

that child care tax credit. They have cut back the education tax credit, the HOPE scholarships to allow working families to get their children to school, in an effort to provide a tax cut to the richest 1 percent of the people in this country. It is wrong and we should not let it happen.

THE JOURNAL

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 5 of rule I, the pending business is the question de novo of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

Mr. PAPPAS. 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 336, nays 49, not voting 49, as follows:

[Roll No. 218]
YEAS—336

Aderholt	Chambliss	Frelinghuysen
Allen	Christensen	Frost
Andrews	Clement	Furse
Archer	Clyburn	Gallegly
Army	Coble	Ganske
Bachus	Coburn	Gejdenson
Baesler	Collins	Gibbons
Baker	Combest	Gilchrest
Baldacci	Condit	Glman
Ballenger	Cook	Gonzalez
Barcia	Cooksey	Goode
Barr	Costello	Goodlatte
Barrett (NE)	Cox	Goodling
Barrett (WI)	Cramer	Gordon
Bartlett	Cummings	Graham
Barton	Cunningham	Granger
Bass	Danner	Greenwood
Bateman	Davis (FL)	Hall (OH)
Bentsen	Davis (IL)	Hall (TX)
Bereuter	Davis (VA)	Hamilton
Berman	Deal	Hansen
Berry	Delahunt	Harman
Bilbray	DeLauro	Hastert
Bilirakis	DeLay	Hastings (FL)
Bishop	Dellums	Hastings (WA)
Blagojevich	Deutsch	Hayworth
Bliley	Diaz-Balart	Hefner
Blumenauer	Dickey	Hill
Boehlert	Dicks	Hilleary
Boehner	Dingell	Hinchee
Bonilla	Doggett	Hinojosa
Bonior	Dooley	Hobson
Bono	Doyle	Holden
Boswell	Dreier	Hooley
Boucher	Duncan	Horn
Boyd	Edwards	Hostettler
Brady	Ehlers	Houghton
Bryant	Ehrlich	Hoyer
Bunning	Emerson	Hunter
Burton	Eshoo	Hutchinson
Buyer	Etheridge	Hyde
Callahan	Evans	Inglis
Calvert	Everett	Istook
Camp	Ewing	Jackson (IL)
Campbell	Farr	Jackson-Lee
Canady	Fattah	(TX)
Cannon	Fawell	Jefferson
Capps	Flake	Jenkins
Cardin	Foley	John
Carson	Ford	Johnson (CT)
Castle	Fowler	Johnson (WI)
Chabot	Frank (MA)	Jones

Kanjorski	Molinari	Scott
Kaptur	Mollohan	Sensenbrenner
Kasich	Moran (VA)	Serrano
Kelly	Morella	Sessions
Kennedy (MA)	Murtha	Shadegg
Kennedy (RI)	Myrick	Shaw
Kennelly	Nadler	Shays
Kildee	Neal	Sherman
Kilpatrick	Nethercutt	Shimkus
Kim	Neumann	Shuster
Kind (WI)	Ney	Sisisky
King (NY)	Northup	Skaggs
Kingston	Norwood	Skeen
Klecza	Obey	Skelton
Klink	Olver	Slaughter
Klug	Ortiz	Smith (MI)
Knollenberg	Owens	Smith (TX)
LaFalce	Oxley	Smith, Adam
LaHood	Packard	Smith, Linda
Lampson	Pappas	Snowbarger
Lantos	Parker	Snyder
Largent	Pastor	Solomon
Latham	Paul	Souder
LaTourette	Paxon	Spence
Lazio	Payne	Spratt
Leach	Pease	Stabenow
Levin	Pelosi	Stokes
Lewis (CA)	Peterson (MN)	Strickland
Lewis (KY)	Peterson (PA)	Stump
Linder	Petri	Stupak
Livingston	Pickering	Talent
Lofgren	Pitts	Tanner
Lowey	Portman	Tauscher
Lucas	Price (NC)	Thomas
Luther	Pryce (OH)	Thornberry
Maloney (CT)	Quinn	Thune
Manton	Radanovich	Thurman
Manzullo	Rahall	Tierney
Mascara	Rangel	Towns
Matsui	Redmond	Trafficant
McCarthy (MO)	Regula	Turner
McCarthy (NY)	Reyes	Upton
McCollum	Riley	Velazquez
McCrery	Rivers	Vento
McGovern	Rodriguez	Walsh
McHale	Roemer	Watkins
McHugh	Rogan	Watts (OK)
McInnis	Rogers	Waxman
McIntosh	Rohrabacher	Weldon (FL)
McIntyre	Ros-Lehtinen	Weldon (PA)
McKeon	Rothman	Wexler
McKinney	Roukema	Weygand
Meehan	Roybal-Allard	White
Metcalf	Ryun	Whitfield
Mica	Salmon	Wicker
Millender-	Sanders	Wise
McDonald	Sandlin	Wolf
Miller (FL)	Sanford	Woolsey
Minge	Sawyer	Wynn
Mink	Saxton	Young (FL)
Moakley	Schaefer, Dan	

NAYS—49

Abercrombie	Gutierrez	Pickett
Borski	Gutknecht	Poshard
Brown (CA)	Hefley	Ramstad
Brown (OH)	Hilliard	Rush
Chenoweth	Hoekstra	Sabo
Clay	Hulshof	Schaffer, Bob
DeFazio	Johnson, E. B.	Stearns
English	Kucinich	Sununu
Ensign	Lewis (GA)	Taylor (MS)
Fazio	LoBiondo	Thompson
Filner	Maloney (NY)	Tiahrt
Foglietta	McDermott	Visclosky
Forbes	McNulty	Wamp
Fox	Meek	Watt (NC)
Gephardt	Moran (KS)	Weller
Gillmor	Nussle	
Green	Pallone	

NOT VOTING—49

Ackerman	Gekas	Royce
Becerra	Goss	Sanchez
Blunt	Herger	Scarborough
Brown (FL)	Johnson, Sam	Schiff
Burr	Kolbe	Schumer
Clayton	Lipinski	Smith (NJ)
Conyers	Markey	Smith (OR)
Coyne	Martinez	Stark
Crane	McDade	Stenholm
Crapo	Menendez	Tauzin
Cubin	Miller (CA)	Taylor (NC)
DeGette	Oberstar	Torres
Dixon	Pascrell	Waters
Doolittle	Pombo	Yates
Dunn	Pomeroy	Young (AK)
Engel	Porter	
Franks (NJ)	Riggs	

□ 0945

So the Journal was approved.
The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall vote 218. If present, I would have voted "aye" on rollcall 218.

PROVIDING SPECIAL INVESTIGATIVE AUTHORITIES FOR COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 167

Resolved,

SECTION 1. APPLICATION.

This resolution shall apply to the investigation by the Committee on Government Reform and Oversight of political fundraising improprieties and possible violations of law.

SEC. 2. HANDLING OF INFORMATION.

Information obtained under the authority of this resolution shall be—

(1) considered as taken by the Committee on Government Reform and Oversight in the District of Columbia, as well as at the location actually taken; and

(2) considered as taken in executive session.

SEC. 3. DEPOSITIONS AND INTERROGATORIES.

The chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena; and

(2) designate a member of the committee or an attorney on the staff of the committee to conduct any such proceeding.

SEC. 4. INTERNATIONAL AUTHORITIES.

The chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member of the committee, may—

(1) order the taking of depositions and other testimony under oath anywhere outside the United States; and

(2) make application for issuance of letters rogatory, and request, through appropriate channels, other means of international assistance, as appropriate.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], my good friend and the distinguished ranking minority member of the Committee on Rules, 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.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H. Res. 167, and that I may be permitted to insert extraneous materials in the RECORD following my remarks.

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

There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 167 is a straightforward resolution designed to provide special investigative authorities for the Committee on Government Reform and Oversight. In most cases, the standing rules of the House provide committees with the tools they need to carry out formal investigations, including the power to issue subpoenas. But in circumstances such as this, the complexity and scope of congressional inquiry require that special authorities be granted to ensure that investigations are conducted thoroughly and that they are not unduly prolonged.

This resolution applies only to the Committee on Government Reform and Oversight's current investigation of political fund-raising abuses and possible violations of Federal law, and it is divided into three basic parts:

First, the resolution states that information obtained under its authority shall be considered as taken by the committee in the District of Columbia and that the information shall be considered as taken in executive session of the committee.

Second, the resolution authorizes the chairman, after consultation with the ranking minority member, to order the taking of depositions or interrogatories anywhere within the United States, under oath and pursuant to notice or subpoena, and to designate a member of the committee or staff attorney to conduct any such proceeding.

Finally, because it may be necessary to seek evidence beyond our borders, the resolution authorizes the chairman, again after consultation with the ranking minority member, to order the taking of depositions and other testimony, under oath, anywhere outside the United States, and to make application for issuance of letters rogatory, and to request, through the appropriate channels, other means of international assistance.

In the view of the Committee on Rules, the need for deposition authority in this case is clearly justified. The investigation concerns a series of complex matters that necessitate the taking of testimony of numerous key witnesses under oath. For major wide-ranging investigations such as this, the House has historically provided deposition authority in order to facilitate the fact-finding process.

Because of the potentially hundreds of witnesses who will need to be deposed, it would not only be impractical but physically impossible for Members to be present at every step and to engage in time-consuming depositions. In this way, staff depositions will allow the committee to obtain sworn testi-

mony quickly and confidently without the need for lengthy and possibly unfocused hearings.

The Committee on Government Reform and Oversight at the present time is deeply involved in a massive investigation focused on the use of illegal foreign contributions to influence American policy, which also includes matters relating to potential illegal or improper political fund-raising, related activities involving the White House and other Federal agencies, the improper use of official resources, potential interference with Government investigation, and many other related matters. As the principal investigatory body of the House, this is the committee's statutory obligation.

As our colleagues know, serious questions of national policy and national security have arisen as daily revelations disclose more troubling facts about the unusual access that questionable individuals had to high-ranking White House and administration officials. The threats to national security are a very troubling matter, Mr. Speaker, and I know the gentleman from New York [Mr. SOLOMON] will have more to say about that in just a few minutes.

These disturbing questions and allegations clearly point to the need for the resolution that is now before us. Due to the sheer magnitude and severity of the revelations from the executive branch, and the need to bolster the ability of the Committee on Government Reform and Oversight to properly investigate this matter, the Committee on Rules is compelled to bring this resolution today.

Mr. Speaker, when the Committee on Rules marked up this resolution yesterday, our colleagues in the minority raised several concerns, and I recognize their sincerity; but I would hasten to add this resolution is not only backed by ample precedent, it is also justifiably warranted given the enormous amount of ground that the Burton investigation must cover. We owe it to the integrity of Congress' investigatory process to make certain that the investigation is conducted as officially as possible and in a manner that will guard against any dilatory tactics that may be employed by those who oppose this investigation.

Mr. Speaker, as a former judge, I recognize the importance of basing our actions on past precedent, and our committee staff has worked diligently to ensure that this resolution is in keeping with previous House practice. As our committee report points out, there have been many cases where special investigative authorities were granted. Since 1974, there have been at least 10 major investigations undertaken by the House where the membership determined that additional authorities beyond those provided in House rules were needed to ensure a thorough and complete inquiry.

In at least six major investigations since 1975, the House concluded that

the need to gather evidentiary information from abroad justified granting special authorities to the investigating committee. In just the last Congress, staff deposition authority and the ability to gather evidence abroad were granted for the Bosnia select subcommittee, investigating the White House Travel Office matter, for the Senate Whitewater investigation, and the list goes on.

Like so many Americans, we on the Committee on Rules are very concerned about the numerous allegations that lay at the heart of this investigation, and we are equally alarmed that our national security may have been severely compromised in this affair. As a result, the Committee on Rules has responded with a fair, responsible resolution that, No. 1, conforms with the investigating committee's own rules; No. 2, does not depart in any significant way from previous House practice; and, No. 3, that is designed to assist the investigating committee in finding answers to these and other troubling questions.

In closing, Mr. Speaker, I would urge my colleagues to support this straightforward resolution. It is an honest attempt to balance efficiency, expediency and fairness without trampling on the rules of the House or on the basic rights of the minority. I urge a "yes" vote on this very important resolution.

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 colleague and dear friend, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the customary half hour.

Mr. Speaker, I want to begin by complimenting my chairman, the gentleman from New York [Mr. SOLOMON], for making some improvements to the first draft of this resolution that came to the Committee on Rules. That proposal was even more outrageous than this one. The Committee on Government Reform and Oversight actually wanted access to tax records of all the witnesses that appear before them, but the gentleman from New York wisely, living up to his name, said no, and he was right to do so.

But despite that improvement, I am urging my colleagues to defeat this resolution and not to grant special investigative powers to the Committee on Government Reform and Oversight. My colleagues say they want to clean up campaign practices. We should certainly do that, but the additional powers we are considering today far exceed what is required to ensure clean campaign practices, if that is indeed the goal.

I am not sure, Mr. Speaker, what the goal is, because although the scope of the investigation is political fundraising improprieties, what worries me is how that scope is defined. It seems to be only alleged improprieties on the part of Democrats, not improprieties on the part of Republicans.

In the report the Committee on Rules presented to us just yesterday, 12 pages were dedicated to a long list of alleged Democratic activities and there was only mention of one Republican activity, although we know that there are more than just a few of those activities out there.

□ 1000

So in terms of this investigation, the Republican committee does not know what exactly they are investigating, they just know who they are investigating. They do not seem to be out to get facts as much as they are out to get Democrats. It is very clear to me, Mr. Speaker, after the number of subpoenas that have been issued, it is very clear who they are after in the way the Committee on Rules report is written. It is clear they are after who they are after in the questioning of witnesses.

Mr. Speaker, if it is clear who the Republican leadership is after but it is not exactly clear what they are after, then this is a lot more partisan fishing expedition and a lot less of a serious investigation. We seriously, certainly, do not need any more partisan fishing expeditions, particularly partisan fishing expeditions that violate the rights of the witnesses and virtually ignore the minority.

The chairman of the committee, and I would like everybody to pay attention to this, the chairman of the committee has already issued more unilateral subpoenas than any other Member in the history of the House of Representatives, 165 unilateral subpoenas to be exact; and he has also conducted interviews. But the Democrats on that committee do not know exactly how many because they were not consulted.

Mr. Speaker, this is no way to conduct a fair bipartisan investigation. I realize that none of this investigating is very pleasant business. Frankly, I do not think Congress should conduct so many investigations and pass so few laws. But if that is the way the Republican leadership wants to do things, if they want to spend millions upon millions of dollars looking for something, then by all means they should be fair about it, they should protect the rights of the witnesses and at least pretend the investigation is bipartisan.

Because if they do not, Mr. Speaker, if they continue the way they are going, absolutely no one is going to believe the outcome of this so-called investigation, if anything other than opposition research is left for the next campaign. And it is very possible, Mr. Speaker, to conduct a better investigation.

The Iran-Contra hearings, the October Surprise hearings, and even the Bosnia arms transfer investigation were conducted with joint cooperation of the majority and minority. They managed to protect witnesses' rights. They managed to define the scope. And they managed to cut with the minority. And since the committees and the last Congress managed to complete

their investigations without being granted these very unusual powers, I believe that the Committee on Government Reform and Oversight in this Congress should be no different.

For that reason, Mr. Speaker, I will try to defeat the previous question in order to require that the Committee on Government Reform and Oversight adopt the same rules that Chairman Clinger used last Congress. These rules worked perfectly, and they protected the rights of the witnesses and they protected the rights of the minority. This investigation should be no different.

So I urge my colleagues to oppose granting unprecedented powers to the Committee on Government Reform and Oversight and defeat the previous question.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, I rise to support this resolution. It is a resolution that provides tools needed by the Committee on Government Reform and Oversight so that it may conduct a proper, fair, and thorough investigation of political fund-raising improprieties and other possible violations of the law.

Staff deposition authority is not something new for a committee to be granted. There are several examples from a few Republican, but mostly Democratic, controlled majorities in which this practice was used, consistent with what this resolution provides. The impeachment proceedings of President Nixon, the House assassinations inquiry, and Koreagate are all instances from the 1970s in which similar staff deposition authority was utilized.

In the 1980's, there were, among others, the Iran-Contra committee and the Abscam investigations. And more recently, this authority for the taking of depositions by staff attorneys was practiced by the October Surprise Task Force, the White House Travel Office matter investigation, and the Bosnia select subcommittee.

As for the international aspects of the investigation, there are also several cases of similar precedence, including the Church Committee, the House assassinations inquiry, Koreagate, Abscam, Iran-Contra, the October Surprise Task Force, and the Senate Whitewater investigation.

It is important to keep in mind why deposition authority is needed by the Committee on Government Reform and Oversight. This investigation, Mr. Speaker, concerns matters of very serious national security which require the sworn testimony of numerous key witnesses.

Let us remember that there are serious allegations that even national security secrets were leaked, for example, to the Chinese Government in exchange for campaign contributions. In serious investigations such as this, the

House has historically provided deposition authority in order to expedite the fact-finding process. As opposed to lengthy and possibly unfocused hearings, the deposition process allows the committee to obtain testimony under oath both quickly and confidentially.

Mr. Speaker, this is a very serious matter. I think it is important that we all support it. We are simply trying to provide tools for the committee to make it easier, to make it possible, in fact, for the committee to get to the truth. I strongly urge the adoption of this resolution and urge my colleagues to vote for it.

Mr. MOAKLEY. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. WAXMAN], the ranking member of the Committee on Government Reform and Oversight.

Mr. WAXMAN. Mr. Speaker, I rise in strong opposition to this resolution. The majority is establishing procedures for the House campaign finance investigation that have no precedent. Those procedures allow the gentleman from Indiana [Mr. BURTON] to act unilaterally, and they ensure that the minority will have no real voice in the committee's work.

The gentleman from Indiana [Mr. BURTON] alone is being given the authority to subpoena any document he wants or any witness he chooses to depose. He can make those decisions without any committee debate or any committee vote. These procedures deny the minority even the chance of debating or appealing the decisions of Chairman BURTON to the other 23 Republican members of the committee. And when the minority wants to issue a subpoena of its own, it can only ask Chairman BURTON to do so. If he says no, there is no opportunity for the minority to debate the issue or take it to a committee vote.

That is all the minority is asking for, an opportunity for the committee, and not just the chairman, to decide important questions. That is why in committee we offered the Clinger language adopted by the Republican majority in 1996, when the Committee on Government Reform and Oversight used subpoena power for depositions for the very first time in its history.

That precedent, which Chairman Clinger wrote, memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena, provided that subpoenas for depositions would only be issued if the minority concurred or if the committee voted to issue one.

Last year, that language was proposed by a Republican chairman, ratified by the Republican majority in committee and in the House, and implemented without any problem during the travel office investigation. This year, we told Chairman BURTON that we would support his request for subpoena power if he followed that common-sense process. It did not give the minority a veto, it only gave us a chance to be heard.

That is why the House has always conducted its investigations in this manner. As this chart indicates, from 1971 to 1994, no Democratic chairman ever issued a unilateral subpoena, never. But since February, Chairman BURTON has issued 156 unilateral subpoenas for documents. And he is now threatening to issue hundreds and hundreds of subpoenas without any debate or committee approval for depositions.

No Member of Congress, no American has ever had that breadth of power. It is a terrible idea even if it were being handled responsibly. But it is not. The record of these past 4 months proves that it is being used as a raw partisan tool.

The second chart, this one over here, shows that Chairman BURTON has sent over 280 subpoenas and letters seeking information to Democratic targets. Only 10 Republican targets have received subpoenas or letters seeking information. The third chart, over at the end here, shows the Democratic targets have submitted over 320,000 pages of documents to the committee. Republican targets, as my colleagues can see from that chart, have given us a total of 15 pages.

There is not even a pretense of fairness. If there were, our request to subpoena Haley Barbour would have been granted weeks ago. Instead, it was refused by the chairman.

So this is what we have. The chairman finds the Clinger precedent set just 1 year ago too personally confining. He has decided to contend that longstanding practice Chairman Clinger articulated no longer exists, and he is refusing to allow any debate or votes on his subpoena decision.

This multi-million-dollar partisan crusade has no legitimacy. I urge my colleagues to follow their conscience, follow the House precedence, follow ordinary fairness, and defeat this resolution.

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

The number of subpoenas issued unilaterally by Democratic chairmen, 0—1971-1994.

The number of subpoenas issued unilaterally by Chairman DAN BURTON, 156—February-June 1997.

Ms. PRYCE of Ohio. Mr. Speaker, in response to the gentleman from California [Mr. WAXMAN], smoke follows fire. The subpoenas follow the trouble. That is why they are directed at the White House.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the last sentence of the last speaker, saying that there is no basis for this investigation, I think speaks to the problem here today, and it is why we need the Solomon resolution on this floor, giving the authority to the Committee on Government Reform and Oversight.

Mr. Speaker, at the outset of this debate, I want to commend the gentleman from Indiana [Mr. BURTON]. He has one of the toughest jobs in this Congress. And I would remind my minority colleagues of the grave institutional importance of this inquiry. Anybody that does not think so had better think twice.

As my colleagues know, Congress' authority to investigate is derived principally from the authority to legislate; and our ability to conduct effective investigations is absolutely crucial to our legislative function.

Mr. Speaker, my friend, the gentlewoman from Ohio [Ms. PRYCE], has more than ably explained this resolution, but I must emphasize that in the development of this resolution, the Committee on Rules insisted, and I want you to listen to this back in your offices or the White House, wherever everybody is, that the Committee on Government Reform and Oversight adopt committee rules in advance which specify the right of the minority to participate in staff depositions in protection for witnesses, very important to me, provisions for notice, among other things.

The Committee on Government Reform and Oversight, after an extensive and lengthy debate on Tuesday, adopted rules as I have just described, and I went over them thoroughly. The Committee on Rules believes that this procedure which we have before us today, in which the committee of jurisdiction is free to adopt its own specific rules in its own committee, while at the same time the House grants the broader authority necessary under the Solomon resolution on the floor here right now, is the proper manner, and it is the manner that has been followed by precedent, in which this body should grant additional authority to committees when necessary.

The Committee on Rules also insisted, and this is very important, that the rules of the Committee on Government Reform and Oversight be consistent with House rules. In other words, we cannot vary from that, we must stick to the precedent to protect the integrity of this House and to be consistent with past precedence; and these requirements have clearly met all of that.

Let me read the first sentence of the statement of the gentleman from Florida [Mr. MICA] which cites the comparison of Iran-Contra, October Surprise, and the GRO committee subpoena authority. Let me read the first sentence to my colleagues, because this is the precedent in all eight of the last previous investigations:

Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena.

And it goes on and on.

Mr. Speaker, the staff deposition authority provided in this resolution is

consistent with 10 House precedents in major congressional investigations, dating all the way back to 1974, in addressing investigations of Republicans and Democratic administrations.

My colleagues, there has been a reluctance, even a refusal, of some to cooperate in perfectly necessary and legitimate congressional inquiry. The committee has been faced with fifth amendment claims, people taking the fifth, over a dozen of them. Why are they taking the fifth amendment? Assertions of executive privilege. Why? And the flight from the country of other key figures in this scandal, such as, well I could name a bunch, but I will not take the time right now. I will submit it for the RECORD afterwards.

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

COMPARISON OF IRAN-CONTRA, OCTOBER SURPRISE, AND GRO COMMITTEE SUBPOENA AUTHORITY

IRAN-CONTRA—RULE 7.1

"Unless otherwise determined by the select committee the chairman, upon consultation with the ranking minority member, or the select committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. The chairman may either issue the deposition notices himself, or direct the chief counsel to do so."

OCTOBER SURPRISE—RULE 7.1

"The chairman, upon consultation with the ranking Republican member, or the Task Force, may authorize the taking of affidavits, and of depositions, pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. The chairman may either issue the deposition notices himself, or direct the chief counsel to do so."

GOVERNMENT REFORM AND OVERSIGHT COMMITTEE—EXCERPT FROM PROPOSED RULE 20

"The chairman, upon consultation with the ranking minority member, may order the taking of interrogatories or depositions, under oath and pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of interrogatories or depositions. Notices for the taking of depositions shall specify the date, time, and place of examination. Answers to interrogatories shall be answered fully in writing under oath and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administered oaths. Consultation with the ranking minority member shall include three day's notice before any deposition it taken. All members shall also receive three day's notice that a deposition has been scheduled."

□ 1015

Mr. Speaker, because of the obstructionist tactics that the gentleman from Indiana [Mr. BURTON] has encountered, the deposition authority contained in this resolution is necessary to take quick evidence in confidentiality. The limited abilities to seek information overseas also contained in this resolution before the House today conforms with all eight previous congressional investigations, again dating back to 1975.

During the consideration of this resolution before the Committee on Rules, we heard a great deal from the minority about the internal proceedings of the Committee on Government Reform and Oversight. In fact, when pressed, the minority admitted that they had no problem with this resolution on the floor here today.

Mr. Speaker, there has been a great reluctance on the part of the minority to address the international evidence-gathering techniques in this resolution, which are so vitally important to enable the committee to do its job.

Let me be perfectly clear, the Committee on Rules intends that if the Committee on Government Reform and Oversight seeks letters rogatory or other means of international assistance to question a recalcitrant witness through official channels, such as the State Department, then the committee is given all necessary assistance in the furtherance of such a request. We must get to the bottom of this.

The executive branch, if called upon for such a mechanism, would be very wise to cooperate with this effort to conduct worldwide discovery just as they should be cooperative in the McIntosh investigation on the data base.

Mr. Speaker, because certain witnesses have chosen to leave this country rather than cooperate, the committee needs these international evidence-gathering techniques to adequately investigate the complicated financial dealings of the Clinton administration.

Mr. Speaker, I might ask my friends in the minority who occasionally ensnare one of our rules that I bring on the floor in nongermane debate relating to campaign finance reform, I want them to come over here and vote for this resolution. If my colleagues assert that there is a problem in the manner in which campaigns are financed in this country, then here is the opportunity to give the Congress the effective tools it needs to investigate the extent of which current law has been ignored by the Clinton administration.

What I read about in the newspapers, and what my constituents in the Hudson Valley are asking me about, is not campaign financing, but rather, has the White House obeyed the law? These are the questions that need to be answered here.

Mr. Speaker, the campaign finance improprieties which have been documented in the media are serious enough, but I am truly alarmed at the flood of daily revelations which indicate that national security has been compromised by high-ranking political appointees serving in the Clinton administration.

Mr. Speaker, breaches of national security and economic espionage by people in the Clinton administration have real consequences to Americans and this country's security but, more than that, jobs back in my colleagues' districts. Mr. Speaker, these are not merely ethical violations or moral

transgressions. These are crimes which have led to breaching of our security by foreign governments and it is American jobs and our economic well-being that suffers.

Let me just say, passage of this resolution is absolutely essential so we can go home and tell the American people that they can have confidence in the executive branch of this Government. Governments have an obligation to investigate our national security, whether it has been compromised by a foreign government.

Mr. Speaker, I want my colleagues to come over here and vote for this resolution. We made absolutely sure that it does not violate House rules and we will continue to see to it that it does not through our own personal oversight.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, first let me clearly state that I fully support an investigative look and review of any wrongdoing. I think we ought to do that. But let me tell my colleagues, when we were in committee a couple of days ago, it sounded sort of like this:

"Last year you did this, so that means we do this."

"Two years ago they did that, so we do this."

"Twenty years ago, you did it that way, so we ought to do it this way."

"Twenty-five years ago that's the way it was."

Mr. Speaker, we have been there, we have done that, and we ought to be wiser for the fact that we have been through this many, many times.

Investigations ought not to be about drama and theater. It ought not to be a search and destroy mission. It ought to be about trying to find the truth in an efficient and effective way. We have urged this committee, we have urged and pleaded with the committee not to duplicate what the Senate is doing. We have asked them to work with Senator THOMPSON, to try to figure out, not to call all these people up here to be witnesses and be subpoenaed and be deposed two times. It is a tremendous cost to the committee and to the taxpayers of this country, and they are confused why we cannot work together. They cannot figure that out. Neighbors can share a lawn mower, but we cannot share information. How silly. They think we are silly because we cannot share information.

That is what is wrong with this resolution. That is what is wrong with the investigative process, is that we do not want to share information. We do not want to save money for the taxpayers. We can do that if we force ourselves to do it.

Mr. Speaker, we ought to be against this resolution. We will have a recommit motion later today. The recommit motion will have that language in there. We will not have duplication. I ask my colleagues to vote against this resolution and for the motion to recommit.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentlewoman for yielding me this time. As was noted, she is a former judge and she correctly cited the precedents of this House. I am a former professor of political science and primarily a historian with some expertise on Congress, and obviously when I get into a situation like this, I like to look at what various Members of the House said.

One of the people in this House for whom I have the highest regard and whom I regularly showed my students on videotapes, one of the most respected Members for the last several decades, I want to quote from what he had to say. He is a leading Democrat. During the October surprise resolution, when a similar situation was on the floor, he said:

"My final reason for urging Members to oppose the substitute, and the substitute is in essence what the minority wants to do here, is because it provides for rules and procedures that would severely hamstring the investigation. The procedures proposed in the substitute are a recipe for an ineffective investigation. The substitute would in fact deprive the task force of the same tools that have been given other congressional investigative bodies. First, requiring a majority vote for each subpoena would be extremely time consuming and difficult to arrange. It would be impractical. It has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas."

Now, who said that? Was it some conservative? No, it was the gentleman from Indiana [Mr. HAMILTON], speaking on the October surprise resolution, one of the most respected Members of this House, a leading member of the Democratic Party. Follow his advice.

Mr. MOAKLEY. Mr. Speaker, I would just like to correct a statement that the gentleman from California [Mr. CONDIT] said. He talked about the vote on the motion to recommit. There is no motion to recommit. His amendment will be in the previous question. The gentleman is asking to defeat the previous question.

Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I in no way want to impede this hearing process. Like everybody else in the country, I want to make sure that the political process in the United States is as good as it can be, but I want to speak to the committee process, if I may.

Protecting the civil liberties and the civil rights of the citizens of the United States is our job. We write the laws here that people count on to do just

that. Also, the importance of the committee hearing is almost a religious belief in the United States. A congressional hearing carries the weight of truth and honor with it.

I served on this Committee on Government Reform and Oversight in the last term of Congress when we had the Waco hearings, and to our great surprise when we had those hearings, we found that persons who identified themselves as being with the committee were instead with the National Rifle Association, having no connection whatever with Congress. Yet they felt free and were allowed to call witnesses and ask them questions about the hearing before they came to testify. This was a terrible breach of Congressional process. Was the committee chair disturbed? Not at all. Did the Justice Dept. care. Not at all. It is only the protection of minority and majority working in concert that keeps the process honest. For the first time in the history of the House, that consultation and concurrence of the majority and minority has been breached. This is a perilous step to take. As long as outside sources or special interest groups are allowed to pose as Government officials, we abrogate our authority as Members. We are not entitled to do that.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, why do we need this deposition authority? First, the scope of this scandal, I submit, is unprecedented in the history of this Congress or any administration, Republican or Democrat. Second, nearly every individual subpoenaed has fled the country or pled the fifth amendment. Third, in an unprecedented fashion, everything possible has been done to block, intimidate, destroy, obstruct, and block this investigation and get to the truth of this matter.

The investigative authority sought here today is no different than what the Democrats had under Iran Contra and October Surprise. Congress, the American people and responsible media should be outraged that this administration and certain members of the other party are trying to close down this investigation and this outrageous corruption of our political process. What every American should be asking is, why are they trying to block this investigation? Why are they trying to keep us from talking to foreign nationals who fled the country and corrupted this process? Why are they trying to keep us from questioning those who have corrupted our elections process on a scale unprecedented in American history?

This week brings the latest threat to disrupt and destroy this process. The Democrats have said they will block attempts to grant immunity with those who hope to cooperate.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to begin by saying that this is not about our effort to prevent an investigation. We believe in this investigation. It must go forward. We believe in staff depositions. They must be taken. We believe that this investigation should be pursued as far as it can go. That is not the issue in front of this Congress today.

The gentlewoman from Ohio began this debate by talking about the importance of precedent. Several Members on the other side have stood up and talked about the importance of precedent. Mr. Speaker, there is precedent. There is absolutely solid precedent on the issue that we are confronted with today. I would simply read from the CONGRESSIONAL RECORD. The rule adopted by the Committee on Government Reform and Oversight last year concerning subpoenas for depositions, the rule approved by this House said simply:

"The chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee."

That was the rule that applied in the White House Travel Office case. That is the rule that the Republicans proposed and this House adopted. It was good enough last year. It is good enough for this year.

Mr. Speaker, I would also point out that last year, March 6, 1996, the chairman of the Committee on Government Reform and Oversight, Bill Clinger, wrote to Cardiss Collins, the ranking minority member, and described the precedent for issuing subpoenas for deposition. He said:

"The proposed rule requires that if a subpoena is required in the case of an affidavit or a deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of subpoenas."

Mr. Speaker, we have precedent, it is directly relevant, and we should follow it. That is what the minority is asking for.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, of course this investigation should be getting at the truth. We should be investigating allegations against both Democrats and Republicans of campaign finance misuse. The current system is wrong. It is a disgrace. But there should not be a person in this room who is going to leave this room today who think that the Democrats have done something wrong and the Republicans have raised all their money from widows and altar boys. That is not the case. But we should have and what we do not have is a fair investigation. There is nothing fair about this investigation at all. Look at this graph.

□ 1030

Ever since we started having investigations there has not been a single chairman, either a Democrat or a Republican, who has not failed to get concurrence from the minority members, not a single one until the current chairman of this committee; and in the last 4 months we have had 156 subpoenas without any input from the Democrats, without any input at all.

Why is input important? The reason it is important is we cannot have a committee chairman who attempts to intimidate witnesses simply for giving money to Democrats, and that is what this is. This is campaign finance reform, Republican style.

What they are going to do is try to intimidate anybody who has ever given money to Democrats, and they are not just going to do it once. They will hit them over in the Senate, and they will make them hire an attorney here in the House as well. They are going to waste taxpayers' dollars by having these people who have been forced not only to be interrogated by the Senate committee, but also to be interrogated here.

Mr. Speaker, that is wrong; that is something that has never occurred in the history of this country. There has never been a chairman in the history of this country who has issued these subpoenas without either concurrence of the minority Members or by having the approval by the House.

We should not be taking a step off this cliff. It is dangerous not because Republicans are in control, not because the Democrats are in control, but because of the need for checks and balance in this system. We have to have checks and balances in the system. There should not be one man who has this power.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BLAGOJEVICH].

Mr. BLAGOJEVICH. Mr. Speaker, let me just reiterate briefly the issue which we have to decide today, and that is very simply whether or not this committee, the Committee on Government Reform and Oversight, and whether or not this Congress will give to a committee chairman of an investigative committee the right to unilaterally issue subpoenas for people to appear for depositions.

Will we decide to do something that has never ever been done before in the history of Congress? And I would like to, if I can, piggyback briefly on what the previous speaker from Wisconsin said.

The issue fundamentally is one of fairness and the credibility and the integrity of this investigation. If this investigation does not have the fundamental fairness and integrity, then the fruits of the investigation will not be believed; and they will not be credible and, therefore, they will be tainted. These are serious allegations.

I love my country more than I love my political party, and I am as outraged by some of these allegations as

most Americans ought to be. But before we decide whether these allegations are in fact true, let us make sure that we find and have a factfinding committee that is going to do this in a fair way that includes all Members.

This ought to be a joint undertaking to find the truth, not a partisan effort to find dirt.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. TIERNEY], a member of the committee.

Mr. TIERNEY. Mr. Speaker, let me just say that as a member of the committee, I think that it is important to note that everybody on the Democratic side of this committee is perfectly willing to step forward and investigate any alleged abuses of our campaign finance reform system, whether they be Democratic or Republican. What we are not willing to do is to proceed with an investigation that is overly partisan, which lacks any credibility and which is not inclusive. Whether my colleagues are a prior judge or a prior professor or whatever their background is, I think everybody can recognize that there is no value to the outcome of any investigation that does not have integrity, that is not credible and that was not inclusive of the entire committee that was charged with the investigation.

Mr. Speaker, from the first time we sat down in this committee, we suggested that we not duplicate the efforts of the Senate, that we work with them, that we not spend twice as much money. A strictly partisan vote defeated that idea, and it has been that way every day in that committee since then. I should think that if my colleagues want to have an investigation that means anything, they want to have an investigation that the people can have confidence in, they will get off the partisanship and move toward the credibility; and we ask that the committee do that.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, let me begin by saying that I was hoping that when we got involved in this process that maybe something positive would come out of it. But we are starting out in a way that we have no credibility right from the outset, that we are just starting out, chairman subpoenaed everybody, people that really had nothing to do. The only thing they did was make a contribution to the Democratic Party. He subpoenaed them. And the fact is that we are wasting money.

The Senate side is doing the same thing that we are doing, that if somebody lives in Alaska, they would come here because they are being subpoenaed by the Senate, and as soon as they get back home, within 24 hours they could be subpoenaed to come back by our committee.

Mr. Speaker, that is a very obvious waste of money, waste of time, and also the fact that we are not really accomplishing anything.

The other part which I think that, if we are going to do something, we should at least have credibility. It is very obvious that this is a situation where the Republican Party is trying to gain advantage over the Democratic Party. I am not interested in any kind of campaign reform, so I urge my colleagues to vote "no".

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. DAVIS].

Mr. DAVIS of Illinois. Mr. Speaker, I have been told that there is a principle which states that power corrupts and absolute power corrupts absolutely.

It seems to me that we ought to be trying to find corruption and ferret it out, not create an opportunity to further it.

And so it is clear, Mr. Speaker, that if we are looking for corruption, then we ought to have an open and fair investigation, not give all of the power to one person. Let us vote down this resolution and give the American people a fair process, an honest process, an open process. Let us give them fairness.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, when Oliver North was called in front of the Iran Contra Committee, he complained that he would not be a potted plant. When we pass these rules, we are going to make the Democratic side an entire garden because that is what these rules are designed to do.

I want to talk about the precedent of practice. I have heard a lot about what the rules were in the past. Let us look at the precedent of practice.

The precedent of practice says that from 1971 to 1994 no Democratic chairman issued a unilateral subpoena; they went and they got the concurrence of the minority, the other side, as well.

In this year alone, February to June of 1997, our chairman has issued 156 unilateral subpoenas. "Unilateral" means one person.

Nobody argues about issuing subpoenas. I want subpoenas issued when it is valid, too. But I think in order to have a credible investigation, a bipartisan investigation, both sides have to be involved in which we bring it to the minority member for concurrence, and if we do not get that, then we bring it to the full committee for a vote.

As a Democrat, I am very concerned about the allegations and the possible cloud that may hang over fund-raising practices of my party. As a Republican, I would be even more concerned, being in the majority, that their significant allegations are not even going to be looked at.

Ms. PRYCE of Ohio. Mr. Speaker, I would like to let the gentleman to know it was not Oliver North; it was his attorney who stated he was not a potted plant.

Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON]

chairman of the Committee on Government Reform and Oversight who has a great job ahead of him to conduct this investigation.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentlewoman from Ohio for yielding this time to me.

I would just like to say to my colleagues on the other side of the aisle, we are not going to try to intimidate anybody. That is first; and second, we are going to be working with the Senate wherever possible. I am going to be meeting with Senator THOMPSON next week and his staff to coordinate our activities.

Mr. Speaker, let me tell my colleagues a few of the things about which this committee is going to be investigating and why.

We are investigating a possible massive scheme, massive scheme of funneling millions of dollars in foreign money into the U.S. electoral system. We are investigating allegations that the Chinese Government at the highest levels decided to infiltrate our political system. We are investigating allegations of gross misuse of our national security structure including the national security council and the CIA. We are investigating the White House that became a frequent stop, a frequent stop for major donors with foreign ties who have now fled the country or taken the fifth amendment.

Here are some key facts to prove the critical importance of this investigation, and I hope my colleagues will look at this chart.

Charlie Trie, a friend of the President for 20 years, has reportedly fled the country and is in the People's Republic of China, Communist China, to avoid being questioned about wire transfers of over \$1 million from Asian banks to him at the same time that he was giving in excess of \$200,000 to the Democrat National Committee and more than \$600,000 to the President's legal defense fund. All of that money has been returned, the \$600,000.

John Huang, a friend of the President's who is pleading the fifth amendment raised between \$3 and \$4 million for the Democrat National Committee. The DNC is currently pledged to return almost half of that money. Huang is also under investigation for allegedly disclosing secret information to his former employer the Lippo Bank that has ties with the Chinese Communist Government and possibly the Chinese Government itself, and he did this while he was at the Commerce Department and the Democrat National Committee.

Roger Tamraz, who was recently detained by the Government of Georgia because there was an international arrest warrant for him issued by Lebanon, received repeated meetings with President Clinton at a time when he was trying to get the administration support to build a pipeline in Asia despite objections by the National Security Council. A NSC staffer was recently reported as saying that she felt

pressured to cooperate with Mr. Tamraz because of \$200,000 in democrat contributions.

Former DNC chairman, the chairman of the DNC, Don Fowler reportedly tried to manipulate the CIA to provide favorable information about Roger Tamraz so that the National Security Council would back off their objections to his going to the White House to meet with the President. The NSC lost that battle, and so did our national security because he did go to the White House and he did meet with the President.

Another example of national security concerns being brushed aside in favor of campaign cash is a case of Johnny Chung. He raised \$366,000 in contributions returned by the DNC. He visited the White House 49 times despite warnings by the National Security Council that he was a hustler and should not be there.

Yogesh Gandhi was barred from giving money to President Clinton at the White House because of his dubious background, but that did not stop the White House. Craig Livingston and John Huang arranged a meeting two blocks away from the White House at a hotel where the President did meet with him and \$325,000 was subsequently given to the DNC.

Former third ranking Justice Department official and convicted felon, Webster Hubbell, between June 21, 1994, and June 25, 1994, there were 10 meetings at the White House, some involving the President regarding whether or not what he was going to be doing between the time he left the Justice Department and was indicted, and after the tenth meeting, 2 days later the Lippo Group the Riadys gave him \$100,000 in legal fees, and many people believed, myself included, that that might have been hush money. In fact Abe Rosenthal, a supporter of the President, said in a New York Times column it would not take a particularly suspicious mind let alone a prosecutor's to see high paying jobs as hush money to keep a defendant silent.

Pauline Kanchanalak, the mysterious contributor from Thailand, was one of John Huang's associates. She visited the White House 30 times, raised money for the DNC, and she fled the country. We cannot get her even with a subpoena.

Ted Sioeng, yet another dubious DNC contributor, is reportedly in Hong Kong now. He has avoided any questions about his contributions totaling \$355,000 to the DNC.

□ 1145

He is under investigation right now, but we cannot get to him. He also worked with the Chinese Government, we believe, trying to acquire influence for China.

Let me just say in closing, there is substantial reasons why this investigation must go forward. We must depose these witnesses and we need the help of this body to get that job done.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Speaker, my intentions were to reiterate some of the arguments made by myself and other members of the committee, but actually, after having heard the 5 minutes from the chairman of this committee, the question comes to my mind, why do we need an investigation? The chairman has just written the conclusions and the facts that he intends to find in his opening statement here trying to justify why we need an investigation.

We could save an awful lot of money if the chairman of the committee just writes the report up, as the chairman has said it now. Obviously, his facts are found, his conclusions are made, and the purposes for this investigation are for no other purpose but for political purpose.

The majority has an opportunity today, a simple opportunity. If it wants any credibility in this investigation, if it wants any appearance of fairness, it could adopt the rule that Mr. Clinger and past examinations of this Congress have always honored; that is, the majority chairman and the ranking member, with concurrence, would issue subpoenas. That is the only process that should be used. I urge that this is not going to be an investigation to find fact. This is a political witch-hunt.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. CUMMINGS].

Mr. CUMMINGS. Mr. Speaker, the resolution that we are considering today gives the Chairman of the Committee on Government Reform and Oversight broad and unprecedented powers. This resolution does not have an underlying premise of uncovering the truth in a bipartisan manner; but rather, its goal is to arm its bearers with overreaching congressional authority.

My colleagues, if we vote to approve this resolution, we are creating a dangerous precedent. There has never been a single instance in which a chairman of any House or Senate committee has ever unilaterally issued subpoenas for depositions.

Common Cause stated, "Fairness will be ensured only if the committee follows congressional precedents for investigative procedures and gives the minority Members a voice in the investigation."

The League of Women Voters stated, "The House is headed towards a partisan sideshow. These are the kind of political games that disgust the American people."

Let us return comity to this committee and resurrect what is left of this investigation. Let us work in a legitimate fact-finding manner. I urge my colleagues to reject this resolution.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I think that what we have here is maybe not

what it appears to be, because what I am getting concerned about now is that perhaps the gentleman from Indiana [Mr. BURTON] is being used as some kind of fall guy. We know that he is over eager to investigate the Democrats and especially Bill Clinton.

The majority gives him three times the amount of money, some \$15 million, \$17 million to investigate. They want to give him all of the rights individually to decide on who should be subpoenaed, who should be deposed, unprecedented powers. No one else on the committee will have to risk their career, put their career on the line to vote on behalf of subpoenaing anyone, no one will have to take responsibility for the actions in this investigation.

So what I suggest is that our view here in the minority is that we need to have everyone share the responsibility, not just put the gentleman from Indiana [Mr. BURTON] out in front of this, as if he is the only one conducting this train and the only one responsible for what is going to be in the final analysis something that defamed seriously the credibility and the integrity of this Congress and this committee.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY of New York. Mr. Speaker, if my majority colleagues have their way this morning, we will empower the chair of the Committee on Government Reform and Oversight as never before, and I have just one question to ask my colleagues: Can anyone tell me when in the history of this Congress has this kind of authority been exercised unilaterally?

Mr. COX of California. Mr. Speaker, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, the rules of the 103d Congress state the following.

Mrs. MALONEY of New York. Mr. Speaker, reclaiming my time, I did not ask about rules, I asked when was this power used unilaterally?

Mr. COX of California. Mr. Speaker, does the gentlewoman mean when did the Republicans in the minority not go along with what the Democrats wished to do?

Mrs. MALONEY of New York. Mr. Speaker, my question is, when was it used? When in the history of this Congress did a chairman go out and unilaterally issue subpoenas? Never in the history of this Congress has it happened. The numbers speak for themselves. Zero to 156.

Furthermore, 156 of those subpoenas had been issued for Democrats, 9 are targeting Republicans. The numbers speak for themselves. We should not be wasting \$12 million to \$15 million on a partisan investigation.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Speaker, I commend the gentleman from Indiana [Mr. BURTON] and his staff for their diligent work and their important work in bringing this resolution to the floor at this time that would authorize the chairman of the Committee on Government Reform and Oversight, after consultation with the ranking minority member, to order the taking of depositions and interrogatories.

My colleagues in the minority have raised the argument that such depositions in the committee's current subpoena authority is an abuse of majority power. In fact, during consideration of the October Surprise resolution, on February 5, the Democrats opposed and voted down the Republican substitute which would have authorized a majority vote before issuing any subpoenas.

During that debate, it was stated, it has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas. If such a limiting substitute was not impractical then, it certainly should not be impractical now.

Accordingly, I urge my colleagues to support the resolution and allow the Committee on Government Reform and Oversight to get on with its work.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the ranking member of the Committee on Commerce.

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

Mr. DINGELL. Mr. Speaker, over a period of 14 years, the Committee on Commerce, under my chairmanship, conducted hundreds of investigations, issued thousands of subpoenas, and never were any of these events done without full participation by the minority, without full consultation, and without a vote of the minority.

The public wants a good investigation of the election process and the fundraising. They will expect this Congress to do an honorable and a decent job. Let us investigate everybody.

Let us see to it that we find out where the wrongdoing is, when it was done. Let us not have a carefully cooked investigation wherein only one side is investigated. Let us find all of the wrongdoing, and let us use this as what the American people want it to be, an investigation to lay the predicate for meaningful reform of our campaign laws. To do less brings shame upon the investigation, brings shame upon this body, and I would urge that this body make the kind of investigation that the American people want, where we get to the bottom of the facts and we conduct it in a fashion in which the American people may say, the Congress did well, and trust us to do well in the future. That is not to be seen here.

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

If the previous question is defeated, I will offer an amendment which will do two things. First, it will require the

Committee on Government Reform and Oversight to adopt the same rules that Mr. Clinger used in the last Congress and, second, prohibit the subpoena of any witness already deposed by the Senate unless the committee votes, unless the committee votes, to issue that subpoena.

This is the taxpayer protection and antiduplication amendment of the gentleman from California [Mr. CONDIT], which was defeated in the committee, but it is a very, very good idea. I urge my colleagues to support it by defeating the previous question.

Mr. Speaker, I insert my amendment and extraneous materials in the RECORD.

Mr. SPEAKER, if the previous question is defeated I will offer an amendment to do two things: First, require the Government Reform Committee to adopt the same rules Chairman Clinger used last Congress and second, prohibit the subpoena of any witness already deposed by the Senate unless the committee votes to issue the subpoena.

This is Mr. CONDIT's taxpayer protection and antiduplication amendment which was defeated in committee but is a very good idea, I urge my colleagues to support it by defeating the previous question.

PREVIOUS QUESTION FOR HOUSE RESOLUTION
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Amendment text:

Page 3, after line 2, insert the following new sections:

SEC. 5. IMPLEMENTING RULES.

The Committee on Government Reform and Oversight shall implement this resolution by adopting rules identical in substance to those adopted by the Committee on Government Reform and Oversight in the 104th Congress to implement H.Res. 369 as printed in the CONGRESSIONAL RECORD of March 7, 1996.

SEC. 6. ANTI-DUPLICATION PROVISIONS.

The Committee on Government Reform and Oversight is directed to amend its rules that implement this resolution to require that the chairman and ranking member shall make a formal request to the chairman of the Senate Committee on Government Affairs to coordinate efforts to avoid duplication in the deposition process. If the Senate Committee accepts this request, the chairman shall consult with the Senate Committee on Governmental Affairs prior to deposing a witness that the Senate Committee has deposed or scheduled to depose. If after such consultation the chairman seeks to depose such witness, a Committee vote shall be required before a notice or subpoena is authorized or issued for the deposition of the witness. The chairman shall include the ranking minority member in any consultations with the Senate Committee and shall provide the ranking minority member with a copy of any deposition transcripts obtained from the Senate Committee. In turn, the chairman shall provide upon request to the Senate Committee on Governmental Affairs a copy of any transcript of a deposition taken by the House Committee.

To: Members of the Government Reform and Oversight Committee.

From: William F. Clinger, Jr., Chairman.

Date: March 6, 1996.

Re: House Resolution 369 to provide for deposition authority in the White House Travel Office investigation and committee rules to implement such authority.

On Thursday, March 7, 1996, the Committee will vote on adopting a new Committee Rule

to allow for special affidavits and depositions. The Rule will be voted on in anticipation of passage of House Resolution 369, which is expected to have floor consideration on Thursday, March 7 or Friday, March 8, 1996. (See attached copy of Draft Rule.)

House Resolution 369 will provide authority to the Committee on Government Reform and Oversight to conduct depositions and submit interrogatories under oath in the process of conducting the ongoing White House Travel office investigation. The Resolution only applies to the White House Travel Office investigation. Rules to conduct the depositions and interrogatories have been developed in consultation with the minority ranking member of the Committee.

Deposition authority is sought to obtain testimony in a timely and efficient manner and curtail the need for extensive hearings. Such depositions will help resolve the numerous discrepancies that have arisen in the course of civil and criminal investigations into the White House Travel Office matter over the past two and a half years.

RULE 19.—SPECIAL AFFIDAVITS AND DEPOSITIONS

If the House provides the committee with authority to take affidavits and depositions, the following rules apply:

(a) The Chairman, upon consultation with the ranking minority member of the committee, may authorize the taking of affidavits, and of depositions pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of affidavits or depositions. Notices for the taking of depositions shall specify a time and place for examination. Affidavits and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member will include three (3) business days written notice before any deposition is taken unless otherwise agreed to by the ranking minority member or committee.

(b) The committee shall not initiate procedures leading to contempt proceedings in the event a witness fails to appear at a deposition unless the deposition notice was accompanied by a committee subpoena authorized and issued by the chairman. Notwithstanding committee Rule 18(d), the chairman shall not authorize and issue a subpoena for a deposition without the concurrence of the ranking minority member or the committee.

(c) Witnesses may be accompanied at a deposition by counsel to advise them of their constitutional rights. Absent special permission or instructions from the chairman, no one may be present in depositions except members, staff designated by the chairman or ranking minority member, an official reporter, the witness and any counsel; observers or counsel for other persons or for the agencies under investigation may not attend.

(d) A deposition will be conducted by members or jointly by

(1) No more than two staff members of the committee, of whom—

(1.a) One will be designated by the chairman of the committee, and

(2.b) One will be designated by the ranking minority party member of the committee, unless such member elects not to designate a staff member.

(2) Any member designated by the chairman.

Other staff designated by the chairman or ranking minority members may attend, but are not permitted to pose questions to the witness.

(e) Questions in the deposition will be propounded in rounds. A round will include as much time as necessary to ask all pending

questions, but not more than one hour. In each round, the member or staff member designated by the chairman will ask questions first, and the member or staff member designated by the ranking minority member will ask questions second.

(f) Objections by the witness as to the form of questions shall be noted for the record. If a witness objects to a question and refuses to answer, the members or staff may proceed with the deposition, or may obtain, at that time or at a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or his designee. The committee shall not initiate procedures leading to contempt for refusals to answer questions at a deposition unless the witness refuses to testify after his objection has been overruled and after he has been ordered and directed to answer by the chairman or his designee upon a good faith attempt to consult with the ranking minority member or her designee.

(g) The committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness' testimony is transcribed, he shall be furnished with an opportunity to review a copy. No later than five days thereafter, the staff shall enter the changes, if any, requested by the witness, with a statement of the witness' reasons for the changes, and the witness shall be instructed to sign the transcript. The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Affidavits and depositions shall be deemed to have been taken in Washington, D.C. once filed there with the clerk of the committee for the committee's use. The ranking minority member will be provided a copy of the transcripts of the deposition once the procedures provided above have been completed.

(h) Unless otherwise directed by the committee, all depositions and affidavits received in the investigation shall be considered nonpublic until received by the committee. Once received by the committee, use of such materials shall be governed by the committee rules. All such material shall unless otherwise directed by the committee, be available for use by the members of the committee in open session.

(i) A witness shall not be required to testify if they have not been provided a copy of the House Resolution and the amended Committee Rules.

(j) Committee Rule 19 expires on July 8, 1996.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,

Washington, DC, March 6, 1996.

Hon. CARISS COLLINS,

Ranking Minority Member, Committee on Government Reform and Oversight, U.S. House of Representatives, Washington, DC.

DEAR MS. COLLINS: Thank you and your staff for working with my office to develop a new committee rule to provide for the implementation of the affidavit and deposition authorities provided in H. Res. 369. Your office has asked that I provide you with the supplemental information regarding how I interpret some provisions of the proposed committee rule.

19(a). Regarding the right of the minority to recommend witnesses to be deposed, it is my intention that for any witness you would recommend, I will either agree to issue a subpoena or place the question before the full committee for a vote.

19(b). The proposed rule requires that if a subpoena is required in the case of an affidavit or deposition in the Travel Office matter, I shall not authorize such subpoena without your concurrence or the vote of the committee. I believe that this new rule memorializes the longstanding practice of this committee to seek a consensus on the issuance of a subpoena.

19(c). The question has arisen as to whether a witness may be represented by counsel employed by the same government agency as the witness. I further understand that the White House Counsel's office has indicated that it will not seek to personally represent any White House employee during the course of this investigation. It is my intention to discuss with you on case by case basis the ability of Justice Department attorneys to represent Justice Department witnesses. I respect the ability of a witness to have an attorney of their choice, but I also must avoid any conflict of interest between an agency under investigation and a witness' individual rights.

19(d). The proposed committee rule is drafted under the assumption that most, if not all, depositions will be conducted by staff. Any members who wish to participate in a deposition should notify me before the scheduled day of the deposition. I will, of course, designate the minority member of your choice. However, in no way are the proposed committee rules intended to limit the ability of a member to participate and ask questions.

19(f). The term "designee" is intended to imply a member, and not staff. Furthermore, let me confirm to you my strongest intention to consult with you before ruling on an objection raised by a witness. In the instance that you are uncontrollably indisposed, I will certainly listen to any concerns expressed by your senior staff.

19(h). The depositions will be assumed to be received in executive session. Members and their staff will not be permitted to release a copy or excerpt of the deposition until such time that is entered into the official record of the committee, under penalty of House sanction. Witnesses will be given the opportunity to edit their transcript but will not be given a copy.

Finally, a question has arisen regarding what steps occur if a witness fails to appear for a deposition under subpoena or fails to respond to a question notwithstanding the chairman's ruling. It will be my intent, under such circumstances, to subpoena the witness before the full Committee to explain why he/she should not be held in contempt of Congress. The scope of such a hearing would not extend to the factual questions of the Travel Office matter, but would be limited to the question of contempt of the prior contempt.

I hope that this answers any outstanding questions you may have. Please feel free to discuss this matter with me further. And, again, thank you for your kind cooperation.

Sincerely,

WILLIAM F. CLINGER, Jr.,

Chairman.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. WAXMAN].

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California [Mr. WAXMAN] is recognized for 1½ minutes.

Mr. WAXMAN. Mr. Speaker, not a single Democrat is against investigating the campaign finance abuses of the 1996 campaign. That is not what this debate is all about. It is about whether a chairman ought to be given the power unilaterally to issue subpoenas.

It has never happened before. No chairman has ever issued subpoenas unilaterally in the House, the Senate, Democrat or Republican. This is the first time that we have seen such an activity.

This is about wasting money. I was impressed over and over again by the points made by the gentleman from California [Mr. CONDIT]. He has worked on a bipartisan basis on fiscally conservative measures to save taxpayer's funds, and what he suggested is that we ought to coordinate our investigation with the Senate and not waste this money through duplication.

We ought to defeat the amendment that is before us, defeat the previous question, so that we can offer the amendment that the gentleman from California [Mr. CONDIT] offered in committee, to simply have coordination and saving of taxpayers' dollars in a reasonable campaign finance investigation process so that we can return to the precedents of this House and this Congress, that all investigations will be determined by the members of a committee, even if the majority of the members want to vote on a party line basis, the members conduct the investigation, not one single person who happens to be chairman. Giving that kind of power to one person invites abuse, and we ought not to let that happen.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Government Reform and Oversight has been compelled by substantial allegations in the media, an accumulating body of evidence and an ensuing public outcry to undertake a thorough investigation of campaign financing improprieties and threats to national security. Because of the serious magnitude of the revelations that continue to surface in this scandal, the Committee on Rules has responded by crafting this very effective, but very limited resolution. So I would urge my colleagues on both sides of the aisle to support it so we can get to the bottom of this complicated and complex affair.

RULE 20.—INTERROGATORIES AND DEPOSITIONS

The chairman, upon consultation with the ranking minority member, may order the taking of interrogatories or depositions, under oath and pursuant to notice or subpoena. Such authorization may occur on a case-by-case basis, or by instructions to take a series of interrogatories or depositions. Notices for the taking of depositions shall specify the date, time, and place of examination. Answers to interrogatories shall be answered fully in writing under oath and depositions shall be taken under oath administered by a member or a person otherwise authorized by law to administer oaths. Consultation with the ranking minority member shall include three business day's written notice before any deposition is taken. All members shall also receive three business day's written notice that a deposition has been scheduled.

The committee shall not initiate contempt proceedings based on the failure of a witness to appear at a deposition unless the deposition notice was accompanied by a committee subpoena issued by the chairman.

Witnesses may be accompanied at a deposition by counsel to advise them of their rights. No one may be present at depositions except members, committee staff designated by the chairman or ranking minority member, an official reporter, the witness, and the witness's counsel. Observers or counsel for other persons or for agencies under investigation may not attend.

A deposition shall be conducted by any member or committee staff attorney designated by the chairman or ranking minority member. When depositions are conducted by committee staff attorneys, there shall be no more than two committee staff attorneys of the committee permitted to question a witness per round. One of the committee staff attorneys shall be designated by the chairman and the other shall be designated by the ranking minority member. Other committee staff members designated by the chairman or the ranking minority member may attend, but are not permitted to pose questions to the witness.

Questions in the deposition will be propounded in rounds. A round shall include as much time as is necessary to ask all pending questions. In each round, a member or committee staff attorney designated by the chairman shall ask questions first, and the member or committee staff attorney designated by the ranking minority member shall ask questions second.

An objection by the witness as to the form of a question shall be noted for the record. If a witness objects to a question and refuses to answer, the member or committee staff attorney may proceed with the deposition, or may obtain, at that time or a subsequent time, a ruling on the objection by telephone or otherwise from the chairman or a member designated chairman. The committee shall not initiate procedures leading to contempt proceedings based on a refusal to answer a question at a deposition unless the witness refuses to testify after an objection of the witness has been overruled and after the witness has been ordered by the chairman or a member designated by the chairman to answer the question. Overruled objections shall be preserved for committee consideration within the meaning of clause 2(k)(8) of House Rule 11.

Committee staff shall insure that the testimony is either transcribed or electronically recorded, or both. If a witness's testimony is transcribed, the witness or the witness's counsel shall be afforded an opportunity to review a copy. No later than five days thereafter, the witness may submit suggested changes to the chairman. Committee staff may make any typographical and technical changes requested by the witness. Substantive changes, modifications, clarifications, or amendments to the deposition transcript submitted by the witness must be accompanied by a letter requesting the changes and a statement of the witness's reasons for each proposed change. A letter requesting any substantive changes, modifications, clarifications, or amendments must be signed by the witness. Any substantive changes, modifications, clarifications, or amendments shall be included as an appendix to the transcript conditioned upon the witness signing the transcript.

The individual administering the oath, if other than a member, shall certify on the transcript that the witness was duly sworn. The transcriber shall certify that the transcript is a true record of the testimony and the transcript shall be filed, together with any electronic recording, with the clerk of the committee in Washington, D.C. Interrogatories and depositions shall be considered to have been taken in Washington, D.C. as well as at the location actually taken once filed there with the clerk of the committee for the

committee's use. The chairman and the ranking minority member shall be provided with a copy of the transcripts of the deposition at the same time.

All depositions and interrogatories received pursuant to this rule shall be considered as taken in executive session.

A witness shall not be required to testify unless the witness has been provided with a copy of the committee's rules.

This rule is applicable to the committee's investigation of political fundraising improprieties and possible violations of law, and is effective upon adoption of a resolution, in the House of Representatives, providing the committee with special investigative authorities.

RULE 21.—LETTERS ROGATORY AND INTERNATIONAL GOVERNMENT ASSISTANCE

The chairman, after consultation with the ranking minority member, may obtain testimony and evidence in other countries through letters rogatory and other means of international government cooperation and assistance. This rule is applicable to the committee's investigation of political fundraising improprieties and possible violations of law, and is effective upon adoption of a resolution, in the House of Representatives, providing the committee with special investigative authorities.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. COX], a member of the Committee on Government Reform and Oversight.

□ 1100

Mr. COX of California. Mr. Speaker, it is well, as we conclude debate and prepare to vote, that we recall what it is that is contained in the resolution before us. This is a resolution that will grant the staff attorneys, not the staff but the staff attorneys, former U.S. attorneys, of the Committee on Government Reform and Oversight, the ability to conduct depositions in preparation for hearings by the full committee.

The previous speaker spoke instead to the issue of subpoenas, and he said, incorrectly, that never before in history has the chairman had the power unilaterally to issue subpoenas. I first point out, that is not what this resolution provides. It does not provide anything about subpoenas.

But for the Record, I would also point out that for the entirety of the Democratic control of Congress over a 40-year period that was precisely what was the rule, and for the most recent Democratic Congress, the 103d Congress, let me quote from the Committee on Government Operations, the House of Representatives, rule XVIII: "The chairman of the full committee shall authorize and issue subpoenas." It does not say anything even about consultation with the minority, let alone concurrence.

Second, with respect to staff depositions themselves, over and over and over again this authority has been granted by this Congress in precisely this way. This was the rule for the Iran-Contra investigation. Let me quote the rule: " * * * the chairman, upon consultation with the ranking minority member * * * may authorize the taking * * * of depositions. * * * "

That was the rule for Iran-Contra, and it is the very same rule we are adopting here, with consultation; not a veto, not concurrence, which means agreement, which means if we do not agree, as the minority, then we have to have a full committee vote on every one, but consultation.

In fact, in this rule we provide something that the Democratic Party, for all the years they controlled Congress, never provided us when we were in the minority, and that is 3 full business days advance notice and consultation. This rule, therefore, is better than anything that the Democrats had when they were in charge.

October Surprise, we have heard that mentioned out here before. Let me read the rule for the October Surprise investigation when the Democrats were in the majority: "The chairman, upon consultation with the ranking Republican member * * * may authorize the taking of * * * depositions. * * * "

But that is not the rule they are offering. They wanted a veto power to kick it to full committee. Why should it not be kicked to full committee? Let me read from a leading Democrat, the gentleman from Indiana, Mr. LEE HAMILTON, whose statement it seems to me speaks for itself:

* * * requiring a majority vote for each subpoena would be extremely time-consuming and difficult to arrange. It would be impractical. It has been common practice in special congressional investigations to give the chairman responsibility for issuing subpoenas. * * * "

So we need to focus once again on what is in the resolution before us; nothing about subpoena authority, but the authority to take staff depositions. Let me add also that we have an opportunity to cooperate and to make this the kind of bipartisan investigation that so much of the debate has focused on here today.

Mr. Speaker, recall what went on in the October Surprise investigation. It was an election year. This is not. The charges were not about Webster Hubbell receiving hush money from the Lippo Group and the Riadys, people that have taken the fifth amendment and fled the country, and whose grievous offenses, apparent grievous offenses have been drawn to the Nation's attention by the New York Times.

Rather, it was alleged that President George Bush met secretly in Paris with the Ayatollah and begged that he not release our hostages. That absurd premise was dismissed because we cooperated in that investigation. Please cooperate with us in this one. Vote yes for the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). All time has expired.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. 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. MOAKLEY. 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 217, nays 196, not voting 21, as follows:

[Roll No. 219]

YEAS—217

Aderholt Gilchrest Pappas
 Archer Gillmor Parker
 Arney Gilman Paul
 Bachus Goodlatte Paxon
 Baker Goodling Pease
 Barr Graham Peterson (PA)
 Bartlett Granger Petri
 Barton Greenwood Pickering
 Bass Gutknecht Pitts
 Bateman Hansen Porter
 Bereuter Hastert Portman
 Bilbray Hastings (WA) Pryce (OH)
 Bilirakis Hayworth Quinn
 Bliley Hefley Radanovich
 Blunt Herger Ramstad
 Boehlert Hill Redmond
 Boehner Hilleary Regula
 Bonilla Hobson Riggs
 Bono Hoekstra Riley
 Brady Horn Rogan
 Bryant Hostettler Rogers
 Bunning Houghton Rohrabacher
 Burton Hulshof Ros-Lehtinen
 Buyer Hunter Roukema
 Callahan Hutchinsom Royce
 Calvert Hyde Ryun
 Camp Inglis Salmon
 Campbell Istook Sanford
 Canady Jenkins Saxton
 Cannon Johnson (CT) Scarborough
 Castle Jones Schaefer, Dan
 Chabot Kasich Schaffer, Bob
 Chambliss Kelly Sensenbrenner
 Chenoweth Kim Sessions
 Christensen King (NY) Shadegg
 Coble Kingston Shaw
 Coburn Klug Shays
 Collins Knollenberg Shimkus
 Combest Kolbe Shuster
 Cook LaHood Skeen
 Cooksey Largent Smith (MI)
 Cox Latham Smith (NJ)
 Crane LaTourette Smith (OR)
 Crapo Leach Smith (TX)
 Cubin Lewis (CA) Snowbarger
 Cunningham Lewis (KY) Solomon
 Davis (VA) Linder Souder
 Deal Livingston Spence
 DeLay LoBiondo Stearns
 Diaz-Balart Lucas Stump
 Dickey Manzullo Sununu
 Dreier McCollum Talent
 Duncan McCrery Thomas
 Dunn McDade Thornberry
 Ehlers McHugh Thune
 Ehrlich McInnis Tiahrt
 Emerson McIntosh Traficant
 English McKeon Upton
 Ensign Metcalf Walsh
 Everett Mica Wamp
 Ewing Miller (FL) Watkins
 Fawell Molinari Watts (OK)
 Foley Moran (KS) Weldon (FL)
 Forbes Morella Weldon (PA)
 Fowler Myrick Weller
 Fox Neumann White
 Franks (NJ) Ney Whitfield
 Frelinghuysen Northrup Wicker
 Gallegly Norwood Wolf
 Ganske Nussle Young (FL)
 Gekas Oxley
 Gibbons Packard

NAYS—196

Abercrombie Barcia Berry
 Allen Barrett (WI) Bishop
 Andrews Becerra Blagojevich
 Baesler Bentsen Blumenauer
 Baldacci Berman Bonior

Borski Hilliard Olver
 Boswell Hinchey Ortiz
 Boucher Hinojosa Owens
 Boyd Holden Pallone
 Brown (CA) Hooley Pascarell
 Brown (FL) Hoyer Pastor
 Brown (OH) Jackson (IL) Payne
 Capps Jackson-Lee Pelosi
 Cardin (TX) Peterson (MN)
 Carson Jefferson Pickett
 Clay John Poshard
 Clement Johnson (WI) Price (NC)
 Clyburn Johnson, E. B. Rahall
 Condit Kanjorski Rangel
 Conyers Kaptur Reyes
 Costello Kennedy (MA) Rivers
 Coyne Kennedy (RI) Rodriguez
 Cramer Kennelly Roemer
 Cummings Kildee Rothman
 Danner Kilpatrick Roybal-Allard
 Davis (FL) Kind (WI) Rush
 Davis (IL) Kleczka Sabo
 DeFazio DeFazio Sanchez
 Delahunt Kucinich Sanders
 DeLauro LaFalce Sandlin
 Dellums Lampton Sawyer
 Deutsch Lantos Schumer
 Dicks Levin Scott
 Dingell Lewis (GA) Serrano
 Dixon Lofgren Sherman
 Doggett Lowey Siskiny
 Dooley Luther Skaggs
 Doyle Maloney (CT) Skelton
 Edwards Maloney (NY) Slaughter
 Engel Manton Smith, Adam
 Eshoo Markey Snyder
 Etheridge Martinez Spratt
 Evans Mascara Stabenow
 Farr Matsui Stenholm
 Fattah McCarthy (MO) Stokes
 Fazio McCarthy (NY) Strickland
 Filner McDermott Stupak
 Flake McGovern Tanner
 Foglietta McHale Tauscher
 Ford McIntyre Taylor (MS)
 Frank (MA) McKinney Thompson
 Frost McNulty Thurman
 Furse Meehan Tierney
 Gejdenson Meeke Towns
 Gephardt Menendez Turner
 Gonzalez Millender Velazquez
 Goode McDonald Vento
 Gordon Minge Visclosky
 Green Mink Waters
 Gutierrez Moakley Watt (NC)
 Hall (OH) Mollohan Waxman
 Hall (TX) Moran (VA) Wexler
 Hamilton Murtha Weygand
 Harman Nadler Wise
 Hastings (FL) Neal Woolsey
 Hefner Obey Wynn

NOT VOTING—21

Ackerman Johnson, Sam Schiff
 Ballenger Lipinski Stark
 Barrett (NE) Miller (CA) Tauzin
 Clayton Nethercutt Taylor (NC)
 DeGette Oberstar Torres
 Doolittle Pomo Yates
 Goss Pomeroy Young (AK)

□ 1121

The Clerk announced the following pairs:

On this vote:
 Mr. Ballenger for, with Ms. DeGette against.
 Mr. McIntosh for, with Mr. Stark against.

The previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

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

RECORDED VOTE

Mr. MOAKLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The vote was taken by electronic device, and there were—ayes 216, noes 194, not voting 24, as follows:

[Roll No. 220]

AYES—216

Aderholt Gilchrest Packard
 Archer Gillmor Pappas
 Arney Gilman Parker
 Bachus Goode Paul
 Baker Goodlatte Paxon
 Barr Goodling Pease
 Bartlett Graham Peterson (PA)
 Barton Granger Petri
 Bass Greenwood Pickering
 Bateman Gutknecht Pitts
 Bereuter Hall (TX) Porter
 Bilbray Hansen Portman
 Bilirakis Hastert Pryce (OH)
 Bliley Hastings (WA) Quinn
 Blunt Hayworth Radanovich
 Boehlert Hefley Ramstad
 Boehner Hill Redmond
 Bono Hilleary Regula
 Brady Hobson Riggs
 Bryant Hoekstra Riley
 Bunning Horn Rogan
 Burr Hostettler Rogers
 Burton Houghton Rohrabacher
 Buyer Hulshof Ros-Lehtinen
 Callahan Hunter Royce
 Calvert Calvert Hutchinsom
 Camp Hyde Salmon
 Campbell Inglish Sanford
 Canady Istook Saxton
 Cannon Jenkins Scarborough
 Castle Johnson (CT) Schaefer, Dan
 Chabot Jones Schaffer, Bob
 Chambliss Kasich Sensenbrenner
 Chenoweth Kelly Sessions
 Christensen Kim Shadegg
 Coble King (NY) Shaw
 Coburn Kingston Shays
 Collins Shimkus Klug
 Combest Knollenberg Shuster
 Cook Kolbe Skeen
 Cooksey LaHood Smith (MI)
 Cox Largent Smith (NJ)
 Crane Latham Smith (OR)
 Crapo LaTourette Smith (TX)
 Cubin Lazio Smith, Linda
 Cunningham Leach Snowbarger
 Davis (VA) Lewis (CA) Solomon
 Deal Lewis (KY) Souder
 DeLay Linder Spence
 Diaz-Balart Livingston Stearns
 Dickey LoBiondo Stump
 Dreier Lucas Sununu
 Duncan Manzullo Talent
 Dunn McCollum Thomas
 Ehlers McCrery Thornberry
 Ehrlich McHugh Thune
 Emerson McInnis Tiahrt
 English McKeon Traficant
 Ensign Everett Upton
 Everett Mica Walsh
 Ewing Fawell Miller (FL) Wamp
 Fawell Molinari Watts (OK) Watkins
 Foley Moran (KS) Weldon (FL)
 Forbes Morella Weldon (PA)
 Fowler Myrick Weller
 Fox Neumann White
 Franks (NJ) Ney Whitfield
 Frelinghuysen Northrup Wicker
 Gallegly Norwood Wolf
 Ganske Nussle Young (FL)
 Gekas Oxley
 Gibbons Packard

NOES—194

Abercrombie Capps Dixon
 Allen Cardin Doggett
 Andrews Carson Dooley
 Baesler Clay Doyle
 Baldacci Clement Edwards
 Barcia Clyburn Engel
 Barrett (WI) Condit Eshoo
 Becerra Conyers Etheridge
 Bentsen Costello Evans
 Berman Coyne Farr
 Berry Cramer Fattah
 Bishop Cummings Fazio
 Blagojevich Danner Filner
 Blumenauer Davis (FL) Flake
 Bonior Davis (IL) Foglietta
 Borski DeFazio Ford
 Boswell Delahunt Frank (MA)
 Boucher DeLauro Frost
 Boyd Dellums Furse
 Brown (CA) Deutsch Gejdenson
 Brown (FL) Dicks Gephardt
 Brown (OH) Dingell Gonzalez

Gordon	Martinez	Roukema
Green	Mascara	Royal-Allard
Gutierrez	Matsui	Rush
Hall (OH)	McCarthy (MO)	Sabo
Hamilton	McCarthy (NY)	Sanchez
Harman	McDermott	Sanders
Hastings (FL)	McGovern	Sandlin
Hefner	McHale	Sawyer
Hilliard	McIntyre	Schumer
Hinchey	McKinney	Scott
Hinojosa	McNulty	Serrano
Holden	Meehan	Sherman
Hooley	Meek	Sisisky
Hoyer	Menendez	Skaggs
Jackson (IL)	Millender-	Skelton
Jackson-Lee	McDonald	Slaughter
(TX)	Minge	Smith, Adam
Jefferson	Mink	Snyder
John	Moakley	Spratt
Johnson (WI)	Mollohan	Stabenow
Johnson, E. B.	Moran (VA)	Stenholm
Kanjorski	Murtha	Stokes
Kaptur	Nadler	Strickland
Kennedy (MA)	Neal	Stupak
Kennedy (RI)	Obey	Tanner
Kennelly	Olver	Tauscher
Kildee	Ortiz	Thompson
Kilpatrick	Owens	Thurman
Kind (WI)	Pallone	Tierney
Kleczka	Pascrell	Towns
Klink	Pastor	Turner
Kucinich	Payne	Velazquez
LaFalce	Pelosi	Vento
Lampson	Peterson (MN)	Visclosky
Lantos	Pickett	Waters
Levin	Poshard	Watt (NC)
Lewis (GA)	Price (NC)	Waxman
Lofgren	Rahall	Wexler
Lowe	Rangel	Weygand
Luther	Reyes	Wise
Maloney (CT)	Rivers	Woolsey
Maloney (NY)	Rodriguez	Wynn
Manton	Roemer	
Markey	Rothman	

NOT VOTING—24

Ackerman	Heger	Pomeroy
Ballenger	Johnson, Sam	Schiff
Barrett (NE)	Lipinski	Stark
Bonilla	McIntosh	Tauzin
Clayton	Miller (CA)	Taylor (NC)
DeGette	Nethercutt	Torres
Doolittle	Oberstar	Yates
Goss	Pombo	Young (AK)

□ 1140

The Clerk announced the following pairs:

On this vote:

Mr. Ballenger for, with Ms. DeGette against.

Mr. McIntosh for, Mr. Stark against.

Ms. MCKINNEY changed her vote from "aye" to "no."

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.

PERSONAL EXPLANATION

Mr. BONILLA. Mr. Speaker, on rollcall No. 220, I was unavoidably detained. Had I been present, I would have voted "aye."

ALTERING ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 1119, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. SPENCE. Mr. Speaker, pursuant to section 5 of House Resolution 169, I ask unanimous consent that during further consideration of H.R. 1119 in the Committee of the Whole, and following consideration of the Luther

amendment referred to in part 1 of House Resolution 169, the following amendments be considered in the following order:

Amendments No. 22 and 41, printed in part 2 of House Report 105-137;

The amendment printed in section 8(e) contained in House Resolution 169; and

Amendment 15, printed in part 2 of House Report 105-137, as modified by section 8(b) of House Resolution 169.

And, Mr. Speaker, I ask unanimous consent that this be considered sufficient notice for the purposes of section 5 of House Resolution 169.

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

Mr. DELLUMS. Mr. Speaker, reserving the right to object, and I do not intend to object, but I would simply like to ask the question: Have all of the persons who the distinguished Chair has laid out as authors of amendments that we will address during the remaining period of this session today been notified as to the agreement?

Mr. SPENCE. Yes, we have made every attempt to notify them and we believe they have been. I have not checked every one to make sure, but we, as we talk, will be contacting the others.

Mr. DELLUMS. Mr. Speaker, I withdraw my reservation of objection and, with those admonishments, trust the word of the Chair.

The SPEAKER pro tempore. Without objection, the notice shall be considered sufficient.

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The SPEAKER pro tempore. Pursuant to House Resolution 169 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. 1119.

□ 1144

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. 1119) to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes, with Mr. YOUNG of Florida in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 19, 1997, amendment No. 5, printed in part 1 of House Report 105-137, offered by the gentleman from Connecticut [Mr. SHAYS], had been disposed of.

It is now in order to consider amendment No. 6, printed in part 1 of House Report 105-137.

AMENDMENT NO. 6 OFFERED BY MR. LUTHER

Mr. LUTHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. LUTHER:

At the end of title I (page 23, before line 7), insert the following new section:

SEC. 123. TERMINATION OF NEW PRODUCTION OF TRIDENT II (D-5) MISSILES.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1997 may not be obligated or expended to commence production of additional Trident II (D-5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D-5) Program.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D-5) missile program only for the completion of production of those Trident II (D-5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 1998.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by \$342,000,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. LUTHER] and a Member opposed, the gentleman from California [Mr. HUNTER] each will control 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. LUTHER].

□ 1145

Mr. LUTHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, I am pleased today to join with my fellow Minnesotan [Mr. RAMSTAD] in offering this bipartisan amendment to the fiscal year 1998 defense authorization bill to terminate further production of the Trident D-5 submarine launched ballistic missile.

The Trident D-5 is a ballistic missile with a range of more than 4,000 nautical miles. Each is capable of carrying up to 8 independently targetable nuclear warheads at speeds in excess of 13,000 miles per hour. The U.S. Navy currently operates a force of 17 Ohio-class fleet ballistic missile submarines with an eighteenth boat scheduled to join the force later this summer. Eight of these submarines, homeported at Bangor, WA, carry the older C-4 missile system. The other 9 Ohio-class subs and the new sub being deployed this year are homeported at Kings Bay, GA, and carry the new Trident D-5 missile system. Each submarine carries 24 missiles.

In order to comply with the START II Treaty, the Navy is planning to retire four of the older subs carrying the C-4 missiles, but the Navy is currently planning to back-fit the other four with the new D-5 missiles. Although the Navy has already an inventory of 350 D-5 missiles, it nevertheless plans to procure an additional 84 Trident D-5's through the year 2005, unless Congress intercedes.

We believe the responsible course is for our Navy to cancel the proposed back-fit of the older C-4 subs and, over time, reduce its fleet of Ohio-class submarines to 10 vessels. With a fleet of 10