

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

Mr. STUMP. Mr. Speaker, I ask unanimous consent that the notice I gave in order of amendments notice be considered sufficient in terms of compliance with requirements of section 5 of House Resolution 169.

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

Mr. DELLUMS. Reserving the right to object, Mr. Speaker, I shall not object, but I simply reserve the right to object to yield to my distinguished colleague to explain the basis of his unanimous consent request so that Members can understand.

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

Mr. DELLUMS. I yield to the gentleman from Arizona.

Mr. STUMP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, under the rules, we have to give an hour's notice. That was the reason for it.

Mr. DELLUMS. I thank the gentleman.

Mr. Speaker, is the next Member that will be offering an amendment prepared to offer an amendment?

Mr. STUMP. Yes, Mr. Speaker.

Mr. DELLUMS. Mr. Speaker, I withdraw my reservation of objection.

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

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.

□ 1333

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 House rose earlier today, Amendment No. 15 printed in Part 2 of House Report 105-137, as modified by section 8(b) of House Resolution 169, by the gentleman from Massachusetts [Mr. FRANK].

Pursuant to the order of the House earlier today, it is now in order to con-

sider amendment No. 1 in part 2 of House Report 105-137.

AMENDMENT NO. 1 OFFERED BY MR. BACHUS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment No. 1 offered by Mr. BACHUS:

At the end of title X (page 360, after line 8), insert the following new section:

SEC. . PROHIBITION OF PERFORMANCE OF MILITARY HONORS UPON DEATH OF PERSONS CONVICTED OF CAPITAL CRIMES.

(a) **MILITARY FUNERALS.**—The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors at the funeral of a person who has been convicted of a crime under State or Federal law for which death is a possible punishment and for which the person was sentenced to death or life imprisonment without parole.

(b) **APPLICABILITY OF SECTION.**—This section applies without regard to any other provision of law relating to funeral or burial benefits.

The CHAIRMAN. Pursuant to the rule, the gentleman from Alabama [Mr. BACHUS] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama [Mr. BACHUS].

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

Mr. Chairman, this amendment is a simple amendment. It simply states that someone convicted of a crime and sentenced to death or life imprisonment shall not be entitled to a full honors funeral in one of our national cemeteries.

In considering this amendment, I think we all need to do some serious soul searching. Who is in entitled to a hero's funeral? I think when we ask ourselves, who are our heroes, in this country, who do we honor? I think we can go back to the summer of 1994 to tell us that we may be doing the wrong thing, we may have confused celebrities with heroes, we may have confused notoriety with character.

In 1994, on a Sunday afternoon, we will recall that there was a famous chase on an L.A. freeway and, in that chase, fully three-quarters of the news media in the country was focused on it. As almost what appeared to be half of the L.A. police force chased someone down that highway, America was transformed on to that event.

At the same time, on our other shore, here in Washington, there was another ceremony going on at the very same time. At the White House, two young Army Rangers were being awarded the Medal of Honor. It was a posthumous ceremony. They had given their lives in Somalia. When they left the protection of their unit and tried to save some of their fellow soldiers, they were killed. And they and their families were at the White House receiving the Medal of Honor. There was no live TV coverage. There was no mention of it in

my hometown paper, which was full of talk about what happened on that L.A. freeway.

We really have to ask ourselves, who in our country are our heroes? Some people are saying that the fact that Timothy McVeigh did what he did in Oklahoma City, that he is still a military hero. I would remind my colleagues that our country's oldest military force is our National Guard; and when it was formed, the word was said that to be a good soldier, one had to be a good citizen, too; to fight for the country, you had to do it both at home and abroad.

This amendment is not offered out of disrespect for any one person. It is offered out of respect, respect for the victims of those that we would honor in our cemeteries with a 21- or 12-gun salute, a chaplain, requiring military honor guard to be present. This amendment, the catalyst, is not Oklahoma City. The catalyst was Mobile, AL, where last week a man named Henry Francis Hayes was given a full military honor funeral and laid to rest at the Mobile National Cemetery, over the protest of several of the people serving in the unit who attended.

Henry Francis Hayes was not a hero. He was electrocuted in Alabama on June 7 for the murder of a young black man, 19 years old, in Mobile, AL, who Henry Francis Hayes and other Ku Klux Klanners pulled from the safety of his family, took him to another county, beat him half to death with sticks, slit his throat, brought him back to Mobile County, put a hangman's noose around his neck, and hung him.

A jury in the State of Alabama said that he was not a hero. But last week, in a military ceremony, we said to our children and grandchildren, we are overlooking this. This is a good soldier. This is a hero. And he got a hero's funeral, and he is buried in the Mobile cemetery.

I will simply say, who is entitled to a hero's funeral? Who are our heroes?

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise as a cosponsor of Mr. BACHUS' timely amendment that would not allow individuals who commit capital crimes where the death penalty is an option to be eligible for a full military burial.

Regardless of whether you support or oppose the death penalty, it is an affront that an individual who, in the case of Timothy McVeigh, has been convicted of murdering fellow Americans, to receive the same honors to which our veterans are entitled. Active members of the military and veterans embody the very virtues we as Americans cherish. They are the guardians of liberty and the caretakers of the freedoms we all hold dear. Convicted murderers do not represent these ideals and should not be honored for their service to our Nation.

Currently, there are restrictions regarding what veterans are eligible for military burials. Anybody convicted of treason, espionage, mutiny, or assisting an enemy of the United States cannot request a military burial. It is morally right to add to this list those who have wantonly disregarded the sanctity of human

life and have been convicted of a capital crime by a jury of their peers. Anything less would be a slap in the face of our veterans.

Last week, I supported a constitutional amendment to prohibit physical desecration of the U.S. flag. This week, I urge my colleagues to support this amendment which would prohibit the adornment of the flag on individuals who have rejected the very ideals which America represents.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Alabama [Mr. BACHUS] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 34 printed in part 2 of House Report 105-137.

AMENDMENT NO. 34 OFFERED BY MR. SKELTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part 2 Amendment numbered 34 offered by Mr. SKELTON:

At the end of title V (page 204, after line 16), insert the following new section:

SEC. 572. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.

(a) IN GENERAL.—Section 6105(b) of title 38, United States Code, is amended—

(1) in paragraph (2)—

A by inserting “32, 37, 81, 175,” before “792,”; and

(B) by inserting “831, 842(m), 842(n), 844(c), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A,” after “798,”;

(2) in paragraph (3)—

(A) by striking out “and 226” and inserting in lieu thereof “226, and 236”;

(B) by striking out “and 2276” and inserting in lieu thereof “2276, and 2284”;

(C) by striking out “and” at the end;

(3) by redesignating paragraph (4) as paragraph (5); and

(4) by inserting after paragraph (3) the following new paragraph (4):

“(4) sections 46502 and 60123(b) of title 49; and”.

(b) CONFORMING AMENDMENTS.—(1) The second sentence of section 6105(c) of such title is amended by striking out “or (4)” and inserting in lieu thereof, “(4), or (5)”.

(2) The heading for such section is amended to read as follows:

“§6105. Forfeiture: subversive activities; terrorist activities; other criminal activities”.

(3) The item relating to section 6105 in the table of sections at the beginning of chapter 61 of that title is amended to read as follows: “6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.”.

(c) APPLICABILITY.—The amendment made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. SKELTON] and a Member opposed, the gentleman from Arizona [Mr. STUMP] each will control 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

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

Mr. Chairman, I offer the amendment at this time, which changes the law as it relates to veterans and veterans' burials. It is like the amendment that was passed in the Senate at the behest of Senator TORRICELLI, the gentleman from New Jersey.

As my colleagues know, the statute of our law state that certain veterans are prohibited from being buried in national cemeteries as a result of certain acts and convictions under the criminal law. The statute includes a good number of crimes that prohibit some veterans from being so interned.

However, the crimes of which Timothy McVeigh was convicted in Denver, CO, just a few days ago, the destruction of property and the killing of innocent people by mass destruction, and also the intentional killing of Federal law enforcement officers, is not included in that list. And that is the purpose of my amendment.

It has come to my attention, however, Mr. Chairman, that subsequent to my offering this amendment and putting it in line to be taken up at this time, there are some veterans organizations that are concerned. And the gentleman who is the chairman of the Committee on Veteran Affairs, Mr. STUMP, and I have conferred about this; and as my colleagues know, this particular amendment is outside the immediate scope of the Department of Defense bill, however, would be and has been authorized by the Committee on Rules to be taken up today.

However, in deference to the gentleman from Arizona [Mr. STUMP], because there are to be hearings on this in an attempt to make sure that the door is battened down fully and correctly on this issue, I will in a moment ask unanimous consent to withdraw this amendment.

□ 1345

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

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

Mr. Chairman, I rose in opposition not because I am in opposition to the gentleman's amendment but merely to express my thanks to him for withdrawing his amendment or he is about to.

In the rush to deal with the McVeigh issue, everyone drafted a bill very rapidly and all fell short. The bill that was passed out of the Senate, for instance, will not prevent McVeigh from being

buried in the common area in Arlington National Cemetery. There are other factors that are involved in this issue. For instance, do we really want to penalize a widow or dependent children because of what that veteran may or may not have done? If the man had committed suicide before he was convicted, this would not cover the situation.

In an effort to try to put all these ideas together, I asked everyone to withdraw their amendments, my good friend the gentleman from Missouri did this, and we will be ready to draw up a bill in the next day or so, have hearings on it and proceed as rapidly and expeditiously as possible.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman on this. I think that this is something that the Congress needs to deal with, but the gentleman from Arizona, chairman of the Committee on Veterans Affairs, I think makes a very valid point. We want to do this carefully and properly. I urge him to keep up his good work and look forward to voting in favor of his amendment when it comes to the floor.

Mr. STUMP. I thank the gentleman.

Mr. SKELTON. Mr. Chairman, at this time, realizing that we all seem to be singing from the same sheet of music and unanimous in our attempt to make this law clear and understandable, I do ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words as I understand under the rule whenever the chairman of the committee moves to strike the requisite number of words, the member from the other side automatically, if he chooses to claim it, has 5 minutes, and I would like to claim those 5 minutes.

The CHAIRMAN. The Chair would respond to the gentleman that that is when an amendment is under consideration, and technically the gentleman from Arizona was using the 5 minutes allocated to him in opposition to the amendment.

Mr. DELLUMS. Then I move to strike the requisite number of words.

The CHAIRMAN. Does the gentleman ask unanimous consent?

Mr. DELLUMS. I would ask unanimous consent to strike the requisite number of words.

Mr. CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DELLUMS. Mr. Chairman, first I would like to concur in the remarks of my distinguished colleague from Arizona and in the remarks of my distinguished colleague from Washington and

compliment the gentleman from Missouri [Mr. SKELTON] for withdrawing his amendment. There clearly were some unintended consequences to the gentleman's amendment, and I think withdrawing is the better part of valor at this point.

Second, I would like to take this opportunity just to make an observation and a comment, Mr. Chairman. This is a terrible way to do business. It was precisely for this reason that this gentleman rose on Friday last to suggest that Monday is an inappropriate time to debate a bill totaling \$263 billion with enormous long-term policy implications. To sit here in a virtually empty Chamber where we are dealing with substantive matters on Monday when Members are traveling from all over the country trying to get back here is simply an inappropriate way to do business.

I know the gentleman from Arizona and I will continue to do our best to try to move the process forward, but I just want the record to show that one more time for the purposes of emphasis, Mr. Chairman, that I think that this is a wholly inappropriate way to do business, and at one level it is rather embarrassing as a member of this body who certainly came here to be substantive and deliberative and who wants to engage at a serious level that there is something fatally flawed about this process.

The CHAIRMAN. Pursuant to section 5 of House Resolution 169, it is now in order to consider amendment No. 10 printed in part 1 of House Report 105-137.

AMENDMENT NO. 10 OFFERED BY MR. TALENT

Mr. TALENT. Mr. Chairman, I offer an amendment as the designee of the gentleman from New York [Mr. GILMAN].

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TALENT: Strike out section 568 (page 192, line 9, through page 201, line 9) and insert in lieu thereof the following:

SEC. 568. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

“(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

“(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(2)(A) Any other person who is a citizen of the United States and is described in subparagraph (B) who serves with or accompanies the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary

absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(B) A person described in this subparagraph is any of the following:

“(i) A civilian officer or employee of the Department of Defense.

“(ii) An employee of a contractor of the Department of Defense.

“(iii) An employee of a United States firm licensed by the United States under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to perform duties under contract with a foreign government involving military training of the military forces of that government in accordance with policies of the Department of Defense.”; and

(B) by adding at the end the following new subsection:

“(f) SECRETARY CONCERNED.—In this chapter, the term ‘Secretary concerned’ includes—

“(1) in the case of a person covered by clause (i) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense employing the employee;

“(2) in the case of a person covered by clause (ii) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense contracting with the contractor; and

“(3) in the case of a person covered by clause (iii) of subsection (c)(2)(B), the Secretary of Defense.”.

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out “one military officer” and inserting in lieu thereof “one individual described in paragraph (2)”;

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) An individual referred to in paragraph (1) is the following:

“(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

“(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.”.

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out “who are” and all that follows in that paragraph and inserting in lieu thereof “as follows:

“(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

“(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

“(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5; and

“(ii) such members of the armed forces as the Secretary considers advisable.

“(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

“(i) the board shall include at least one officer described in subparagraph (A) and at

least one employee of the Department of Defense described in subparagraph (B)(i); and

“(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board's inquiry to the number of civilians who are subjects of the board's inquiry.”; and

(B) in paragraph (4), by striking out “section 1503(c)(3)” and inserting in lieu thereof “section 1503(c)(4)”.

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

“(1) The term ‘missing person’ means—

“(A) a member of the armed forces on active duty who is in a missing status; or

“(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.”.

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out “10 days” and inserting in lieu thereof “48 hours”; and

(ii) by striking out “Secretary concerned” and inserting in lieu thereof “theater component commander with jurisdiction over the missing person”;

(B) in subsection (a), as amended by subparagraph (A)—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(ii) by inserting “(1)” after “COMMANDER.—”; and

(iii) by adding at the end the following new paragraph:

“(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).”;

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

“(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.”; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: “The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the

person is properly safeguarded to avoid loss, damage, or modification."

(2) Section 1503(a) of such title is amended by striking out "section 1502(a)" and inserting in lieu thereof "section 1502(b)".

(3) Section 1504 of such title is amended by striking out "section 1502(a)(2)" in subsections (a), (b), and (e)(1) and inserting in lieu thereof "section 1502(a)".

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

"(8) The term 'theater component commander' means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command."

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

"(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

"(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

"(B) not later than every three years thereafter.

"(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

"(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

"(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

"(B) if, before the end of such 30-year period, the missing person is accounted for."

(d) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

"(3) A description of the location of the body, if recovered.

"(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an appropriate forensic science that the body recovered is that of the missing person."

(e) MISSING PERSON'S COUNSEL.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: "The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person's primary next of kin and any other previously designated person of the person."

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: "The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to submit information to the missing person's counsel relative to the disappearance or status of the missing person."

(3) Section 1505(c)(1) is amended by adding at the end the following: "The Secretary concerned shall appoint counsel to represent any such missing person to whom such information may be related. The appointment shall be in the same manner, and subject to

the same provisions, as an appointment under section 1504(f)(1) of this title."

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended by striking out in subsection (a) and inserting in lieu thereof the following:

"(a) REVIEW OF STATUS.—(1) If new information is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

"(2) The Secretary concerned shall appoint counsel to represent each such unaccounted for person to whom the new information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.

"(3) For purposes of this subsection, new information is information that—

"(A) is found or received after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

"(B) is identified after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b)."

(2) Such section is further amended by adding at the end the following new subsection:

"(d) ESTABLISHMENT OF PERSONNEL FILES FOR KOREAN CONFLICT CASES.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person."

(g) WITHHOLDING OF CLASSIFIED INFORMATION.—Section 1506(b) of such title is amended—

(1) by inserting "(1)" before "The Secretary";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to family members of missing persons."

(h) WITHHOLDING OF PRIVILEGED INFORMATION.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by striking out "non-derogatory" both places it appears in the first sentence;

(B) by inserting "or about unnamed missing persons" in the first sentence after "the debriefing report";

(C) by striking out "the missing person" in the second sentence and inserting in lieu

thereof "each missing person named in the debriefing report"; and

(D) by adding at the end the following new sentence: "Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to family members of missing persons."; and

(2) in paragraph (3)—

(A) by inserting ", or part of a debriefing report," after "a debriefing report"; and

(B) by adding at the end the following new sentence: "Whenever the Secretary withholds a debriefing report, or part of a debriefing report, containing information on unnamed missing persons from accessibility to families of missing persons under this section, the Secretary shall ensure that notice that the withheld debriefing report exists is made reasonably accessible to family members of missing persons."

The CHAIRMAN. Pursuant to the rule, the gentleman from Missouri [Mr. TALENT] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Missouri [Mr. TALENT].

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

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

Mr. TALENT. Mr. Chairman, I rise today to introduce an amendment to H.R. 1119 the fiscal year 1998 National Defense Authorization Act. This amendment mirrors and expands on the language of H.R. 409, the Missing Persons Authorities Improvement Act of 1997.

Mr. Chairman, last year this body secured a victory for U.S. service personnel, their families and the families of POW/MIA's by winning the passage of H.R. 945, the Missing Service Personnel Act. That bill received unanimous support in the House as part of the defense authorization bill for that year.

The amendment would restore the provisions stricken from the Missing Service Personnel Act by a Senate amendment that was offered and passed last year. Last year this legislation was introduced as H.R. 4000. It received 280 cosponsors and passed unanimously in the House before failing to come to the Senate floor.

Mr. Chairman, I will briefly describe the provisions of the amendment. I do not believe that they are controversial. The first provision to be restored requires that military commanders report and initiate searching for a missing service personnel member within 48 hours, rather than 10 days as stated in current law, unless prevented by combat conditions.

That bears repeating, Mr. Chairman. The requirement does not apply if the local commander is engaged in an ongoing combat situation, especially one on a large scale. But it is entirely appropriate for peacekeeping operations. Captain O'Grady, for example, was missing for 6 days before being found. Had he not been reported missing in a timely fashion, his story would surely have had a different outcome.

The second provision in the amendment covers civilian employees of the

Defense Department and Defense Department civilian contractors in the same way that active duty personnel are covered. These civilians are in the field under orders to assist our military, Mr. Chairman. They deserve the same protections afforded our men and women in uniform. Moreover, with the downsizing of our Armed Forces that has been occurring during the post-cold-war period, the Department of Defense has been increasingly turning to civilian contractors for technical support with equipment during operations in the field.

These contract employees face the same conditions in the front lines as our men and women in uniform. Since they are assuming the same risks, it only makes sense that they are allowed the knowledge that the Pentagon places the same priority on their recovery as it does for military personnel.

The third key provision in the amendment states that if a body is recovered and cannot be identified by visual means, a certification by a credible forensic authority has to be made before the DPMO can certify that the person is dead. This provision is simple common sense. There have been too many cases where misidentification of remains has caused undue trauma for families.

The last provision I want to mention specifically, Mr. Chairman, may be the most important of all. The amendment contains provisions relating to pre-enactment cases, cases that occurred before the enactment of the Missing Service Personnel Act in 1995. These are primarily from the Korean and the Vietnam wars. Should any new information be found on such a case and be presented to the Department of Defense, the MIA in question must have counsel present at any hearing called to decide on the convening of a review board.

Furthermore, such counsel must be revealed to the MIA's family which can then provide the counsel with additional information as warranted. Finally, the DOD should treat any new information from pre-enactment cases in the same manner as for future cases that may occur. More importantly, the law requires that personnel files be established for those servicemen last known alive in Korea.

In recent years, Mr. Chairman, information has been declassified which revealed that the United States Government knew that over 900 soldiers had been left behind in Korea. The United Nations has had a similar list available for years, albeit with a much smaller number. Mr. Chairman, if that is the case, we need to do everything in our power to locate and return these individuals. The establishment of personnel files for these cases is a small step in that direction, but it does help to organize the information that does exist and begins to allow for coordination so that our efforts at personnel recovery are as efficient as possible.

Mr. Chairman, I will not go on about the amendment or about the underly-

ing issue. We have a lot of other business to do today. I just want to urge my colleagues today to join me in supporting the amendment to this year's defense authorization bill and thus show support for MIA's, POW's, their families and for the Missing Persons Authorities Improvement Act of 1997.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. I thank the gentleman from Missouri [Mr. TALENT] for yielding me this time.

Mr. Chairman, I rise in support of the Gilman amendment. The Missing Persons Act, as originally signed into law by the President, had two major objectives: First to ensure that any member of the Armed Forces, and any Department of Defense civilian employee or contractor employee who serves with or accompanies the Armed Forces in the field under orders, who becomes a prisoner of war or missing is ultimately accounted for by the United States, and, second, as a general rule, such missing persons are not declared dead solely because of the passage of time.

The Gilman amendment would ensure that the Missing Persons Act is restored to those objectives. The need for the amendment is supported by an extensive hearing record. In eight hearings conducted in the last 2 years, numerous witnesses testified in support of the need to improve the current process for accounting for POW/MIA's.

The amendment also makes changes to law that make sense in the post-cold-war era. For example, DOD civilians and contractors, as well as other nonmilitary personnel like those United States citizens now in Bosnia are playing an ever increasing role in the support of United States military operations. When deployed in support of the U.S. military, these people are as much at risk to capture and hostile action as military personnel. They ought to have the same protections under the law.

As many of my colleagues know, the United States is in a belated effort to fully account for thousands of POW/MIA's throughout the cold war era. This amendment would give emphasis and direction to that long needed effort. In addition, the amendment would also provide family members and others greater access to information about missing persons. Finally, the amendment unequivocally makes a clear and strong congressional commitment to achieving the fullest possible accounting for persons missing as a result of hostile action today and in the future.

I extend a great compliment to the gentleman from Missouri [Mr. TALENT] for his leadership on this issue and that of the gentleman from New York [Mr. GILMAN]. For these reasons, I urge my colleagues to support the Gilman amendment.

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

I will close, Mr. Chairman, by saying this is an issue that we have been

working on on the House side on a bipartisan basis for a number of years. We have made real progress in trying to make sure that what has happened in the past to many of our men who have been lost overseas and never returned, never came home, does not happen again. I want to thank and congratulate the gentleman from Indiana [Mr. BUYER], chairman of the Subcommittee on Military Personnel of the Committee on National Security, for his comments and for his very hard work and his leadership in this.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman for his leadership on this issue. I rise in very strong support of his amendment.

Mr. TALENT. I am happy to hear that and I thank the gentleman for his comments.

Mr. GILMAN. Mr. Chairman, I rise today in strong support of this amendment to H.R. 1119, the Fiscal year 1998 National Defense Authorization Act. I was unavoidably detained while returning to Washington from my district, and I thank the gentleman from Missouri, [Mr. TALENT] for offering this amendment in my absence. This amendment parallels and broadens the language of H.R. 409, the Missing Persons Authorities Improvement Act of 1997.

Early last year, the Congress secured a victory for U.S. Service Personnel, their families, and the families of POW/MIA's by passing H.R. 945, the Missing Service Personnel Act.

H.R. 945 received unanimous support in the House as part of the Department of Defense Authorization Act of 1996.

When they were unable to prevent the passage of H.R. 945, the opponents of the legislation attached a Senate amendment to the 1997 Defense Authorization Conference Report. This amendment removed several key provisions of the Missing Service Personnel Act.

This amendment being offered today would restore those provisions deleted from the Missing Service Personnel Act by that Senate amendment. In the closing days of the 104th Congress, this legislation was introduced as H.R. 4000. That bill received 280 cosponsors and passed unanimously in the House before being blocked in the Senate.

The first provision being restored requires that military commanders report and initiate searching for a missing service personnel member within 48 hours, rather than 10 days as stated in current law, unless prevented by combat conditions.

Although current regulations require local commanders to report any individual missing for more than 24 hours, individuals often fall through the cracks, especially during military operations.

It should be noted that this requirement does not apply during ongoing combat situations. However, it's application and enforcement are entirely appropriate for peacekeeping operations. If my colleagues would recall Captain O'Grady was missing for 6 days before being rescued. Had he not been reported missing for 10 days, it is highly doubtful that he would have been rescued alive.

The second provision in this Amendment covers civilians employees of the Defense Department and Defense Department civilian

contractors. These civilians are in the field under orders to assist our military, and they have earned the same protections afforded our men and women in uniform.

Moreover, with the downsizing of our Armed Forces that has been occurring since the end of the cold war, the DOD has been increasingly turning to civilian contractors for technical support with equipment during operations in the field.

These contract employees are facing the same conditions on the front lines as our men and women in uniform. Since they are assuming the same risks, it only makes sense that they are allowed the knowledge that the Pentagon places the same priority on their recovery as it does for military personnel.

The third provision to be restored by this Amendment states that if a body were recovered and could not be identified by visual means, that a certification by a credible forensic authority must be made.

These provisions are simply common sense. There have been too many cases where misidentification of remains has caused undue trauma for families.

Finally, this amendment would restore the provision which would impose criminal penalties for those Government officials who knowingly and willfully withhold information related to the disappearance, whereabouts and status of a missing person.

Prompt and proper notification of any new information is essential to the successful investigation of each POW/MIA case. This cannot be achieved if individuals deliberately seek to derail the process.

It should be noted that these penalties would only apply to future cases, and then only if the individual in question deliberately and willingly withheld such information. It is not our intent to penalize someone for any honest mistake or simple oversight. At the same time, and clear, deliberate obstruction should be punished.

This amendment also contains provisions relating to preenactment cases, those from the Korean and Vietnam wars. Should any new information be found on such a case, and is presented to the Secretary of Defense, the MIA family in question must have counsel present at any hearing called to decide on the conveying of a review board.

Furthermore, such counsel must be revealed to the MIA's family, which can then provide the counsel with additional information as warranted. Finally, the DOD should treat any new information from preenactment cases in the same manner as for future cases that may occur.

More importantly, the law requires that personnel files be established for those servicemen last known alive in Korea.

In recent years, information has been declassified which revealed that the U.S. Government knew that over 900 soldiers had been left behind in Korea, who were last known to be alive. The United Nations has had a similar list available for years, albeit with a much smaller number.

I realize that many of these individual POW's are no longer alive, and that it will probably be impossible to ever definitely prove when how these men died. The North Koreans were a brutal group of captors with an abysmal record of prisoner treatment. Yet there exists the possibility that some of these men may still be alive.

If that is the case, we need to do everything in our power to locate and return these individuals. While the establishment of personnel files for these cases is a small step in this direction, it does help to organize the morass of information that exists.

More importantly it begins to allow for coordination so that our efforts at personnel recovery are as effective as possible.

The opponents of the Missing Service Personnel Act, including many in the Pentagon, believes that these requirements would be overburdensome and inhibit America's war fighting abilities. I do not believe that this is a credible argument. Rather than create more red tape I believe that provisions will help streamline the bureaucracy and improve the investigation process.

Recordingly, I urge my colleagues today to join me in supporting this amendment to the Fiscal Year 1998 National Defense Authorization Act, and thus show your support for the Missing Persons Authorities Improvement Act of 1997.

Mr. TALENT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. TALENT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Missouri [Mr. TALENT] will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 11 printed in part 1 of House Report 105-137.

AMENDMENT NO. 11 OFFERED BY MR. BUYER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. Buyer:

At the end of title VII (page 288, after line 21), insert the following new subtitle:

Subtitle F—Persian Gulf Illness

SEC. 751. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs,

acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENTS OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government to provide full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOW-UP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 753. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions made by the Secretary of Defense to the criteria used by Physical Evaluation Boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness. Such revisions were required by section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note).

SEC. 754. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§ 1074e. Medical tracking system for members deployed overseas"

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or

otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

“(c) **RECORDKEEPING.**—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

“(d) **QUALITY ASSURANCE.**—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

“1074e. Medical tracking system for members deployed overseas.”

SEC. 755. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 756. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical, biological, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 757. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) **NOTICE REQUIREMENTS.**—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

“§1107. Notice of use of investigational new drugs

“(a) **NOTICE REQUIRED.**—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

“(2) The Secretary shall also ensure that medical providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

“(b) **TIME FOR NOTICE.**—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

“(c) **FORM OF NOTICE.**—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is

impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

“(d) **CONTENT OF NOTICE.**—The notice required under subsection (a)(1) shall include the following:

“(1) Clear notice that drug being administered is an investigational new drug.

“(2) The reasons why the investigational new drug is being administered.

“(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

“(4) Such other information that, as a condition of authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

“(e) **RECORDS OF USE.**—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

“(f) **DEFINITION.**—In this section, the term ‘investigational new drug’ means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1107. Notice of use of investigational new drugs.”

SEC. 758. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 110 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 759. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) **FINDINGS.**—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies which examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate there are therapies, such as cog-

nitive behavioral therapy, which have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) **FUNDING.**—Of the funds authorized to be appropriated in section 201(l) for research, development, test, and evaluation for the Army, the sum of \$4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

The **CHAIRMAN.** Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

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

Mr. Chairman, I offer this amendment as it relates to Persian Gulf war illnesses.

Since the end of the Persian Gulf war in 1991, a number of service members who were deployed to the Persian Gulf theater, both active and reserve, have experienced a range of illnesses and symptoms, such as fatigue, muscle and joint pain, memory loss, severe headaches and many other symptoms. Despite the fact that the Department of Defense and the Department of Veterans Affairs have spent millions of dollars on medical research, the nature and causes of these illnesses remain unclear, and in fact remain multifaceted.

In fact, the final report of the Presidential Advisory Committee on Gulf War Veterans' Illnesses concluded that many of the health concerns of gulf war veterans might never be fully resolved because of a lack of data. One of the reasons there is a lack of data is because the Persian Gulf war medical records were incomplete and inaccurate with regard to documenting all medical events for service members while deployed to the Persian Gulf.

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As a result of poor medical record-keeping during the Persian Gulf, the General Accounting Office, GAO, has recommended that the Department of Defense, using the lessons learned from the war, promptly complete and implement a DOD-wide policy for medical surveillance for all major deployments of U.S. forces. A medical surveillance system that collects, analyzes and disseminates health information will greatly facilitate DOD's ability to intervene in a timely manner to address health care problems experienced by military personnel.

As a result of this poor medical record-keeping and consistent with the

General Accounting Office's recommendations, this amendment includes the requirement for the Secretary of Defense to establish a medical tracking system to be used during all overseas contingencies or wartime operations, plus humanitarian operations for all deployed military members, including reservists. I believe this is critical. If we are going to send our service members to foreign lands for combat, humanitarian, or contingency operations, we must make sure we know the health status of those members, what it is going into and coming out of the area of operations.

Another GAO study on the effectiveness of the clinical treatment of ill veterans found that both while DOD and VA have tried to measure or insure the quality of veterans' initial examinations, neither agency can determine the appropriateness or the effectiveness of the care veterans have subsequently received. The Presidential Advisory Committee also cited shortcomings in the availability of treatment for gulf war veterans experiencing symptoms from gulf war illnesses and recommended better followup care for these members. Additionally, according to the drafted GAO report, neither agency has any plans to establish a mechanism to monitor these veterans' progresses.

Therefore, this amendment directs the Secretary of Defense and Secretary of Department of Veterans Affairs to develop measures to be used to monitor the effectiveness and the quality of followup health care services provided to the Persian Gulf veterans experiencing symptoms of gulf war illnesses. Every effort must be made to follow up on the care provided to these veterans to make sure the treatment they receive is effective in treating the symptoms of these illnesses.

To address the longstanding concerns of many Members of Congress, including myself, about whether the Department of Defense is appropriately treating ill Persian Gulf service members, particularly with regard to physical disability separation process, this amendment directs the GAO to study the physical evaluation board process to insure accurate disability ratings for diagnosis of the Persian Gulf illnesses. I believe it is very important for us to make sure that the services are not separating Persian Gulf veterans for medical reasons who have no clear diagnosis of their illnesses and without providing them adequate disability ratings and compensation.

As I mentioned earlier, millions of dollars have been spent on medical research that has yet to produce clear evidence of what has caused those illnesses. I have no objection, Mr. Chairman, to a shotgun approach in our medical research, but now we need to analyze and narrow the research and do an analysis of the overall medical projects.

We do not thoroughly understand, despite all of the research, what all of the

symptoms are. As the GAO has said, since much of the research was not begun until well after the war ended, the results are not yet available. I think that is an important question for us to answer: What is the right research?

My amendment therefore directs the Secretary of Defense to evaluate the effectiveness of all the research done to date on the potential causes of gulf war illnesses and to identify requirements for additional research on possible causation and appropriate treatments. I sincerely believe this amendment addresses many of the criticisms and recommendations relating to the Government's investigation into and responses to gulf war illnesses. It takes a dramatic step toward ensuring that our service members and the veterans are treated properly. It has strong support not only from the American Legion, but also the Veterans of Foreign Wars.

I want to thank my colleagues and the gentleman from Illinois [Mr. EVANS] and the gentleman from Rhode Island [Mr. KENNEDY]. I would also like to give a special thank you to the chairman of the Committee on National Security, the gentleman from South Carolina [Mr. SPENCE] and for the leadership of the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona [Mr. STUMP] for their support in this effort. I strongly encourage adoption of the comprehensive, bipartisan amendment, and let us show the support for our veterans in this regard.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent to claim the 30 minutes that no one rose in opposition on the gentleman's amendment. I am not in opposition, but I rise to claim the time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] will control 30 minutes.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. BUYER. Mr. Chairman, I believe there were 30 minutes on this amendment to be divided 15 and 15. Therefore, I would have 15 and the gentleman from California would have 15, not the entire 30.

The CHAIRMAN. Under the rule, the time allocated to the amendment was 30 minutes on each side for a total of 1 hour.

Mr. DELLUMS. Mr. Chairman, I yield 10 minutes to my distinguished colleague from Washington [Mr. DICKS].

Mr. DICKS. I certainly appreciate the courtesy of the gentleman from California. I want to rise in strong support of this amendment. This has been one of the most difficult issues that all of us have faced.

I serve on the Subcommittee on National Security and on the Permanent Select Committee on Intelligence as the ranking Democrat, and we have asked for an investigation of this: What did we know, and when did we know it, and was there an attempt at the Pentagon not to really come clean with the American people on this issue? I have worried about the veterans that are out there, many of which came from my State, my district, who served in the gulf war, who were told that, well, there was no exposure to chemical weapons; they are also told that they may be suffering from a post war mental syndrome.

Well, I do not think that is accurate, and I think the studies that have been done and the work that has been done by doctors all over the country who have treated Gulf War veterans proves conclusively that there are some other problems than the ones that have been suggested by the Defense Department.

Out in California, for example, Dr. Garth Nicholson has treated many patients who have had infectious microplasmas, and this would mean that somehow they were exposed to an infectious agent while they were in the gulf and brought it back. In fact, some have given it to their children, their wives and even their pets, and again the Pentagon has been very slow to acknowledge this possibility.

Now they are doing a study of this; they are looking into Dr. Nicholson's research, and I have talked, in trying to help Dr. Nicholson I have talked, to doctors all over the country who are treating gulf war veterans at the various veteran's hospitals, and they are incredulous by the way that Washington, DC, has treated this.

Now in recent months, the last several months, the administration I think has, and I do not blame the President for this, but people over at the Defense Department have finally gotten the message that the American people want to see every one of these possible causes for gulf war diseases to be investigated, and this Congress has given them the money to do that, the Committee on Appropriations has given them the resources to do that, and still there has been resistance over there, saying we have to study, and we have to do this.

I am all for professional studies, I am all for peer review, but I do not want it to be a way of saying we can only afford to do this much. If there is other good, credible, possible answers out there, I want the Pentagon to come and ask for the resources necessary to do the investigation.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman's comments on the issue. I would ask of him to never refer to this as a gulf war syndrome. A syndrome infers a sole source causation. I would ask for the gentleman to always

refer to this as the gulf war illnesses, because in fact it is multifaceted.

Mr. DICKS. That is my point. I agree with that. I think it is multifaceted; I completely concur with that.

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

Mr. BUYER. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's endorsement of many of the ongoing studies. The difficulty when we took on this issue in the beginning was that there were a lot of stonewalling, not only from private medical institutions, but also within the medical institutions of the Department of Defense and within the VA. It has taken them awhile, they are slowly coming along, and we have had, it seems like every time we are plowing new ground, somebody is filling in the furrow right behind them, and we have so many what I refer to as a shotgun approach right now, and there are as many different areas.

The gentleman from Washington [Mr. DICKS] mentioned one of the doctors, one of them who has been highly scrutinized, but, as my colleague knows, what may be unusual today in medical research is when we are pressing the bounds of science it may become the norm of tomorrow.

So I think we in the face of causation for which we have some ambivalence, because we do not know, we do not understand the science, we better be as open in our thought as much as we can. So now we have done this huge shotgun with all of our medical research, we better try to figure out our analysis of so many studies that are going on, and that is our attempt.

Mr. DICKS. Reclaiming my time, the other problem that I found out is that we do not have the best technology, I believe, for the detection of when an enemy uses chemical or biological weapons. This is not something that we are very skilled at. We are pretty good in chemicals, but certainly weak in the biological area, so there are some other areas that the Congress needs to look at so that when we deploy forces we have a better idea of what they may be exposed to, and we also need to be careful about the shots that are given. There are some indications that there may have been some problems with that.

And so there are problems in the detection area. There also is something that has plagued soldiers from time eternal, and that is when we take somebody and put them into a new area, there may be background infectious agents or parasites, another problem that could have affected our troops.

And so I concur very strongly with my colleague's point that we should look at this as a multifaceted problem and not look at it as just one issue, and I think that is where we got off track. We were not willing to have a pragmatic, open mind about this and to look at all these possibilities, and I

think also I worry on the intelligence side did we give advanced warning to our commanders in the field about the possibilities that when they destroyed at Khamisiyah, when they destroyed those weapons, who knew exactly what was there? Was it just chemical weapons? Could there have been some low-grade biological weapons or other infectious disease?

As my colleagues know, Saddam made a number of speeches in which he said, "If you come after me, I'm going to do things that will affect you, your families, your wives," da-da-da-da. So it is a strong indication that he may have used something that we still do not have full knowledge of.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Indiana.

Mr. BUYER. Being very pragmatic, following the gentleman's thought process, why did we give inoculations to over 10,000 soldiers in the Persian Gulf actually for botulism and then require all soldiers in the gulf to receive two shots of anthrax if, in fact, we are not potentially going to face a biological threat?

Mr. DICKS. I think we knew. We certainly understood that he possessed chemical and biological weapons, and this is another problem, by the way. As my colleague knows, people say all this was a great victory. I have heard people get up and say it showed the great might of the U.S. military forces. I would point out we had 500,000 troops out there who were, if Saddam had had accurate Scud launchers and missiles, that he could have devastated us because we did not possess adequate theater missile defense.

So when we talk about these issues and talk about deployment of troops in the future, as my colleagues know, we could be faced by someone who would use chemical and biological weapons. That is why I also worry about the potential of lockout, of not being able to get our reinforcements in in a timely way, because an enemy could use chemical or biological weapons on our airfields and therefore stop us from bringing troops and tactical aircraft into the region.

So this is an area where we need a lot of work. We also need to make sure we have adequate gear and equipment for our soldiers when we are deploying them. We are pretty good on chemical again, and somewhat weak again on biological. So there are a lot of things that need to be done here, but I have never been as frustrated on any issue except maybe for one, in trying to get the Pentagon to listen as I have been on this one.

And recently I want to compliment Dr. Berger out at Walter Reed. He is one of the few officials who had an open mind about this who convened a panel, brought in experts, and we had him review Dr. Nicholson's work, and the funny part of it is the people who were in the Government all said, well,

we are skeptical, but all the people from around the country who had open minds from the top universities said, yes, there is enough here, we should investigate it. And so now they are doing a protocol, they are looking into it. But that was only because as a senior member of the defense appropriations committee I personally intervened, went to the meeting 2 days before Christmas, got Dr. Berger to come back from New York.

I mean we had to go to those lengths to try to get them to pay attention to this and to realize that we in the Congress were simply not going to let them get away with not doing this job and not looking at these possibilities in order to take care of these veterans. I still worry that these kids are coming into VA hospitals where they still think there really is not a problem and it is all psychosomatic and not really giving them the kind of treatment that Dr. Nicholson and other skilled practitioners out there are giving them, giving these soldiers, in order to get them over the various symptoms that they have had from the Gulf War.

So again I rise in strong support of this. We cannot let this happen again, and I think that is the intent of the gentleman's amendment, and I appreciate the ranking Democratic Member, the gentleman from California [Mr. DELLUMS] for yielding me this time.

□ 1415

Mr. BUYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, two comments I want to make. One other individual I want to give special recognition to is Dr. Ron Blanc, now the Surgeon General of the Army. If there was an individual early on that was a good listener, it was Dr. Blanc. I extend great compliments to him.

The other thing I wanted to share with the gentleman is that I went to London. I met with the Minister of Defense there. I testified before the Select Committee on the Gulf War in the House of Commons. I want you to know we are working in a cooperative effort with our allies.

We would be very naive to think we would not be a future ally of the United Kingdom or Canada in a conflict, and if we do not take the time now to understand the science and take care of those who bore the risk of battle, shame on us. I believe that we are now moving in that cooperative effort, not at the speed that I would like, but it is there, and I wanted to share that with you and my colleagues so we can keep moving on the issue.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. I wanted to commend the gentleman for his leadership. He will certainly have bipartisan support. My colleague, the gentleman from Washington [Mr. METCALF], has been a leader on this issue. We will give us as much help from our side of the aisle.

Mr. BUYER. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. METCALF].

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

Mr. METCALF. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the Buyer amendment and of our veterans and service members afflicted with gulf war illness. The Buyer amendment represents a positive step toward finding answers for many Americans affected by this tragic disease.

Mr. Chairman, I have an amendment which will be included en bloc later this afternoon regarding the gulf war illness. My amendment shows Congress' resolve that the Department of Defense should embrace all technologies and treatments in the relentless pursuit of a resolution to the dire consequences of the gulf war on our troops and their families.

The most sobering experience I have had since being in Congress has been to sit in a room with outstanding young men and women who served this Nation honorably and hear about their experiences in the gulf and their lives since their return. Here is one example:

A constituent of mine, Butch, was a seasoned combat medic during Vietnam. He served as a surgical operating room technician during the gulf war. Six months after his return from the gulf, he began to experience problems with his health, and since that time has been treated for a long list of serious medical problems.

Amazingly, he has been prescribed to take over 35 pills a day. Fortunately, he has been awarded disability, but his rating is primarily for posttraumatic stress disorder. Can you believe it? Thirty-five pills a day for posttraumatic stress disorder? That is ridiculous.

He feels "like an old beaten down man with no future and nothing to look forward to but pain." He is afraid of being around his grandchildren for fear he could pass something on to them. Mr. Chairman, this tragedy must be dealt with before it becomes an epidemic.

I have also had extensive conversations with medical experts, and you have mentioned several of them here, doctors both in and out of Government looking at this issue. These share the opinion that the Government at this point is failing to address the central issues surrounding the gulf war illness.

Mr. Chairman, the certainty of chemical and the probability of biological agents being interjected into the Persian Gulf theater of operations is something that cannot be overlooked and must be investigated by our Government. The medical professionals I have been in contact with believe that only by investigating these possibilities will we move closer to a cure.

My amendment makes a clear statement that this Congress has as its pri-

mary interest those Americans afflicted with these illnesses. As I have shared with every Member in this body, Mr. Chairman, in a "Dear Colleague" letter earlier this year, we must consider all treatment alternatives and open our minds to search outside the paradigm in pursuit of cures.

The time for Congress to step up and exercise its oversight responsibilities is now, and my amendment, in concert with the Buyer amendment which I support, accomplishes this.

I would like to congratulate Chairman SPENCE and subcommittee Chairman BUYER on an excellent bill, and thank them for their support both of my amendment and of all military service members and veterans.

Mr. DELLUMS. Mr. Chairman, I yield 6 minutes to the distinguished gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I would first like to commend those who are sponsoring this amendment on both sides of the aisle for their good work, and I rise to support the amendment and urge that this is just the first step of some very important efforts that we need to bring together in a bipartisan basis on behalf of those who served us in the gulf war and have come back and are now suffering as a result of what happened to them there.

According to the Departments of Defense and Veterans Affairs, more than 70,000 veterans out of the 697,000 who served in the gulf have reported persistent illnesses. Seventy-four percent of them were turned down for disability coverage because doctors say they either have no visible illness or cannot show their ailments are related to the gulf war.

Thousands of veterans are suffering from illness as a result of chemical exposure during the Persian Gulf conflict and they cannot get the medical care that they need. They cannot even get recognition of their problem, recognition of a problem that they did not create, and it is incredibly important that this recognition be given to them.

In my own Eighth District in Michigan, Tom and Nancy Burnett have been fighting to save their son Scott, who is a gulf war veteran. The Burnetts were proud when Scott decided to enlist in the Army in 1988. As a member of the 101st Airborne Division, he served for 6 months in Saudi Arabia.

Since returning from the gulf, Scott has experienced intestinal problems, headaches, muscle and joint pains, shortness of breath, eye problems, night sweats, reoccurring illnesses, and congestive heart failure. And this was a healthy young man when he served our country.

In October 1995, Scott was diagnosed with double pneumonia. While he was in the hospital, the doctors discovered that his heart was functioning at only 10 to 20 percent of its normal capacity and the doctors thought that a heart transplant was his only chance of survival.

In their desperation to save their son's life, the Burnetts launched an intensive fact-finding mission. They contacted everyone they could think of to find out what Scott had been exposed to during his time in the gulf. They found one doctor at a private hospital who had been researching the illness of gulf war veterans, and he was able to evaluate Scott's case. This doctor thought that an antibiotic, doxycycline, could help heal Scott's heart. After a month of taking this drug, Scott Burnett's heart function had increased to 39 percent. He had been told that a heart transplant was his only hope, but, in truth, a simple antibiotic was the answer.

As a gulf war veteran in the United States, if you get sick, your best and sometimes only hope is that you and your family can contact enough people and do enough research on your own to discover the best course of treatment.

In testimony presented to the Presidential Advisory Committee on Gulf War Illness in 1996, Mr. Burnett said, "If my son Scott had been aware of the problems that had been known to exist for several years, he would have sought more aggressive treatment prior to his pneumonia and he would not have had the problems that he has today."

Scott's main health problems are idiopathic cardiomyopathy and congestive heart failure and problems with his immune system, which are incredibly serious. These problems are rare in the general population, and especially rare for someone his age. Scott Burnett went into the Army as a healthy young man, and left 4 years later as a seriously and chronically ill veteran.

This amendment is long overdue. It is a first step in recognizing and treating the illnesses that our gulf war veterans are suffering. However, it is not enough. The National Commander of the American Legion says:

Plans to create a new Gulf War illness czar will not help disabled Gulf War veterans one bit. They need medical care, not a running debate in Washington.

We need to help these veterans and their families who are suffering. This amendment is a good first step, but it is only a first step. They need help now.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Ms. STABENOW. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentlewoman on her very good statement. This is the same situation we had with Dr. Nicholson out in California. When these people came in, he found that they possessed an infectious mycoplasma. He then ordered massive doses of antibiotics and was able, with many of them, to cure them of the symptoms.

Now, if this was a chemical weapon, obviously, antibiotics would not have worked, so there had to be something else that these soldiers were exposed to. The thing that is worrisome about infectious disease is it is something

you can give to your family or wife and others.

So, again, many doctors, all over the country, have found that by using antibiotics they were able to cure these veterans of their symptoms. But the problem is, when they go in, unless you have a doctor who is creative, he has basically been told that this is not a possibility. So I think it has really slowed down the treatment of the soldiers, which is what I worry about most here.

Mr. Chairman, I appreciate the gentlewoman yielding, and compliment her on her very fine statement.

Ms. STABENOW. Mr. Chairman, reclaiming my time, this is what is so important about this issue. First, we have to acknowledge it happened and make sure people are being diagnosed and treated for what is actually occurring to them, because we cannot begin to help them get the treatment they need unless we own up to the fact it happened.

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

Mr. Chairman, I would like to comment to the gentlewoman from Michigan, part of the problems that we have here, I first met you at a VFW post in Michigan. While I was at that VFW post a gentleman came up to me at that post whom I then recognized. He worked for me in the gulf, and when I asked him how he was doing, he took my hand and put it at the base of the stem of the back of his neck and I felt all these knots, and he said, "I am dying."

Now, how do you respond to someone that you know, that you care about, and when you say how are you doing, that is not the response you typically get?

What is difficult for us on this issue is what we do not know, and what we do not know is, is he dying from a cancer that he would have normally received had he never been deployed to the gulf, or was there something in the gulf that is somehow some form of a causation? That is the science for which we do not understand.

So when a veteran asks me will we ever know, I do not have the answer for that. It pains me. But we have to make decisions here with regard to disability, with regard to causation, and with regard to science. And when we draw those lines, people will say you are cold, you are callous, you do not care, and that is wrong, because we are trying to make calculated decisions in an area for which we do not have the specific answer.

I would also share with the gentlewoman this is not a first step. This is about the 22d step. We have the gentleman from California, the former chairman of the Committee on National Security, Mr. DELLUMS, here; the former chairman of the Subcommittee on Personnel, the gentleman from Missouri, Mr. SKELTON, directly behind you; the gentleman from South Carolina, Chairman SPENCE; and

the gentleman from Arizona, Chairman STUMP.

I cannot begin to tell you how many hearings we have had on the Committee on Government Oversight with the gentleman from Connecticut [Mr. SHAYS], with a lot of people. It was so wonderful, is there are so many people involved in this issue. That is great. Many of their initiatives, when you go out and move out on initiative, you better stay in touch with it, because there is someone else that may not believe in it or they take two steps back or try to knock it down.

One of the reasons for this amendment right now is an initiative that came from the gentleman from Missouri [Mr. SKELTON] and under the leadership of the gentleman from California [Mr. DELLUMS]. The active duty were saying this was a problem with reservists and the National Guard, as if there is some institutional bias. This is just against them.

No, too many active duty soldiers were grabbing me in the stairwells, pulling me aside in private, to tell me about their health care, when they were afraid of coming forward because of the downsizing process. It was the gentleman from Missouri [Mr. SKELTON] who stepped forward and put into his mark a physical disability separation process that said, "You are going to care for the soldiers on active duty, take care of them, and not kick them out. It is a veteran problem. BOB STUMP, you take care of it, or Sonny Montgomery, you take care of it."

□ 1430

So I just want to share with the gentlewoman that we are in about our 23d step and we are nursing this issue with a great deal of effort and care.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the thing that bothers me the most about this is going back to what we said originally, and that is we should have been doing this 6 years ago. The war has been over for 6 years. Now, 6 years have gone by, and we were kind of lulled into a sense of complacency for the first few years, and so now, when we have to do all of this research, it may take us 2 or 3 additional years to really get the answers.

So I hope what we can do is remember these lessons the next time we deploy American forces into a situation like this, so that we do not have to have this big gap in time before we get down to serious work.

Mr. BUYER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

Ms. STABENOW. Mr. Chairman, will the gentleman yield?

Mr. EVANS. Mr. Chairman, I yield to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I just want to associate myself with the comments that were just made.

I understand that things are happening and that hearings have been held, but it has been 6 years, and for Tom and his son Scott, that has been 6 years of agony. I am concerned about having a sense of urgency that when the day is done we will have done something that touched their lives and has made it better.

Mr. EVANS. Mr. Chairman, reclaiming my time, I first want to thank the gentleman from Indiana [Mr. BUYER] for his leadership on this issue and for his hard work to help our Persian Gulf veterans.

This amendment, and our work together in the past, demonstrates a strong, bipartisan effort to come to grips with this issue. I thank the gentleman from Indiana [Mr. BUYER], and I am proud to join him as a cosponsor of this amendment.

I also want to thank the gentleman for including my provision which would fund clinical trials to evaluate current health care provided to Persian Gulf veterans and examine other potential treatment methods. Unfortunately, DOD and VA research efforts have not completely addressed the efficacy of treatment or the wide variety of treatments used in public and private medicine for undiagnosed illnesses.

This point was made by the American Legion in testimony before the House Committee on Veterans' Affairs on February 11, 1997. There is no data available on the effectiveness of treatment on Persian Gulf veterans. While this lack of data is disturbing, there is one thing that is perfectly clear: Gulf veterans do not feel that the care currently provided them is making them feel better.

I appreciate the gentleman's leadership, his amendment, and strongly urge my colleagues to support it.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume. I urge all of my colleagues to support the Buyer amendment.

Mr. Chairman, I yield back the balance of my time.

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

I rise in support of this amendment. As has been stated earlier, there is a wide range of interest in this issue across the panorama of Members in this body. Mr. Chairman, I would like to single out for special commendation the gentleman from Indiana [Mr. BUYER], the gentleman from Illinois [Mr. EVANS] and the gentleman from Rhode Island [Mr. KENNEDY], who came together in a bipartisan effort to move beyond the shortcomings of how the Department of Defense is presently addressing this significant and serious issue. I think this is an important and strong effort on their part. They ought to be commended, and I think that the best way that we can commend them is to overwhelmingly support this amendment.

Mr. QUINN. Mr. Chairman, I rise today in strong support of Mr. BUYER and Mr. KENNEDY's amendment to the Fiscal Year 1998

Defense Authorization Act, which would require the Departments of Defense and Veterans Affairs to improve their research into Persian Gulf war illnesses and their treatment of suffering Persian Gulf war veterans.

Our veterans, who have so bravely served our country in the Persian Gulf war, have been suffering for far too long. They have been waiting patiently for answers and we are letting them down.

As the chairman of the House Veterans' Affairs Subcommittee on Benefits, I have been holding hearings to look into the often frustrating claims process for Persian Gulf war veterans.

What I have detected is that there are far too many delays in the system. By working with the VA, claims processing has now been centralized which is expected to improve the chances of our veterans' receiving the proper benefits.

The lack of coordination of the various research programs conducted by the Government is presenting another obstacle. As Federal Representatives, I believe that it is our responsibility to insure that all research programs fit together to solve this issue of undiagnosed illnesses.

The Buyer-Kennedy amendment is a sure-fire way to bring us one step closer to resolving this problem by taking care of our ailing veterans.

The bottom line is that our veterans are sick and their families are suffering—they are due the health care they have earned.

I urge my colleagues to vote "yes" on the amendment.

Mr. BUYER. Mr. Chairman, I rise in strong support of Mr. BUYER's amendment to provide for a series of initiatives to improve the Department of Defense and the Department of Veterans' Affairs investigation of Persian Gulf illnesses, and the treatment of ill gulf war veterans.

This amendment first, authorizes \$4.5 million to establish a cooperative DOD/VA program of clinical trials to evaluate treatments which might relieve the symptoms of gulf war illnesses; second, requires the Secretaries of both departments to develop a comprehensive plan for providing health care to all veterans, active-duty members and reserves who suffer from symptoms of gulf war illnesses.

This amendment is particularly important because it cuts to the heart of the matter regarding the DOD's response to this issue. Along with I'm sure many of my colleagues, I have heard numerous stories from my constituents about the poor initial response to veteran's concerns from both DOD and the VA.

Yet, when we in Congress raised these issues, time and time again, the CIA and DOD assured members of both the House and Senate that there was no evidence that any troops were exposed to chemical weapons in the gulf. Moreover, the VA was eager to accept these statements, so eager in fact, that VA officials did not feel exposure to chemical agents even merited consideration when ascertaining the causes behind the symptoms experienced by the affected personnel.

Then, last year, when faced with overwhelming evidence to the contrary, officials at the Pentagon reversed themselves and stated that 400 soldiers at the Khamisiyah ammunition site were exposed to chemical agents. This figure later grew to approximately 20,000.

Since this initial revelation, additional disturbing facts have come out as the CIA and

DOD have engaged in a contest of finger-pointing and blame shifting over what was known at the time, and what was communicated.

To me, the most shocking fact is the revelation to subcommittee staff last January that 80 percent of the nuclear-biological-chemical logs from the theater of operations, 165 of the 200 total pages, are missing.

For one, I am losing patience with the DOD in this issue. It was troubling enough that Pentagon officials were categorically denying troop exposure to chemical agents despite overwhelming evidence to the contrary.

Now, however, we find out that most of the record logs, which were intended to track these incidents, are missing. The charges of coverup no longer seems so farfetched.

These facts, as they have dribbled out over the past 6 years, point to the following conclusion. Simply put, we were not prepared to handle the contingency of widespread chemical use by Iraqi forces during the gulf war, and that it was only by the grace of God that Saddam Hussein did not resort to the use of such devices.

Mr. Chairman, we in Congress need some straight, honest answers from the DOD. For too long, we have been dealing with commanders who were more interested in protecting their career and reputations than in looking out for the welfare of the men under their command. It was bad enough to discount the thousands upon thousands of detections that occurred during the war.

What is worse is the pattern of deceit and misrepresentation they have waged with the Congress and the American people. If we had a problem in addressing widespread chemical exposures during the gulf, fine. Let's admit it and move on.

The hand-writing, doublespeak, and finger-pointing that has occurred over the last 12-months is pointless and counterproductive. More importantly, it does nothing to help the veteran who put his life, and now it appears both his and his family's future health, on the line for his country.

Accordingly, I urge my colleagues to support this amendment which will hopefully provide answers and relief to our veterans suffering from gulf war syndrome.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BUYER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 169, further proceedings on the amendment offered by the gentleman from Indiana [Mr. BUYER] will be postponed.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. BUYER] having assumed the chair, Mr. YOUNG of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

GENERAL LEAVE

Mr. SPENCE. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to submit extraneous materials in the RECORD on the amendments to H.R. 1119 considered today.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 2 o'clock and 35 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1736

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 5 o'clock and 36 minutes p.m.

MAKING IN ORDER ON TUESDAY, JUNE 24, 1997, CONSIDERATION OF HOUSE JOINT RESOLUTION 79, DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that it be in order at any time on June 24, 1997, to consider in the House the joint resolution, House Joint Resolution 79, disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; that the joint resolution be considered as read for amendment; that all points of order against the joint resolution and against its consideration be waived; that the joint resolution be debatable for 3½ hours equally divided and controlled by the chairman of the Committee on Ways and Means, in opposition to the joint resolution, and a Member in support of the joint resolution; that pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question be considered as ordered on the joint resolution to final passage without intervening motion; and that the provisions of section 152 and 153 of the Trade Act of 1974 shall not otherwise apply to any joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the