

THE COMMUNITY PROTECTION ACT SELECTED
EXCERPTS FROM H. REPT. 105-819

PURPOSE AND SUMMARY

H.R. 218, the "Community Protection Act of 1998," establishes federal regulations and procedures which may allow active-duty and retired law enforcement officers * * * to travel interstate with a firearm * * *.

For law enforcement officers, H.R. 218 creates strict guidelines which must be met before any law enforcement officer, active-duty or retired, may carry a firearm into another state * * *.

H.R. 218 establishes a mechanism by which law enforcement officers * * * may travel interstate with a firearm. Qualified active-duty law enforcement officers will be permitted to travel interstate with a firearm, subject to certain limitations and provided that the officer is carrying his or her official badge and photographic identification.

Generally, an active-duty officer is a qualified officer under H.R. 218 if the officer is authorized to engage in or supervise any violation of law, is authorized to carry a firearm at all times, is not subject to any disciplinary action by the agency, and meets any agency standards with respect to qualification with a firearm. A qualified active-duty officer may not carry a concealed firearm on any privately owned lands, if the owner prohibits or restricts such possession. A qualified officer may also not carry a firearm on any state or local government property, installation, building, base, or park. However, in their official capacity, law enforcement officers are permitted to carry weapons whenever federal, state, or local law allows. This legislation is not intended to interfere with any law enforcement officer's right to carry a concealed firearm, on private or government property, while on duty or in the course of official business.

A qualified retired officer may carry a concealed firearm, subject to the same restrictions as active-duty officers, with a few additional requirements. A retired officer must have retired in good standing, have a non-forfeitable right to collect benefits under a retirement plan, and have been employed before retirement for an aggregate of five years or more, unless forced to retire due to a service-related injury. In addition, a qualified retired officer must complete a state-approved firearms training or qualification course at his or her own expense * * *.

As you know, I am the sponsor of one of these measures, the Community Protection Act (HR 218). The Community Protection Act permits qualified current and retired sworn law enforcement officers in good standing to carry a concealed weapon into any jurisdiction. In effect, it means three things: More cops on the street, more protection for the public, at zero taxpayer cost.

Too often, State laws prevent highly qualified officers from assisting in crime prevention and protecting themselves while not on duty. An officer who has spent his life fighting crime can be barred from helping a colleague or a citizen in distress because he cannot use his service revolver—a handgun that he is required to train with on a regular basis. That same officer, active or retired, isn't allowed to defend himself from the criminals that he put in jail.

I would like to give you an example of how the Community Protection Act would work, based upon an incident in my own home town of San Diego. Following is a story from the April 29, 1997, San Diego Union-Tribune:

OFFICER FINDS WORK ON HER DAY OFF

(By Joe Hughes)

HILLCREST.—For San Diego police Officer Sandra Oplinger, it was anything but an off day.

Oplinger ended up capturing a suspected bank robber at gunpoint on her day off yesterday.

She happened to be in the area of Home Savings Of America on Fifth Avenue near Washington Street about 12:30 p.m. when she saw a man running from the bank, a trail of red smoke coming from an exploded red dye packet that had been inserted into a wad of the loot.

With her gun drawn, she tracked down and caught the man. Citizens helped by gathering up loose bank cash.

The incident began when a man entered the bank and asked a teller if he could open an account. The teller gave him a blank form and he left. He returned 10 minutes later, approached the same teller and declared it was a robbery, showing a weapon and a demand note he had written on the same form the teller had given him.

He then grabbed some money and ran out the door. The dye pack exploded outside, leaving a trail of smoke that attracted Oplinger's attention and led to the suspect's arrest.

The names of the man and a possible accomplice in a nearby car were not immediately released. A gun was recovered.

Mr. Chairman, it is a good thing that Officer Oplinger was in San Diego. If she was in many other states or in Washington, D.C., she could have been charged with a crime. That's wrong. We can fix it—with the Community Protection Act.

My bill seeks to change that by empowering qualified law enforcement officers to be equipped to handle any situation that may arise, wherever they are. . . .

In the tradition of less government, this bill offers protection to police officers and to all of our communities without creating new programs or bureaucracies, and without spending more taxpayer dollars. It helps protect officers and their families from criminals, and allows officers to respond immediately to crime situations.

I encourage my colleagues to support this common-sense legislation, which is supported by several of America's leading law enforcement organizations and by cops on the beat.

INTRODUCTION OF VETERANS' ACCESS TO EMERGENCY CARE ACT OF 1999

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. EVANS. Mr. Speaker, today I am introducing legislation to assure that all veterans enrolled in VA health care will receive coverage for emergency care services delivered both in and outside of VA facilities.

Currently, most veterans lack access to reimbursement for such care unless the emergency occurs on VA grounds.

Many VA medical centers don't routinely offer emergency services and those that do lack an emergency room that is open twenty-four hours a day. Compounding the problem is the fact that most VA medical centers are further from their patients' places of residence than other community providers.

If a veteran receives emergency room care from a non-VA provider, he or she is denied reimbursement even if a trip to the nearest VA hospital would be life threatening.

Last year the President asked all federal agencies to identify where they were deficient

in complying with the Patient Bill of Rights. The VA determined it needed legislation to reimburse veterans for emergency care it didn't provide. While being encouraged to view VA as their managed care provider, veterans could risk financial ruin if VA failed to comply with the same emergency care reimbursement standards applied to private-sector managed health care providers.

Even before veterans began enrolling last year for VA care, VA's responsibility for reimbursing veterans for the cost of emergency health care services was confusing. VA would provide emergency care to only those veterans who were either already at VA when the emergency occurred or to those veterans who were able to physically present themselves at a VA facility before receiving required emergency care from a non-VA provider.

VA's physical "tag up" requirement creates confusion for the majority of veterans who are not on grounds during an emergency. Too often in crisis situations, veterans lack the time to resolve who will pay for their care before seeking treatment.

This situation is likely to become even more confusing as VA begins to market itself as a managed care provider featuring enrollment, a basic benefits package and a new primary care focus—characteristics commonly associated with Health Maintenance Organizations (HMOs). Most HMOs reimburse enrollees for pre-authorized emergency care. The pending legislation would give VA the authority to reimburse emergency care delivered by any provider if veterans had no other coverage for such care.

Many veterans are literally "banking on" VA either furnishing or reimbursing their care for any condition in an emergency. Too many veterans and their families have been financially devastated because they assume VA will be there for them in a health crisis. I believe veterans should be able to count on VA in an emergency.

I am encouraged by the recent recommendation by a coalition of veterans service organizations, the Independent Budget group, to add funds to the FY 2000 VA Medical Care budget in order to provide emergency care to veterans. I encourage my colleagues to cosponsor and support this important legislation.

HONORING RABBI IRWIN GOLDENBERG FOR HIS SERVICE TO THE COMMUNITY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. GOODLING. Mr. Speaker, I rise today to honor Rabbi Irwin Goldenberg for his generous service to the community. For twenty-five years, Rabbi Goldenberg has served both his congregation at Temple Beth Israel and the community of York, Pennsylvania as a revered leader, teacher, and father.

In times of sorrow and in times of celebration, Rabbi Goldenberg has demonstrated a strong commitment to his congregation. He has always been there to provide loving support and strong leadership to people of his Temple. Rabbi Goldenberg has long served as the official voice for the Jewish community in

York, establishing a sturdy link between his congregation and the community at large. To this day, he has remained very active in his faith serving on the central Conference of American Rabbis, the American Jewish Congress, the Philadelphia Board of Rabbis, and the Association of Reformed Zionists to highlight just a few of his many efforts.

One of the greatest aspects of this man is that his kind efforts are not simply confined within the Jewish community. Rather, his works extend far beyond his Temple and into the community at large. Rabbi Goldenberg's gracious outreach into the community has been consistent for over twenty-five years. He relishes his role as teacher and friend to troubled young people. He lends his time to countless charities and organizations, and has been showered with accolades including "Educator of the Year" and "Man of the Year."

And, despite the extraordinary constraints on his time, Rabbi Goldenberg has always remained lovingly committed to his family. The proud father of two exceptional young ladies, one of which is studying Judaism in Israel, Rabbi Goldenberg is an example to fathers everywhere. Recently, the Rabbi and his lovely wife Joyce celebrated their 30th wedding anniversary. Their loving devotion to each other and their family is the premier model of what marriage should be.

I ask my colleagues to join me in honoring Rabbi Irwin Goldenberg for twenty-five years of dedicated and selfless service to the congregation at Temple Beth Israel, the Jewish community, and the people of York, Pennsylvania.

ARTICLES OF IMPEACHMENT

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. TALENT. Mr. Speaker, it is not my preference or custom to speak on matters relating to the misconduct of others who hold public office. I have never done so before during my time in Congress. I hope never to have to do so again.

But the Constitution confides in Members of this House the obligation to decide whether high officers have acted in a manner that requires their impeachment. Where an official has a legal or moral obligation to judge misconduct and when that obligation cannot honorably be avoided, it is necessary to stand without flinching for what is clearly right.

Those failing to do so become inevitably part of the wrong against which they failed to act. The issue before the House is not whether Bill Clinton has acted with integrity. We all know the answer to that question. The issue is whether we have the integrity to do our duty under the Constitution and laws.

Public men and women commit private wrongs, just like everyone else. And just like everyone else, they are usually called to account for those wrongs in the fullness of time. If they act honorably when called to account, and accept responsibility for what they have done, they can emerge with a measure of their integrity intact. If they act less than honorably and refuse to own up to their actions, they may, and often are judged by the voters.

Their fellow officers in government have no warrant to judge them formally if they at least conform to the minimum standards of law and morality in how they react. But the minimum standards are just that: the minimum that we have the right to expect and insist upon. No one can fall below those standards with impunity. No officer of government can actively subvert the law, abuse the powers of his office and flout the standards of decency without facing the consequences that any other person in a position of trust would have to face.

That is the gravamen of the charges against President Clinton. The genesis of this matter was the President's liaison with Monica Lewinsky. But that affair, however sordid, was a private wrong. The Articles of Impeachment deal exclusively with what the President did to avoid the consequences when that private wrong reached the eyes and ears of the public. When the President was called to account before the people, he lied to the people; when he was called to account before a civil deposition, he lied under oath; and then, to cover up those initial lies, he tampered with witnesses, abused the trust of other officers of government, perjured himself before a federal grand jury, and abused the powers of the Presidency to avert investigations into his wrong doing.

From the record before the House, it is impossible to conclude anything other than that the President is guilty of these wrongs. He is therefore, in my judgment unfit to hold any position of trust, much less the Presidency.

I do not blame anyone for wishing somehow to avoid impeachment. It is a terrible thing to have to participate in the shipwreck of a person's reputation and public career, and it is not a sign of health for our country that two Presidents within a generation must face removal from office. But none of the arguments offered in defense of the President present an honorable alternative to impeachment. I will discuss them one by one:

(1) Some suggest that the misconduct in question does not meet the Constitutional standard for impeachment. But I believe the President's actions not only qualify as high crimes and misdemeanors; they present a classic example of what the term signifies, fully within the intentions of the Framers and the precedents of history.

The term "high crimes or misdemeanors" means a deliberate pattern of misconduct so grave as to disqualify the person committing it from holding a position of trust and respon-

sibility. The President's misconduct qualifies as such an offense according to the commonly accepted understandings of civic responsibility, never before questioned until this controversy arose. No one would have argued a year ago that a President could perjure himself, obstruct justice, and tamper with witnesses without facing impeachment, and no one would argue that a business, labor, educational, or civic leader should stay in a position of trust having committed such misconduct. Congress has impeached and removed high officers for less than the President has done. Are we to lower the standards of our society because the President cannot live up to them?

(2) Others have suggested that the House censure the President. But the alternative of censure would constitute too small a penalty for Mr. Clinton's gross misconduct and too great a danger to the Presidency, suggesting that the House of Representatives has a power, never contemplated in the Constitution, to harass future Presidents for behavior not rising to the level of high crimes or misdemeanors.

As many have pointed out, this is not a parliamentary democracy. It is a constitutional republic with separate branches of government. The House may act formally against a President only when the Constitutional standard of impeachment has been met. If censure is intended as a meaningless action, a cover for those who for other reasons want to do nothing, it should be discarded as a sham. If it is intended as a formal and real punishment, it represents an extra-constitutional action, a power arrogated by the Congress to itself, with more potential for harm in the future than good for the present. I would prefer that the House do nothing rather than that—better not to act at all than to twist the Constitution because we are unwilling to enforce it.

(3) Finally, some have argued that impeachment is too traumatic for the country to endure. I believe the opposite is more nearly true. Hard as impeachment may be, to ignore misconduct so grave and notorious would be to suggest that the importance to the country of an office can place the holder of the office above the country's laws.

Mr. Speaker, this whole affair, distasteful as it is, presents an opportunity for the House to make a clear statement. There is such a thing as right and wrong. No society, and certainly not a constitutional republic like America, can endure without acknowledging that fact; and if we believe in right and wrong, we must give life to that belief by trusting that the right thing will be the best thing for our country. I urge each member of the House to do his duty today in the faith that only in that way can America emerge stronger