignity and respect that's been so long overdue.

Who supports this resolution?

The State of California American Legion strongly endorses this amendment and I would like to submit the letter from the Department Commander Frank Larson into the RECORD.

In Commander Larson's letter dated May 1, 1998, he states, ''Ms. SANCHEZ: I'm sure if history were unfolded for all to see it would show that the South Vietnamese commandos, who aided the United States Government in covert actions against the North Vietnamese, were responsible for saving many American lives.''

It goes on to say: ''To that end, the same recognition due our soldiers, sailors, marines and airman involved in the Vietnamese Conflict should be afforded to the former South Vietnamese commandos, who so gallantly served and endured.''

It is also supported by: The Air Commando Organization; The Special Forces Organization.

American veterans who fought side by side with the Commandos, come to their defense in letters of support.

I would like to share with you what our soldiers have to say about the commandos.

This letter comes from a special forces NCO:

''Dear Sir: I had the opportunity to work with these men in which they not only risked their lives, but continually put themselves in harms way. * * * We are aware of terrible trials and conditions these men endured for so long and we would like to help * * *''

I would also like to take this opportunity to mention that last year, during POW/MIA recognition day, I had the opportunity to meet with several members of my veteran community.

I had the opportunity to speak with former POWs and family members whose loved ones were taken as prisoners or declared missing in action. Several of the veterans mentioned their support for the Commandos and urged that the Government honor its word.

Today, we gave these commandos what they really wanted, the distinction of honoring their service in the Vietnam War. And on behalf of the 40 commandos residing in the 46th Congressional District of California, I would like to thank the Members of this body for their commitment to honor and to recognize the former South Vietnamese army commandos.

Mr. Speaker, I submit for the RECORD a series of documents relating to these former South Vietnamese commandos.

UNCOMMON BETRAYAL

ABANDONED BY THE UNITED STATES, FORMER SOUTH VIETNAMESE COMMANDOS RISE FROM THE DEAD

On a moonlit night in May 1965, a large transport plane was flying low through the skies of northwestern North Vietnam on its way toward the town of Son La. Sitting nervously in the back of the plane was Team Horse, a group of five South Vietnamese commandos who were part of a covert CIA/Department of Defense (DOD) plan known as Operation Plan 34-Alpha (Oplan-34A). Team Horse was being parachuted in to reinforce the eight members of Team Easy, who had been deployed there in August 1963.

After making a first pass by the drop zone to release crates of supplies and a homing beacon, the plane circled around again and Team Horse parachuted out the back. Soon after hitting the ground the commandos knew their mission was a total bust. Soldiers from North Vietnam's Ministry of Public Security were waiting for them with rifles in hand. Even worse, Team Easy had been captured long ago, and the North Vietnamese had used that team's radio equipment to lure in Team Horse

The five commandos were tried and convicted of treason, and sent to prison. Only one, team leader Quach Nhung, would survive incarceration. After more than 20 years of hard labor in a Vietnamese prison, Nhung was released and immigrated to the United States in 1994. He is one of about 30 former South Vietnamese commandos involved in Oplan-34A who now live in the Atlanta metro area.

Recently declassified documents have revealed Oplan-34A to be one of the most tragic and disturbing aspects of the Vietnam War. ''When you read those documents, you want to cry,'' says Sedgwick Tourison, who used many of the papers to write Secret Army, Secret War—Washington's Tragic Spy Operation in North Vietnam. ''It's disgusting. We sold [those commandos] down the river and walked away, and we did it with such clean hands. And as I put in the book, nobody thought this would ever surface.''

Even Sen. Arlen Specter (R-Pa.), chairman of the Senate Select Committee on Intelligence, was shocked by the abuses. In a recent hearing on Capitol Hill, Specter said, ''This is a genuinely incredible story of callous, inhumane, and really barbaric treatment by the United States.''

A DOOMED OPERATION

From 1961 through the end of the decade, approximately 500 commandos separated into 52 small teams were sent into North Vietnam. Trained and funded first by the CIA, the operation was taken over by the DOD in 1964. At first, the teams were designed to gather intelligence, but their duties were later augmented to include psychological warfare and sabotage. Nearly of the commandos were either killed or captured almost immediately by the North Vietnamese, who had heavily infiltrated the operation with moles on the South Vietnamese side.

The entire operation was a failure, and documents now show that the CIA and the DOD knew that it was. Still, they continued to send commandos to their almost certain doom.

The United States' betrayal of the South Vietnamese commandos did not end there.

Once they had been captured, their families were notified not that they were prisoners of war or missing in action, but that they were dead. ''The Defense Department compounded that tragedy by simply writing off the lost commandos,'' Sen. John Kerry (D–Mass.) said during the recent Senate hearing. ''Drawing a line through their names as dead apparently in order to avoid paying monthly salaries [to the families].''

Says Tourison, who is the former Chief of Analysis in the Defense Intelligence Agency's office of POW/MIA affairs. ''It was money more than anything else. The bottom line was that we did not want to pay them any more. We were recruiting new guys and telling them that if anything happens we'll take care of you, and we never had any intention of doing that. And because of the moles the North Vietnamese had on the inside, they knew what we had done. And once they found out, that sent a message to Hanoi that we viewed the lives of those who serve for us as of no consequence.''

But the betrayal of the South Vietnamese commandos still did not end there.

Even though the United States knew many of them were in prison, nothing was ever done to get them out. As Kerry, himself a Vietnam War veteran, said at the hearing, ''After sending these brave men, on what by anyone's judgment were next to suicide missions, and after cutting off their pay, we then committed the most egregious error of all: We made no effort to obtain their release along with American POWs during the peace negotiations in Paris [in 1973]. As a result, many of these brave men who fought alongside us for the same cause spent years in prison, more than 20 years in some cases.''

The U.S. government is now trying to make up for its treatment of the commandos. On June 19, the Senate unanimously passed a bill that will pay the former commandos or their survivors $40,000 each, which basically amounts to an average of $2,000 back pay per year for an average of 20 years spent in prison.

Even though the commandos need the money and say they are looking forward to it, money cannot erase the past. ''Forty thousand dollars is nothing,'' says Nhung. ''No money can pay for my life.''

COMING TO AMERICA

Recently, three of the former South Vietnamese Oplan–34A commandos now living in the Atlanta area sit down to talk about their life during wartime and what moving to America has meant for them.

The site is the living room of a cramped apartment in an ersatz Colonial complex on a predominantly Asian stretch of Buford Highway just across the street from the Little Saigon strip mall. A group of happy, boisterous kids play on the landing. A strong odor of simmering soup rolls in from the kitchen.

Sitting around the table are Nhung, 52; Team Greco deputy commander Quash Rang, 58; and Team Pegasus leader Than Van Kinh, 67. Acting as interpreter is Ha Van Son, who had been part of a similar operation, Oplan–35. Son was imprisoned for 19 years and was also declared dead to his family by the United States. Members of his operation are also being considered for compensation in the Senate bill.

The men smoke almost constantly and emit a feeling of haggard world—weariness. They are all dressed similarly, in Oxford shirts and polyester slacks, and each has salt-and-pepper hair slicked down and parted to the side. When asked why they joined on with Oplan–34A, the answer comes quickly and not without some measure of incredulity.

''Because everybody wanted to fight against the communists,'' says Son, speaking for the group ''Nobody fight with any other reason.

Tourison's book is filled with wrenching stories of commandos being starved and tortured while in prison, and the experiences of these men were equally brutal. ''All of us were treated very, very badly,'' says Son. ''All of us were shackled and put in a small cell for a long time. After that they take us to a big room where we concentrate with everybody. But they give us only a little of rice a day. Sometime no rice, but yellow corn. But the corn that's used for animals, not for man.''

Even today, many of the commandos still suffer physically from their time spent in North Vietnamese prisons. ''When we got tortured, everybody has a problem in their body,'' comments Son. ''Like Than Van Kinh, all his teeth was broken out.'' With that cue, Kinh opens his mouth wide and taps his dentures with a finger. ''And my leg sometimes is paralyzed. Everybody is like that in the winter. Sometimes we get pain and hurt in the knee and in the body. You see the outside is good [i.e., they look fine from the outside], but inside sometimes from the fall to winter, if the weather changes, everybody gets pain.''

When they were released from prison, their lives improved little. Because they were branded as traitors in Vietnam, it was hard to get work. ''It was very, very difficult because when we go to apply for a job in Vietnam, the Vietnamese communists check and they know that this was a spy commando,'' says Son. ''So that everybody has to go to work as a farmer, and some drive a three-wheeled motorcycle in Saigon.''

Tourison maintains that U.S. policy toward the commandos has ruined more than just their own lives. ''In Vietnam, they are largely excluded from all legal forms of employment,'' he explains. ''Because of that, the children normally have to cut their education short to engage in child labor to support their parents. We have visited the sins on three generations. The older couples, their children, and their grandchildren.''

In Atlanta, some of the commandos are retired, but most are employed in various jobs. For example, Nhung works in a factory that manufacturers containers, Son is a sales and leasing consultant at an auto dealership, and Rang and his wife own a beauty salon in Duluth—aptly named American Nails.

Remarkably, the commandos harbor less anger toward the United States than one might expect. ''My friend Quach Nhung say, everybody still have a little anger with the leaders who betrayed us, but we know that they are not the representatives of U.S. government right now, they are not the American people,'' says Son, speaking for his comrade. ''Of course, everybody get angry, but we have to talk with the American people and the American government to [let them] know about the facts of history. We think we have to fight for justice.''

Son has been informed that the commandos should receive their back pay from the United States in about 18 months. When they receive those funds, the commandos plan to pool their resources. ''In Atlanta, we have about 30 commandos,'' explains Son. ''[We] will establish a joint venture corporation and maybe we will do a business like a Vietnamese market and everybody will work for our company, every commando and their family. And we think that corporation may develop for the commandos' children's future and take care of the old.''

By combining the money they will get from the U.S. government, the commandos will have a substantial amount to work with. However, Son admits that when Americans learn what happened to them and how much the government is planning on compensating the commandos, many of them are appalled. ''American people, they say, you are worth $4 million, not $40,000,'' says Son. ''That's very cheap. It's a little bit.''

LET'S SCREW THEM AGAIN

Even though life seems to be on the upswing for the commandos, there are still a few snags. Some of the commandos, including Than Van Kinh, have had problems bringing their families to this country. His wife and son have been denied entrance.

''His wife was denied with no reason,'' says Son, translating Kinh's words. ''We were very surprised because his wife was waiting for him from the time he was captured in North Vietnam.''

Tourison also expresses exasperation that Kinh's wife was denied immigration. ''Over the last 35 years, Than Van Kinh has spent maybe five or six years with his wife out of all of his adult life,'' he says. ''This is a woman who worships the ground this guy walks on. They've been married since the 1950s, and these sons of bitches [in the Immigration and Naturalization Service], with a stroke of the pen say, 'Well we just don't believe she's your wife.' What are you going to do at that point? That's just so damn cruel.''

There are also some 70 former still in Vietnam, some of whom have found getting less than easy.

''This is a relatively small community of people who paid a higher price than anyone who served us during the war,'' says Tourison. ''Unfortunately, the State Department and the INS give them absolutely no priority. What that means is that when they submit papers to the embassy in Bangkok applying to depart Vietnam or they get a request for more documents, it can take six months to a year until someone acts on it. And you know what happens?

''They die. I have gotten letters from commandos, and then six months later while they are waiting for an answer from the embassy in Bangkok, they die. It tears me apart every damn time that happens because it is so fundamentally wrong and so fundamentally counter to our own values. They were first in prison, last out, and let's screw them again.''

As the former commandos wait for their payment from the United States, as they wait for other comrades and stranded family members to join them, they say they are enjoying their lives in America but have not forgotten their homeland. ''Of course we miss Vietnam,'' says Son. ''And everybody, except Mr. Kinh, who is too old, every commando thinks if we get a start on an organization, if we have weapons and we have [money], we want to go back to Vietnam to fight with the communists again.

''My friend Quach Nhung, he say, of course now I like it in America, it is better than in Vietnam, but because we have sacrificed for our country and for freedom, we did not like to see the Vietnamese communists take over. We want Vietnam to be a country with freedom, human rights, and democracy.''

THE AMERICAN LEGION,
DEPARTMENT OF CALIFORNIA,
San Francisco, CA, May 1, 1998.

Hon. LORETTA SANCHEZ,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE SANCHEZ: Be it war, police action or a conflict, everyone who participates puts certain things at risk. Mainly, their freedom, fortune and happiness—but for a cause. It is unfortunate that the turn of events which led to the culmination of the Vietnam Conflict are recorded as they are in history. But the cost of war does not necessarily stop with the signing of a peace agreement.

There are other residual costs that should be attended to. These costs are defined as recognition of those who served as our allies—those who believed in our causes, crossed the line and committed to the United States government. I'm sure if history were unfolded for all to see it would show that the South Vietnamese commandoes, who aided the United States government in covert actions against the North Vietnamese, were responsible for saving many American lives.

To that end, the same recognition due our soldiers, sailors, marines and airmen involved in the Vietnamese Conflict should be afforded to the former South Vietnam commandoes, who so gallantly served and endured.

Sincerely,

FRANK C. LARSON,
Department Commander.

DEATH GRATUITY

15 SEPT, 1967.

I, Ha Van Cau TD# 06935, received from Liaison Bureau the amount of 61,200 $VN for the death of Ha Van Son, son who was killed while on duty with FOB#1 Phu Bai. The above amount is paid as survivors death benefits.

This payment reflects full settlement of death gratuity and the United States Government is hereby released from any future claims arising from this incident.

Pay computation: 5,100 Monthly Pay12 Months = 61,200.

15 SEPT, 1967.

(Name of Employee) Ha Van Son.

(Pay Level and Step) EF–1.

(Number of Dependents) NONE.

(Date Employed) 30 May 1967.

(Date Separated) 2 Sept. 1967.

Reason for Separation: Deceased.

Period for which pay is computed: From 1 August to 2 September 1967.

Base pay: 169 (Daily) 33 (Days Worked) = Base pay due: 5,677$.

Other: Operational mission pay. 150 3 Days = 450 $VN

Total pay due on separation: 6,027$.

I have received the amount of 6,027$ which represents the total of all pay and allowances due me upon the termination of my employment.

HA VAN CAU (F)
(Signature of Employee)

CAUTION REGARDING TOBACCO LEGISLATION IS URGED

(Mr. HEFNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFNER. Mr. Speaker, there is legislation in both bodies of this Congress that would place an excise tax which I think is very punitive and does not serve the purpose that I believe that we should be doing.

I do not believe that anyone wants to support children smoking. Certainly from the time I was a small child, my father always talked to me about how not to smoke; that it was not good for my health. I do not think there is any argument about that.

But we have farmers all over this country that depend upon tobacco for their livelihood, and they have made investments, they have borrowed money against the allotments on their farms. So any legislation that passes this House should take into consideration the hardships that it could put on the hundreds of thousands of farmers all over this country that depend on tobacco for their livelihood.

I would urge every Member of this House to be very cautious before we enter into any legislation that affects the tobacco farmer.

PUNITIVE PROPOSALS REGARDING TOBACCO LEGISLATION IS AFFRONT TO FAIRNESS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I plead for sanity in this tobacco debate. The punitive proposals before Congress are an affront to fairness.

These proposed tax increases will devastate farmers who have done absolutely nothing wrong. Excise tax increases are regressive and fall hardest on the people who can least afford to pay. These tax increases could be as much as $900. They would wipe out the child tax credit that was passed last year and take two-thirds of the tax relief we have put in place for HOPE scholarships, and it is one of the largest tax increases ever. I was not elected to raise taxes on the 50 million people in America.

If we can protect farmers, and we certainly ought to stop children from smoking and provide the opportunity for that, and have a balanced agreement that reduces the litigation, protects farmers, and curbs teen smoking, I can support a responsible increase in prices. However, responsibility and balance has been abandoned. Tobacco litigation is no longer about responsibly reducing teen smoking, it is about punishment, and we must return to sanity and a fair debate on this bill and stop this shameful political posturing.

HEFTY AND REGRESSIVE TAX BILL BEING PUSHED

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, if any legislative body in the world should stand up for families, it is the United States Congress.

Suddenly, in a mad rush to pursue political agendas, this body has nearly forgotten a certain group of families who, since the very beginning days of this Nation, have known for generations tobacco production as a way of life; a way of life that pays their bills, that helps build their communities' schools and hospitals and roads, and provides a way for thousands of hard working farmers throughout the Southeast to support their families.

Just a short while ago those farmers left their fields, after a full day of tending their crops, and right now, at this moment, they are wondering if they have any future.

Suddenly a hefty and regressive tax is being pushed that will hit hardest those in low- and middle-income brackets. Will families be first or last in this tax-and-spend agenda that will destroy the livelihood of honest working people?

May God help this body if it turns its back on the farmers, their families and their communities.

THE CLINTON NOMINEE FOR AMBASSADOR TO LUXEMBOURG

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, James Hormel, President Clinton's nominee for the ambassadorship of Luxembourg, is a businessman, a diplomat, a former dean of the University of Chicago law school, a one-time delegate to the United Nations' Human Rights Commission and a philanthropist.

He has wide bipartisan support from Senators JOSEPH BIDEN to ORRIN HATCH, as well as Secretary of State Madeleine Albright, and even Alice Turner, Hormel's ex-wife. The Senate Committee on Foreign Relations has also approved his nomination. But he has not been able to get through the other body in terms of confirmation. And the reason is, Mr. Speaker, Hormel is gay.

I say it is time now to treat Americans as Americans, to end the vicious discrimination against gays and lesbians in this Nation. That is why we must pass the Employment Nondiscrimination Act to eliminate discrimination against gays and lesbians in the workplace.

Mr. Speaker, no one is asking for any more benefits than any other citizen of the United States. We all are created equal. This is a shame and a travesty that this qualified gentleman cannot be approved and affirmed to be the ambassador of Luxembourg. We need to end discrimination now against gays and lesbians.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SESSIONS). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each until midnight.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HUTCHINSON) is recognized for 5 minutes.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Arkansas.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

TRIBUTE TO CAPTAIN MICHAEL X. HARRINGTON

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to pay tribute to an outstanding law enforcement official who the public could always count on. Port Authority Police Captain Michael X. Harrington holds a record that would make even Cal Ripken envious. While the Baltimore Orioles shortstop was honored for playing 16 years without calling in sick, he has a long way to go to match Captain Harrington.

On May 15, Captain Michael Harrington retired from the Port Authority of New York and New Jersey after 43 years of service without ever missing a day of work.

When Captain Harrington began walking a beat for the Port Authority, Cal Ripken was not even born, the Dodgers were in Brooklyn, and there were just 48 States.

During his career, Captain Harrington outlasted eight U.S. Presidents, the Soviet Union, the Cold War and numerous fads, from coonskin caps to mood rings.

Mr. Speaker, the fact that Captain Harrington never missed a day's work is even more remarkable when we consider some of the obstacles he had to overcome. He found his way to work through blizzards, floods, hurricanes, blackouts and even riots. He did not let colds, or fevers above 102, injuries he sustained on the job, or even a broken wrist prevent him from doing his duty.

Throughout his distinguished career, Michael Harrington rose from patrolman to the rank of captain. Along the way he received numerous awards and commendations.

Through the years, he was commanding officer of a number of Port Authority transportation facilities, including the Lincoln Tunnel, the Holland Tunnel, the George Washington Bridge, Newark International Airport, and PATH.

At one point, he was in the incredibly demanding role of serving as commander of the Lincoln and Holland Tunnels, as well as the George Washington Bridge, all at the same time.

□ 2350

When we ask Captain Harrington who instilled in him the importance of hard work, he will tell us it was his father. Cornelius Harrington worked for more than 40 years as an operating engineer for Standard Oil of New Jersey; and, like his son, he never missed a day of work.

There is far more behind Captain Harrington's exceptional career than just an example of his father's setting. His uncompromising devotion to his job is a tribute to his own sense of duty to the public and the unwavering support of his wife of more than 40 years, Illene.

Mr. Speaker, I am sure I speak for all Members of the House when I thank Captain Harrington for his 4 decades of service to the community and wish him all the best in his retirement years. I cannot think of anyone who is more deserving of a relaxing and an enjoyable retirement.

TEEN PREGNANCY PREVENTION MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, the month of May is Teen Pregnancy Prevention Month.

Teen pregnancy is a condition that can be prevented. But prevention is difficult for most Americans.

Parents must stop thinking that we cannot talk about sexual topics until children are older because kids are too young or will be too embarrassed.

Conversations need to start early because teens start early, TV starts early, and society starts early.

It is easier to find televised debates on abortion, gun control or affirmative action than it is to find a discussion about teen pregnancy prevention.

Our society likes issues that can be squeezed into ideological formats between commercial breaks. For many years the teen pregnancy prevention debate fit nicely into that televised ideological format.

There is no easy answer. Abstinence only was held by some. Abstinence is indeed the first and the best position for teens. Others thought contraceptive education was the major answer.

While this debate went on, in the late 1980s and early 1990s, the pregnancy rates continued to rise and people on both sides of this debate grew weary.

Many thoughtful leaders engaged and developed new programs that combine strong emphasis on abstinence, especially for teen 16 and younger, with counseling on contraception.

Teens need the knowledge and skills to avoid sex if they are not ready . . . they need to know that it is okay to say no.

And teens who are sexually active need knowledge on how to use contraception to avoid pregnancy and sexually transmitted diseases.

Recent studies confirm that it is important for teens to hear both messages . . . abstinence and contraception . . . which is known as a dual message.

The idea is that teaching clear values is essential to helping teens avoid early sexual activity and pregnancy; but contraceptive advise is needed as a backup.

I agree with University of Maryland professor William Galston who said: "contraceptive technique without values gets you no where, but values without a safety net is a risky business."

According to the May 1, 1998 report just released, by the U.S. Department of Health and Human Services, teen birth rates declined substantially nationwide between 1991 and 1996.

These recent declines reverse the 24 percent rise in the teen birth rate from 1986 through 1991. The report, which focused sole on teenage childbearing, between 1991 and 1996, reveals that teen birth rates declined for white, black, American Indian, Asian or Pacific Islander and Hispanic women between ages 15 and 19.

The latest state by state data, from 1995 shows that teen birth rates have declined in all 50 states and the District of Columbia.

The preliminary U.S. teen birth rate for 1996 was down 4 percent from 1995 and 12 percent from 1991.

This shows that our concerted effort to reduce teen pregnancy is succeeding.

The federal government, the National Campaign to Prevent Teen pregnancy, the private sector, parents and caregivers are all helping send the same message:

Don't become a parent until you are truly ready to support a child.

However, teen birth rates are higher today than in the mid 1980s, when the rate was at its lowest point.

It is critical that our nation continue to take a clear stand against teen pregnancy.

We have to instill in the total population that this is a problem to be solved by the whole community.

Mr. Speaker, we must all be engaged in this effort.

TRIBUTE TO IRVING E. ROGERS, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I rise tonight to pay tribute to one of the Nation's great newspaper publishers, Irving E. Rogers, Jr., who passed away this morning at age 68. Mr. Rogers and his family have owned the Eagle-Tribune in Lawrence, Massachusetts, for 100 years, and it remains one of the last local family-owned newspapers in America.

Mr. Rogers was a successful businessman, a tireless advocate for his readers and his community, a generous philanthropist, a devoted friend and, above all, a dedicated family man. His passing will be mourned by all those who have benefited from his wisdom, good works, and adherence to the highest standards of journalism. The people of Greater Lawrence and the Merrimack Valley and the institutions that make it a great place to raise a family and run a business have lost a true champion and a giant of a man.

Born in Lawrence in 1929 and raised in North Andover, Mr. Rogers was educated at the Admiral Billard Academy in New London, Connecticut; Norwich University in Northfield, Vermont; and the Bently School of Accounting in Boston before joining the family newspaper business. He was the third generation of the Rogers family to run the Eagle-Tribune.

After 22 years as general manager of the newspaper, he was named publisher on August 29, 1982, by his late father Irving E. Rogers, Sr. This was 40 years to the day after the senior Rogers had been named publisher by his father, Scottish immigrant Alexander H. Rogers, who bought the two newspapers that became the Eagle-Tribune in 1898.

Today, Mr. Rogers' son, Irving E. ''Chip'' Rogers, III, carries on the family's proud tradition for a fourth generation of the newspaper's general manager. It is not an accident the Eagle-Tribune has been recognized as one of the best regional newspapers in the country. This is the result of Mr. Rogers' commitment to excellence in journalism and in maintaining the Eagle-Tribune as a family-owned newspaper that knows and cares about its community and covers it aggressively and fairly.

He received the highest honor in journalism when the Eagle-Tribune won in 1988 the Pulitzer Prize for general news reporting for its probe of the Massachusetts prison furlough program. Under his leadership, the newspaper was also a finalist for two other Pulitzer Prizes during this decade for an exposé on corruption by former hockey czar R. Alan Eagleson and coverage of the devastating fire that destroyed Malden Mills and the heroic effort to rebuild the plant in the heart of Lawrence's poorest neighborhood. The Eagle-Tribune has also been named New England Newspaper of the Year 13 times.

While winning awards every year for quality reporting and public service, Mr. Rogers was also making business decisions that allowed the Eagle-Tribune to remain in family hands at a time when publications across the country were being taken over by chains and corporations. He purchased the Andover Townsman, moved into New Hampshire when he bought the

Derry News, and recently negotiated the purchase of the Haverhill Gazette.

When the Eagle-Tribune outgrew its original headquarters in downtown Lawrence, he opened a modern plant in North Andover and became a pioneer in the use of photos, color graphics, and bold newspaper design, while insisting that his newspaper maintain traditional standards of fairness and language.

He was devoted, generous, and always available to his 400 employees. When the newspapers of New England were hit by a brutal recession in the early 1990s, advertising revenues declined and newsprint costs soared. Mr. Rogers was a rarity. He never issued a layoff notice.

He also showed an unwavering commitment to his private charity. He was a generous benefactor to so many important institutions in the Merrimack Valley led by the Rogers Family Foundation: the Lawrence Boys and Girls Club, Merrimack College, the United Way, Holy Family Hospital, Lawrence General Hospital, St. Mary's Church, the American Cancer Society, St. Michael's Church, and countless other community organizations. Every year, the Eagle-Tribune Santa Fund provides hundreds of thousands of dollars for the needy at Christmas.

Mr. Rogers was a friend to presidents and governors and leaders of industry. Despite his great influence, he was an unassuming man. He walked his dog every morning, he lunched at the Lantern Brunch in Andover, and fished off Seabrook Beach and Gloucester. His priority was always his wife Jacqueline and children Chip, Debbie, Marty and Steve, along with his grandchildren, and the nieces and nephews left by his brother, Allan B. Rogers, a former Eagle-Tribune editor who died in 1962.

Mr. Speaker, I am proud to have known Irving Rogers as a friend and admired him as a leader in our community. My wife Ellen and I extend our deepest sympathies to him and his family.

1990 CENSUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, last week the Subcommittee on the Census held a hearing on the 1990 census, and once again, the record is full of mistakes. Let me, once again, put the facts on the table so that Congress can make its decisions on what really happened.

Some of the errors at the hearing are because most of the members and staff on the Republican side are new to the issue, and get confused about which facts apply to 1990 and which to previous censuses. Some of the errors occurred because two of the three statisticians who testified had no previous experience with the census undercount issue. It is often useful to get fresh minds to think about a problem, but in this case it also resulted in people making statements when they did not have the facts to support their position.

At last week's hearing the statement was made that in 1990 50 percent of the undercount came from problems in the address list. That is wrong. The facts are that in 1990 70 percent of those missed were in households that were counted, and the address list was 97.5 percent accurate.

One of the witnesses criticized the Post Enumeration Survey because it put more people into the census than other methods said were missing. That too is wrong. The problem with the Post Enumeration Survey in 1990 was that despite the Census Bureau's best efforts, it will missed people. In 1990 the Post-Enumeration Survey showed that the census net undercount was 1.6 percent, while the Census Bureau's Demographic Analysis, which they have done since 1940, showed an undercount rate of 1.8 percent.

Finally, one witness said that after the 2000 census there would be no Demographic Analysis. That is just wrong.

These are not all of the mistakes made at that hearing, but they do illustrate the point that new-comers to this issue are having a hard time understanding the facts. What I find more troubling is the intentional misrepresentation of information.

At last weeks hearing the majority tried to suggest that the 1990 census was actually better than the 1980 census. To do that they took the measure of the undercount of Blacks from Demographic analysis in 1980 and compared it to the Post Enumeration Survey estimate of undercount for Blacks for 1990. I would hope that our Subcommittee Chairman is a good enough statistician to know that is wrong. In 1980, Demographic Analysis shows that the undercount of Blacks was 4.5 percent. In 1990 it was 5.7 percent. The Post Enumeration Survey shows a lower undercount for Blacks because even after the Census Bureau's best efforts, the survey still misses some people.

Unfortunately, it wasn't bad enough that the majority tried to minimize the fact that the census misses millions of poor and minorities. What they are really concerned about is that the Census Bureau may take out the millions of people who are counted twice. On the one hand they are saying that they don't care that millions of Blacks, and Hispanics and Asians and the poor are left out of the census. At the same time they are saying, don't you dare take out any of those white suburbanites who were counted twice in my district.

Following the 1990 census, there was a broad and bipartisan consensus that we had to find a better way to conduct the census—to improve the accuracy of the counts and to control the cost. For several years, while experts toiled over alternative methods and the Census Bureau threw its energies into research, Republican in Congress paid little attention. In fact, the appropriators kept prodding the Census Bureau to move more quickly to develop a plan for a better census.

It was not until consultants working for the Republican National Committee decided that the use of sampling methods to help fix the problem of undercounting might hurt Republicans in the redistricting process that the party leaders stood up and took notice. All of a sudden, scientific methods that the National Academy of Sciences, the General Accounting Office, and the Commerce Department's Inspector General had recommended a few years earlier, were no good. They were ''unscientific'' according to a report pushed through by the majority of the Government Reform Committee. All of a sudden, the National Academy of Science was politically biased, and the Census Bureau incapable of conducting a census. Even the Speaker of the House changed his position on the issue. In 1991 he supported adjustment. In 1996 he did a 360 degree turn around.

Now, I ask you: Is there any basis for the strong and sudden opposition to the use of scientific sampling methods in the 2000 census among Republicans, other than their concern that a more accurate count of African Americans and Hispanics and Asian Americans and poor people might somehow work to their disadvantage when political district boundaries are drawn.

Let's not try to fool the American people with talk about the efficacy of choosing this post-stratification variable or that. All of this minutiae is meant to do one thing only: to confuse the American people, to make them think the Census Bureau isn't capable of honest, to undermine public confidence in the entire census process. All because Republican leaders believe that their hold on political power will slip if the census more accurately reflects the true composition of our diverse population.

How utterly irresponsible! How utterly devoid of any shred of moral imperative. I ought to be angry or outraged. Instead I am genuinely saddened. Saddened because one of the most fundamental activities of our democratic system of governance is being belittled and diminished for partisan political advantage. The census and the Census Bureau may forever be tarnished by this organized effort to tear down the messenger because some people don't like the message.

This is a sad day and a low point for this Congress. I hope my Republican colleagues will look within themselves before they continue on their campaign of terror against science in general, and the Census Bureau in particular. I hope they will decide if they really want to live with the consequences of their plan to ensure that the 2000 census will continue to miss millions of people and that the Census Bureau will be diminished in the eyes of the public.

AGRICULTURAL TRADE MEASURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for the remaining time until midnight.

Mr. MORAN of Kansas. Mr. Speaker, today I rise to support additional trade measures important to the agriculture community.

On Tuesday of this week, just several days ago, I outlined broad trade issues that need to be addressed for U.S. farmers and ranchers. These include opening new markets, using our existing trade tools, and removing damaging sanctions that penalize the American producer.

Tonight I would like to cite a specific example of where our trade tools and policy should be used. The U.S. wheat gluten industry has a long-standing battle with the European Union regarding the EU's excessive subsidies and market-distorting trade barriers.

After several devastating years after which European imports rose substantially, the gluten industry took their case to the International Trade Commission, claiming that there had been substantial damage to the industry as a result of subsidized imports.

Following the presentation of evidence from both sides, the ITC ruled unanimously in favor of the U.S. gluten producers and recommended specific remedies that the U.S. should implement. These recommendations are now before President Clinton, who ultimately must decide whether or not to fight this fight for U.S. agriculture.

The decision before the President regarding the implementation of these GATT legal remedies is important not only for the wheat gluten industry but for all of agriculture. When Members of Congress, when I am asked to decide how to vote on the fast track, on MFN, or other trade-related legislation, I need assurance, we need assurance that our current trade problems under existing agreements will be aggressively pursued by the administration.

Mr. Speaker, I urge the President of the United States to act on behalf of American agriculture and to enforce the recommendations of the ITC for the wheat gluten industry.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 12:15 a.m.

Accordingly (at 11 o'clock and 59 minutes p.m.), the House stood in recess until approximately 12:15 a.m.

□ 0015

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 12 o'clock and 15 minutes a.m.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO THE SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–547) on the resolution (H. Res. 445) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION DISPOSING OF THE CONFERENCE REPORT ON S. 1150, AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION REFORM ACT OF 1998

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–548) on the resolution (H. Res. 446) disposing of the conference report to accompany the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SAM JOHNSON of Texas (at the request of Mr. ARMEY) for today after 3:00 p.m. and for the balance of the week on account of attending the 25th National Reunion of American Prisoners of War.

Mr. WICKER (at the request of Mr. ARMEY) for Today after 3:30 p.m. and for the balance of the week on account of attending daughter's high school graduation.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 7:30 p.m. on account of physical reasons.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today after 8:30 p.m. And the balance of the week on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SERRANO) to revise and extend their remarks and include extraneous material:)

Mr. MEEHAN, for 5 minutes, today.
Mr. EDWARDS, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.
Mr. MOLLOHAN, for 5 minutes, today.
Mr. FILNER, for 5 minutes, today.
Mr. COYNE, for 5 minutes, today.
Ms. SANCHEZ, for 5 minutes, today.
Mr. FALEOMAVAEGA, for 5 minutes, today.
Mrs. CAPPS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Ms. WATERS, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:

Mr. EHRLICH, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, today.
Mr. ISTOOK, for 5 minutes, today.
Mr. BRADY of Texas, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SERRANO) and to include extraneous matter:)

Mr. MENENDEZ.
Mr. PAYNE.
Mr. KIND.
Ms. NORTON.
Mr. HALL of Ohio.
Mr. MILLER of California in two instances.
Mr. NEAL.
Mrs. CAPPS.
Mr. MURTHA.
Ms. KAPTUR.
Mr. KANJORSKI.
Mr. MCGOVERN.
Mr. UNDERWOOD.
Mr. STARK.
Mr. THOMPSON.
Ms. BROWN of Florida.
Mr. CONDIT.
Ms. LOFGREN.
Mr. TOWNS.
Mr. DEFAZIO.
Ms. HARMAN.
Mr. KUCINICH.
Mr. ABERCROMBIE.
Ms. STABENOW.
Mr. SABO.
Mr. SHERMAN.

(The following Members (at the request of Mr. MORAN of Kansas) and to include extraneous matter:)

Mr. MCKEON.
Mr. BEREUTER.
Ms. DUNN.
Mr. SAM JOHNSON of Texas.
Mr. GOODLING.
Mr. CUNNINGHAM.
Mr. OXLEY.
Mr. MCKEON.
Mrs. ROUKEMA.
Mr. GALLEGLY.
Mrs. MORELLA.
Mr. EWING.
Mr. BRADY of Texas.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

H.R. 3301. An act to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 3301. An act to amend chapter 51 of title 31, United States Code, to allow the Secretary of the Treasury greater discretion with regard to the placement of the required inscriptions on quarter dollars issued under the 50 States Commemorative Coin Program.

H.R. 2472. An act to extend certain programs under the Energy Policy and Conservation Act.

ADJOURNMENT

Mr. MCINNIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 17 minutes a.m.), the House adjourned until today, Friday, May 28, 1998, at 9 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 State. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 105th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable RICHARD A. BRADY, First Pennsylvania.

NOTICE OF DECISION TO TERMINATE RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, May 12, 1998.

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

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (''CAA''), 2 U.S.C. §1383, I am issuing the enclosed Notice of Decision to Terminate Rulemaking. This Notice announces the termination of a proceeding commenced by a Notice of Proposed Rulemaking and a Supplementary Notice of Proposed Rulemaking published in the Congressional Record on October 1, 1997 and January 28, 1998, respectively.

I would appreciate it if you would have this enclosed Notice of Decision to Terminate Rulemaking published in the Congressional Record.

Sincerely yours,

RICKY SILBERMAN
Executive Director

Enclosure.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

NOTICE OF DECISION TO TERMINATE RULEMAKING

Summary: On October 1, 1997, the Executive Director of the Office of Compliance published a notice in the Congressional Record proposing, among other things, to extend the Procedural Rules of the Office to cover the General Accounting Office and the Library of Congress and their employees with respect to alleged violations of sections 204–207 of the Congressional Accountability Act of 1995 (''CAA''). These sections apply the rights and protections of the Employee Polygraph Protection Act, the Worker Adjustment and Retraining Notification Act, and the Uniformed Services Employment and Reemployment Act, and prohibit retaliation and reprisal for exercising rights under the CAA. The notice invited public comment, and, on January 28, 1998, a supplementary notice was published inviting further comment. Having considered the comments received, the Executive Director has decided to terminate the rulemaking and, instead, to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments.

Availability of comments for public review: Copies of comments received by the Office with respect to the proposed amendments are available for public review at the Law Library Reading Room, Room LM–201, Law Library of Congress, James Madison Memorial Building, Washington, D.C., Monday through Friday, between the hours of 9:30 a.m. and 4:00 p.m.

For further information contact: Executive Director, Officer of Compliance, Room LA 200, John Adams Building, 110 Second Street, S.E., Washington, D.C. 20540–1999; telephone (202) 724–9250 (voice), (202) 426–1912 (TTY). This Notice will be made available in large print or braille or on computer disk upon request to the Office of Compliance.

Supplementary Information:

The Congressional Accountability Act of 1995 (''CAA''), 2 U.S.C. §1301 *et seq.*, applies the rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 of the CAA explicitly cover the General Accounting Office (''GAO'') and the Library of Congress (''Library''). These sections apply the rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), the Worker Adjustment and Retraining Notification Act (''WARN Act''), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA'').

On October 1, 1997, the Executive Director of the Office of Compliance (''Office'') published a Notice of Proposed Rulemaking (''NPRM'') proposing to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of proceedings involving alleged violations of sections 204–206, as well as proceeding involving alleged violations of section 207, which prohibits intimidation and retaliation for exercising rights under violations of section 207, which prohibits intimidation and retaliation for exercising rights under the CAA. 143 Cong. Rec. S10291 (daily ed. Oct. 1, 1997). The Library submitted comments in opposition to adoption of the proposed amendments and raising questions of statutory construction. On January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking (''Supplementary NPRM'') requesting further comment on the issues raised by the Library. 144 Cong. Rec. S86 (daily ed. Jan. 28, 1998). Comments in response to the Supplementary NPRM were submitted by GAO, the Library, a union of Library employees, and a committee of the House of Representatives.

The comments expressed divergent views as to the meaning of the relevant statutory provisions. The CAA extends rights, protections, and procedures only to certain defined ''employing offices'' and ''covered employees.'' The definitions of these terms in section 101 of the CAA, which apply throughout the CAA generally, omit GAO and the Library and their employees from coverage, but sections 204–206 of the CAA expressly include GAO and the Library and their employees within the definitions of ''employing office'' and ''covered employee'' for purposes of those sections. Two commenters argued that the provisions of sections 401–408, which establish the administrative and judicial procedures for remedying violations of sections 204–206, refer back to the definitions in section 101 ''without linking to the very limited coverage'' of the instrumentalities in sections 204–206, and therefore do not cover GAO and the Library and their employees. However, two other commenters argued to the contrary. One stated that, because employees of the instrumentalities were given the protections of sections 204–206, ''the concomitant procedural rights'' of sections 401–408 were also conferred on them; and the other commenter argued that construing the CAA to grant rights but not remedies would defeat the stated legislative purpose, ''since a right without a remedy is often no right at all.'' The four commenters also expressed divergent views about whether GAO and the Library and their employees, who were not expressly referenced by section 207, are nevertheless covered by the prohibition in that section against retaliation and reprisal for exercising applicable CAA rights.

Having considered that the comments received express such opposing views of the statute, the Executive Director has decided to terminate the rulemaking without adopting the proposed amendments and, instead, to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments.

In light of the statutory questions raised, it remains uncertain whether employees of GAO and the Library have the statutory right to use the administrative and judicial procedures under the CAA, and whether GAO and the Library may be charged as respondent or defendant under those procedures, where violations of sections 204–207 of the CAA are alleged. The Office will continue to accept any request for counseling or mediation and any complaint filed by a GAO or Library employee and/or alleging a violation by GAO or the Library. Any objection to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408 of the CAA. Furthermore, the Office will counsel any employee who initiates such proceedings that a question has been raised as to the Office's and the courts' jurisdiction under the CAA and that the employee may wish to preserve rights under any other available procedural avenues.

The Executive Director's decision announced here does not affect the coverage of GAO and the Library and their employees with respect to proceedings under section 215 of the CAA (which applies the rights and protections of the OSHAct) or *ex parte* communications. On February 12, 1998, the Executive Director, with the approval of the Board, published a Notice of Adoption of Amendments amending the Procedural Rules to include such coverage. 144 Cong. Rec. S720 (daily ed. Feb. 12, 1998).

Signed at Washington, DC., on this 12th day of May, 1998.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

9213. A letter from the Deputy Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Chicago Board of Trade Futures Contracts in Corn and Soybeans; Order to Designate Contract Markets and Amending Order of November 7, 1997, as Applied to Such Contracts— received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9214. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Bacillus Thuringiensis Subspecies tolworthi Cry9C Protein and the Genetic Material Necessary for its Production in Corn; Exemption from the Requirement of a Tolerance [OPP–300659; FRL–5790–3] (RIN–2070–AB78) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9215. A letter from the Director, Office of Regulatory Management Agency, Environmental Protection Agency, transmitting the Agency's final rule-Hydroxyethylidine Diphosphonic Acid; Exemption From the Requirement of a Tolerance [OPP–300658; FRL–5790–1] (RIN: 2070–AB78) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9216. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Rental Voucher and Certificate Programs; Restrictions on Leasing to Relatives [Docket No. FR–4149–F–02] (RIN: 2577–AB73) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9217. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendment of Affordable Housing Program Regulation [Docket No. 98–18] (RIN: 3069–AA73) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9218. A letter from the Acting Assistant Secretary, Department of Labor, transmitting the Department's final rule—Prevailing Wage Policy for Researchers Employed by Colleges and Universities, College and University Operated Federally Funded Research and Development Centers, and Certain Federal Agencies—received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9219. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Metric Conversion of Tire Standards [Docket No. NHTSA–98–3837, Notice 1] (RIN: 2127–AH07) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9220. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Metric Conversion [NHTSA–98–3836] (RIN: 2127–AG55) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9221. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Emissions of Air Pollution from New CI Marine Engines at or above 37 Kilowatts [FRL–6014–4] (RIN: 2060–AH65) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9222. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number Under The Paperwork Reduction Act [FRL–6013–2] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9223. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees [Opp-30114; FRL–5775–4] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9224. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—a revision of the Enforcement Policy (NUREG–1600, Rev. 1) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9225. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the three joint statements negotiated by the Joint Compliance and Inspection Commission and concluded during JCIC-XVII; to the Committee on International Relations.

9226. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report, determination and certification on a chemical weapons proliferation sanctions matter, pursuant to section 81(b)(3) of the Arms Export Control Act, as amended, and section 11C(b)(3) of the Export Administration Act of 1979, as amended; to the Committee on International Relations.

9227. A letter from the Service Federal Register Liaison Officer, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Emergency Rule to Establish and Additional Manatee Sanctuary in Kings Bay, Crystal River, Florida (RIN: 1018–AE47) received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9228. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Wrightstown, NJ [Airspace Docket No. 98–AEA–01] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9229. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Downingtown, PA [Airspace Docket No. 98–AEA–04] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9230. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland [CGD 05–98–031] (RIN: 2115–AE46) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9231. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Martin, SD [Airspace Docket No. 97–AGL–62] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9232. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Casey, IL [Airspace Docket No. 98–AGL–10] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9233. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; New Rochelle Harbor, New York [CGD1–95–002] (RIN: 2115–AE47) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9234. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Nauvoo, IL [Airspace Docket No. 98–AGL–12] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9235. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; San Juan, Puerto Rico [COTP SAN JUAN 97–045] (RIN: 2115–AA97) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9236. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Lakeview, MI [Airspace Docket No. 98–AGL–14] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9237. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; FLEET WEEK Air/Sea Demonstrations, Hudson River, New York [CGD01–98–041] (RIN: 2121–AA97) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9238. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Milwaukee, WI [Airspace Docket NO. 98–AGL–5] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9239. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Eastland Municipal, TX [98–ASW–20] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9240. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Gallup, NM [Airspace Docket No. 98–ASW–19] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9241. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Cleveland, OK [Airspace Docket No. 97–ASW–29] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9242. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Pawnee, OK [Airspace Docket No. 98–ASW–02] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9243. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wagoner, OK [Airspace Docket No. 98–ASW–031] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9244. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Coalgate, OK [Airspace Docket No.98–ASW–01] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9245. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Revision of Class E Airspace; Bristow, OK [Airspace Docket No. 98–ASW–04] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9246. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Claremore, OK [Airspace Docket No. 98–ASW–05] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9247. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Shawnee, OK [Airspace Docket No. 98–ASW–06] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9248. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Wautoma, WI [Airspace Docket No. 98–AGL–7] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9249. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Muskogee, OK [Airspace Docket No. 98–ASW–12] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9250. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Portland, IN [Airspace Docket No. 98–AGL–8] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9251. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Poteau, OK [Airspace Docket No. 98–ASW–13] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Pryor, OK [Airspace Docket No. 98–ASW–14] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9253. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Stillwater, OK [Airspace Docket No. 98–ASW–15] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9254. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Millersburg, OH [Airspace Docket No. 98–AGL–9] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9255. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Tahlequah, OK [Airspace Docket No. 98–ASW–16] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9256. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Grove, OK [Airspace Docket No. 98–ASW–07] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9257. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Chicago, IL [Airspace Docket No. 98–AGL–11] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9258. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Henryetta, OK [Airspace Docket No. 98–ASW–08] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9259. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Watford City, ND, and modification of Class E Airspace; Williston, ND [Airspace Docket No. 98–AGL–15] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9260. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Idabel, OK [Airspace Docket No. 98–ASW–09] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9261. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; McAlester, OK [Airspace Docket No. 98–ASW–10] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9262. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Miami, OK [Airspace Docket No. 98–ASW–11] received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9263. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Models B200, B200C, and B200T Airplanes [Docket No. 97–CE–72–AD; Amendment 39–10516; AD 98–10–05] (RIN: 2120–AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9264. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–3, -3B, -3C, -5, -5B, and -5C Series Turbofan Engines [Docket No. 97–ANE–54–AD; Amendment 39–10523, AD 98–10–11] (RIN: 2120–AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9265. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; REVO, Incorporated Models Colonial C–2, Lake LA–4, Lake LA–4A, Lake LA–4P, and Lake LA–4–200 Airplanes [Docket No. 98–CE–48–AD; Amendment 39–10524; AD 98–10–12] (RIN: 2120–AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9266. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockheed Model L–1011–385 Series Airplanes [Docket No. 96–NM–257–AD; Amendment 39–10526; AD 98–10–14] (RIN: 2120–AA64) received May 18, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9267. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98–28] received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9268. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—the domestic asset/liability and investment yield percentages of taxable years beginning after December 31, 1996, for foreign companies conducting insurance businesses in the United States [Revenue Procedure 98–31] received May 19, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9269. A letter from the Executive Director, Office of Compliance, transmitting notice of decision to terminate rulemaking for publication in the Congressional RECORD, pursuant to Public Law 104—1, section 303(b) (109 Stat. 28); jointly to the Committees on House Oversight and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R. 1690. A bill to amend title 28 of the United States Code regarding enforcement of child custody orders; with amendments (Rept. 105–546). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCINNIS: Committee on Rules. House Resolution 445. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, and for other purposes (Rept. 105–547). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 446. Resolution disposing of the conference report to accompany the bill (S. 1150) to ensure that federally funded agricultural research, extension, and education address high-priority concerns with national or multistate significance, to reform, extend, and eliminate certain agricultural research programs, and for other purposes (Rept. 105–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BERRY (for himself, Mr. DINGELL, Mr. STARK, Mr. CLEMENT, Mr. DEFAZIO, Mr. LEWIS of Georgia, Ms. FURSE, Mr. BOUCHER, and Mr. ALLEN):

H.R. 3925. A bill to establish the Prescription Drug Price Monitoring Commission; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN of Washington:

H.R. 3926. A bill to provide that a person closely related to a judge of a court exercising judicial power under article III of the United States Constitution (other than the

Supreme Court) may not be appointed as a judge of the same court, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. JEFFERSON, and Mr. CRANE):

H.R. 3927. A bill to amend the Internal Revenue Code of 1986 to restrict the use of tax-exempt financing by governmentally owned electric utilities and to subject certain activities of such utilities to income tax; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 3928. A bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York; to the Committee on Resources.

By Mr. GILMAN:

H.R. 3929. A bill to extend the authorization for the Upper Delaware Citizens Advisory Council; to the Committee on Resources.

By Mr. GRAHAM (for himself, Mr. SOUDER, Mrs. MYRICK, Mr. HAYWORTH, Mr. SESSIONS, Mr. BLUNT, Mr. DUNCAN, Mr. MCINTOSH, Mr. NORWOOD, and Mr. SHADEGG):

H.R. 3930. A bill to ensure that the Federal Government adheres to its commitment to State and local governments to share in the expense of educating children with disabilities; to the Committee on Education and the Workforce.

By Mr. JOHNSON of Wisconsin:

H.R. 3931. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mr. MILLER of California, Mr. MENENDEZ, Mr. VENTO, Mr. HINCHEY, Mr. GUTIERREZ, Mr. LUTHER, Mr. KLECZKA, Mr. SANDERS, and Mr. SCHUMER):

H.R. 3932. A bill to assure that the public receives the full amount of royalties owed on oil production from Federal public lands and the Outer Continental Shelf; to the Committee on Resources.

By Mr. MICA (for himself and Mr. PICKETT):

H.R. 3933. A bill to amend titles 5 and 37 of the United States Code to allow members of the armed forces to participate in the Thrift Savings Plan; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. FRANK of Massachusetts, Ms. ESHOO, Ms. FURSE, Mr. GEJDENSON, Mr. STARK, Mr. LEWIS of Georgia, and Mr. BARRETT of Wisconsin):

H.R. 3934. A bill to reform the concession programs of the National Park Service and to provide for the use of the revenues generated by such reforms to enhance resource protection and visitor use and enjoyment of the National Park System; to the Committee on Resources.

By Mr. MOAKLEY:

H.R. 3935. A bill to direct the Consumer Product Safety Commission to promulgate fire safety standards for cigarettes, and for other purposes; to the Committee on Commerce.

By Mr. REDMOND:

H.R. 3936. A bill to modify the boundaries of the Bandelier National Monument to include the lands within the headwaters of the Upper Alamo Watershed, which drain into the Monument and which are not currently within the jurisdiction of a Federal land management agency, to authorize acquisition of those lands, and for other purposes; to the Committee on Resources.

By Mr. RUSH:

H.R. 3937. A bill to amend title XVIII of the Social Security Act to bar hospital limitations on emergency room workers treating emergency cases in immediate vicinity of emergency room entrance; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. CHRISTENSEN, Mr. RAMSTAD, Mrs. JOHNSON of Connecticut, Mr. COBURN, Mr. ROMERO-BARCELO, Mr. HAYWORTH, Mr. NEAL of Massachusetts, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, and Mr. HILLIARD):

H.R. 3938. A bill to permit the approval and administration of drugs and devices to patients who are terminally ill; to the Committee on Commerce.

By Mr. FATTAH:

H.R. 3939. A bill to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the ''Edgar C. CAMPBELL, Sr., Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. STARK (for himself, Mrs. THURMAN, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. KAPTUR, and Ms. BROWN of Florida):

H.R. 3940. A bill to amend title XVIII of the Social Security Act to provide for full payment rates under Medicare to hospitals for costs of direct graduate medical education of residents for residency training programs in specialties or subspecialties which the Secretary of Health and Human Services designates as critical need specialty or subspecialty training programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself and Mr. WHITFIELD):

H.R. 3941. A bill to amend the United States Enrichment Corporation Privatization Act; to the Committee on Commerce.

By Mrs. TAUSCHER (for herself, Ms. LOFGREN, Mr. FROST, Mr. FAZIO of California, Mr. KENNEDY of Rhode Island, and Mr. TORRES):

H.R. 3942. A bill to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Ways and Means.

By Mr. BROWN of California (for himself and Mrs. MORELLA):

H. Con. Res. 279. Concurrent resolution to honor the ExploraVision Awards Program and to encourage more students to participate in this innovative national student science competition; to the Committee on Education and the Workforce.

By Mr. GUTIERREZ (for himself, Mr. PALLONE, Mr. EVANS, Ms. FURSE, Mr. OLVER, Mr. SKAGGS, Mrs. MALONEY of New York, Mr. ABERCROMBIE, Mr. BLUMENAUER, Ms. STABENOW, Mr. UNDERWOOD, Mr. WAXMAN, and Mr. LIPINSKI):

H. Con. Res. 280. Concurrent resolution to provide for the development and implementation of a comprehensive energy conservation plan for the United States Congress; to the Committee on Transportation and Infrastructure.

By Mr. FOLEY (for himself and Mr. LANTOS):

H. Res. 443. A resolution expressing the sense of the House of Representatives that the Secretary of State should seek certain commitments from the governments of Poland, Hungary, and the Czech Republic regarding the payment of insurance benefits owed to victims of the Nazis (and their beneficiaries and heirs) by those countries; to the Committee on International Relations.

By Mr. GEPHARDT (for himself, Mr. MILLER of California, Mr. BOSWELL, Mr. SANDERS, Mr. VISCLOSKY, Mr. NEAL of Massachusetts, Mr. VENTO, Mr. MATSUI, Mr. LEVIN, Ms. DELAURO, Mr. LANTOS, Mr. FRANK of Massachusetts, Mr. LAFALCE, Mr. KENNEDY of Rhode Island, Mr. OLVER, Mr. TORRES, Mr. MORAN of Virginia, Mr. ROMERO-BARCELO, and Mr. BONIOR):

H. Res. 444. A resolution supporting the Global March Against Child Labor; to the Committee on International Relations, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUMANN (for himself, Mr. HORN, Mr. ARMEY, Mr. FAWELL, Mr. ROYCE, Mr. SESSIONS, Mr. BARTON of Texas, Mr. ENGLISH of Pennsylvania, Mr. HAYWORTH, Mr. CALVERT, and Mr. BURTON of Indiana):

H. Res. 447. A resolution expressing the sense of the House of Representatives regarding financial management by Federal agencies; to the Committee on Government Reform and Oversight.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REDMOND:

H.R. 3943. A bill for the relief of Hilario Armijo, Timothy W. Armijo, Josephine and Mike Baca, Vincent Chavez, David Chinana, Victor Chinana, Ivan T. Gachupin, Michael Gachupin, Frank Madalena, Jr., Dennis Magdalena, Mary Pecos, Lawrence Seonia, Roberta P. Toledo, Nathaniel Tosa, Allen L. Toya, Jr., Ethel Waquie, and Veronica Waquie; to the Committee on the Judiciary.

By Mr. REDMOND:

H.R. 3944. A bill for the relief of Akal Security, Incorporated; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Ms. ESHOO.

H.R. 107: Mr. MCDADE and Mr. HOSTETTLER.

H.R. 158: Mr. NUSSLE, Mr. WELDON of Florida, Mr. TRAFICANT, Mr. COLLINS, Mr. HILLEARY, Mr. CANADY of Florida, Mr. FOLEY, Mr. BARR of Georgia, Mr. HUNTER, and Mr. RODRIGUEZ.

H.R. 371: Mr. KLECZKA, Mr. GUTIERREZ, Mr. LEACH, and Mr. MCDERMOTT.

H.R. 465: Mr. PAPPAS.

H.R. 543: Mr. ROMERO-BARCELO, Mr. METCALF, Mr. PAPPAS, and Mr. HUTCHINSON.

H.R. 619: Mr. ADAM SMITH of Washington, Mr. MICA, Mrs. MINK of Hawaii, Ms. SLAUGHTER, and Mr. CALVERT.

H.R. 814: Mr. LIPINSKI.
H.R. 864: Mr. LEWIS of California, Ms. DEGETTE, Mrs. KELLY, Ms. LEE, and Mrs. MYRICK.
H.R. 872: Mr. ANDREWS, Mr. LOBIONDO, Mr. MENENDEZ, and Mr. ADAM SMITH of Washington.
H.R. 900: Mr. PAPPAS.
H.R. 979: Mr. HUNTER, Mr. MANTON, Mr. STOKES, and Mr. COSTELLO.
H.R. 1018: Mr. ETHERIDGE.
H.R. 1100: Mr. HALL of Texas.
H.R. 1126: Mr. FORD, Mr. BLAGOJEVICH, Mr. TAUZIN, and Mr. WICKER.
H.R. 1231: Mr. STRICKLAND.
H.R. 1328: Mr. TORRES.
H.R. 1375: Mr. DOOLEY of California.
H.R. 1401: Mr. STEARNS and Mr. HALL of Texas.
H.R. 1441: Mr. SHUSTER and Mr. ROGERS.
H.R. 1450: Mr. MARKEY.
H.R. 1505: Mr. GILLMOR and Mr. MATSUI.
H.R. 1586: Mr. PALLONE and Ms. FURSE.
H.R. 1592: Mr. WELLER.
H.R. 1704: Mr. BONILLA and Mr. ROYCE.
H.R. 1995: Ms. DANNER, Ms. HOOLEY of Oregon, Mr. RANGEL, Mr. COSTELLO, Mr. JACKSON, Mr. THOMPSON, Mr. DICKS, Mr. CRAMER, Mr. BAESLER, Mr. HILLIARD, Mr. STUPAK, Mr. LIPINSKI, Mr. PETERSON of Minnesota, Mr. DICKEY, Mr. SCARBOROUGH, Mr. TRAFICANT, Mr. DAVIS of Florida, Mr. ROEMER, Mr. PRICE of North Carolina, Mr. BACHUS, Mr. PASCRELL, Ms. NORTON, Mr. SCHUMER, Mr. CONYERS, and Mr. TANNER.
H.R. 2009: Mr. SCHUMER, Mr. ENGLISH of Pennsylvania, and Ms. DANNER.
H.R. 2130: Mr. MALONEY of Connecticut, Mr. KLECZKA, and Mr. COYNE.
H.R. 2174: Mr. DEUTSCH, Mr. ETHERIDGE, and Mr. HILLIARD.
H.R. 2488: Mr. BOSWELL.
H.R. 2524: Mr. WYNN.
H.R. 2538: Mr. DIXON and Mr. BURR of North Carolina.
H.R. 2545: Mr. GILCHREST.
H.R. 2639: Ms. KILPATRICK and Mr. DINGELL.
H.R. 2701: Mr. KLINK.
H.R. 2738: Mr. CLYBURN and Mr. THOMPSON.
H.R. 2748: Mr. STEARNS.
H.R. 2754: Mr. ROMERO-BARCELO.
H.R. 2804: Mr. HALL of Texas and Mrs. CLAYTON.
H.R. 2821: Mr. THOMPSON, Mr. WATKINS, and Mr. SERRANO.
H.R. 2888: Mr. SESSIONS, Mr. CUNNINGHAM, and Mr. NORWOOD.
H.R. 2923: Mr. STUPAK.
H.R. 2942: Mr. PASTOR and Mr. HUNTER.
H.R. 2963: Mr. JACKSON and Mr. SNYDER.
H.R. 2990: Mr. SERRANO, Mr. DINGELL, Mr. LEACH, Mrs. MALONEY of New York, Mr. MCKEON, and Mr. JACKSON.
H.R. 3048: Mr. MCHALE.
H.R. 3050: Mr. STARK and Ms. STABENOW.
H.R. 3081: Mr. TORRES, Mr. RUSH, Mr. LUTHER, Ms. PELOSI, Mr. GREENWOOD, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. JEFFERSON, and Ms. HARMAN.
H.R. 3086: Mr. MENENDEZ.
H.R. 3099: Mr. SERRANO.
H.R. 3125: Mr. BURR of North Carolina.
H.R. 3127: Mr. SALMON, Mr. DOOLEY of California, and Mr. HYDE.
H.R. 3156: Mr. KASICH.
H.R. 3162: Mr. LEWIS of Kentucky.
H.R. 3181: Mr. VENTO and Mr. DEUTSCH.
H.R. 3229: Mr. WELLER, Mr. ENGLISH of Pennsylvania, Mr. FROST, Mr. CALVERT, Mr. BLUNT, and Mr. METCALF.
H.R. 3230: Mr. ENGLISH of Pennsylvania, Mr. BLUNT, and Mr. METCALF.
H.R. 3236: Mr. SKAGGS, Ms. SLAUGHTER, Mr. ENSIGN, Mrs. LOWEY, Mrs. MEEK of Florida, Ms. DELAURO, and Ms. HARMAN.
H.R. 3248: Mr. SMITH of New Jersey.
H.R. 3251: Mr. KENNEDY of Massachusetts, Mr. MCDERMOTT, Mr. OLVER, Ms. DELAURO, Mr. RUSH, Ms. STABENOW, Ms. FURSE, Mr. TORRES, and Mr. HALL of Ohio.
H.R. 3279: Ms. WATERS.
H.R. 3396: Mr. HILLIARD, Mr. TAUZIN, and Mr. KINGSTON.
H.R. 3410: Mr. PAPPAS.
H.R. 3435: Mr. BALDACCI, Mr. JOHN, Mr. UPTON, Mr. ABERCROMBIE, Mr. LEWIS of Kentucky, Mr. THOMPSON, Mr. REDMOND, Ms. FURSE, Mr. DREIER, Mr. PETERSON of Pennsylvania, and Mr. HOUGHTON.
H.R. 3466: Mr. THOMPSON.
H.R. 3470: Mr. BARRETT of Wisconsin.
H.R. 3498: Mr. ADAM SMITH of Washington.
H.R. 3506: Mr. BACHUS, Ms. RIVERS, Mr. DAVIS of Virginia, Ms. KILPATRICK, Mr. MILLER of Florida, Mr. DELAHUNT, Mr. NEAL of Massachusetts, Mr. MASCARA, Mr. FRANK of Massachusetts, and Mr. CANNON.
H.R. 3523: Mr. SKELTON, Mr. GOODLING, Mr. TAUZIN, Mr. ENGEL, Mr. TURNER, Mr. ENSIGN, Mr. WELDON of Pennsylvania, Ms. KAPTUR, Mr. DICKS, Mr. KINGSTON, Mr. TIAHRT, Mr. DICKEY, Mr. MANTON, Mr. MCINTYRE, and Mr. SAM JOHNSON.
H.R. 3539: Mr. HAYWORTH.
H.R. 3567: Mr. PETERSON of Pennsylvania.
H.R. 3570: Mr. BONIOR and Mr. SERRANO.
H.R. 3571: Mr. WAXMAN.
H.R. 3572: Mr. CALVERT, Mr. WISE, and Mr. CRAPO.
H.R. 3605: Mr. BLAGOJEVICH, Mr. MCDERMOTT, Ms. KILPATRICK, Mr. POSHARD, Mr. BARCIA of Michigan, Mr. DEFAZIO, Mr. ADAM SMITH of Washington, Mrs. TAUSCHER, Mr. HEFNER, Mr. JOHNSON of Wisconsin, Mr. PASTOR, and Mrs. MCCARTHY of New York.
H.R. 3622: Ms. MILLENDER-MCDONALD.
H.R. 3633: Mrs. MYRICK and Mr. COBLE.
H.R. 3648: Mr. MCHUGH.
H.R. 3659: Mr. CALVERT, Mr. NETHERCUTT, Mr. GUTKNECHT, Mr. TIAHRT, Mr. HYDE, Mr. PASTOR, Mr. PETERSON of Pennsylvania, Mr. EVERETT, Mr. PEASE, and Ms. DANNER.
H.R. 3660: Ms. SLAUGHTER and Mr. ACKERMAN.
H.R. 3682: Mr. HILL and Mr. SALMON.
H.R. 3688: Mr. LUCAS of Oklahoma.
H.R. 3690: Mr. ROGERS.
H.R. 3710: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CLAYTON, Mr. JEFFERSON, Mr. THOMPSON, Mr. CLYBURN, Mr. HAMILTON, Mr. ROEMER, Mr. CALLAHAN, and Mr. NEY.
H.R. 3747: Mr. HAYWORTH and Mr. MCKEON.
H.R. 3774: Mr. REDMOND.
H.R. 3795: Mr. WOLF.
H.R. 3798: Mr. WATKINS, Mr. MCGOVERN, Mr. STARK, and Mr. KANJORSKI.
H.R. 3807: Mr. ARCHER, Mr. ARMEY, Mr. BARTLETT of Maryland, Mr. BONILLA, Mr. CAMP, Mr. COBURN, Mr. COMBEST, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. DELAY, Mr. DOOLITTLE, Mr. DUNCAN, Mr. GIBBONS, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HOSTETTLER, Mr. HUNTER, Mr. JONES, Mr. LATHAM, Mr. LEWIS of California, Mr. LINDER, Mr. LUCAS of Oklahoma, Mr. MCDADE, Mr. MICA, Mrs. MYRICK, Mrs. NORTHUP, Mr. PACKARD, Mr. PEASE, Mr. PITTS, Mr. POMBO, Ms. PRYCE of Ohio, Mr. RADANOVICH, Mr. REGULA, Mr. RIGGS, Mr. RILEY, Mr. ROGAN, Mr. ROGERS, Mr. ROHRABACHER, Mr. RYUN, Mr. SCARBOROUGH, Mr. SESSIONS, Mr. SOLOMON, Mr. SOUDER, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. THOMAS, Mr. THUNE, Mr. TIAHRT, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Florida, and Mr. WHITFIELD.
H.R. 3830: Mr. FALEOMAVAEGA.
H.R. 3833: Mrs. MORELLA, Mr. SCHUMER, Ms. DEGETTE, and Mr. ENGEL.
H.R. 3835: Mr. TRAFICANT, Mr. SAWYER, and Ms. KAPTUR.
H.R. 3855: Mr. SAWYER, Mr. BACHUS, Mr. NEAL of Massachusetts, Mr. DOOLEY of California, Ms. PRYCE of Ohio, and Mr. BERRY.
H.R. 3879: Mr. BLUNT, Mr. HAYWORTH, Mr. HULSHOF, Mr. RAHALL, Mr. MCINTYRE, and Mrs. CHENOWETH.
H.R. 3882: Mr. HUNTER, Mr. SOLOMON, Mrs. LINDA SMITH of Washington, Mr. TRAFICANT, Mr. RILEY, Mr. HANSEN, and Mr. TAYLOR of Mississippi.
H.R. 3884: Mr. ACKERMAN, Mr. ENGEL, and Mr. MEEKS of New York.
H.R. 3897: Mr. RANGEL and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3898: Mr. ADERHOLT, Mr. LARGENT, Mr. CANNON, and Mr. MCCRERY.
H.J. Res. 99: Mr. ABERCROMBIE.
H.J. Res. 113: Mr. LAZIO of New York.
H. Con. Res. 47: Ms. CARSON.
H. Con. Res. 203: Mr. BRADY of Pennsylvania, Mr. KUCINICH, Mr. LAMPSON, Mr. DEUTSCH, Mr. MCHALE, Mr. PETERSON of Pennsylvania, Mr. ADERHOLT, Mr. SHUSTER, Mr. GIBBONS, Mr. VENTO, Mr. KING of New York, Mr. ABERCROMBIE, Ms. HOOLEY of Oregon, Mr. FOSSELLA, Mr. CALVERT, Mr. STEARNS, and Mr. STUMP.
H. Con. Res. 214: Mr. SISISKY, Mr. WOLF, and Mr. PICKETT.
H. Con. Res. 249: Mr. KENNEDY of Rhode Island and Mrs. MINK of Hawaii.
H. Con. Res. 267: Mr. BARRETT of Nebraska and Mr. SHERMAN.
H. Res. 37: Mr. LANTOS, Mr. KENNEDY of Massachusetts, Mr. BENTSEN, Mr. STRICKLAND, Mr. DICKS, Mr. MORAN of Kansas, Mr. LATOURETTE, Mr. COSTELLO, Ms. SANCHEZ, Ms. DEGETTE, Mr. PRICE of North Carolina, Mr. POMEROY, Mr. RODRIGUEZ, Mr. SISISKY, Mr. BRADY of Pennsylvania, and Mr. KASICH.
H. Res. 171: Mr. WAMP.
H. Res. 312: Mr. MILLER of California and Mr. MATSUI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 894: Mrs. CLAYTON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

AMENDMENT NO. 18: Insert after title III the following new title (and redesignate the succeeding provisions accordingly):

TITLE IV—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. 401. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's

citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Bass)

AMENDMENT NO. 19: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner

of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Campbell)

AMENDMENT NO. 20: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable

source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendments Numbered 3 and 4 Offered by: Mr. Obey)

AMENDMENT NO. 21: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

AMENDMENT OFFERED BY: Mr. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Farr of California

AMENDMENT NO. 22. Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Hutchinson)

AMENDMENT NO. 23: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Peterson of Minnesota)

AMENDMENT NO. 24: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Shays)

AMENDMENT NO. 25: Add at the end the following new title:

TITLE ___—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner

of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

H.R. 2183

OFFERED BY: MR. PETERSON OF PENNSYLVANIA

(To the Amendment Offered by: Mr. Tierney)

AMENDMENT NO. 26: Add at the end the following new title:

TITLE ____—VOTER ELIGIBILITY CONFIRMATION PROGRAM

SEC. ___01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable

source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter registration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. ___02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.