

Wexler	Wise	Wu
Weygand	Woolsey	Wynn

NOT VOTING—8

Campbell	Owens	Stupak
Dixon	Pomeroy	Udall (NM)
Oberstar	Salmon	

□ 1310

Mrs. CLAYTON changed her vote from "aye" to "no."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 201]

AYES—254

Aderholt	Dickey	Kasich
Archer	Doolittle	Kelly
Army	Dreier	King (NY)
Baca	Duncan	Kingston
Bachus	Dunn	Knollenberg
Baker	Ehlers	Kolbe
Ballenger	Ehrlich	Kuykendall
Barcia	Emerson	LaHood
Barr	English	Lampson
Barrett (NE)	Everett	Largent
Bartlett	Ewing	Larson
Barton	Fletcher	Latham
Bass	Foley	LaTourrette
Bateman	Fossella	Lazio
Bereuter	Fowler	Leach
Biggert	Frelinghuysen	Lewis (CA)
Bilbray	Frost	Lewis (KY)
Bilirakis	Galleghy	Linder
Bishop	Ganske	Lipinski
Bliley	Gekas	LoBiondo
Blunt	Gibbons	Lucas (OK)
Boehlert	Gilchrist	Maloney (CT)
Boehner	Gillmor	Manzullo
Bonilla	Gilman	Martinez
Bono	Goode	Mascara
Boyd	Goodlatte	McCollum
Brady (TX)	Goodling	McCreery
Brown (FL)	Gordon	McHugh
Bryant	Goss	McInnis
Burr	Graham	McIntosh
Burton	Granger	McKeon
Buyer	Green (TX)	Metcalf
Callahan	Green (WI)	Mica
Calvert	Greenwood	Miller (FL)
Camp	Gutknecht	Miller, Gary
Canady	Hansen	Mink
Cannon	Hastings (WA)	Moore
Castle	Hayes	Moran (KS)
Chabot	Hayworth	Moran (VA)
Chambliss	Hefley	Morella
Chenoweth-Hage	Hergert	Murtha
Clayton	Hill (MT)	Myrick
Clement	Hilleary	Nethercutt
Clyburn	Hobson	Ney
Coble	Hoekstra	Northup
Coburn	Holden	Norwood
Collins	Horn	Nussle
Combest	Hostettler	Ose
Cook	Houghton	Oxley
Cooksey	Hulshof	Packard
Costello	Hunter	Pascrell
Cox	Hutchinson	Pastor
Crane	Hyde	Paul
Cubin	Isakson	Pease
Cunningham	Istook	Peterson (PA)
Davis (VA)	Jenkins	Petri
Deal	Johnson (CT)	Phelps
DeLay	Johnson, Sam	Pickering
DeMint	Jones (NC)	Pickett
Diaz-Balart	Kanjorski	Pitts

Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson

NOT VOTING—11

Campbell
Dixon
Franks (NJ)
Jefferson

□ 1320

Mr. ORTIZ and Mr. HALL of Texas changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

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

FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 504 and rule XVIII, 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. 4205.

□ 1322

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. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, proceedings pursuant to House Resolution 503 had been completed.

Pursuant to House Resolution 504, no further amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106-624 and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 106-624.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. SANCHEZ:

At the end of title VII (page 247, after line 9), insert the following new section:

SEC. 7. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out “(a) RESTRICTION ON USE OF FUNDS.—”; and

(2) by striking out subsection (b).

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Indiana (Mr. BUYER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

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

Today, I join the gentlewoman from Maryland (Mrs. MORELLA) and the gentleman from New York (Mrs. LOWEY) to offer this amendment. This amendment repeals a provision of the fiscal year 1996 defense bill which bars women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in our Armed Forces already give up many freedoms and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights because of a policy that has no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower than those in the United States. In other words, we are putting our soldiers at risk.

This is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment. They only expect the right to receive the same services guaranteed to American women under *Roe v. Wade* at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortions on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that we had as a Na-

tion from 1973 until 1988, and again from 1993 until 1996.

This has received bipartisan support from the House and from the House Committee on Armed Services. It also has strong support from the health care community; namely, the American Public Health Association, the American Medical Women's Association and the American College of Obstetricians and Gynecologists. And my amendment is supported by the Department of Defense.

If the professionals who are responsible for our Nation's armed services support this policy change, then why would Congress not? I urge my fellow colleagues to vote for the Sanchez-Morella-Lowe amendment.

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

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

Mr. Chairman, over the last 30 years, the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January of 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services as may be claimed here on the House floor. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of host nations regarding abortions. Second, the military has had a difficult time finding health care professionals in uniform willing to perform such procedures, even though we then enacted a conscience clause.

The House has voted several times to ban abortions at overseas military hospitals. This language was defeated previously. It almost feels as though it is political theater year in and year out as we go through these abortion amendments.

I would note that in overseas locations where safe, legal abortions are not available, the beneficiaries have options of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion. But if we are going to subject our military facilities by military doctors who have taken a pledge and focus all of their energies toward military medical readiness, which means the saving of life, that is what our military doctors do. Military medical readiness is that they focus the performance of their duties to take care of soldiers who are wounded in accidents and, more particular, in battlefield injuries. Now to say, “Well, we're going to take that same doctor and, oh, by the way, now we're going to say it's okay to let him perform abortions,” I think not. The House has been heard on this issue.

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

□ 1330

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), a cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowe amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank the gentlewoman from California (Ms. SANCHEZ) for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country, and yet these women, for the past 4 years, have been denied the very constitutional rights they fight to protect.

Mr. Chairman, this restriction is un-American, undemocratic, and would be unconstitutional on United States soil. How can this body deny constitutional liberties to the very women who toil to preserve them?

Mr. Chairman, especially as we work to promote and ensure democracy worldwide, we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions, because no Federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to, because they are protected by a conscience clause. This amendment is about ensuring that all American women have the ability to exercise their constitutional right to privacy and access to safe and legal abortion services.

In the past, I have expressed my exhaustion with the anti-choice majority's continued attempts to strip women of their right to choose. Well, yes, I am tired of revisiting these now familiar battles, and so, too, are the American people.

Their message is clear: Do not make abortion more difficult and dangerous. Instead, they have asked this body to find ways to prevent unintended pregnancies and the need for abortion by encouraging responsibility and making contraception affordable and accessible to all women. That is why in the 105th Congress I worked tirelessly to secure passage of my provision.

Mr. Chairman, not one of these restrictions does anything to make abortion less necessary. I urge Members to support the Sanchez amendment and join me in my effort to make abortion less necessary.

Mr. BUYER. Mr. Chairman, I would respond to the gentlewoman by saying if she is fatigued in these types of battles, then join in the cause of the celebration for life.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, the purpose of the Sanchez amendment is to facilitate the destruction of unborn babies by dismemberment and chemical poisoning. Of course, my friend and colleague from California does not present her case to us in this way, my friend instead sanitizes a terrible reality. The difficult unavoidable consequence of enactment of her amendment is to facilitate the violent death of babies.

Mr. Chairman, with each passing day, more Americans in their heart of hearts know that abortion is violence against children. The stark, horrific reality of partial-birth abortion has shattered forever the unsustainable myth that abortion procedures are somehow benign and benevolent acts. The scrutiny that partial-birth abortion has received has helped peel away the layers upon layers of euphemisms, disinformation and lies to show abortion for what it is, child abuse and violence against children.

Mr. Chairman, the most commonly procured method of abortion in America today and most likely to be facilitated by this amendment is the dismemberment of babies. The Sanchez amendment will prevent razor blade tipped suction devices 20 to 30 times more powerful than the average household vacuum cleaner to be used in military health facilities to pulverize the child's arms, legs, torso and head. The baby who gets killed in the hideous fashion is turned into a bloody pulp. This is the uncensored reality of what choice is all about and a vote in favor of Sanchez will result in more kids being murdered in this way.

Abortion methods also include injecting deadly poisons, including high concentrated salt solutions, into the child's amniotic fluid or into the baby. That too would be facilitated by Sanchez. This barbaric type of child abuse usually takes 2 hours for the baby to die, and anybody who has ever seen a picture of a child killed by a saline abortion quickly takes note of the red/black badly burned skin of the victim child. The whole baby's body is badly burned from the corrosive action of the high dose of salt, but the palms of the child's hands are white, because the baby grips and clenches his or her fist because of the pain. That's not child abuse? That's not violence against children?

I strongly urge Members to vote no on the Sanchez amendment. Don't turn our medical facilities overseas into abortion mills. Make them places of healing and nurture.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me

time, and I am certainly pleased to be a cosponsor of the Sanchez-Morella-Lowey amendment.

Actually, I did not recognize the amendment when I heard my good friend from New Jersey speak about it, because actually what the amendment would do would be to restore a provision, a regulation that had been there earlier, to allow U.S. servicewomen stationed overseas access to the Department of Defense health facilities and allowing them to use their own funds to obtain legal abortion services in military hospitals.

Women serving in the military overseas depend on their base hospitals for medical care. They may be stationed in areas where local health care facilities are inadequate, and this ban that we currently have might cause a woman who needs an abortion to delay the procedure while she looks for a safe provider or may force a woman to seek an illegal unsafe procedure locally.

I want to point out that women who volunteer to serve in our Armed Forces already give up many of their freedoms and risk their lives to defend our country, and they should not have to sacrifice their privacy, their health and their basic constitutional rights to a policy with no valid military purpose.

The amendment is about women's health, it is about fairness, and it is also about economic fairness. An officer may be able to fly home or fly one's wife or daughter home to seek abortion services, if necessary, but for an enlisted personnel, the burden of the ban may not be possible to overcome.

The amendment does not allow taxpayer funded abortions at military hospitals, I emphasize that, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

So I urge my colleagues to join me in restoring servicewomen's constitutional rights by supporting the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, on February 10, 1996, the National Defense Authorization Act was signed into law by President Clinton with the provision to prevent DOD medical treatment facilities from being used to perform abortions, except where the life of the mother was in danger or in the case of rape or incest. The provision reversed a Clinton Administration policy that was instituted on January 22, 1993, permitting abortions to be performed at military facilities. The Sanchez amendment, which would repeal the pro-life provision, reopens this issue and attempts to turn DOD medical treatment facilities into abortion clinics.

The House rejected this same amendment last year. We rejected it in committee this year. We should reject it again today.

When the 1993 policy permitting abortions in military facilities was first promulgated, all military physicians refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. Therefore, if the Sanchez amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, resources would be used to search for, hire and transport new personnel simply so that abortions could be performed.

Military treatment facilities, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent of human life, the child in the womb. I urge Members to maintain current law and vote "no" on the Sanchez amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), a member of the Committee on Armed Services.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to express my support for the Sanchez-Morella-Lowey amendment. This amendment, strongly supported by the Department of Defense, would provide fairness to female service members of the military assigned to duty overseas.

Mr. Chairman, the facts of this amendment are simple. First, no Federal funds would be used to perform these service. Individuals who decide to have these procedures would use their own money. Second, health care professionals who object to performing abortions as a matter of conscience or moral principle would not be required to do so. Finally, the amendment simply repeals the statutory prohibition on abortions in overseas military hospitals.

I urge my colleagues to support this amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the well-respected gentleman from Illinois (Mr. HYDE).

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

Mr. HYDE. Mr. Chairman, it always is a mystery to me why so many good people, and the advocates of this amendment are as good as they get, can support such a hollow cause as killing an unborn child. That is the what an abortion is.

Do you ever hear the saying, get real? Well, they talk about euphemisms, about choice. We are all for choice, but there is only one choice, whether it is in a military hospital or in an abortion clinic; it is a live baby, or a dead baby. That is the choice they are opting for.

Mr. Chairman, military facilities are paid for by taxpayers, and they do not want the facilities used to kill unborn children.

The phrase "terminate a pregnancy," that is fraudulent. You exterminate a

pregnancy. Every pregnancy terminates at the end of 9 months.

No, our military is to defend life, not to exterminate defenseless, powerless, unborn life. I know lots of tough situations occur where a pregnancy is terribly awkward. It can even threaten your health. Those are serious and we cannot minimize them. But I will tell you what is serious; taking a little life that has a future and exterminating it for any reason other than to save another life.

So if abortion is just another procedure, and getting rid of the child is no big deal because it is really not a member of the human family, it is a thing, it is expendable, then, fine, this is probably a good idea. But if you think human life is something that is special, something that is sacred, if you think that all people are possessed of inalienable rights, the first of which is life, then it would seem to me, do not use taxpayer facilities.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Sanchez-Morella-Lowey amendment, and I want to thank them for their leadership. Together they consistently fight for equal treatment for women in the military.

Mr. Chairman, make no mistake about it, that is what this issue is all about, equal treatment for service-women stationed overseas. This amendment is about giving women who have volunteered to serve their country abroad the same constitutional protections that women have here at home.

In 1995 the Republicans told service-women stationed overseas that they could not spend their own money on abortion services in military hospitals. This message is loud and clear to each American servicewoman, that a political agenda here in the House of Representatives is more important than a woman's health and safety.

Mr. Chairman, these brave military women serve overseas to safeguard our freedom. They deserve the right to choose how to safeguard their own health. These women stand up for our freedom every day. Let us not take away their freedom. Vote for the Sanchez amendment.

□ 1345

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement of the House Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from Indiana (Mr. BUYER) for yielding me this time.

Mr. Chairman, it has been stated in this debate by the proponents that somehow there is a different standard in the military than there is in the rest of society. I think that is true. I think, in fact, it is a higher standard, and interestingly, when polls are taken among the American people about

which institutions they respect the most, the American military is number one, because the American military does have higher standards in a number of areas and this is one of those areas.

It is absolutely true, if one listened to the gentleman from Florida (Mr. WELDON), a former military physician, that military physicians come in with a sense of honor to serve their country, to save lives, and it is an enormous imposition on them to ask them to carry out the social dictates of a few folks who would devalue, in my estimation, devalue human life. So let us keep that high standard, duty, honor, country, for the American military. Let us not drag them down into the abortion mess.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in support of this amendment and I urge my colleagues to think about the double standard that we are imposing on these women. How can we expect women to serve their country if their country strips them of their rights of healthcare.

Mr. Chairman, this issue is an issue of fairness. We have more than 100,000 women serving our country overseas and these women are entitled to the same freedom as all other American women.

The Department of Defense supports this amendment and I urge my colleagues to do the same.

Let me just make one point. I serve on the House Committee on Veterans' Affairs, and the same problems that the women in the military are having are the same ones that the veterans' women have. This is why we cannot have comprehensive healthcare because of the same controlling, narrow-minded, one-sided philosophy of we are going to control what happens to women, and the healthcare of women, and the veterans' women, that is the problem that the military women are having and the veteran women are having.

Let me say I am hoping that women take control of what happens in this Congress.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The Chair would notify Members that the gentlewoman from California (Ms. SANCHEZ) has one-half minute remaining and the gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Indiana has the right to close.

Mr. BUYER. Mr. Chairman, I reserve the right to close.

Ms. SANCHEZ. Mr. Chairman, I yield one-half minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I would say to my colleague, the gentleman from Illinois (Mr. HYDE), do not question our reverence for life, including the lives of women and including the lives of the 100,000 women active service members, spouses and depend-

ents of military personnel who live on military bases overseas and rely on military hospitals for their healthcare.

The current ban on privately-funded abortions discriminates against these women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose, simply because they are stationed overseas. The bottom line is, prohibiting women from using their own funds to obtain services at overseas military services endangers women's health and lives. Vote yes on Sanchez-Morella-Lowey.

Mr. BUYER. Mr. Chairman, since the name of the gentleman from Illinois (Mr. HYDE) was brought up in the well of the House, I yield 1 minute to him to respond.

Mr. HYDE. Mr. Chairman, I would just say to the gentlewoman from Illinois (Ms. SCHAKOWSKY), no one attacks anyone's reverence for life. I attack killing unborn children, however, and I will defend them. Secondly, no one is stopping a woman from exercising her constitutional right to have an abortion because of Roe versus Wade. Under the law, women have that right but they do not have the right to have the government pay for any part of it.

We have a right of free speech. That does not mean the government has to buy someone a megaphone or a typewriter. People can exercise it. Taxpayers' funds are expended when military facilities are used and there is no constitutional right to that, and so that is the difference.

Mr. BUYER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard the words fairness, double standard, discrimination, narrow-minded. I mean, we could go down the list.

I suppose to articulate debates one can choose these types of words. One thing that is real that one cannot get away from is the Supreme Court over there permits Congress to set the rules for the military, and we discriminate all the time: How tall one can be; how short; how heavy; how light; one cannot even be color blind.

We discriminate all the time, so that argument is rather foolish.

Narrow-minded? Guilty. So narrow that the interests for which we seek to protect are twofold. Number one, life. If we in this country cannot be the defenders of life, then what are we as a society? If that is narrow-minded, guilty.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanchez amendment and thank the gentlewoman for her hard work in support of the women who serve our Nation overseas.

This amendment would extend to the more than 100,000 women who live on American military bases abroad the right to make health decisions and access available care as they would be able to do here at home.

This amendment would not commit public funds, not one taxpayer dollar, for abortion. It would simply allow

servicewomen—or the spouses or dependents of servicemen—to use their own funds to pay for an abortion which would be legal if they were stationed in the United States.

We all have our own views on the issue of abortion. But the fact remains that it remains a legal option for American women. Unarguably, women serving in our armed forces are entitled to all the constitutional rights they work each day to defend and protect.

To deny them the right to use their own money to obtain health care on their base if it is available is unfair to those committed service women. Many times these women are stationed in hostile nations where they may not know the language and have few or no civil rights. Denying our female soldiers or the wives of make soldiers the safe and quality health care they could have on base could in fact be putting them in danger.

This amendment is about preserving the rights of American soldiers and their families serving abroad. It is not about promoting or considering the legality of abortion. A vote for the Sanchez amendment is a vote to support these servicewomen stationed far from home.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of the Sanchez amendment, but with deep disappointment that this issue must be subject to debate.

Today, we must debate whether or not the women serving this country overseas will fall into the same category as female prisoners as a class of women who cannot exercise the same right as free women in this country to access a safe and legal abortion. This amendment simply restores access to privately funded abortion services for U.S. servicewomen and military dependents abroad. We are not even debating funding this medical service with taxpayer dollars, and still this is subject to debate.

As much as the other side would like to make this debate about the practice of abortion, this debate is about equal treatment for women who put their lives on the line for this country all across the globe. I support the Sanchez amendment because current law jeopardizes the health of the 100,000 U.S. servicewomen and military dependents who live on military bases overseas. It denies a woman her constitutional right to choose and punishes her for her military service. This amendment ensures that our servicewomen are not forced into dangerous back alley abortions in unsafe, unsanitary, inhospitable locales. Abortion is a legal medical procedure in this country, and it should be legal for an American woman serving her country overseas.

Mr. FARR of California. Mr. Chairman, I urge my colleagues to support the Sanchez amendment to the Fiscal 2001 Department of Defense authorization which would restore equal access to health services for servicewomen stationed overseas by reversing the ban on privately funded abortion services at U.S. military bases.

More than 100,000 women—some active service members, some the wives of military personnel—live on American military bases overseas. These brave women risk their lives to protect our freedom, often in lands with laws and customs very different from those we know and cherish in the United States. The availability of abortion services in their host countries varies widely according to many factors—location, individual physician practices, command interpretations and practices, and that nation's rules and laws. Our soldiers and their families deserve equal access to the same spectrum and quality of health care procedures that we enjoy in the United States. Under current law, however, these women are denied this access, effectively putting their lives and health in harm's way.

The Sanchez amendment would rectify this grievous inequity by allowing women stationed overseas and their dependents to use their own funds to pay for abortion services at U.S. military bases, thereby providing them with access to constitutionally protected health care.

The facts of this amendment are clear—Roe v. Wade guarantees the right to choose, and if abortion is legal for women on the American mainland, it should be legal for women living on American bases abroad. No federal funds would be used, and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle are not required to do so.

This is a health issue, and we should be making sure that this procedure is safe, legal and available for our military women and dependents. I urge my colleagues to support this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment.

Mr. Chairman, here we go again. This is the 145th vote on choice since the beginning of the 104th Congress. I have documented each of these votes in my choice scorecard, which is available on my website: www.house.gov/maloney.

This common-sense amendment offered by Ms. SANCHEZ, lifts the ban on privately funded abortions at U.S. military facilities overseas.

It is bad enough that current law prohibits a woman from using her own funds at all military facilities overseas to get an abortion. But I want to point out although there is an exception when a woman's life is in danger, abortion is not even covered for cases of rape and incest.

How can anyone interfere with a woman's right to choose under these extreme circumstances? Just this week, the Supreme Court ruled that a woman who is raped is not entitled to sue in Federal court for civil damages.

Too often in our society, women who are raped are victimized a second time by the judicial system. Failure to pass this amendment doubly victimizes a woman who is raped.

Why doesn't this Republican majority take rape seriously? I believe that the underlying law is discriminatory. While a woman may serve overseas defending our Constitutional rights, and defending our freedom, this Republican-led Congress is busily working to undermine hers. I cannot think of a men's medical procedure that is not covered. I cannot imagine a situation where a man would be told that a certain medical procedure was prohibited at overseas military hospitals.

In fact, when the drug Viagra came on the market, DoD quickly decided to cover it. This amendment is simple. This amendment will not cost the Federal Government one dime.

This amendment is about fairness. This amendment simply allows privately funded abortions at U.S. military facilities overseas. This amendment protects women's rights.

I urge a "yes" vote on the Sanchez amendment.

The CHAIRMAN pro tempore. All time has expired on this amendment.

The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

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

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106-624.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY.

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MOAKLEY: Strike section 908 (page 285, line 6 through page 289, line 8) and insert the following:

SEC. 908. REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.

(a) CLOSURE OF SCHOOL OF THE AMERICAS.—The Secretary of the Army shall close the United States Army School of the Americas.

(b) REPEAL.—(1) Section 4415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

(c) LIMITATION ON ESTABLISHMENT OF NEW EDUCATION AND TRAINING FACILITY.—No training or education facility may be established in the Department of Defense for Latin American military personnel (as a successor to the United States Army School of the Americas or otherwise) until the end of the ten-month period beginning on the date of the enactment of this Act.

(d) TASK FORCE.—(1) There is established a task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations.

(2) The task force shall be composed of eight Members of Congress, of whom two each shall be designated by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(3) Not later than six months after the date of the enactment of this Act, the task force shall submit to Congress a report on its assessment as specified in paragraph (1). The report shall include—

(A) a critical assessment of courses, curriculum and procedures appropriate for such education and training; and

(B) an evaluation of the effect of such education and training on the performance of Latin American military personnel in the areas of human rights and adherence to democratic principles and the rule of law.

(4) In this subsection, the term "Member" includes a Delegate to, or Resident Commissioner, in the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Massachusetts (Mr. MOAKLEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

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

Mr. Chairman, I want to begin by thanking my colleagues, both Democrat and Republican, for their tremendous support of this bill last year. Last year, 230 Members of this body joined me in voting against the School of the Americas and today, Mr. Chairman, I am asking them to do the same again. A lot of people are surprised to see a Boston Congressman working to close a school, a military school, in Fort Benning, Georgia, but, Mr. Chairman, I have my reasons.

Ten years ago, Speaker Foley asked me to head up a congressional investigation of the Jesuit murders in El Salvador and what I learned during the course of that investigation I will never forget. On November 6, 1989, at the University of Central America in San Salvador, six Jesuit priests, their housekeeper and her 15-year-old daughter were pulled from their beds in the middle of the night, armed only with Bibles and their rosary beads, forced to lie on the ground and they were executed in cold blood by a military cabal.

These murders shocked the entire country, the entire world, and at that point the United States Government had sent the Salvador military a total of \$6 billion, with a "B," and Congress wanted to get to the bottom of this killing.

So my top staffer at the time, who is now the gentleman from Massachusetts (Mr. MCGOVERN), and I traveled to El Salvador dozens of times over the next 2 years to get to the bottom of those very, very heinous murders. After these 2 years, we learned an awful lot. We learned that 26 Salvadoran soldiers committed the massacre and 19 of the 26 were graduates of the School of the Americas.

Mr. Chairman, up until that point I had never heard of the School of the Americas, but what I learned quickly convinced me that the school had no place as part of the United States Army.

The School of the Americas is an Army-run school at Fort Benning, Georgia, that every year trains about 1,000 Latin American soldiers in commando tactics, military intelligence, combat arms, and all this, Mr. Chairman, to the tune of about \$20 million of the United States taxpayers' dollars.

I am not saying that everyone who graduates from the School of the Americas has gone on to murder civilians and I do not want to let anybody in this place believe that for one moment, but, Mr. Chairman, after inves-

tigation, many of them have. It is those who bring disgrace to the school. Panamanian dictator and drug trafficker Manuel Noriega went to the School of the Americas, along with one-third of General Pinochet's officials.

The architect of the genocide campaign in Guatemala, General Hector Gramacho, went to the School of the Americas. As so did the murderers of 900 unarmed Salvadorans who were killed in El Mozote and then buried in a big, huge ditch, and also the perpetrators of the chainsaw massacre at El Trujillo.

The rapists and murderers of the four American church women killed in El Salvador also went to the School of the Americas.

The crimes are not just in the past, Mr. Chairman. As recently as March of 1999, Colombian School of the Americas graduates Major Rojas and Captain Rodriguez were cited for murdering a peace activist and two others as they tried to deliver ransom money for a kidnapping victim.

The fact is, Mr. Chairman, the School of the Americas has been associated with some of the most heinous crimes that this hemisphere has ever endured. These crimes are so awful, Mr. Chairman, that approximately 10,000 people every year march on the school in protest.

Mr. Chairman, it is time for the United States to remove this blemish on our human rights record. It is time once again, Mr. Chairman, for the House to pass the Moakley-Scarborough-Campbell-McGovern amendment. Our amendment will close the School of the Americas as it exists today, and create a Congressional task force to determine what sort of training we should provide to our Latin American neighbors.

My colleagues who support the School of the Americas may say that the school got the message last year and made some changes. Unfortunately, Mr. Chairman, those changes do not amount to much more than a new coat of paint. It will still be at Fort Benning, Georgia. It will still inadequately screen soldiers who attend. It will still not monitor graduates for human rights abuses and it will still train Latin American soldiers in commando tactics and combat arms.

These changes that they made, Mr. Chairman, are like putting a perfume factory on top of a toxic waste dump. We believe that any school with such an infamous list of graduates needs more than a few cosmetic changes.

Mr. Chairman, Latin America needs us. They need us to help shore up their judicial systems. They need us to strengthen their electoral system. They need us to work with their police. They do not need the School of the Americas teaching their militaries how to wage war more effectively, especially when the vast majority of Latin America wars are conflicts with their own peoples.

It is time to move in a new direction. It is time to close the School of the Americas and start over. So I urge my colleagues to continue what we began last year and support the Moakley-Scarborough-Campbell-McGovern amendment to close the School of the Americas and create a Congressional task force to determine what should take its place.

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

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina (Mr. SPENCE) is recognized for 20 minutes in opposition.

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

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

Mr. SPENCE. Mr. Chairman, times have not changed in so much of this debate. Our Nation cannot walk away from its obligation to lead our hemisphere in preserving regional stability, conducting counternarcotics operations, providing disaster relief and promoting democratic values and respect for human rights. Our military and the School of the Americas, in particular, have been a forefront of these efforts.

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Ironically, the amendment before us would actually strike a provision of H.R. 4205 that would reform the School of the Americas and address key concerns that have been raised over the years by the school's critics.

Specifically, transitioning the school into the Defense Institute for Hemispheric Security Cooperation, it requires a minimum of 8 hours of instruction per student in human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society, and creating a board of visitors with a broad mandate to oversee the activities and curriculum of the Institute, and requires the board to submit a report to the Secretary of Defense and to Congress.

These are fundamental changes to the program that are intended to ensure continued education and training of the military, law enforcement, and civilian personnel from Latin America while enhancing transparency.

Passage of this amendment would undo the important reforms contained in this bill, and would eliminate the School of the Americas altogether. This would be a regrettable step backwards and would disregard the significant contributions of our military in fostering democracy throughout America.

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

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

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

Mr. VENTO. Mr. Chairman, I rise in support of the Moakley amendment.

Today, U.S. foreign policy in Latin America is in focus. History teaches us that graduates from the School of the Americas have returned to their home countries and committed some of the worst atrocities this hemisphere has ever seen.

Finally Congress responded accordingly and reasonably in cutting funds for the School of the Americas during the debate of the defense authorization bill last summer. Unfortunately, the will of the House was disregarded in conference.

No doubt the U.S. military has good intentions and regrets the behavior of those trained at the School of the Americas. But we have many higher education institutions that do not have such a bad track record. Let us utilize them, and let us eliminate the School of the Americas.

Now, in the face of pressure, of course, the Army has attempted to add new language that would simply rename the School of the Americas the Defense Institute for Hemispheric Security Cooperation. It has a nice ring to it. That idea provides no substantive reform or constructive policy path that would address the real problems of this institution's troubled history.

This would be really a victory of symbolism over substance. Last year when they talked about course work, they offered all these courses, but unfortunately, nobody was taking them, the human rights courses specifically. Mr. Chairman, as I said, this would be a victory of symbolism over substance. The reality is that the day after the name is changed, the school would continue to operate and it would be business as usual.

Most would agree we need to engage in a comprehensive approach to military training and aid for Latin America, but the U.S. military training for Latin America must go far beyond the School of the Americas, and certainly in a different direction. It is time that we fully reassess our military engagement policies and take a closer look at results.

The Moakley amendment would address the question, first, of closing the School of the Americas and placing any new training institute on hold until a bipartisan task force reviews and make recommendations for U.S. military training and relations in Latin America.

This is a reasonable approach, a policy path that our constituents could understand and support.

The Army's attempts at reform are too little, too late. This existing initiative in the bill at best reflects cosmetic changes. Real reform in my judgment would encompass alternatives to military aid, such as economic assistance, microcredit loans, and the other alternatives that my colleague, the gentleman from Massachusetts, outlined.

I would urge my colleagues to support the Moakley amendment and im-

plement this new approach, real reform. Let us not let the Army buy off on an unworkable, easy route. Vote for the Moakley amendment.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

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

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. I commend the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of our Committee on Armed Services, for his good work on this important legislation.

Mr. Chairman, this bill includes an important bipartisan proposal that squarely addresses the concerns of critics of the United States Army School of the Americas. This bill will create the Defense Institute for Hemispheric Security Cooperation to replace the United States Army School of the Americas. This modern institution will have a new charter and a mission that is fully consistent with the U.S. military training efforts worldwide.

Like many of my colleagues, I was concerned by a number of the allegations that were leveled at the School of the Americas. I believe, however, based on repeated staff visits to Fort Benning, that the school now has bent over backwards to resolve those issues.

I cannot support the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), my good friend. However, we should note that the language in the bill before the House today addresses a major concern behind the Moakley amendment. A new board of visitors, including Members of Congress, will be established to conduct the oversight and pragmatic review that the gentleman from Massachusetts has advocated in his amendment.

H.R. 4205 differs, however, in one fundamental respect, from the Moakley amendment. It reaffirms that the U.S. Army is a force for good in the world, and it recognizes that our men and women in uniform can make a difference by helping other militaries undertake an important professional reform.

The Moakley amendment would force an unwelcome hiatus in our U.S. Army's efforts to help Latin American armies become more professional and to respect human rights and civilian control of the military. The creation of the Defense Institute for Hemispheric Security Cooperation addresses the criticisms leveled at the School of the Americas. The Moakley amendment would unnecessarily be disruptive of our Armed Forces training programs.

I have met with a number of good people from my own congressional district who have urged that the School of the Americas should be closed. As I understood their views, they believe that

Latin American countries do not need and should not have armies. For better or worse, most Latin American countries do have armies, and we are not in a position to dictate that they should abolish those institutions.

As long as those nations choose to keep their military, their people and our Nation will be far better served if our decent, honorable soldiers are able to exercise a positive influence on their soldiers. It is abundantly clear that there are nefarious forces, including narcotics trafficking syndicates, that are waiting in the wings to fill the void if we decide here today to end our efforts to influence these armies for the good.

In closing, Mr. Chairman, we must not forget to take this opportunity to thank the men and women who have loyally served our Nation with honor and distinction in the U.S. Army School of the Americas. I invite my colleagues on both sides of the aisle to support H.R. 4205 and to oppose the Moakley amendment.

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

If the School of the Americas closed tomorrow, there would still be 9,000 Latin American soldiers getting some kind of training in this country from the U.S. Army, so it is not the only school.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a gentleman who was my chief investigator into the killings in El Salvador.

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

Mr. MCGOVERN. Mr. Chairman, I rise in strong support of the Moakley amendment to close the School of the Americas and initiate a bipartisan review of U.S. military education and training for our Latin American partners.

This amendment is a reasonable solution to the longstanding questions regarding the School of the Americas. This is a sensible solution to identifying our priorities in education and training and determining how best we can achieve these goals, and whether that requires a school or an institute.

I am sure that my colleagues are aware that the School of the Americas has provided less than 10 percent of the education and training the U.S. provides Latin American military personnel; let me repeat that, less than 10 percent. But the school has certainly provided most of the scandal, most of the debate, most of the horror stories, most of the controversy.

That history will not go away by hanging a sign with a new name over the same entry gate to the School of the Americas. The stains of blood will not fade away when we train Latin American military officers on the very same ground where we trained the people who murdered Archbishop Romero, Bishop Gerardi, the six Jesuit priests

of El Salvador, and massacred literally thousands of Salvadorans, Guatemalans, Colombians, and other Latin Americans.

Those scandals will not disappear with a few minor changes in the curriculum. The controversy will continue. There has to be a clean break with the past, not cosmetic changes, although some of the changes are interesting in what they reveal. The U.S. Army has now finally and openly admitted that human rights, rule of law, civilian control of the military, and the role of the military were not part of the school's curriculum.

But do we need a newly-named school, the so-called Defense Institute for Hemispheric Security Cooperation, to teach those courses? I do not think so. That training is covered under our extended IMET program. We do not need to subsidize junkets to Georgia for this training. Well-established, well-funded programs at scores of U.S. institutions are already available to our Latin American partners on these subjects. We do not need to send them to a scandal-ridden school with no history or expertise in teaching these courses.

The new School of the Americas will continue to emphasize counterdrug operations, military education, and leadership development, all areas of the curriculum that helped develop some of the worst human rights violators of the hemisphere in the past. Why should we believe it will be any different now?

Mr. Chairman, the Pentagon already has a huge budget for training Latin American military in counterdrug operations. I was looking at a list of over 100 counterdrug programs we did last year for 1,200 Mexican military personnel. We do not need redundant counterdrug programs at the old or new School of the Americas.

Not even the Pentagon knows fully what military education and training programs it is engaged in. What information the Pentagon does have comes from policy groups that took the time to go through the programs and add up the numbers. What information the Pentagon does have also comes from a congressionally mandated report on foreign military training. Support the Moakley amendment. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER).

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

Mr. BALLENGER. Mr. Chairman, I am in opposition to the Moakley amendment. I have visited El Salvador 40 or 50 times. The School of the Americas is something we need.

Mr. Chairman, I rise in opposition to the Moakley amendment.

As you should know, the School of the Americas has trained over 54,000 graduates, including ten presidents, 38 ministers of defense and state, 71 commanders of armed

forces, and 25 service chiefs of staff in Latin America. Since the school began training national leaders of South and Central American countries, military or totalitarian regimes in that region have declined and have been replaced with democracies. Right now, Cuba remains as the sole dictatorship in the Western Hemisphere. Not so ironically, Cuba does not participate in the School of the Americas program.

This amendment attempts to close the school based on 10–20-year-old assumptions about the school. Although there may have been questionable practices taught at the school in the past, these have all been corrected years ago.

Without the training from the School of the Americas, there never would have been peace in El Salvador. The FMLN rebels demanded that the military leadership resign before they would negotiate for a peace settlement. Armed with the lessons taught at the school, these leaders decided to resign. This was not because they were losing, but because President Christiani had urged them to do it. And with that resignation, the peace process began. You see, yielding to civilian leadership is a principle taught at the School of the Americas, as has occurred just lately in the county of Columbia.

Students from our southern neighbors are learning about democracy and becoming our friends of the future. I urge my colleagues to support the democratic education of these officers provided by the school by defeating this amendment.

By the way, the former commanding general of the Salvadoran Army is now running a filling station in San Salvador.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), whose district includes the School of the Americas.

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

Mr. BISHOP. Mr. Chairman, for many years we have been engaged in a debate over whether or not the School of the Americas has faithfully carried out its mission of teaching human rights and principles of democracy to visiting students from Latin America in addition to their military training.

Opponents have accused the school of all kinds of misdeeds, and those of us supporting the school and its mission have presented documented evidence which we believe thoroughly refutes these allegations. Nevertheless, the same old charges and countercharges are revived year after year, time and again.

I am not interested in rehashing the same old debate. What I am interested in is focusing on the substantive changes that are proposed today, changes that opponents have called for and which the supporters of the school also believe can be helpful.

Opponents wanted to change the name, claiming the existing one has been tainted. The plan before us would do that.

Opponents want stronger oversight, and the plan proposed shifts the oversight responsibility to the Cabinet level by placing it in the hands of the

Secretary of Defense, rather than the Secretary of the Army, and by establishing the Independent Board of Visitors, which includes prominent human rights activists as part of this law.

Opponents wanted more emphasis on human rights, and the plan makes instruction in human rights and democratic principles mandatory by law for every student.

Anyone who supports the long-standing U.S. policy of both Democratic and Republican administrations, the policy of helping Latin American democracies develop professional military forces that are committed to serving under civilian authority, should be for these changes.

The leaders of the School of the Americas Watch oppose this policy, so it is not surprising that this movement does not support the proposed reorganization of the school. The opponents of the School of the Americas have publicly stated that they want weak military forces in Latin America, even for democracies.

The real issue we are debating today is whether the U.S. should promote weaker military forces for emerging democracies which the Moakley Amendment does, or whether we should help these democracies become more secure—and whether we should sustain an instrument like the school at Fort Benning to actively carry out this policy.

A vote for this program is a vote for sound policy—and a vote for truth.

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Mr. MOAKLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year, the House voted overwhelmingly 230 to 197 to stop funding the Army School of the Americas. We voted that way because this House finally decided that the record of atrocities of murders and mayhem committed by graduates of that school can no longer be ignored or condoned. Does the Pentagon believe that renaming the school will fool those of us who voted against funding it last year?

Mr. Chairman, if it walks like a duck and talks like a duck, it probably is a duck. This new school proposed by the Pentagon would have the same mission, the same grounds, the same commanders, the same purpose but a different name.

The Army claims it would teach human rights, but there is no credibility to that school teaching human rights. If the Army thinks that the Latin American officers being trained by the United States should be trained in human rights, they should require all students to take courses sponsored by nongovernmental organizations that are qualified to do that.

The gross violations of human rights and the murders perpetrated by graduates of this school argue convincingly that we must not be fooled, we should again vote to remove funds for this school from the budget, to close it down once and for all, so that the

American role of Latin America can once again be an honorable role and the shameful record of some of the graduates of this school can no longer besmirch the honor of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

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

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

Mr. Chairman, I come to the floor today because I think we need to refute some of the slander that is being perpetuated by some of the opponents of the School of the Americas, and that is that the United States Army systematically teaches its foreign students how to violate human rights. Nothing could be further from the truth.

Our Army and this school has never taught torture techniques. Yes, some graduates of the School of America have subsequently been guilty of human rights abuses. So have some graduates from schools like Harvard. In those cases, the training did not take. But only 100 or 200 out of 58,000 graduates have documented human rights abuses.

Let us not forget the other 57,800 plus graduates. Over 100 School of Americas graduates serve or served their Nation and its people from the highest levels of civilian and military office, from chief executive to commander of major military units.

Furthermore, hundreds of School of America graduates currently occupy positions of leadership and command at all levels in their military and support democratically elected national leaders all over Latin America.

The fact of the matter is that in the last 20 years, democracy, respect for the rule of law, sensitivity to human rights have greatly increased in Latin America. This progress would have been impossible had these countries' military not received training in how a military operates in a democratic society at the School of the Americas.

Every year, soldiers from Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the School of the Americas. No other school with such a small operational budget brings together future civilian and military leaders of 16 countries in the purposeful effort to prepare for the future, to strengthen alliances within a hemispheric region and increase mutual understanding, cooperation and reinforcement of the principles of democracy among neighboring countries.

We need to keep this school because it keeps us active in the human rights affairs of Latin America. We should support the School of America, and I urge rejection of this amendment.

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

Mr. Chairman, just to correct the gentleman from Arizona (Mr. KOLBE), who was at the microphone, we have a manual from the 1990s of the School of Americas that did teach torture, and the Pentagon admitted that those manuals did teach torture. They said they were unauthorized. So the gentleman was not correct in his statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Moakley amendment. Even School of the Americas supporter Senator PAUL COVERDELL characterized the Department of Defense's proposal as cosmetic changes that would ensure that the old SOA would continue its mission and operation.

Just like the SOA, the new school will still be located in Fort Benning; still train Latin American soldiers in commando tactics, military intelligence, psychological operations and combat arms; still have no independent outside oversight; still not monitor graduates for human rights abuses; still have inadequate screening of soldiers who attend; still tout fancy human rights courses that nobody takes or take for just a few hours. And this is not just rehashing of old news.

Since last year when 230 Members of this body voted against the SOA, new revelations have come to light about the SOA's connection with human rights abuses.

In January of this year, SOA graduate Colonel Lima Estrada was arrested in Guatemala for the brutal assassination of human rights champion Bishop Juan Gerardi just 2 years ago, and on and on.

Mr. Chairman, I agree with the Chicago Tribune that says it is time for lights out at the SOA.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN).

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

Mr. CALLAHAN. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) is one of the most respected men in this House, especially by me. No one can doubt that he is a champion of human rights wherever they may be violated any place in the world. We just happen to think that the solution to this problem will take two different routes. The gentleman from Massachusetts (Mr. MOAKLEY) thinks we ought to go totally to the left, and totally abolish the good that the school is delivering. I think we ought to go to the right.

The irony of this, I say to the gentleman, is that we are both trying to get to the same corner of the room. The Commander-in-Chief of our Armed Forces, President Clinton, brought this message to us and asked for this authority and for the money to perform this. I am sorry that the gentleman has

so little confidence in the Commander-in-Chief.

I am sorry he does not trust the President to do what is right, but I would assure him that any time anyone can bring to me, not only from this body but any place in the world, some evidence of proof that this school is doing harm and contributing to the violation of human rights, they will not receive one penny of appropriation to continue that.

While I respect the theory of the gentleman from Massachusetts (Mr. MOAKLEY), while I certainly regret the atrocities that took place decades ago, I cannot accept your philosophy that a graduate of this school is automatically going to do something that some former graduates did. The Unabomber went to Harvard and we are not talking about closing down Harvard because he created these atrocities.

Mr. Chairman, I plead with my colleagues to listen to the Commander-in-Chief, to listen to the Secretary of Defense that your Commander-in-Chief, your President named to this position, who says this is vital towards the peace process and future human rights activities in these areas.

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

Mr. Chairman, before my dear friend, the gentleman from Alabama (Mr. CALLAHAN) leaves the room, the gentleman is my dear friend, too, I just wanted to inform him that these atrocities, some have occurred decades ago, but most recent ones have just occurred last March in Colombia by two graduates, the general and the major. So the atrocities are still going on, and we did not teach the Unabomber how to make bombs at Harvard.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the amendment that has been put forth by the gentleman from Massachusetts (Mr. MOAKLEY), and I commend him for the effort that he has made in this area.

Mr. Chairman, I have had the opportunity to visit the School of Americas and, frankly, I was impressed by many of the people that I met there. I felt that they were good people, that they were trying to do what they thought was best for this country. But I also, Mr. Chairman, cannot ignore the history of this school.

While I was impressed by those people at the school and their integrity, I have to also look at the track record of the graduates of this school, and whether it has occurred in the last 2 years, the last 5 years or the last 15 years, what we have seen is we have seen, unfortunately, and frankly too many graduates who have been involved in violence in ways that are not acceptable to the American people and not acceptable to the people in Central America.

Mr. Chairman, to put it quite bluntly, this school has lost its credibility with the American people. The American people do not accept the function that this school performs. They do not accept the function that we should be training military leaders in Central America because our track record has been so poor, and we have had so many failures of people who have graduated from this school and have been involved in atrocities that no longer do the American people believe that this is a function that should be performed by the United States Government.

Mr. Chairman, I have been struck in my own district by the number of people from wide ranges, the faith community, the peace community, people who stopped me at schools and simply say this school must be closed down. And they go a step further, because they are aware of what is going on in this legislation. They are aware that there are cosmetic changes that are being taken to try to make this school more presentable, but at the end of the day, when the analysis is finished, those changes are simply cosmetic and the functions that have been performed by the schools historically are continuing to be performed now.

Unfortunately, I think that the time has come where we must simply conclude as a Congress that the school must be closed.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

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

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose the Moakley amendment and support the provisions of the Defense Authorization bill to transition the School of Americas to the Defense Institute for Hemispheric Security Cooperation.

Military-to-military exchanges are an integral component of American foreign policy and provide valuable education and training to both military and civilian leaders alike. These exchanges increase cooperation, help professionalize militaries and teach them the role of military in democratic, civilian societies.

While the School of the Americas has played a vital role in our foreign policy over the last several decades, it is time that we modernize and update the approach of the school for the 21st century.

The House Committee on Armed Services has taken a bold step in replacing the School of the Americas. This bill would provide professional education and training to military, law enforcement and civilian leaders in Latin America.

Our bill requires that each student get a minimum of 8 hours instruction in human rights, the rule of law, due process, and civilian control of the military.

Finally, our bill creates an independent board of visitors with broad

mandates to oversee the activities and curriculum of the institute. The board may include Members of Congress, as well as representatives from human rights and religious organizations.

These changes are important steps toward improving our military education and training programs and enriching relations between the United States of America and our Latin America neighbors.

The U.S. military has been and remains a strong force for positive change in Latin America, transmitting our Nation's military values there. I urge my colleagues to oppose the Moakley amendment that would strike these important initiatives and withdraw the United States from constructive engagement in Latin America.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time, and I thank him for his leadership on this important amendment. He has been a leader in trying to educate the Congress on what has been happening in Latin America over the past decade, indeed, generation.

We are all deeply in his debt for making certain events there known to us so we could change and improve our policy. The issue before us today is one that we have visited over and over again. The chairman of my subcommittee, the gentleman from Alabama (Mr. CALLAHAN), which I am ranking member, has spoken in opposition to the gentleman from Massachusetts (Mr. MOAKLEY), and I want to speak in favor of him, because on our bill, the subcommittee on Foreign Operations, Export Financing and Related Programs bill, an amendment by the gentleman from Massachusetts (Mr. MOAKLEY) passed this House overwhelmingly by 230 to 197 to cut the funding for the School of the Americas.

This amendment is an improvement on that because what it says is there should be a bipartisan Congressional task force which will address military training of Latin American soldiers by the U.S. Department of Defense. This task force will critically assess course curriculum and procedures for training in order to ensure that we do not repeat the mistakes of the past.

□ 1430

Mr. Chairman, there is a tremendous need by this Congress to oversee the military training being done by the Department of Defense. With the highest regard for the Secretary of Defense and the Secretary of the Army, I have to rise and say that I strenuously object to the cavalier approach taken by the military to continue training violators of human rights not only in Latin America, but throughout the world.

We trained the Kopassus, the most vicious human rights violators; part of the Indonesian military. Indonesia is going to bring some of those people to

justice, and we trained them. We trained them, and it is current and recent. This is not about a long time ago. That is not about the School of the Americas, it is about the U.S. military training people overseas with the idea that we were going to teach them to have a military in a civilian population.

We all share the goal of sharing the expertise and the idealism of the U.S. military in training foreign militaries on how to exist in a civilian society without military dictatorships, and some of them have to get used to that. We all share the view that there should be human rights training at these schools. Let us really deal with this School of the Americas once and for all instead of every single year by addressing it completely; by having a study, a congressional task force to study it, to say what kind of school and what kind of curriculum should be there and to rid ourselves of the past, of the dreaded history of the School of the Americas and some of the people that it has trained.

So while we have a difference of opinion of approach here, I am sure all my colleagues would want to be very proud of whatever training we have done of foreign militaries, be they in Latin America or Indonesia. Unfortunately, the message of 230 to 197 on the appropriations bill was not a clear enough message to the military. We must send a clearer one. We can do it today under the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California, (Mr. CAMPBELL) and the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minutes to the gentleman from California (Mr. MARTINEZ).

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

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment.

I have the greatest respect for the gentleman from Massachusetts, but I believe his amendment in this matter is based on old concepts and old ideas. Certainly, we must change as times change and as situations change.

Mr. Chairman, it is being ignored that this defense authorization includes a provision closing the U.S. Army School of the Americas, which is what they want to do, and establishes in its place a new school for international military education and training. The bill puts the new school under the direct responsibility of the Secretary of Defense.

I do not think we could ask for any more than that. It requires every student of the school to undergo at least 8 hours of curricula related to human rights, democratic sustenance, and civilian patrol.

Mr. Chairman, it is clearly in our national interest to ensure that if our

neighbors in the Western Hemisphere are going to maintain military forces, which they are, that we help to install a degree of professionalism and respect for human rights and civilian authority, values that guide our own military.

In closing, let us stop fighting the old battles of Cold War and let us move forward by supporting the bill and opposing the amendment.

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

Some of my colleagues are alluding to things that happened many years ago. We are talking about some atrocities that happened as recently as March of 1999 by two major generals; other atrocities in 1998 in Colombia. So some of the graduates are still doing these things.

This is a bipartisan amendment, Mr. Chairman. It is authored by both Democrats and Republicans. And I think if we close the school once and for all, we are not stopping all military training for Latin America, we are only stopping 10 percent of it. There are 10,000 people from Latin America trained by the United States Army, only 1,000 in the School of the Americas.

But I think where the School of the Americas has been so symbolic in Central America to some of the people down there, and it attracts thousands of people every year to picket it, I think that we should close it and start anew. So I hope my amendment is adopted.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. COLLINS).

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

It has been said that the vote last year in the Congress, in the House, was not heard. I assure my colleagues it was heard. It was heard by the President of the United States and the Secretary of Defense. That is the reason they sent up these new legislative procedures so that we could make some changes at the School of the Americas.

But it also has been said that no good deed goes unpunished, and the gentleman's amendment seems to bear that out. In response to concerns raised by the gentleman and other Members of this body and their constituents, and I respect their constituents, the United States Army School of the Americas has undergone extensive changes, extensive reform in the interest of meeting the changes needed by U.S. foreign policy in the post-Cold War era.

This Defense Authorization Act includes major reform provisions, ensuring that course work at the new training facility will fully comply with U.S. law, doctrine and policy. Unfortunately, Members are still seeking to close the School of the Americas. I ask all to oppose the amendment of the gentleman from Massachusetts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is the passionate and sincere leadership of the gentleman from Massachusetts (Mr. MOAKLEY) that has forced the Pentagon and the Army to seriously rethink their approach to military and Democratic education for Latin America. However, I would hope that this House would respect the bipartisan plan that has been written into this bill to close the School of the Americas and to open a new institute, a Defense Institute for Hemispheric Security Cooperation. This is why I must oppose the Moakley amendment.

The Institute's management would be significantly different from the management of the School of the Americas in several ways.

First, it would be under the direct control of the Secretary of Defense, not the Secretary of the Army.

Second, Congress would have a direct oversight role at the Institute. Surely, even the cynics among us can trust the Congress not to endorse, year by year, terrorist training in Latin America.

Thirdly, a statutory board of visitors would be created with recommendations of House and Senate leaders from both parties, and with leaders from academic, human rights and religious organizations.

Fourth, the law would require the institute to teach human rights, due process, rule of law, and civilian control of the military. That is good for Latin America and for the United States.

And, fifth, the bill requires an annual report to Congress on the institute's education and training program.

I have to believe that with oversight from the United States Congress, with us here in this House, that more American engagement with Latin American military and civilian leaders is good. Less engagement is not wise.

Let us thank the gentleman from Massachusetts (Mr. MOAKLEY) for his leadership for change. He has truly made a significant difference. But now is a time for us to move forward in a new day, with new relationships with our allies and friends in Latin America.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

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

One thing that has not been pointed out enough is this training center is the only one where it teaches in Spanish. Our other courses around the country reach the other echelons of leadership. This has tried to take our message of training, as well as human rights training, down to the lower levels of the military, to spread it through newly-democratic countries in Spanish, with instructors from those countries to build that credibility.

We also lost some message here as to why we have this school. In Colombia,

yesterday's Los Angeles Times: Elvia Cortes had a bomb put around her neck and was told that it would explode the next day. It did. She is dead. The person who attempted to remove this bomb had his hands blown off and he bled to death in a helicopter.

Because of our drug crisis and the amount of drugs we are purchasing in this country, we have threatened democracies throughout the world. We need to teach human rights, but we also need to work with those militaries and those democratic governments to do what they did in Guatemala, which is, graduates of the School of the Americas went after another graduate because the behavior he exhibited was intolerable to us.

So I praise this school for the advances they have allowed throughout the world.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

I think many of us over the years have paid a lot of attention to South America, our friends and neighbors down there, but not as much as we should have. I remember the time when South America had many countries controlled by the military, had military dictatorships, and they did not do things according to the way we do business. With the training a lot of these people have gotten from our School of the Americas, we now have a different situation in South America.

I just got back from a trip. The climate is entirely different. Most of these countries now are democracies. We do not have military dictatorships now. We have people there who go by the rule of law; people who want to be friendlier to us, and they keep wondering why we are not friendlier to them in trying to help them enter into the new millennium.

We have tried to teach them these important lessons at the School of the Americas and it has made a significant differences in fostering stronger bilateral relations and observance of the rule of law.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Moakley amendment to the Defense Authorization bill. This amendment will officially close down the School of the Americas until a report to Congress is submitted assessing the training procedures and their effect in Latin America.

Without this amendment, this bill would merely change the name of the School of the Americas to the Defense Institute for Hemispheric Security Cooperation and make other cosmetic changes.

The School of the Americas needs more than superficial changes.

I would like to take a moment to provide a roster of human rights violators who graduated from the School of the Americas.

Nineteen of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits were graduates of the School of the Americas.

Ten of twelve cited for the El Mozote massacre graduated from the school of the Americas.

Two of the three officers cited in Archbishop Romero's assassination were School of the Americas graduates.

And four churchwomen—including Dorothy Kazel, a nun from Cleveland and a friend of mine—were raped and brutally murdered in El Salvador. The UN Truth Commission investigating the murders verified that the School of the Americas trained three of the five officers responsible for the churchwomen's deaths.

Dorothy Kazel was more than a friend to me. She was a friend to humanity. She went to El Salvador to bring about peace and justice for those who most desperately needed it. And she was brutally murdered for her efforts.

The bill fails to make necessary changes to the School of the Americas. It does not address the crimes committed in the past, it does not provide any comfort to the families who were impacted by these human rights violators which I listed. The New School will not establish adequate screening of incoming soldiers and it will not monitor graduates of this school.

I urge my colleagues to support the Moakley amendment, and if this amendment does not pass, I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, the amendment would strike section 908 which changes the School of the Americas to the Defense Institute for Hemispheric Security.

It is certainly correct to point out that several of the School of the Americas's graduates have been implicated in crimes, corruption, and human rights violations. Press reports have accurately noted that former Panamanian dictator Manuel Noriega was a former student, as was one of the Salvadoran officers responsible for the 1989 assassination of six Jesuit priests.

However, more than 60,000 young Latin American Officers have graduated from the SOA since its creation in 1946, the vast majority of whom have served their nations honorably and responsibly. Graduates of the SOA are personally responsible for the return of democracy in Latin American nations such as Bolivia and Argentina. Many of the school's graduates have lost their lives while combating the narco-guerrillas and drug lords in Colombia and Peru. These counterdrug operations are of vital interest to the safety and security of our Nation as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs into the United States of America. It would be a disservice to brand all the school's graduates as criminals because of the misdeeds of a very few.

There have been many false allegations in the past regarding the School of the Americas, such as the alleged existence of SOA torture manuals. There are no such manuals. The SOA does not in any way engage in or endorse such heinous activities. Nor does the SOA train death squads and assassins. The SOA is run by officers of the United States Army who must operate the school in accordance with governing regulations of the U.S. Army, the Department of Defense, and U.S. Public Law. This type of an amendment is resulting in a smear of the reputation of the fine men and women of the U.S. Army and specifically the officers and non-commissioned officers who have led the SOA. The repeated, unfounded and distorted allegations about the school are outrageous.

One very positive result of the recent focus of attention on the School has been a much greater emphasis on human rights. Every student at the school is now exposed to a rig-

orous formal and informal training program on basic human rights. Specific classes and case studies are used to enhance the training and to make U.S. concerns unambiguously clear. The roles and rights of civilians, clergy, human rights observers, and UN personnel are integrated into the training program.

H.R. 4205 as reported provides even greater assurances that training for our Latin American allies will continue to stress democracy, human rights, etc.

Mr. Chairman, the Moakley amendment provides for a Congressional Commission to review and recommend whether to reopen a successor to the School of the Americas. This just isn't necessary. We have reviewed, studied and debated the School of the Americas repeatedly. H.R. 4205 is the right course, right now. This member strongly urges opposition to the Moakley amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. MOAKLEY to truly close the School of the Americas.

The School of the Americas was designed to educate and train Latin American military personnel in order to foster and bring about democracy and freedom in typically totalitarian governments. However, far from achieving these noble goals, SOA graduates have instead been linked repeatedly to massacres, assassinations and other atrocities in Latin America.

The United States should not be providing training in how to limit or abuse human rights. We need instead to be leaders in ensuring human rights and fair treatment for all people worldwide.

I have long been a supporter of legislation to close the SOA. It is both a waste of taxpayer money and an affront to our common principles of freedom, democracy and respect for human rights at home and around the world.

H.R. 4205 purports to close the School of the Americas. It does not. Instead, it simply makes a few cosmetic changes in the School's operation, gives it a fancy new name and then turns a blind eye to the repeated human rights violations committed by SOA graduates.

Cosmetic changes are not enough. We must truly close the School of the Americas. I strongly urge my colleagues to support the Moakley amendment to prohibit opening of a follow-on school for at least 10 months and to authorize a congressional task force to critically assess training of Latin American soldiers by the United States and report its findings to Congress within six months. This action is long overdue.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the Moakley Amendment.

This body has already had this fight and we have won. Last August, the House voted to finally stop funding School of the Americas, and I quote, "None of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia."

The effort to rename the school without changing its essential role is nothing more than a public relations scheme. Remember, this is an organization whose roster of graduates reads like a Who's Who of human rights violators: 19 of 26 Salvadoran officers ac-

cused of the 1989 massacre of the Jesuits, 10 of 12 cited for the El Mozote massacre, 2 of 3 officers cited in the assassination of Archbishop Romero, and the list goes on and on.

More importantly, we have heard from the people. Their voices are smaller and their speeches are not as polished, but these are the people who have suffered from this scandalous school and they deserve to be heard. A name change will do nothing to improve the human rights record of this misguided institution.

I urge my colleagues resist this obvious scheme and support the Moakley amendment.

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

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106-624.

AMENDMENT NO. 3 OFFERED BY MR. COX

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COX:

At the end of title XII (page 338, after line 13), insert the following new section:

SEC. 1205. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA.

Neither the President nor any department, agency, or instrumentality of the United States Government may use the authority of Public Law 85-804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to impose liability on the United States Government, or otherwise require an indemnity by the United States Government, for nuclear accidents occurring in North Korea.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

Mr. GEJDENSON. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) claims the time in opposition.

The Chair now recognizes the gentleman from California (Mr. COX).

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

Just a few weeks ago, Mr. Chairman, the Los Angeles Times published an article with the lead, "Warning to American Taxpayers: Without knowing it, you may soon take on responsibility

for what could be billions of dollars in liability stemming from nuclear accidents in, of all places, North Korea."

The article continued: "The Clinton administration is quietly weighing a policy change that would make the United States Government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime. But the Clinton administration is reluctant to seek a new law from the Republican Congress. That roadblock has sent administration lawyers scurrying through the United States Code, and they have found an obscure law that might be used in a new way."

The article concludes: "Presto, one little legal reinterpretation by the administration, and one huge new legal liability for American taxpayers." That according to the Los Angeles Times, April 12, 2000.

Perhaps not all of our colleagues are yet aware of how the administration has embarked upon a policy of subsidies to the Stalinist regime of Kim Jong Il in North Korea. From the founding of the Communist State in North Korea until the very last day of the Bush administration, North Korea received not a penny of U.S. foreign aid or U.S. taxpayer support. But that has all changed under the Clinton administration.

Today, the Stalinist government of North Korea is the number one recipient of U.S. foreign aid in the Asia Pacific region. Our aid is now totaling some two-thirds of a billion dollars. That aid is being used by Kim Jong Il's repressive government, to feed his million-man army, to use fuel oil for military industries, and, most improbably of all, to construct nuclear power plants; which, when they are completed, will produce enough plutonium for Kim Jong Il's army to build 65 nuclear weapons a year.

□ 1445

Now, this is the same government that has recently launched a three-stage ballistic missile over Japan. The proliferation risks of this venture are, obviously, the most frightening. But there are additional risks to the proposal to build nuclear plants for Kim Jong-Il as well, enormous risks to taxpayers from a nuclear accident at one of these plants if it were ever the case that the United States taxpayer would be on the line.

According to these published accounts not only in the Los Angeles Times but in industry publications as well, that is just what the administration is setting out to do.

I want to remind every Member that when the Clinton administration has advocated its North Korea policy before the Congress, they have always emphasized how limited our financial involvement would be and how limited our involvement in the nuclear reactor component of the KEDO program would be.

The administration's plans to put U.S. taxpayers on the line for the cost

of nuclear accidents in North Korea and the administration's stated opposition to this amendment makes a mockery of those plans.

This amendment which I am offering, together with my Democratic colleague the gentleman from Massachusetts (Mr. MARKEY), prohibits the United States Government from making American taxpayers liable if the nuclear reactors that the Clinton administration is giving to North Korea are involved in a catastrophic nuclear accident.

If U.S. taxpayers are ever to be made liable in this unprecedented way for the costs of nuclear catastrophes in a foreign country, least of all North Korea, then it should be by the act of this Congress. That is the purpose of this amendment.

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

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

Mr. Chairman, 50 years ago when the Korean War started, few of us could have foreseen the kind of regime that would control North Korea for half a century.

This June, after half a century of almost complete isolation, the leaders of North and South Korea will meet directly for the first time. The agreements that have been worked out by the United States that have stopped the two attempts at a nuclear fissionable plant in North Korea and their missile program have been the first major gains in diplomatic efforts in that 50-year period as well.

We come here to the floor today basically arguing that 435 Members of Congress ought to negotiate the liability issues surrounding the building of the two plants that we have guaranteed would be built in North Korea in order for them to stop their own nuclear program and their own missile program.

Now, some on this floor are ready to spend \$60 billion to stop the possibility of a North Korean missile aimed at the United States coming here and doing damage to our citizenry, something we ought to be worried about. They are ready to spend \$60 billion. Maybe it might violate ABM, could cause all kinds of other problems, still has technical feasibility problems, but that they are ready to rush off to do.

But when we have a chance, and we have a successful program at this point that is led by Dr. Perry, the former Secretary of Defense, which has led to the cessation of their missile program and their nuclear problem at the two facilities that had an active program to create fissionable material, we are going to rush to this floor and we are going to say, wait a minute, the administration has not yet decided how they are going to be able to keep the contractors in this business. GE and others will leave if they end up with a liability.

The United States is working with the Japanese and the other coalition

partners trying to work out a solution to the liability issue. But we are going to come to the floor today because we do not think there is a danger that North Korea will go back to building nuclear weapons, we do not think there is a danger they will go back to building their own missiles, because we want to rush to the floor and say, oh, no, no liability under any conditions.

Fifty years of the most isolated regime, for the first time, because of the work of Dr. Perry, we have the two sides sitting down and having a conversation. We have monitors and ways to check the North Korean missile and nuclear program, but now we have got to come to the floor and tell our contractors to go home because, yes, there might be some cost here.

There is some cost if North Korea spins out of control. Aside from the tens of thousands of people that starve to death, what about the North Koreans going back to trying to build nuclear weapons and nuclear missile programs? Is that not some danger for Americans?

I think we are imprudent by acting today. I ask my colleagues to reject this amendment, as well-intentioned as it is.

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

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

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

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

Mr. Chairman, North Korea, lest we forget, is one of the most anti-American and potentially dangerous countries in the world. The administration's efforts to contain North Korea's nuclear weapons ambitions by providing modern nuclear reactors for its energy needs have done little to dissuade North Korea from pursuing a nuclear weapons program.

In fact, contrary to the conventional wisdom, the reactors being provided would not eliminate North Korea's ability to produce sufficient quantities of fissile material that could be used to build nuclear weapons.

Incredibly, it now appears that the administration may indemnify companies involved in the construction of these reactors and actually they would leave American taxpayers footing the bill for nuclear accidents in North Korea.

I cannot believe it. This would, essentially, hold the United States taxpayer hostage to the operation of nuclear reactors over which we have no control in a Stalinist country hostile to the United States and which is developing ballistic missiles capable of striking our country with weapons of mass destruction.

The Cox-Markey amendment would prevent this from happening. The costs

of a future nuclear reactor accident in North Korea could be astronomical and ought not to be paid for by our taxpayers.

Mr. Chairman, the amendment makes good common sense. I support it. I urge my colleagues to do the same thing.

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

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Chairman, I rise today to express my opposition to the Cox-Markey amendment.

I think this bill sounds good on its face, and it might make us feel like we are striking a blow against North Korea, but I believe its passage today is certainly a mistake.

My friend the gentleman from Connecticut (Mr. GEJDENSON) and others have made the argument very well, and I agree with them on that and on their concerns, that this is an end-run on the committee. On subjects as tricky as nuclear energy and North Korea, Members of this House need the committee process to vet the complex issues this amendment raises.

But I want to make a different point, though, and that is our timing is terrible. This debate comes at the worst possible time at what might be a turning point in history.

For the first time since the Korean nation was split in two, a summit has been scheduled between the leaders of the North and South. Hopes are high that they will make progress towards peace or, at least, a more permanent end to the tense standoff that has blighted Korea's history for 50 years and kept tens of thousands of American troops stationed in a dangerous place far from home.

In less than a month, South Korea's elected president, a national hero known for his courage and pressing for human rights, will meet with North Korea's new leader.

This North-South summit is an historic initiative that our country should support. Instead, by this vote, we risk sending a signal to Koreans in both nations that they cannot trust the United States to keep our solemn commitments.

The agreed framework is controversial, but it is also working. Now is not the time to chip away at it, and this amendment would do just that.

With 37,000 Americans stationed along one of the world's most dangerous borders, ending the Korean War or even lessening the hostile situation should be our country's highest priority.

This amendment needlessly antagonizes South Korea, our long-time ally, and North Korea, the well-armed neighbor that it is trying to bring into the international community.

Every time I go to that region, every time I visit with our military officers and people, they always say, "what are you guys in Congress doing?" They

cannot believe that here in Washington we are rattling sabers while they are posted on one of the world's most dangerous front lines.

Few of us expect this amendment to win Senate passage. If it does, I doubt the President will sign it.

I urge my colleagues to restrain themselves, to resist the temptation to lash out at an administration and a country they disagree with. I urge them to put peace and American troops ahead of other considerations. Vote no on the Cox-Markey amendment.

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

Mr. Chairman, in response to the gentleman from Ohio (Mr. HALL), I would simply point out that there is no provision in the KEDO agreement for U.S. taxpayer liability for nuclear accidents in North Korea, nor is there any existing Federal statute that permits the administration to do this by fiat.

If taxpayers are to assume this liability in a remarkable expansion of the U.S. financial commitment to KEDO, then it should be by decision of this Congress. That is the only purpose of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

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

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

Mr. Chairman, I am pleased to support the amendment that has been offered jointly by the gentleman from California (Mr. COX) and the gentleman from Massachusetts (Mr. MARKEY).

The amendment before us today is derived from the legislation I introduced on April 13 of this year entitled the "Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000."

This legislation, H.R. 4266, was cosponsored by the two authors of today's amendment, as well as by the gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific, and others.

Our bill and today's amendment are a response to recent disclosure of efforts within the Clinton administration to offer what amounts to U.S. Government insurance against whatever liability claims might be made if nuclear reactors that the administration is trying to give to North Korea are involved in a catastrophic nuclear accident.

Apparently, the administration is considering doing this, in effect exposing the U.S. taxpayer to potentially tens or even hundreds of billions of dollars in liability claims without the approval of Congress. They propose instead to reinterpret a law enacted in 1958 in a transparent effort to avoid

Congressional participation in the decision that may have profound consequences for our Nation's financial solvency.

This effort within the administration was disclosed not in briefings to the Congress, nor in testimony before Congress by administration officials, but, rather, in an article in the Los Angeles Times dated April 12 of this year.

Among those who fear a possible nuclear catastrophe are the very contractors who the administration thought would be eager to participate in the \$5 billion construction project in North Korea. Those contractors apparently are concerned that if there is a catastrophe they might be sued and the potential liability could bring down their companies.

I was surprised and alarmed to learn that the administration is considering offering an indemnity to contractors participating in the North Korean nuclear projects without the approval of Congress. Our staff had to ferret out that information through the conduct of Congressional oversight, and most Members of Congress first learned about it when they read about it in the Los Angeles Times.

Mr. Chairman, if the administration wants the U.S. Government to provide such insurance, then they should come to the Congress and make their case for it. Then, in accordance with the Constitution, we could consider that request and decide whether or not to approve it.

Mr. Chairman, the Cox-Markey amendment does nothing more than force the administration to respect the prerogatives of the Congress. Accordingly, I commend the sponsors of the amendment. I request our colleagues to fully support this measure.

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Mr. GEJDENSON. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from California (Mr. BERMAN), a senior member of the committee.

Mr. BERMAN. Mr. Chairman, the scare is unlimited indemnification by the United States in the case of a North Korean light-water nuclear reactor. But the amendment does not address the scare. The amendment sweepingly prohibits any and all indemnification or liability agreements without regard to how limited, how widespread, who is participating and what is happening.

Some people in this House do not like to see nuclear energy. Probably everyone in this House looks at North Korea as an adversary who has undertaken and engaged in irresponsible conduct domestically and in foreign policy. But everyone who votes for the amendment should think first about the fact that they could be torpedoing the agreed framework and the ability to get meaningful inspections about what the North Koreans have done with the plutonium that is not even reached yet by the present freeze in the North Korean

nuclear program. That is a very high price to pay for the pleasure of voting for an amendment which, on its surface, seems very attractive.

I think for purposes of making sure that we rid North Korea of any nuclear program whatsoever, of getting it in compliance with the nuclear non-proliferation treaty, of making it certified by the IAEA and of finally getting an account and disposing of the plutonium that we all know they have, it is a terrible mistake to vote for this amendment, and I urge the body to reject it.

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

I would just say to the gentleman that the KEDO program has never contemplated U.S. taxpayer liability for nuclear accidents in North Korea. Second, if the purpose is to rid North Korea of a nuclear program, it seems an odd way to do it, to build them nuclear reactors. If our object is to give them electricity, certainly a coal-fired plant or a hydro plant would make a great deal of sense.

Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we have so many red herrings floating around in the well down here today, we are going to have to build an aquarium. This has nothing to do with American nonproliferation policy. It has nothing to do with the agreed framework which everyone is talking about here. It has nothing to do with Star Wars, which I oppose, I think it is the stupidest idea of all time, but this is not what this debate is all about. It has nothing to do with Korean reunification, as much as we all sincerely hope that they will reunify. It has nothing to do with any of that. It has to do with a single company, General Electric, coming to this Congress and saying, we would like to be indemnified against wanton, reckless misconduct in the construction of our product if an accident occurs in North Korea. And if an accident occurs, we want the American taxpayer to shoulder the burden.

All we are saying is that General Electric should go into the private marketplace and get some insurance. Now, they are boasting in their puffing of this plant that they are going to make \$30 million. Now, if with their \$30 million worth of profit they cannot afford an insurance policy on this plant, then this is a pretty dangerous product. Now, my feeling is that out of the \$30 million, they could probably spend a half a million or a million and get a good insurance policy, and then that insurance company should bear the risk. But it should not be the American taxpayer.

Generally speaking, what is going on here is that Adam Smith is spinning in his grave. General Electric wants us to socialize the risk but privatize the profit for them. But all of the American taxpayers are going to shoulder the burden. No other company, by the

way, that is part of this project, it is not just General Electric, there are many other companies who are part of this project, none of them are asking for indemnification, only one company who does not want to go into the private insurance marketplace. It has nothing to do with Star Wars, nothing to do with the agreed framework, nothing to do with nonproliferation, nothing to do with anything.

Now, I believe that the American government, our negotiators, should have pushed them toward LNG, should have pushed them toward natural gas, should have pushed them toward clean coal. China would have been glad to sell it to them. By the way, Frank von Hippel at Princeton is quite convinced that a light-water reactor is not proliferation immune, that is, you can still build nuclear weapons out of a light-water reactor. We should have pushed them totally away from the nuclear technology. All of that is a separate issue. We do not have to debate that right now, only whether or not we should be giving one company American-taxpayer insurance protection when they should go out into the private marketplace, and everything else that we are debating here right now has no business being insinuated into this debate.

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

Mr. MARKEY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I am sure we would have had a better deal from the North Koreans if the gentleman from Massachusetts had done the negotiation. But since we are lucky to have the gentleman staying in Congress and not going off to work for any administration and to negotiate, we are stuck with the deals that administrations, as incapable as they are, work out.

Would the gentleman not agree that if this framework falls apart and the North Koreans go back to trying to build their own reactors, we are less safe than under this program?

Mr. MARKEY. I would agree with the gentleman on that. I do not agree with the gentleman that it is going to fall apart over whether or not an insurance company is picking up the risk or the American taxpayer. All we are arguing right here is if General Electric cannot get a private insurance company to assume the risk for this nuclear power plant, then we are going to encourage them to engage in reckless, wanton behavior in the construction of the materials, and as a result, have the American taxpayer pick up the cost of the accident which will invariably occur.

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

I would say the red herrings might be that if we do not allow our administration to negotiate an insurance policy that might have America financing that insurance policy, that that will make General Electric be wantonly ir-

responsible. That might just be a red herring.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. There are a lot of things fishy going on on the floor today, Mr. Chairman.

The gentleman from Connecticut I think might know that I personally did go to North Korea, and I did begin the negotiation with the then dictator of North Korea, Kim Il Song, and it was a very difficult conversation, believe me. It was at a time when they were fully active with their heavy water nuclear reactor, when they were refusing to let the IAEA in to do the inspections and we had those constant standoffs at the airport and they did not want to budge.

To get them finally to agree that they would build down and take away and do away with their heavy-water reactor and switch to a light-water reactor, which we wanted them to do which would reduce the possibility of nuclear risk was a very difficult thing. The only thing that they wanted from us in return is to have the face, to be able to save face and not be able to say, well, the South Koreans and the Japanese of who they are not enamored with were bailing them out.

They wanted it to look like an international effort. So our contribution is basically funding the oil to heat their country while one reactor is turned off and the other one is turned on.

This is really about trying to embarrass the Clinton administration. This is really about establishing a strawman, a bogeyman to have an enemy to rally around and the North Koreans are very, very easy suspects to fill that role. What is going on here is basically to tear down the framework agreement. If we did not have the framework agreement, Mr. Chairman, this would be a much more dangerous world in which we live. This is critical that we go through with this. If this fails and they go back to their heavy-water reactor, where will we be? We will really need every bit of that \$60 billion for Star Wars and all of those other things that we are talking about. This is the ounce of prevention that will save us megatons of cure.

Mr. GEJDENSON. Mr. Chairman, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time and would assert in direct refutation to my friend from Massachusetts that this has everything, everything to do about the larger issues of peace on the Korean peninsula. I am rather astounded that this amendment would be before us. We have come, since 1994, from the brink of military conflict to now the eve of a historic summit between leaders in that area. Lasting peace is a long ways away, but this summit is a historic opportunity

for an advance, and here we are acting as though there has been nothing successful achieved under the nuclear framework.

This framework was negotiated because of the concern that the nuclear facility at Yongbyon could produce weapons grade material, and in fact, that they were moving plans to do that very kind of processing. The agreement to move to a light-water nuclear electricity capacity for North Korea deprives them of this material which is so very dangerous in light of its potential application for weapons grade plutonium.

We asked Secretary Perry, who negotiated this initial agreement, to go back and take a look at whether the framework was working. He reported to the Committee on International Relations, and I quote, "The nuclear facilities remain frozen, a result that is critical for security on the peninsula since during the last 5 years those facilities could have produced enough plutonium to make a substantial number of nuclear weapons."

Now, earlier this week, just days earlier, the gentleman from Massachusetts (Mr. MARKEY) was part of another legislative initiative along with the gentleman from New York (Mr. GILMAN), the Gilman-Markey amendment which would require House prior approval before the United States would enter nuclear cooperative agreements or provide key components, restricted components on the A-10 list as part of a nuclear agreement.

This prior House approval resolution passed 374-6. We have established the oversight opportunity to carefully watch this. Let us not pass this resolution which reflects the worst kind of armchair quarterbacking, coming in without being a party to the discussions at all despite their successful 5-year record so far and try to pick apart and undermine their future prospects for success even while the leaders prepare for the historic summit in Korea.

Reject this amendment. It is well intended but wrongheaded. Stick with the Gilman-Markey approval we earlier passed. We have all the oversight we need.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN) who has done such fine work in this area.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine is recognized for 2½ minutes.

Mr. ALLEN. Mr. Chairman, I rise in opposition to the Cox-Markey amendment. All of us agree that North Korea is a dangerous rogue state, but this amendment is about whether or not we can promote policies to make North Korea less of a threat or we just sit by and let the threat develop. We all agree we want to make North Korea less dangerous, and that is why we should reject this amendment. In 1994, the closed North Korean government opened up just enough to sign an agree-

ment with us to eliminate its nuclear weapons program. The agreed framework has given us a great opportunity to reduce the threat from that country. The Cox-Markey amendment could jeopardize that opportunity by causing the United States to renege on its end of the bargain, which was to work with South Korea and Japan to build civilian nuclear reactors in North Korea. The amendment would, in effect, construct an insurmountable barrier to our cooperation in the framework.

Now any businessperson knows the importance of dealing with liability issues before the deal goes forward.

□ 1515

If we block the possibility of the U.S. Government assuming some, and certainly not all, of the liability for the reactors, we likely sink this deal.

The proponents are claiming to speak for the American taxpayer, but the rush to deploy a national missile defense is premised on defending against the North Korean missile threat, and that system's price tag is \$60 billion. Those are real dollars to the American taxpayer. But the proponents of this amendment are rejecting a sensible effort to reduce the North Korean threat before it becomes a problem. The agreed framework is far from perfect, but it gives us the opportunity to eliminate North Korea's nuclear weapons program and to make their missile program less threatening, and it is far, far cheaper than \$60 billion. Our national security policy is not served by a policy that says let us sit idle while they build it, and hope that some untested, unproven antimissile shield will work after the missiles are launched.

I urge my colleagues to think of the consequences of this vote, to think of the long-term security interests in Korea, and vote against the Cox-Markey amendment.

Mr. COX. Mr. Chairman, I yield the balance of my time. The gentleman from Michigan (Mr. KNOLLENBERG), a senior Member of the Committee on Appropriations, who has done a substantial amount of work on KEDO over the years.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Michigan is recognized for 1 minute.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time, and thank the gentleman from Massachusetts (Mr. MARKEY) for his co-sponsorship.

As the chairman has just stated, I have been a Member of the Committee on Appropriations, and I believe I am very familiar with this framework, with KEDO and the substance of this amendment and why we have this amendment.

Under KEDO and the administration's current policy with North Korea, as everybody knows, the U.S. is leading an effort to finance and build these two nuclear reactors. For whom? For North Korea, perhaps the most regressive regime in the world. It is not only illogi-

cal, but it is dangerous to the national security of this country.

But let us talk about the thing that I think may have been overlooked here, experience. The North Koreans clearly do not have the expertise to safely operate two nuclear reactors. Who are the operators going to be? Who will handle the plant management? One cannot create a nuclear industry infrastructure by administrative fiat. It requires the time to educate, to train all the necessary people and to develop the required supply chain.

The CHAIRMAN pro tempore. All time has expired.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding.

The North Koreans simply do not have the equipment, they do not have the capability to handle this method of producing electricity. Now, the companies that are involved here realize this. They know what the dilemma is, and, therefore, do not want to accept the billions of dollars of risk associated with building nuclear reactors in such a dangerous rogue nation. There is nothing that the U.S. can do to assure companies that the inexperienced North Koreans will not improperly operate these plants, and, thus create radioactive mishaps or accidents.

If there is anything that we have learned from our experience with North Korea, it is that there is no way that you can predict what they are going to do.

Now, faced with this dilemma, the administration is now looking for a way to put the U.S. taxpayers on the hook for this enormous liability. I think that is simply unacceptable, and this amendment is necessary to prevent it from happening.

Once again, I thank the sponsors, and strongly urge my colleagues to support this amendment.

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

Mr. Chairman, I would just like to say one thing in this respect. I said something earlier, but if my friends on the other side who oppose this amendment think, as I have heard them say, that North Korea has changed for the better and they are less hostile to our country, I want to let them know they are living in a fantasy world. The real world is that North Korea takes all we have to offer and give them to buy them off, and at the same time, they continue to develop weapons destructive toward us, aimed at us, and they also export to other rogue nations technologies to help them oppose us in the world.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, we must keep our focus on the narrow purpose of this amendment, which is to keep

Congress in control over any decision whether the U.S. taxpayer should be put on the hook for a multi-billion dollar liability for nuclear accidents in North Korea.

It is, to say the least, a surprising policy that this administration, the Clinton-Gore administration, with the author of Earth in the Balance complicit in the decision, has decided to use taxpayer resources to build nuclear power plants, nuclear power plants not for U.S. consumers, but for a repressive regime that has armed itself to the teeth. They are maintaining a 1 million-man army while the people of North Korea are so impoverished they are eating the bark off of trees.

But leaving aside our warranted astonishment with this policy of building nuclear power plants for Kim Jong Il, which will produce plutonium which could be used to make nuclear weapons and be fitted on the missiles that he will continue to develop while we are giving them this aid, the new question that is put before us now is whether or not the agreed framework between the United States and Japan and South Korea and North Korea is going to be distorted in a way not contemplated by this Congress or by the administration, that the liability of the U.S. taxpayers will be enormously increased without any consultation with Congress, and, most importantly, without any legal authorization for doing so.

Earlier today I discussed this with Ambassador Sherman from the Department of State. She told me that the Republic of Korea National Assembly may soon be considering legislation to accept some part of the liability for nuclear accidents in North Korea. That would be a good policy for the U.S. Congress to follow.

Just as the ROK, we are also parties to this agreement. Let us not change the agreement and the financial commitment of the United States by fiat of the State Department. Let us not stretch a statute beyond all recognition in an unprecedented way to impose billions of dollars of liability on U.S. taxpayers.

It is precisely because the potential damages here are so great that the Clinton administration is considering an unprecedented use of a defense contracting provision in Title 50 of the United States Code, Section 1431, to impose unlimited nuclear liability on U.S. taxpayers. The Congressional Research Service has been unable to find any precedent for this. They have been unable to find any precedent for such use of this provision or for the assumption of unlimited foreign nuclear liability by U.S. taxpayers under any provision of U.S. law.

If we are to do this, then we should do it after debate on the merits in this Congress. That is the way that multi-billion dollar commitments of U.S. taxpayer resources should be made in our government, with legal authority, not by fiat.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for the Cox-Markey

amendment to prohibit U.S. Government agencies from assuming liability for nuclear accidents that might occur in North Korea.

The amendment of the distinguished gentleman from California, Mr. COX, and the distinguished gentleman from Massachusetts, Mr. MARKEY, is made necessary by the willingness of the Executive branch to become the insurer of last resort for the two light-water nuclear reactors being constructed in the Democratic People's Republic of Korea (DPRK). American companies are understandably reluctant to shoulder the liability themselves, for they understand the risk of accident associated with this project is unacceptably high.

In the event of a Chernobyl-type catastrophe in North Korea, the United States could be held liable for legal claims. Such claims could be massive—reaching into the hundreds of billions of dollars! And, because North Korea is to operate and administer the light-water reactors, we are essentially trusting that North Korean technicians will keep the reactors operating in a safe manner. This Member would warn his colleagues that North Korea is not a nation that historically pays close attention to safety. Quite the reverse, what little contact we have had with the DPRK suggests that safety is the last thing on their mind. This body must assume that North Korea will willingly cut safety corners to extract as much profit as possible.

Mr. Chairman, the Korean light-water nuclear reactor project (KEDO) is a highly controversial initiative, and opinions differ on its wisdom. However, this amendment is not an attempt to undermine U.S. participation in North Korea's light-water nuclear reactor project (KEDO). Rather, the Executive Branch is artificially, and inappropriately, attempting to "prop up" the KEDO agreement that may be collapsing under its own weight. The problem before this body is that this nuclear development project could result in countless billions of dollars in liability claims.

Mr. Chairman, if the marketplace is not willing to assume the risks associated with possible North Korean nuclear disaster, perhaps the body should pause before allowing the Federal Government to assume the liability. The amendment of the distinguished gentleman from California and the distinguished gentleman from Massachusetts is a common-sense response to a very real problem. This Member would note his intention to offer a companion amendment to the appropriate appropriations bill, prohibit U.S. funds from being spent for the assumption of nuclear liability related to North Korea.

This Member commends his colleagues for offering the amendment, and urges approval of the Cox/Markey amendment.

Mrs. TAUSCHER. Mr. Chairman, I urge Members to vote against the Cox-Markey amendment to the Defense Authorization bill. This amendment would undermine the framework agreed to by the United States and North Korea in 1994, and would have the effect of preventing continued progress in the critical area of nuclear non-proliferation.

The Cox-Markey legislation would forbid the United States from indemnifying the technology provided by an American contractor for civilian nuclear reactors in North Korea. The United States agreed to help build these reactors in exchange for North Korea's freezing of its nuclear-related activities at two sites. In the interim, these reactors are necessary to pro-

vide sufficient energy for parts of North Korea. If this amendment were to pass, the contractor will be forced to pull out of the project, leaving the U.S. unable to fulfill its part of the agreement. North Korea would then lack any reason for not resuming work at its nuclear sites.

We have a good agreement with North Korea. It effectively limits the nuclear threat posed by that country, and it does so in an intelligent way. The agreement is good for the U.S., and it commits us to building several reactors, which we will finance in concert with two of our Pacific allies, Japan and South Korea. This is a small price to pay for the dangers we can reduce in North Korea. If the Cox-Markey amendment passes, we will undermine the agreement, which will have two consequences. First, it will provoke North Korea to continue its production of nuclear warheads. Second, it will cause the U.S. to renege on its share of the duty, making us look unreliable to our allies.

For these two reasons, I urge my colleagues to oppose this amendment.

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

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. COX).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106-624.

AMENDMENT NO. 4 OFFERED BY MR. SKELTON

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SKELTON: Strike title XV (page 354, line 6, through page 359, line 16) and insert the following:

TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO
SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—(1) Subject to subsection (b), the Secretary of the Navy shall convey, without consideration, to the Commonwealth of Puerto Rico all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support detachment located on the western end of Vieques Island, Puerto Rico.

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than December 31, 2000.

(3) PURPOSE OF CONVEYANCE.—The conveyance under paragraph (1) is being made for the benefit of the Municipality of Vieques, Puerto Rico, as determined by the Planning Board of the Commonwealth of Puerto Rico.

(b) RESERVED PROPERTY NOT SUBJECT TO CONVEYANCE.—

(1) RADAR AND COMMUNICATIONS FACILITIES.—The conveyance required by subsection (a) shall not include that portion of

the Naval Ammunition Support detachment consisting of the following:

(A) Approximately 100 acres on which is located the Relocatable Over-the-Horizon Radar and the Mount Pirata telecommunications facilities.

(B) Such easements, rights-of-way, and other interests retained by the Secretary of the Navy as the Secretary considers necessary—

(i) to provide access to the property retained under subparagraph (A);

(ii) for the provision of utilities and security for the retained property; and

(iii) for the effective maintenance and operation of the retained property.

(2) OTHER SITES.—The United States may retain such other interests in the property conveyed under subsection (a) as—

(A) the Secretary of the Navy considers necessary, in the discharge of responsibilities under subsection (d), to protect human health and the environment; and

(B) the Secretary of the Interior considers necessary to discharge responsibilities under subsection (f), as provided in the co-management agreement referred to in such subsection.

(c) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under subsection (f), shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to subsection (b).

(d) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of Vieques Island.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by December 31, 2000, is unable to provide the covenant required by section 120(h)(3)(A)(i)(I) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(i)(I)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—The Secretary of the Navy shall remain responsible for the environmental condition of the property, and the Commonwealth of Puerto Rico shall not be responsible for any condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EX-TENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened

release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico), once Puerto Rico acquires ownership or control of the Naval Ammunition Support Detachment by the conveyance under subsection (a).

(ii) Any political subdivision of the Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico) that acquires such ownership or control.

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) ACCRUAL OF ACTION.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) RELATIONSHIP TO OTHER LAWS.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) DEFINITIONS.—In this subsection, the terms "hazardous substance", "release", and "pollutant or contaminant" have the mean-

ings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(f) MANAGEMENT.—

(1) CO-MANAGEMENT OF CONSERVATION ZONES.—Those areas on the western end of the Vieques Island designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy shall be subject to a co-management agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust and the Secretary of the Interior. Areas adjacent to these Conservation Zones shall also be considered for inclusion under the co-management agreement. Adjacent areas to be included under the co-management agreement shall be mutually agreed to by the Commonwealth of Puerto Rico and the Secretary of the Interior. This determination of inclusion of lands shall be incorporated into the co-management agreement process as set forth in paragraph (2). In addition, the Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding, shall be included in the co-management plan to be protected under the laws of the Commonwealth of Puerto Rico.

(2) CO-MANAGEMENT PURPOSES.—All lands covered by the co-management agreement shall be managed to protect and preserve the natural resources of these lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the co-management agreement, including the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the National Historic Preservation Act. The co-management agreement shall be completed prior to any conveyance of the property under subsection (a), but not later than December 31, 2000. The Commonwealth of Puerto Rico shall implement the terms and conditions of the co-management agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(3) ROLE OF NATIONAL FISH AND WILDLIFE FOUNDATION.—Contingent on funds being available specifically for the preservation and protection of natural resources on Vieques Island, amounts necessary to carry out the co-management agreement may be made available to the National Fish and Wildlife Foundation to establish and manage an endowment for the management of lands transferred to the Commonwealth of Puerto Rico and subject to the co-management agreement. The proceeds from investment of the endowment shall be available on an annual basis. The Foundation shall strive to leverage annual proceeds with non-Federal funds to the fullest extent possible.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes. Does the gentleman from South Carolina wish to claim the time in opposition?

Mr. SPENCE. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from South Carolina will control 15 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 speak in favor of a strong national security. This amendment is for just that. My amendment is the only way we can get back the range at Vieques permanently. My amendment would strike language that is in the bill that guts the negotiated agreement between the administration and the Navy on the one hand, and the Governor of Puerto Rico on the other.

My amendment would put in place the first piece of the conveyance, the conveyance of the excess land on the western end of the island, to the people of Vieques. During the debates we have heard much of the island of Vieques, a lot about what the Navy needs and why it is important to the Navy. Well, that is an excellent point.

If we really want to know what the Navy needs, let us listen and find out from the Navy itself, the Secretary of Defense and the President. The Secretary of the Navy, the Secretary of Defense and the President all vigorously opposed the language in the bill regarding Vieques. The Secretary of the Navy states that the committee bill "would establish conditions on disposal of the Naval Ammunition Support Detachment that are contrary to presidential directives on that subject."

The Secretary of Defense, William Cohen, says that "any legislative proposal that unilaterally undermines that agreement will reverse the positive momentum that has been accomplished to date."

The administration policy is "the title of the bill regarding the Navy's facilities in Vieques, Puerto Rico, is unacceptable. If enacted, key provisions would make it likely that our Navy and Marine Corps personnel would not be able to get the training they need on the island."

Departments of the Navy and Defense and the administration as a whole strongly support this language. It strikes this title and replaces it with language regarding the first part of the agreement, and that is the transfer of excess land to the people of Vieques.

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

Mr. SPENCE. Mr. Chairman I rise in opposition to this amendment, and I yield myself such time as I may consume.

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

Mr. SPENCE. Mr. Chairman, I appreciate the position my good friend from Missouri is in in having to offer this amendment. He is one of the strongest supporters we have of our troops and the training they must get. He is always talking about this being the year of the troops, and he is called upon by his administration to offer an amendment that would do harm to the training that our troops receive.

Mr. Chairman, the gentleman's amendment would strike the provisions contained in our bill. I support our bill, the Committee on Armed Services bill,

the provisions that deal with Vieques. This amendment seeks to replace them with the administration's flawed approach, as established by the agreement between the President and the Governor of Puerto Rico on January 31, 2000.

Since the Navy ceased training on Vieques in April of 1999, East Coast-based Naval forces have experienced a decline in combat readiness. The ranges on Vieques island are the only place where our forces can conduct joint combined live fire training in conjunction with the actual amphibious landings by our troops ashore. When I was on active duty with the Navy, I remember back in those days being involved in training in Vieques myself. I know how valuable it is.

Vieques is, in the words of Vice Admiral William Fallon, the Commander of the Second Fleet, "an irreplaceable national asset." And it is a national asset. People do not realize we own that island. We bought it. It belongs to the United States Government. Where else in this country and overseas do we have referendums to allow us to use our own bases for live firing?

□ 1530

Without live-fire training at Vieques, carrier battle groups and amphibious ready groups will continue to deploy overseas without the necessary training for combat. Therefore, access to Vieques for live-fire training must be retained. Anything less endangers the lives of American sailors and Marines and others who train there. We are putting our own people in jeopardy by what we are doing. We are not looking out for their welfare, and we are not looking out for the welfare of this country.

By endorsing the agreement between the President and the Governor, the amendment undermines the provisions in the bill that would ensure proper access to Vieques. Further, the amendment endorses the troublesome precedent of allowing the future of military training on Vieques to be determined by a referendum.

By allowing local communities to decide where the military can train, this amendment places in jeopardy current access to other critical military installations, as I have said before, both in this country and overseas.

The Vieques provision in this bill is fair and equitable. They allow for the conveyance of the land on the west end of Vieques to the Puerto Ricans and authorize \$40 million in economic assistance for local citizens once live-fire training has resumed.

At the same time, they restrict live-fire training to 90 days a year and direct the Navy to take measures to ensure the safety of the local populace.

The bill protects the readiness of our military forces by ensuring that they have access to the best training facilities available, a facility that will allow them to train to protect their lives and the lives of other Americans the next

time they are called up to take up arms in defense of this country.

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

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds to point out the actual facts that are before us. There is nothing in my amendment that talks about remuneration. There is nothing in my amendment that talks about a referendum. What it does, it strikes the killing language and transfers the excess western part of the island. That is all it does.

Mr. Chairman, I yield 3 minutes to the Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELO).

Mr. ROMERO-BARCELO. Mr. Chairman, I rise on this occasion to express my solid support for the amendment of the gentleman from Missouri (Mr. SKELTON) on Vieques. I speak as the only elected representative of the 4 million U.S. citizens in Puerto Rico and Vieques and on behalf of the Governor of Puerto Rico and the Mayor of Vieques, to reinforce the importance of approving the Vieques land conveyance component of the presidential directives.

Both the presidential candidates also support this amendment. They support the presidential directives. First of all, I want to clarify that this land conveyance is limited to the western lands of Vieques and will have no impact on the eastern end of the island where the Navy's bombing range is located.

Looking at a map of Vieques, the eastern part of the island is where the range is located, in the easternmost part, and the western part, which are the lands that we are considering here, have nothing to do with the maneuvers and the training in Vieques now and they have been declared, the Navy itself does not need the western lands that make up the Naval ammunition depot.

In fact, the Secretary of the Navy indicated by letter to Speaker HASTERT that there has been little use of the property in recent years and that it is no longer needed for Federal purposes.

Parts of the agreement reached by the Secretary of the Navy, the Secretary of Defense, the President and the Governor of Puerto Rico are already implemented. After the Navy peacefully removed the protestors from the live impact range on the eastern end of Vieques, with the help of the police department in Puerto Rico, they immediately renewed military exercises with inert ordnance on May 10th. The people in Vieques did not even realize that inert ordnance was being used and that the bombing was going on. So everyone is peaceful now and satisfied.

We in Puerto Rico have done our part with the agreement. We have carried out our part of the agreement. Now it is the Navy's and the administration's turn to do their part of the agreement.

What is the issue here? Is it to prove that the Navy can beat the little Island

of Vieques, a 20 square mile Island of Vieques with 9,300 people; the Navy is more powerful than Vieques? We concede that argument.

The Navy is much more powerful than Vieques. Of course it is, and it could carry out the bombing if it wanted to. But is that the Navy of the 21st century that wants to represent the Nation? Is that what we want?

This Nation was born out of a cry that no taxation without representation. Actually, in Vieques what the people are saying is no more bombing without some representation, or at least a referendum. That is what we are saying. This is a very, very valid statement, because they have no representation.

I represent them here but I cannot vote. We have no representation in the Senate. So they feel that they are by themselves, and they are asking for justice. They are asking that after all these years, after the land was taken over by the Navy in 1941, during the Second World War, where everyone in Puerto Rico, U.S. citizens in a patriotic sense of duty, they never contested the condemnation. This was going to be used for the Second World War, but the war never ended for Vieques and now they are asking let us put the presidential directives in place.

They are reinforced by the President, by the presidential candidates, by the Secretary of the Navy, by the Secretary of Defense, by the Naval Operations officers and we have those letters to confirm that.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Chairman, I think the gentleman from South Carolina (Mr. SPENCE) said it right. What we are talking about is the troops. Who is going to take care of the troops in this thing or who cares about political things? That is what we are talking about here if we want to be gut honest about this.

What is the history on this thing, anyway? This thing was turned over to the United States Navy in the 1940s. They put \$3 billion into that area. What is it? It is a test and training range, and that is what it is used for.

Now we talk about all of these letters from the President and the Secretary and that, and they are all political people. Let us talk about the people who have stars on their shoulders. Here are two letters that just came to me just yesterday, and what do they say?

General Jones, the Commandant of the Marine Corps, talks about the idea that the curtailment of Vieques would, in effect, curtail the work we are doing there and people would perish.

Let us talk about the CNO of the Navy, the chief Naval officer, what does he say? The same thing. The people will perish if they have the right to do that.

Are there other test and training ranges? Of course there are. They are all over America, and there are people bombed right next to them. I have one right in my district called the Utah Test and Training Range. And guess what? Every month or so somebody goes onto that range, and it is called trespass. If they do it and will not leave, they are prosecuted, and that is what should have happened here. But, no, they did not prosecute these people. Janet Reno elected not to do it.

I ask my colleagues to ask themselves this question: Why, oh, why, does the President of the United States get involved in a trespass on a thing that is Navy property? He gets involved and strikes a deal that does absolutely nothing for us. If that is the case, we have them every day. I was checking with the one at China Lake, with Eglin, with the Utah Test and Training Range, with Nellis, with Mountain Home. Trespasses every day.

Well, why do we not get involved in them also? There must be something here besides the training of our troops.

The George Washington is going out. The George Washington is a carrier battle group, and on that carrier battle group, do we know what the CNO of the Navy had just said yesterday? He has made the statement that this is not prepared for battle and we are turning these guys into harm's way because of that.

Now does that bother anybody besides me here? I am really kind of concerned about this. It was pointed out that this does not make any difference. It does make a difference because it strikes the language that we have.

Mr. SKELTON. Mr. Chairman, I yield myself another 15 seconds.

Mr. Chairman, quoting from General James Jones, the Commandant of the Marine Corps, his letter goes on to say additional information. It says, "Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential."

We should read the entire letter to this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member from our committee, the Committee on Armed Services, the Subcommittee on Military Personnel.

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

Mr. ABERCROMBIE. Mr. Chairman, I rise on this occasion to reiterate my support for the agreement reached by the President, the Secretary of Defense, the Navy, the Governor of Puerto Rico, to resolve the impasse over the Navy's training at Vieques.

As a witness to the experience of Kaho'olawe, a small island in Hawaii which was bombed for many years and on which significant progress has been made, I feel I am uniquely qualified to speak on the issue of Vieques.

The agreement between the Department of Defense and the Governor of

Puerto Rico was thoughtfully crafted and the product of tireless effort. The agreement addresses the concerns of American citizens of Vieques and assures that our training needs are met. This agreement was reached not with the protestors but with the lawful authorities in Puerto Rico.

Because of the agreement, the Federal and local government enforcement officers removed the demonstrators blocking access to the training facility and the Navy is conducting training on Vieques as we speak.

Now last week, the Committee on Armed Services approved language that disrupts this carefully-crafted agreement and I want to discourage my colleagues from further jeopardizing the outcome they wish to obtain regarding the Navy's presence in Vieques.

Disruption would require the Vieques issue to go back to the drawing board. We should respect the hard work that has been done, and the national security interests representing the people of Vieques will be served.

Further, this effort by the Congress could very well end up backfiring. Disruption of the process will inevitably bring negative consequences for the Navy, and in that ill-fated effort it kills the possibility of building a relationship between the Navy and the people of Vieques.

The resolution is best accomplished by moving forward with the agreement. The Skelton amendment takes the first step towards living up to the negotiated agreement. I urge all my colleagues, particularly those on the Committee on Armed Services, to support the agreement reached by the Department of Defense and the Governor and support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me this time.

Mr. Chairman, I also would agree it is important to keep the record clean. When the former Governor of Puerto Rico stands in the well and says that this land was taken by condemnation, that is completely false and I believe he knows that. The land was purchased at fair value between 1941 and 1950 for the use as a live-firing range. So I want the record clean.

Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. SKELTON. The agreement on Vieques range that the administration has reached with the Government of Puerto Rico, I believe, is fundamentally flawed in several respects, including the terrible precedent that the President's provision for a referendum sets.

Allowing the local communities to vote on the type of training that can be conducted at a military range endangers our military's access to other critical facilities both in the United States and overseas.

Even more importantly, the agreement permits the Navy and the Marine Corps to return to Vieques but only using inert munitions, which do not provide the type of combat arms training that our Navy and Marine Corps teams require.

The Commandant of the Marine Corps, James Jones, whose name is being thrown around a lot here today, and I would say to the gentleman from Missouri (Mr. SKELTON) I will also read from part of his quotes, he said, "Inert training cannot replace the experience gained from training with live-fire ordnance. Employing live ordnance will allow us to train as we intend to fight."

He goes on to say that the curtailment of training operations would have, quote, a significant detrimental effect on Navy and Marine Corps readiness.

When asked what the impact on Navy readiness would be if the Vieques range is restricted to inert ordnance only, the Chief of Naval Operations, Admiral Jay Johnson stated, "The proficiency obtained by the personnel involved would be less than optimum."

Significant detrimental effect on readiness and less than optimum? What these statements mean are longer, more costly wars and pictures on CNN of flag-draped coffins at Dover Air Force Base.

□ 1545

Is that what America really expects of us, those of us here in Congress that have the ultimate responsibility to ensure that the men and women who serve in the Nation's military are adequately trained? I think not. Vote down the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in support of the Skelton amendment, which eliminates the offensive and onerous language in this bill regarding Puerto Rico and Vieques.

The current language of the bill allows the U.S. military to resume bombing of the island of Vieques with live ammunition. This is an abomination to the people of Vieques and all of Puerto Rico. Instead of returning the island to a state of siege, the Skelton amendment would return the land to the people of Vieques, who have generously and patiently allowed live ammunition to strike closer to their homes, and for a longer period of time, than any other group of United States citizens.

This land transfer is one small step towards justice for the people of Vieques, but an important one. My support for the Skelton amendment in no way suggests my support for President Clinton's directive regarding Vieques, to which I am vigorously opposed.

President Clinton as Commander in Chief of our Armed Forces should listen to the Puerto Rican people and end the bombing of Vieques. I remind my colleagues that President Bush showed

this courage when he stopped the bombing of a Hawaiian island. How sad that President Clinton refuses to show the same vision on behalf of the people of Puerto Rico.

In the absence of President Clinton's commitment to do the right thing, to immediately and permanently end the bombing in Vieques, I strongly support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Missouri (Mr. SKELTON), a friend that I usually find myself in agreement with, but not today, not on this amendment.

If adopted, the amendment of the gentleman from Missouri (Mr. SKELTON) would codify the President's fundamentally flawed agreement with the Governor of Puerto Rico concerning an irreplaceable training area.

Under the President's agreement, the Navy and Marine Corps are only allowed to use inert ammunition, ammunition that does not provide the type of combined arms training required to ensure combat readiness.

In fact, the Chief of Naval Operations, Admiral Jay Johnson, has stated that due to the moratorium of training with live ordnance, the Battle Group and Amphibious Ready Group will not be assessed by the Commander in Chief of the Atlantic Fleet as fully combat ready, as previous Battle Groups that have had the use of Vieques for integrated training.

Additionally, Mr. Chairman, voting in favor of the Skelton amendment is an endorsement of a referendum on Vieques, as outlined in the President's agreement. This referendum sets a bad precedent. Allowing a local community to vote on the type of training that can be conducted on our military ranges endangers our military's access to other critical facilities, both in the United States and overseas.

What are we going to do? Are we going to have a referendum at Fort Carson, Colorado, and say we cannot use live fire anymore; a referendum at Fort Sill, Oklahoma, or any innumerable sites across the United States and say we cannot do it anymore? Where are we going to train?

H.R. 4205 protects U.S. national security by ensuring our military's access to this vital facility, while at the same time taking into account the concerns of the citizens of Vieques. It allows the transfer of the western ammunition area and the \$40 million in economic assistance, once uninterrupted live fire training resumes. It denies the transfer of any portion of the eastern maneuver area, where the critical ranges are located, and places restrictions on the amount and type of training that the Navy can conduct on Vieques.

I oppose the Skelton amendment. I ask my colleagues to oppose the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Skelton amendment. Some in this Chamber are claiming that Vieques is vital to our national security, and that those who oppose this are somehow less American than others. That is why I am so pleased that the gentleman from Missouri (Mr. SKELTON) is the lead on this important amendment. I cannot think of a better messenger for such an important message.

No one in this Chamber questions the dedication of the gentleman from Missouri (Mr. SKELTON) to our armed forces and our national defense. I am pleased to stand behind him and support his amendment.

With the gentleman from Puerto Rico (Mr. ROMERO-BARCELO), the gentleman from New York (Mr. SERRANO), the gentleman from Illinois (Mr. BLAGOJEVICH), the gentlewoman from New York (Ms. VELAZQUEZ), and the gentleman from Illinois (Mr. GUTIERREZ), I sponsored the original House legislation to return the Navy-owned lands on the island of Vieques back to the people of Puerto Rico.

This past January an agreement was reached between the Navy and the government of Puerto Rico to handle this delicate situation. The compromise allows for the resumption of training on the island temporarily, while the U.S. Navy can find another training location.

The Navy supports this agreement, the government of Puerto Rico supports this agreement. Unfortunately, the Committee on Armed Services is ready to overturn the hard won compromises in the Clinton-Barcelo agreement.

The committee produced a good bill to strengthen our national security, but there are some problems in this bill. The Skelton amendment will correct one of the biggest flaws in this overall good bill.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I have trained on these kinds of ranges. I have taken that same training. I have employed it in war. I currently represent one of these ranges that is the West Coast version of Vieques. That training is invaluable. We could not be effective in that kind of action without it.

Our obligation to the young men and women that we employ in our armed forces is to give them the best possible training before they go in harm's way, and today we routinely deploy, routinely deploy our carrier battle groups and amphibious ready groups where they immediately are put in harm's way in many cases, whether it is bombing Iraq, flying over the Balkans, or some embassy-saving they have to do.

This range must remain available for our forces' live fire combat training,

riod. I will say it again, it must remain available. We have adequate safeguards to protect the people of Puerto Rico.

Mr. Chairman, I urge all Members to vote no on this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the amendment offered by my distinguished colleague. In accordance with the presidential directives concerning Vieques, Puerto Rico, Federal and local law enforcement officers have now removed the peaceful civil demonstrators who had been blocking the Navy's access to that bombing range.

As a result of this removal, the Navy has regained control and has access to the range. In fact, the U.S. Navy warplanes recently resumed training on the Atlantic fleet bombing range in Vieques using air-to-ground inert ordnance. Now it is up to Congress to guarantee further fulfillment of the presidential directives.

The Skelton amendment will facilitate a key component of the directives. In addition, the directives have the support of Hispanic-American leaders and Puerto Rico's top elected officials. As the Secretary of Defense told the Committee on Armed Services in a letter dated May 10, 2000, this is in the best interests of our national security. Any action by this Congress to amend the directives or to short-circuit the processes already underway would further polarize all the parties involved. These directives ensure the safety of the disenfranchised U.S. citizens of Vieques, and provide a sensible framework that allows the Navy to continue its training operations.

The President, the Navy, and the Governor of Puerto Rico have all stood by the presidential directives. It is now in the hands of Congress to protect our national security and to protect the 9,300 people, Hispanic-Americans, in Puerto Rico.

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

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Ms. VELAZQUEZ).

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

Ms. VELAZQUEZ. Mr. Chairman, I rise today to express my outrage at the arrogance displayed by the language in this bill that deals with the island of Vieques.

Let me paint a picture of what it is like to live on the island of Vieques. They are sandwiched in a small area in the middle of the island. Ammunition is stored on the western portion of the island. Live ammunition fire takes place on the eastern part. The cancer rate on Vieques is 26 percent above the rate for the rest of the people of Puerto Rico.

The people on Vieques live in horror. They never know when a pilot may miss his target and kill another citizen. It seems that the lives of the people of the island of Vieques are dispensable.

It is ironic that in 1990, when an uninhabited island in the Pacific was being used for military maneuvers, it was deemed unacceptable because it was close in proximity to Hawaii. It is interesting to note that the patriotism of those opposed to the bombing was never questioned.

Let me remind Members that more people from Puerto Rico died in the Korean and Vietnam War than most of the 50 States. If this were to take place anywhere else in this Nation, do Members think people would not protest?

The voices of the people of Vieques deserve to be heard just as loudly as those of every American. The language contained in this bill is shameful, mean-spirited. It is a slap in the face of our own people.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise as a strong and an unapologetic supporter of the mission of our Department of Defense, and even more, of the United States Navy. I have two of the Navy's most outstanding facilities in my district, the Naval Air Facility and the Naval Ordnance Facility at Indian Head. I support the United States Navy.

But Mr. Chairman, I also support the Commander in Chief of the Armed Forces of America. I support giving him the ability to resolve crises with the confidence that the Congress of the United States will support that resolution. If we do not do so, Mr. Chairman, he will lose that ability, whoever that President might be, if the other side in a crisis situation, in a conflict situation, in a situation difficult to resolve, believes that the President of the United States, the Commander in Chief of the Armed Forces of the United States, cannot be counted on to make a resolution which will stick.

Mr. Chairman, it showed a great deal of courage, I will say, for Governor Rossello to stand and say, this we will agree to, not because it is what we would choose, but because it is a way out of a difficult situation. It was a difficult and courageous task when the gentleman who represents Puerto Rico, the former Governor of Puerto Rico, stood and said, we need to resolve this issue.

Mr. Chairman, my friend, the gentlewoman from New York (Ms. VELAZQUEZ), who was born in Puerto Rico, who worked in Puerto Rico, who was handcuffed in Puerto Rico, for her to stand up for her principles, it was a courageous thing she did as well, and for the gentleman from New York (Mr. SERRANO).

Mr. Chairman, let us adopt the Skelton amendment and support the Com-

mander in Chief under our Constitution of the Armed Forces of the United States. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to the Skelton amendment. Let me make five critical points.

First, our sailors and Marines have no substitute for live fire training on Vieques. There is no substitute on the East Coast, as there was on the West Coast, where now our sailors and Marines do their training on San Clemente. We need to resume this training today.

When the George Washington Battle Group and the Saipan Amphibious Ready Group deploy next month, over 10,000 of our young sailors' and Marines' lives will now be more at risk because they will not be fully combat ready.

Second, the people of Vieques do not bear a unique burden. There are 33 major United States live fire ranges in 14 States and two territories. On Vieques, the civilian population is 9 miles from the live impact area. At Fort Sill, Oklahoma, an incorporated area of 90,000 people, they are only 1.9 miles away from the live impact area.

□ 1600

Third, American taxpayers have already invested over \$3 billion for the training infrastructure in the Puerto Rico Operating Area.

Fourth, the bill's provisions differ considerably from the Fowler-Hansen amendment we voted on in March. And I want my colleagues to listen carefully, the bill places limits on the resumption of live-fire training on Vieques, including restricting live fire to 90 days per year, requiring notification prior to exercises and restricting ship placements to minimize noise impacts. It would also establish a permanent civilian military committee to review Vieques training plans.

In addition, the bill would convey the western third of the island from the Navy to the people of Puerto Rico for use as a conservation area. And finally the proponents of the Skelton amendment would tell us that the referendum prescribed by the President is the best way to resume live-fire training.

They are waiving all manner of letters from the administration officials to that effect. I would respond that, notwithstanding the broader question of whether America should determine its military requirements by public referenda, that a survey of Vieques residents conducted by the Puerto Rican newspaper just this past February indicated that only 4 percent of those on Vieques support resuming live-fire training.

It is evident that under the Skelton amendment, we will never resume live-

fire training on Vieques. I urge defeat of the Skelton amendment, our young sailors and Marines' lives depend on it.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word, and I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

Mr. Chairman, there is no Member of this body who understands our military more than the gentleman from Missouri (Mr. SKELTON). His expertise and commitment to our national security is unquestioned. So I urge Members to listen to and support him on this issue.

I have been to Vieques, and I have seen the devastating impact of the Navy's live bombing activities on the island. I was appalled by the Navy's indifference to the impact it has had on the island and its residents. The Navy's bombing has destroyed the island's once vibrant fishing economy, prohibited development of tourism.

The higher incidence of cancer and infant mortality rates suggest that the large quantities of explosives, including radioactivity of depleted uranium shells, have harmed the health of the island's residents.

After years of deplorable conduct by the Navy, including violating all agreements with the government of Puerto Rico, the majority would now seek to violate the latest agreement between our respective governments. If what was done in Vieques was done anywhere else in the country, the Navy's operations would have been shut down a long time ago.

Requiring the resumption of live bombing ignores the devastating impact of the Navy's activities on this group of Americans, and it is an indication of the second-class citizenship that some apparently assign to the residents of Vieques. Puerto Ricans have for a century donned the uniform of the United States, they have given their lives and their limbs in defense of this country in disproportionate numbers.

Mr. Chairman, I urge Members to support of the Skelton amendment and to support the American citizens who live on Vieques.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in strong support of the amendment offered by my good friend, the gentleman from Missouri (Mr. SKELTON). I do not want to stand here today and rehash all of the problems that have occurred over this issue, the Island of Vieques. I would rather focus, and I ask this body to focus, on moving forward in a democratic and fair manner to implement the agreement which was reached between the President, the

Secretary of Defense and the Governor of Puerto Rico.

The language in the bill undermines the agreement and guarantees that we will continue to fight over Vieques instead of using it to train. The agreement that was reached strikes the necessary balance between our military readiness, national security needs and the needs of the people of Vieques.

As Secretary of State Bill Cohen has said, the continued cooperation of the government of Puerto Rico is critical to achieving the resumption of the full range of training exercises at Vieques. If legislation which abrogates the agreement is adopted, the opportunity to achieve that goal will be set back, if not lost altogether.

Mr. Chairman, I urge all of my colleagues to stand behind this agreement and to support the amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Missouri (Mr. SKELTON). The language that was put in this bill really is just more punishment for the people of Vieques and a lot of disregard for the people of Puerto Rico.

Let me answer the question of my colleague from Colorado why we do not have a referendum in there in Fort Sill or Fort Carson, simply we have Senators, we have Members of Congress to debate those issues. Puerto Rico is a colony of the United States. They have no representation here, so it is proper to question the people after 60 years of harassment and pain.

The people in Vieques have paid a price for 60 years, and now the Navy and some folks on the other side tell us that we cannot find another place in the world, another place to hold these maneuvers. Then how come on many occasions during the past 60 years we rented out Vieques to foreign governments to come and do their practice there?

If Vieques was so essential to us, why did we have free time for other nations to come and harm the population, harm the economy, harm the coral reef and harm the people? It is time to do the right thing.

While many of us are not even speaking about the agreement, we might not agree with, to think that we would come now and add more harsh language is just unfair.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Skelton amendment in fairness for Puerto Rico in support of the amendment.

Mr. Chairman, I rise in support today of the amendment offered by my good friend, the Ranking Member of the Armed Services Committee, Mr. SKELTON.

This amendment will strike the underlying language in Title 15 and H.R. 4205 that prohibits the Navy from transferring land on Vieques, Puerto Rico, until live-fire training has resumed on the island's bombing range facility.

This amendment, instead, authorizes the conveyance of land at the western end of the island, with certain exceptions and in accordance with the President's negotiated agreement with the government of Puerto Rico.

The Vieques Agreement was accepted by all parties—including the Department of Defense, the U.S. Navy, the Government of Puerto Rico, the people of Vieques, and the White House. The underlying bill language is nothing short of Congressional meddling within the context of a long overdue solution to a local grievance.

Assuaging the fears of the naysayers, currently, the range is open to inert ordnance training on the eastern end of the island. The western end of the island is in excess to the needs of the Navy, as indicated by the Agreement. The Clinton administration reached this agreement to provide \$40 million in immediate economic assistance to the island and requires a referendum on the island to decide whether the facility should remain. If the residents vote against the facility, the navy would have to leave the island by May 2003. If the referendum results in continued Navy use, the United States would provide the island with an additional \$50 million and would have to limit live-fire training to 90 days a year.

I would like my colleagues to consider this important point: The initial agreement, in concert with the Navy's renewed commitment of improving military-civilian relations in Puerto Rico, is necessary because it will redress past wrongs and open the way toward a renewed mutual political relationship.

The Puerto Rican people are patriots in the highest order, having some of the highest enlistment rates of any location in the U.S. Yet despite this, because of their disenfranchised status, they have been at a distinct disadvantage within the American political family. They are 3.6 million U.S. citizens who are represented ably by a single non-voting Resident Commissioner. This Constitutional injustice makes it extremely difficult to negotiate on par with the federal government. As a fellow citizen of another U.S. territory, I know this constitutional limitation only too well.

I urge my colleagues to support the Skelton amendment and restore the sanctity of the initial Presidential agreement with the people of Puerto Rico. It is the right and noble thing to do.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), a member of our committee.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Skelton amendment. This fervent patriot has been an ardent supporter of our military and the men and women who wear the uniform. I understand the strategic value and the importance of training. But I also understand that we train our military to preserve the democratic values that the Skelton amendment will allow for the citizens of Vieques. That is why this amendment is so important. That is why I associate myself with the remarks of my colleagues that have stood here.

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

Mr. Chairman, let me reiterate again the words of Marine Corps General James L. Jones, when he wrote "Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential."

Mr. Chairman, this wording in the bill is contrary to what is desired by the Secretary of the Navy. It is contrary to what is desired by the Secretary of Defense. It is contrary to what is desired by the administration. It is contrary to what is desired by the Governor of Puerto Rico. It is contrary to what is supported by the Resident Commissioner of Puerto Rico.

We should adopt this amendment and do what is right. It does not deal with remuneration. It does not deal with the referendum. It merely voids the gutting language and attaches the land transfer only.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been said today, and it needs saying again, people are talking about different things, the most important point that is being missed in all of this debate is the flaw contained in this agreement that does not permit live firing. I emphasize that word live firing. I wonder if my colleagues understand what that means.

I remember during World War II, just the other night there was a movie about it, up into the war, our submarines were firing torpedoes at the enemy, and they were not detonating. They were going out and firing torpedoes that were not detonating. Why? Because they were not allowed to have live firing of those weapons before for whatever reason. We not only lost lives, but it prevented us from taking advantage of the enemy because of this flaw.

Now, I want people to get on the right side of this thing. Are they for protecting our own troops, men and women, who are fighting for this country and by extension protecting this country or in pursuit of different goals?

Mr. Chairman, I yield 2 minutes to gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would first, by the way of opening, say that we need a little truth in advocacy. It is very easy to create a strawman in advocacy that we then get to knock down. So the allegations of those of us who oppose the Skelton amendment that making some form of allegation that those of whom only support inert and support the President are less patriotic was one of the allegations, that is false.

As a matter of fact, I have great pride and I believe every Member of Congress has great pride in the contribution of the citizens of Puerto Rico to freedom, and some of the Puerto Ricans that I served with in the United States Army, they were the sharpest dressed. They had the best looking

shoes, the best looking brass, and I would stand side by side with them at any time, because I know they would be with me, or if they told me go left, I know that they would cover me. So stop creating this false advocacy that we have in here, let us have a little truth in advocacy.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Chairman, I appreciate the comments of the chairman of the full committee, the gentleman from South Carolina (Mr. SPENCE), when he said they have lost sight of what we are talking about.

Now, where else on the East Coast can we do this? Is there any other place that this can be done? And when you talk to these people that have been in the military, and I am past Navy myself, you get down to the idea there comes a time when you have to learn a few things, and one of those is the final test is live fire.

This is where the Marines hit the beach and people are shooting over the top of them. This is where ships are shooting. This is where bombs are dropped, and this is when they are saying we are ready to go in harm's way.

Now, why would we want to gamble with the lives of our young women and our young men and send them out without this opportunity? I cannot understand why anyone would want to gamble. I keep hearing this thing no one else would put up with this. Sure, a lot of us have been to Vieques. I have been there twice myself. Well, come on, do Members want to come out and see some other ranges? I will show them some that are beat up more than that one is by a long shut. One is called Dougway Proving Ground since back in the 1930s. It is bigger than three States back here. You do not dare walk across it, because something will go off and you will kill yourself.

The people of Utah feel okay about that, the people of Nevada feel okay about that, the people of California, Colorado, and those areas, they are able to put up with it. Why can we not here?

Mr. Chairman, the thing that keeps bothering me is why, oh, why did the President of the United States get involved in this action? Why is this one important? All we are asking is we continue what we were doing since 1940, that we continue to train our guys and gals when they go out to fight that they will be prepared. What is wrong with that? That makes a lot of sense to me.

Knowing that a lot of these people, especially those who were the trespassers, believe in total independence, maybe that is what they should have is total independence. When it comes down to it, they have to carry their share just like everybody else.

And I would just like to thank the chairman for his leadership on this and

the great comments that he has made. Please vote no on the Skelton amendment and let us train our troops and let us keep them safe.

Mr. BEREUTER. Mr. Chairman, the amendment offered by the gentleman from Missouri, Mr. SKELTON, would replace Title XV which restores full integrated training on Vieques with the agreement between the Clinton administration and the Governor of Puerto Rico.

The United States Navy has been using the range on Vieques since prior to World War II. Our Forces are much more capable because we conduct live fire training in as nearly real world environment as possible. Our Navy used to be able to train at Bloodsworth Island in the Chesapeake Bay and Culebra (very near Vieques) in Puerto Rico. These ranges have been lost to the Navy's use, leaving Vieques the only remaining live fire training range on the East Coast. Live fire training is the only way we can ensure our forces are capable of meeting the challenges to our freedoms they face every day. During February of this year this Member visited with Navy and Air Force units in the Mediterranean area and they explained the loss of what they considered to be coordinated live fire exercises at Vieques before they are deployed in rotations to the Mediterranean.

The Clinton Administration agreement allows the United States Navy to continue to use the range, on a reduced basis of 90 days per year, and then only with inert ordnance. The agreement also calls for a referendum of the citizens of Vieques to express their views on the future use of Vieques. The options will be to continue the limited use of Vieques, or cease all such training on the island. With the decision by the Clinton Administration, the outcome has already effectively been determined, and that as a result, the United States forces will not deploy with 100 percent of the combat qualifications needed to meet national security requirements. We will be asking our forces to defend us without a vital element of the necessary training to do so.

The amendment would allow certain parts of Western Vieques, namely the Naval Ammunition Support Detachment, to be transferred to the Commonwealth of Puerto Rico, without consideration, to benefit the Municipality of Vieques. The amendment would also promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment. The return of Culebra to the people of Puerto Rico in a similar fashion has been an abject failure. It was supposed to be returned to the local fishermen and island people, instead, it has been gobbled up by big developers who have built homes most Puerto Ricans can not afford. It is more than likely that the same will happen at Vieques if the amendment is accepted. Passage of this amendment would be a loss not only for our Navy but also for the people of Puerto Rico and Vieques in particular who would no longer be able to afford to live there. H.R. 4205 as reported would convey the property only to a conservation zone.

Mr. Chairman, this Member strongly urges opposition to the Skelton amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I support the amendment offered by the gentleman from Missouri, Mr. SKELTON, the Ranking Member of the House Armed Services Committee. This amendment, would

authorize the conveyance of over 8,000 acres of the land at the western end of the island of Vieques for conservation and economic development to improve the lives of Vieques residents.

Vieques is a small island of Puerto Rico comprising approximately 52 square miles, two thirds of which is controlled by the US Navy. The Naval Ammunition Facility covers the western end of the island and the Inner Range of the Atlantic Fleet Weapons Training Facility controls the eastern side. Sandwiched between the two facilities, over 9,300 American citizens have resided for twenty five years in extremely close proximity to frequent military live-fire weapons testing.

From the beginning, relationships between the US Navy and the residents of Vieques and Puerto Rico have been strained. Numerous times the Navy has made promises to assist with local economic development, work to improve the welfare of the people of Vieques, assure the protection of the environment, and utilize the absolute minimum necessary of explosive ordnance. By all accounts the Navy has not lived up to its commitment.

The Navy has made it clear that they do not need the western side of Vieques and support transferring it to the people of Puerto Rico who in turn can use it to protect the environment and benefit the expansion of their economy. As is the case with all US insular areas, isolation and limited resources are stumbling blocks to economic development. Freeing up land, which is key to economic development, is one of the best gestures we can offer to Vieques.

It is hard to fathom that if Puerto Rico had full voting representation in Congress we would be debating this issue today. The current language in this legislation is a bribe and a slap in the face to the residents of Vieques. It forces them to continue putting their families at risk in order to receive a small portion of land from which they might be able to better their lives. It is an offering that we would not demand of any other community in the US.

Mr. Chairman, clearly we all understand the need for a strong military. Communities which give up so much to ensure readiness should be commended and not threatened or bullied into submission. I encourage all my colleagues to support the Skelton amendment.

Mr. BURTON of Indiana. Mr. Chairman, after months of negotiations, an agreement was finally reached between the President of the United States and the Governor of Puerto Rico, with the full endorsement of the Department of Defense and Department of the Navy, which provides the best opportunity to resume essential live-fire training in Vieques. I, too, had concerns about the provisions expressed in the agreement and the precedent it could set. Yet, the unfortunate situation in Vieques is complicated by the fact that we are dealing with a territory that is neither a state nor an independent country, and that, as such, lacks the congressional representation that every State in the Union currently enjoys.

I support Congressman Skelton's amendment to the FY 2001 National Defense Authorization Act (H.R. 4205) after being assured by the Secretary of the Navy and the Secretary of Defense, in a memorandum sent by the Deputy Chief of Legislative Affairs, that the Navy "strongly supports Representative Skelton's proposed amendment as a substitute for the Vieques provisions of the bill." The Navy has

already resumed inert bombing in Vieques; a vote for this amendment is a vote in support of the agreement between the U.S. Navy and the Administration.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Skelton amendment, reinstating a critical element of the Directives issued by President Clinton regarding the Navy's presence in Vieques, Puerto Rico.

We are harming our national security by modifying the carefully crafted agreement between President Clinton and Puerto Rico's Governor to resolve the impasse over United States armed forces training in Vieques.

The President made a promise to millions of Puerto Ricans—both here on the mainland and in Puerto Rico—which calls for a referendum by the voters of Vieques to determine the future of Navy training on the island.

The people of Vieques will have a referendum regardless of the actions taken in Congress.

But this is a commitment of the President of the United States of America, our commander in chief, to a group of U.S. citizens.

The House Armed Services Committee included language disrupting President Clinton's and Governor Rossello's agreement.

By interfering and not honoring the Presidential directives as issued, this Congress is not helping the Navy to build a relationship with the people of Vieques, nor are they helping to keep Navy operations in Vieques beyond 2003.

We are simply not helping the Navy at all.

Let us stand in support of the agreement reached by the President, the Secretary of Defense, the Secretary of the Navy and the Governor of Puerto Rico—which illustrates the most effective way to protect our national security—and at the same time responds to the legitimate concerns of the American citizens in Vieques, Puerto Rico.

□ 1615

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair announces that proceedings will now resume on the three amendments postponed from earlier today immediately following this vote, and that the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 202]

AYES—218

Abercrombie	Blagojevich
Ackerman	Blumenauer
Allen	Boehlert
Andrews	Bonior
Baca	Borski
Baird	Boucher
Baldacci	Boyd
Baldwin	Brady (PA)

Brown (FL)	Jackson (IL)	Pascarell
Brown (OH)	Jackson-Lee	Pastor
Burton	(TX)	Paul
Capps	Jefferson	Payne
Capuano	John	Pelosi
Cardin	Johnson, E. B.	Peterson (MN)
Carson	Jones (OH)	Petri
Clay	Kanjorski	Phelps
Clayton	Kaptur	Pomeroy
Clement	Kennedy	Porter
Clyburn	Kildee	Price (NC)
Condit	Kilpatrick	Rahall
Conyers	Kind (WI)	Reyes
Costello	King (NY)	Rivers
Coyne	Klecza	Rodriguez
Cramer	Klink	Roemer
Crowley	Knollenberg	Ros-Lehtinen
Cummings	Kucinich	Rothman
Danner	LaFalce	Royal-Allard
Davis (FL)	Lampson	Rush
Davis (IL)	Lantos	Ryan (WI)
Davis (VA)	Larson	Sabo
DeFazio	Lazio	Sanchez
DeGette	Lee	Sanders
Delahunt	Levin	Sandlin
DeLauro	Lofgren	Sawyer
Deutsch	Lowey	Schakowsky
Diaz-Balart	Lucas (KY)	Scott
Dicks	Luther	Sensenbrenner
Dingell	Maloney (CT)	Serrano
Dixon	Maloney (NY)	Sherman
Doggett	Markey	Shuster
Dooley	Martinez	Sisisky
Doyle	Mascara	Skelton
Edwards	Matsui	Slaughter
Ehrlich	McCarthy (MO)	Smith (WA)
Engel	McCarthy (NY)	Snyder
Eshoo	McCollum	Spratt
Etheridge	McDermott	Stabenow
Evans	McGovern	Stark
Farr	McKinney	Strickland
Fattah	McNulty	Tanner
Filner	Meehan	Tauscher
Forbes	Meek (FL)	Thompson (CA)
Frank (MA)	Meeks (NY)	Thompson (MS)
Frost	Menendez	Thurman
Gallely	Millender-	Tierney
Gejdenson	McDonald	Turner
Gephardt	Miller, George	Udall (CO)
Gilman	Minge	Velazquez
Gonzalez	Mink	Visclosky
Gordon	Moakley	Walsh
Green (TX)	Mollohan	Waters
Green (WI)	Moore	Watt (NC)
Gutierrez	Moran (VA)	Waxman
Hall (OH)	Morella	Weiner
Hill (IN)	Murtha	Wexler
Hilliard	Nadler	Weygand
Hinchey	Napolitano	Wicker
Hinojosa	Neal	Wise
Hoefel	Oberstar	Woolsey
Holden	Obey	Wu
Holt	Olver	Wynn
Hooley	Ortiz	Young (AK)
Hoyer	Owens	
Inslee	Pallone	

NOES—201

Aderholt	Castle	Frelinghuysen
Archer	Chabot	Ganske
Armey	Chambliss	Gekas
Bachus	Chenoweth-Hage	Gibbons
Baker	Coble	Gilchrist
Ballenger	Coburn	Gillmor
Barr	Collins	Goode
Barrett (NE)	Combest	Goodlatte
Bartlett	Cook	Goodling
Barton	Cooksey	Goss
Bass	Cox	Graham
Bateman	Crane	Granger
Bereuter	Cubin	Greenwood
Biggart	Cunningham	Gutknecht
Bilbray	Deal	Hall (TX)
Bilirakis	DeLay	Hansen
Bliley	DeMint	Hastings (WA)
Blunt	Dickey	Hayes
Boehner	Doolittle	Hayworth
Bonilla	Dreier	Hefley
Bono	Duncan	Herger
Boswell	Dunn	Hill (MT)
Brady (TX)	Ehlers	Hilleary
Bryant	Emerson	Hobson
Burr	English	Hoekstra
Buyer	Everett	Horn
Callahan	Ewing	Horstetter
Calvert	Fletcher	Houghton
Camp	Foley	Hulshof
Canady	Fossella	Hunter
Cannon	Fowler	Hutchinson

Hyde	Ney	Skeen
Isakson	Northup	Smith (MI)
Istook	Norwood	Smith (NJ)
Jenkins	Nussle	Smith (TX)
Johnson (CT)	Ose	Souder
Johnson, Sam	Oxley	Spence
Jones (NC)	Packard	Stearns
Kasich	Pease	Stenholm
Kelly	Peterson (PA)	Stump
Kingston	Pickering	Sununu
Kolbe	Pitts	Sweeney
Kuykendall	Pombo	Talent
LaHood	Portman	Tancredo
Largent	Pryce (OH)	Tauzin
Latham	Radanovich	Taylor (MS)
LaTourette	Ramstad	Taylor (NC)
Leach	Regula	Terry
Lewis (CA)	Reynolds	Thomas
Lewis (KY)	Riley	Thornberry
Linder	Rogan	Thune
LoBiondo	Rogers	Tiahrt
Lucas (OK)	Rohrabacher	Toomey
Manzullo	Roukema	Trafficant
McCrery	Royce	Upton
McHugh	Ryun (KS)	Vitter
McInnis	Sanford	Walden
McIntosh	Saxton	Wamp
McIntyre	Scarborough	Watkins
McKeon	Schaffer	Watts (OK)
Metcalf	Sessions	Weldon (FL)
Mica	Shaw	Weldon (PA)
Miller (FL)	Shays	Weller
Miller, Gary	Sherwood	Whitfield
Moran (KS)	Shimkus	Wilson
Myrick	Shows	Wolf
Nethercutt	Simpson	Young (FL)

NOT VOTING—15

Campbell	Lipinski	Shadegg
Ford	Pickett	Stupak
Franks (NJ)	Quinn	Towns
Hastings (FL)	Rangel	Udall (NM)
Lewis (GA)	Salmon	Vento

□ 1637

Messrs. HORN, BRADY of Texas, ARMEY, SCARBOROUGH, CRANE, ROHRABACHER, and GARY MILLER of California changed their vote from "aye" to "no."

Messrs. HALL of Ohio, DOGGETT, RYAN of Wisconsin, and YOUNG of Alaska changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 18, as follows:

[Roll No. 203]

AYES—195

Abercrombie	Baldacci	Berkley
Ackerman	Baldwin	Berman
Allen	Barrett (WI)	Biggert
Andrews	Bass	Bishop
Baca	Becerra	Blagojevich
Baird	Bentsen	Blumenauer

Boehkert	Hilliard	Ose
Bonior	Hinchoy	Owens
Bono	Hinojosa	Pallone
Boswell	Hoeffel	Pascrell
Boucher	Holt	Pastor
Boyd	Hooley	Payne
Brady (PA)	Horn	Pelosi
Brown (FL)	Hoyer	Pickett
Brown (OH)	Inslee	Pomeroy
Capps	Isakson	Porter
Capuano	Jackson (IL)	Price (NC)
Cardin	Jackson-Lee	Pryce (OH)
Carson	(TX)	Ramstad
Castle	Johnson (CT)	Reyes
Clay	Johnson, E. B.	Rivers
Clayton	Jones (OH)	Rodriguez
Clement	Kelly	Rothman
Clyburn	Kennedy	Roukema
Condit	Kilpatrick	Roybal-Allard
Conyers	Kind (WI)	Rush
Coyne	Kleczka	Sabo
Cramer	Kolbe	Sanchez
Cummings	Kuykendall	Sanders
Davis (FL)	Lampson	Sandlin
Davis (IL)	Lantos	Sawyer
DeFazio	Larson	Schakowsky
DeGette	Leach	Scott
Delahunt	Lee	Serrano
DeLauro	Levin	Shaw
Deutsch	Lofgren	Shays
Dicks	Lowe	Sherman
Dingell	Luther	Sisisky
Dixon	Maloney (CT)	Slaughter
Doggett	Maloney (NY)	Smith (WA)
Dooley	Markey	Snyder
Dunn	Matsui	Spratt
Edwards	McCarthy (MO)	Stabenow
Ehrlich	McCarthy (NY)	Stark
Engel	McDermott	Strickland
Eshoo	McGovern	Tanner
Etheridge	McKinney	Tauscher
Evans	Meehan	Thomas
Farr	Meek (FL)	Thompson (CA)
Fattah	Meeks (NY)	Thompson (MS)
Filner	Menendez	Thurman
Foley	Millender-	Tierney
Fowler	McDonald	Udall (CO)
Frank (MA)	Miller (FL)	Velazquez
Frelinghuysen	Miller, George	Visclosky
Frost	Minge	Walden
Gejdenson	Mink	Waters
Gephardt	Moore	Watt (NC)
Gilchrist	Moran (VA)	Waxman
Gilman	Morella	Weiner
Gonzalez	Nadler	Wexler
Gordon	Napolitano	Wise
Green (TX)	Neal	Woolsey
Greenwood	Neal	Wu
Gutierrez	Oberstar	Wynn
Hill (IN)	Obey	
	Olver	

NOES—221

Aderholt	Combust	Graham
Archer	Cook	Granger
Armey	Cooksey	Green (WI)
Bachus	Costello	Gutknecht
Baker	Cox	Hall (OH)
Ballenger	Crane	Hall (TX)
Barcia	Crowley	Hansen
Barr	Cubin	Hastings (WA)
Barrett (NE)	Cunningham	Hayes
Bartlett	Danner	Hayworth
Barton	Davis (VA)	Hefley
Bateman	Deal	Herger
Bereuter	DeLay	Hill (MT)
Berry	DeMint	Hilleary
Bilbray	Diaz-Balart	Hobson
Bilirakis	Dickey	Hoekstra
Bliley	Doolittle	Holden
Blunt	Doyle	Hostettler
Boehner	Dreier	Houghton
Bonilla	Duncan	Hulshof
Borski	Ehlers	Hunter
Brady (TX)	Emerson	Hutchinson
Bryant	English	Hyde
Burr	Everett	Istook
Burton	Ewing	Jenkins
Buyer	Fletcher	John
Callahan	Forbes	Johnson, Sam
Calvert	Fossella	Jones (NC)
Camp	Galleghy	Kanjorski
Canady	Ganske	Kasich
Cannon	Gekas	Kildee
Chabot	Gibbons	King (NY)
Chambliss	Gillmor	Kingston
Chenoweth-Hage	Goode	Klink
Coble	Goodlatte	Knollenberg
Coburn	Goodling	Kucinich
Collins	Goss	LaFalce

LaHood	Paul	Smith (NJ)
Largent	Pease	Smith (TX)
Latham	Peterson (MN)	Souder
LaTourette	Peterson (PA)	Spence
Lazio	Petri	Stearns
Lewis (CA)	Phelps	Stenholm
Lewis (KY)	Pickering	Stump
Linder	Pitts	Sununu
LoBiondo	Pombo	Sweeney
Lucas (KY)	Portman	Talent
Lucas (OK)	Radanovich	Tancredo
Manzullo	Rahall	Tauzin
Martinez	Regula	Taylor (MS)
Mascara	Reynolds	Taylor (NC)
McCollum	Riley	Terry
McCrery	Roemer	Thornberry
McHugh	Rogan	Thune
McInnis	Rogers	Tiahrt
McIntosh	Rohrabacher	Toomey
McIntyre	Ros-Lehtinen	Trafficant
McKeon	Royce	Upton
McNulty	Ryan (WI)	Vitter
Metcalf	Ryun (KS)	Walsh
Mica	Sanford	Wamp
Miller, Gary	Saxton	Watkins
Moakley	Scarborough	Watts (OK)
Mollohan	Schaffer	Weldon (FL)
Moran (KS)	Sensenbrenner	Weldon (PA)
Murtha	Sessions	Weller
Myrick	Sherwood	Weygand
Nethercutt	Shimkus	Whitfield
Northup	Shows	Wicker
Norwood	Shuster	Wilson
Nussle	Simpson	Wolf
Ortiz	Skeen	Young (AK)
Oxley	Skelton	Young (FL)
Packard	Smith (MI)	

NOT VOTING—18

Campbell	Lewis (GA)	Shadegg
Ford	Lipinski	Stupak
Franks (NJ)	Ney	Towns
Hastings (FL)	Quinn	Turner
Jefferson	Rangel	Udall (NM)
Kaptur	Salmon	Vento

□ 1644

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 204]

AYES—204

Abercrombie	Boehkert	Conyers
Ackerman	Boehner	Costello
Allen	Bonior	Coyne
Andrews	Borski	Crowley
Baird	Boucher	Cummings
Baldacci	Brady (PA)	Danner
Baldwin	Brown (OH)	Davis (IL)
Barcia	Camp	DeFazio
Barrett (WI)	Capps	DeGette
Becerra	Capuano	Delahunt
Bentsen	Cardin	DeLauro
Berkley	Carson	Dicks
Berman	Chabot	Doggett
Biggert	Clay	Dooley
Blagojevich	Clement	Doyle
Blumenauer	Coble	Duncan

Ehlers	Levin	Ramstad	McKeon	Riley	Stump	Bishop	Hall (TX)	Packard
Engel	LoBiondo	Regula	Meek (FL)	Rodriguez	Sununu	Blagojevich	Hansen	Pallone
English	Lofgren	Rivers	Mica	Rogan	Sweeney	Bliley	Hastings (WA)	Pascrell
Eshoo	Lowe	Roemer	Millender-	Rogers	Tancredo	Blunt	Hayes	Paul
Etheridge	Lucas (KY)	Rothman	McDonald	Rohrabacher	Tanner	Boehler	Hayworth	Pease
Evans	Luther	Rush	Miller, Gary	Ros-Lehtinen	Tauzin	Boehner	Hefley	Peterson (MN)
Farr	Maloney (CT)	Ryan (WI)	Mollohan	Roukema	Taylor (MS)	Bonilla	Herger	Peterson (PA)
Fattah	Maloney (NY)	Sabo	Moran (KS)	Roybal-Allard	Taylor (NC)	Bonior	Hill (MT)	Petri
Filner	Manzullo	Sanchez	Murtha	Royce	Terry	Bono	Hilleary	Phelps
Fletcher	Markey	Sanders	Myrick	Ryan (KS)	Thomas	Boswell	Hilliard	Pickering
Foley	Mascara	Sanford	Napolitano	Sandlin	Thornberry	Boucher	Hinchee	Pickett
Forbes	Matsui	Sawyer	Nethercutt	Saxton	Thune	Boyd	Hinojosa	Pitts
Frank (MA)	McCarthy (MO)	Scarborough	Northup	Sessions	Tiahrt	Brady (TX)	Hobson	Pombo
Gejdenson	McCarthy (NY)	Schaffer	Norwood	Shaw	Toomey	Brown (FL)	Hoefel	Porter
Gephardt	McDermott	Schakowsky	Ortiz	Shimkus	Turner	Bryant	Hoekstra	Portman
Goode	McGovern	Scott	Ose	Shows	Vitter	Burr	Holden	Pryce (OH)
Gordon	McInnis	Sensenbrenner	Oxley	Shuster	Walden	Burton	Hooley	Radanovich
Green (TX)	McKinney	Serrano	Packard	Simpson	Watkins	Buyer	Horn	Rahall
Gutknecht	McNulty	Shays	Pease	Sisisky	Watts (OK)	Callahan	Hostettler	Ramstad
Hall (OH)	Meehan	Sherman	Peterson (PA)	Skeen	Weldon (FL)	Calvert	Houghton	Regula
Hefley	Meeks (NY)	Sherwood	Pickering	Skelton	Weldon (PA)	Camp	Hoyer	Reyes
Hill (IN)	Menendez	Slaughter	Pickett	Smith (TX)	Whitfield	Canady	Hulshof	Reynolds
Hilliard	Metcalfe	Smith (MI)	Pitts	Snyder	Wicker	Cannon	Hunter	Riley
Hinchee	Miller (FL)	Smith (NJ)	Pombo	Souder	Wise	Capps	Hutchinson	Rivers
Hinojosa	Miller, George	Smith (WA)	Portman	Spence	Wolf	Capuano	Rodriguez	Roemer
Hoefel	Minge	Stabenow	Radanovich	Spratt	Young (AK)	Cardin	Roan	Rogan
Holden	Mink	Stark	Reyes	Stearns	Young (FL)	Carson	Istook	Rogers
Holt	Moakley	Strickland	Reynolds	Stenholm		Castle	Jefferson	Rohrabacher
Hooley	Moore	Talent				Chabot	Jenkins	Rohrabacher
Hulshof	Moran (VA)	Tauscher				Chambliss	John	Ros-Lehtinen
Inslie	Morella	Thompson (CA)	Campbell	Lipinski	Towns	Chenoweth-Hage	Johnson (CT)	Rothman
Jackson (IL)	Nadler	Thompson (MS)	Ford	Quinn	Udall (NM)	Clayton	Johnson, Sam	Roukema
Jackson-Lee	Neal	Thurman	Franks (NJ)	Rangel	Vento	Clement	Jones (NC)	Roybal-Allard
(TX)	Ney	Tierney	Gutierrez	Salmon	Wilson	Clyburn	Kanjorski	Royce
Jefferson	Nussle	Traficant	Hastings (FL)	Shadegg		Coble	Kaptur	Ryan (WI)
Johnson (CT)	Oberstar	Udall (CO)	Lewis (GA)	Stupak		Coburn	Kasich	Ryun (KS)
Jones (OH)	Obey	Upton				Collins	Kelly	Sanchez
Kelly	Olver	Velazquez				Combust	Kennedy	Sanders
Kennedy	Owens	Visclosky				Condit	Kind (WI)	Sandlin
Kildee	Pallone	Walsh				Cook	King (NY)	Sanford
Kilpatrick	Pascrell	Wamp				Cooksey	Kingston	Saxton
Kind (WI)	Pastor	Waters				Costello	Klink	Scarborough
Kleczyka	Paul	Watt (NC)				Cox	Knollenberg	Schaffer
Klink	Payne	Waxman				Cramer	Kolbe	Scott
Kucinich	Pelosi	Weiner				Crane	Kucinich	Sensenbrenner
LaHood	Peterson (MN)	Weller				Cubin	Kuykendall	Sessions
Lampson	Petri	Wexler				Cummings	LaHood	Shaw
Lantos	Phelps	Weygand				Cunningham	Largent	Shays
Larson	Pomeroy	Woolsey				Danner	Latham	Sherman
LaTourette	Porter	Wu				Davis (FL)	LaTourette	Sherwood
Lazio	Price (NC)	Wynn				Davis (VA)	Lazio	Shimkus
Leach	Pryce (OH)					Deal	Leach	Shows
Lee	Rahall					DeFazio	Lee	Shuster
						DeGette	Levin	Simpson
						DeLay	Lewis (CA)	Sisisky
						DeMint	Lewis (KY)	Skeen
						Diaz-Balart	Linder	Skelton
						Dickey	LoBiondo	Slaughter
						Dingell	Lucas (KY)	Smith (MI)
						Doggett	Lucas (OK)	Smith (NJ)
						Doolittle	Luther	Smith (TX)
						Doyle	Maloney (NY)	Souder
						Dreier	Manzullo	Spence
						Duncan	Markey	Stabenow
						Dunn	Martinez	Stark
						Ehlers	Mascara	Stearns
						Ehrlich	Emerson	Stenholm
						Emerson	English	Strickland
						English	Evans	Stump
						Evans	Everett	Sununu
						Everett	Ewing	Sweeney
						Fattah	Fattah	Talent
						Fletcher	Fletch	Tancredo
						Foley	Forbes	Tanner
						Forbes	Fossella	Tauzin
						Fossella	Fowler	Taylor (MS)
						Fowler	Frelinghuysen	Taylor (NC)
						Frelinghuysen	Gallely	Terry
						Gallely	Ganske	Thomas
						Ganske	Gekas	Thompson (CA)
						Gibbons	Gibbons	Thompson (MS)
						Gilchrist	Gilchrist	Thornberry
						Gillmor	Gilchrist	Thune
						Gilman	Goodlatte	Tiahrt
						Goode	Goodling	Tierney
						Goodlatte	Gordon	Toomey
						Goodling	Goss	Toomey
						Gordon	Graham	Traficant
						Goss	Granger	Turner
						Graham	Green (TX)	Udall (CO)
						Granger	Green (WI)	Upton
						Green (TX)	Greenwood	Velazquez
						Green (WI)	Gutierrez	Vitter
						Greenwood	Gutknecht	Walden
						Gutierrez		Walsh
						Gutknecht		Wamp
								Waters
								Watkins
								Watts (OK)

NOT VOTING—16

□ 1653

Mr. TANCREDO changed his vote from "aye" to "no."

Mr. MATSUI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Chairman, I was unavoidably detained at the White House and I missed rollcall votes numbered 202, 203 and 204. Had I been present, I would have voted yes on rollcall vote number 202, I would have voted yes on rollcall vote number 203, and I would have voted no on rollcall vote number 204.

AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. Cox) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 85, not voting 15, as follows:

[Roll No. 205]

AYES—334

Abercrombie	Baker	Barton
Aderholt	Baldacci	Bass
Andrews	Ballenger	Bentsen
Archer	Barcia	Bereuter
Armey	Barr	Berkley
Baca	Barrett (NE)	Biggert
Bachus	Barrett (WI)	Bilbray
Baird	Bartlett	Bilirakis

Weldon (FL)	Wicker	Wynn
Weldon (PA)	Wise	Young (AK)
Weller	Wolf	Young (FL)
Weygand	Woolsey	
Whitfield	Wu	

NOES—85

Ackerman	Gejdenson	Miller, George
Allen	Gephardt	Minge
Baldwin	Gonzalez	Mollohan
Bateman	Hall (OH)	Moran (VA)
Becerra	Hastings (FL)	Murtha
Berman	Hill (IN)	Nadler
Berry	Holt	Oberstar
Blumenauer	Inslee	Obey
Borski	Jackson (IL)	Olver
Brady (PA)	Jackson-Lee	Owens
Brown (OH)	(TX)	Pastor
Clay	Johnson, E. B.	Payne
Conyers	Jones (OH)	Pelosi
Coyne	Kilpatrick	Pomeroy
Crowley	Klecza	Price (NC)
Davis (IL)	LaFalce	Rush
Delahunt	Lampson	Sabo
DeLauro	Lantos	Sawyer
Deutsch	Larson	Schakowsky
Dicks	Lofgren	Serrano
Dixon	Lowey	Smith (WA)
Dooley	Maloney (CT)	Snyder
Edwards	Matsui	Tauscher
Engel	McDermott	Thurman
Eshoo	McGovern	Visclosky
Etheridge	Meehan	Watt (NC)
Farr	Meeks (NY)	Waxman
Filner	Millender	Weiner
Frank (MA)	McDonald	Wexler

NOT VOTING—15

Campbell	Morella	Stupak
Ford	Quinn	Towns
Franks (NJ)	Rangel	Udall (NM)
Lewis (GA)	Salmon	Vento
Lipinski	Shadegg	Wilson

□ 1703

Messrs. DOOLEY of California, MEEHAN, HASTINGS of Florida and OLVER and Mrs. TAUSCHER changed their vote from "aye" to "no."

Messrs. BARRETT of Wisconsin, BAIRD and ROTHMAN and Mrs. CLAYTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 5 printed in House Report 106-624.

AMENDMENT NO. 5 OFFERED BY MR. WHITFIELD

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WHITFIELD:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ____ SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and

silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate that 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional review this year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 10 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to modify the amendment just offered. This modification has been approved by the minority.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WHITFIELD:

The amendment as modified is as follows:

At the end of title XXXI (page 467, after line 11), insert the following new section:

SEC. ____ SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an ultra-hazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity

and chronic beryllium disease. Furthermore, studies indicate that 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional action this year.

Mr. WHITFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

Mr. SKELTON. Mr. Chairman, reserving the right to object, I will not object. I would just merely ask for a clarification of the correction that was made thereon.

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

Mr. SKELTON. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the modification, and I will give the gentleman a copy, which I should have done earlier, changes one word. In the original amendment that was at the desk, on the last page, paragraph 9, line 19, which is the last time we used word "action," that it is appropriate for Congressional action this year, that is what the amendment shows. The original word was "review."

The gentleman who had asked for the term "review" to be in the original amendment was the gentleman from Pennsylvania (Mr. GOODLING), and this came about after our negotiations with the gentleman from Pennsylvania.

Mr. SKELTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to, and the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 10 minutes.

There was no objection.

Mr. WHITFIELD. Mr. Chairman, I yield myself 2 minutes in support of the amendment.

Mr. Chairman, I welcome the opportunity today to speak in support of this bipartisan amendment to the FY 2001 Department of Defense authorization bill on behalf of workers throughout the Department of Energy complex. I

want to thank the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their help to ensure that this amendment would be considered.

Last week, the gentleman from Ohio (Mr. STRICKLAND) and I, along with several others, introduced H.R. 4398. Our bill would establish a comprehensive Federal compensation program for Department of Energy contract and vendor employees who have contracted illnesses from exposure to beryllium, radiation, silica and other hazardous materials. The legislation is patterned after the Federal Employees Compensation Act, which provides compensation to Federal employees and/or their survivors.

I represent the workers at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. We have a chart down there that shows there are 200 other DOE facilities around the country in 37 states. For nearly a year, the plant at Paducah has been the focus of extensive national and local press reports about workers who were exposed to radiation and other hazardous substances without their knowledge. The same thing occurred in these 200 other facilities around the country.

The employees at these plants are Cold War veterans who manufactured and tested weapons systems that kept this Nation safe. They may not have worn military uniforms and they may not have been shot at by the enemy, but the increased incidences of illnesses and deaths that they are experiencing are every bit as dangerous. In my judgment, these workers did their duty, and they deserve to be compensated in a fair and timely manner by the government that put them in danger.

This amendment is simply a sense of Congress resolution which states that Congress should move forward on a comprehensive program to compensate these workers. I would urge support of the amendment.

Mr. STRICKLAND. Mr. Chairman, in view of the fact that no Member has risen in opposition to the amendment, I ask unanimous consent to claim the time in opposition, even though I support the amendment.

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

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. STRICKLAND) is recognized for 10 minutes.

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

Mr. Chairman, I strongly support this sense of the Congress resolution and urge my colleagues to do the same.

This past Monday, Senator DEWINE held a hearing in Columbus, Ohio, on the need for a Federal compensation program for our Cold War veterans who were exposed to radiation, beryllium, and other heavy metals and toxic sub-

stances while working for the Department of Energy and its contractors.

At that hearing, we were told of Governor Taft's support "for a federal program to compensate the workers at Federal nuclear sites." The state of Ohio made it clear that it would not see a federal workers' compensation program for DOE employees as an incursion on States' rights.

It was pointed out that many individuals worked at numerous sites under multiple employers across the complex. This creates jurisdictional questions and calls for separate State workers' compensation systems to pay the injured workers. In other words, the unique circumstances faced by these DOE workers warrant Federal intervention.

We also heard that altered, falsified or missing medical records deny us adequate scientific evidence on which to base a compensation program. At some sites, correction factors were invented and some workers were given a negative radiation dose. Mr. Chairman, a negative radiation dose does not exist in nature.

At last year's hearing of the Committee on Commerce Subcommittee on Oversight and Investigations, we learned that contractors made conscious decisions not to test certain workers. We must not establish a program that makes it impossible for workers to receive compensation. We must not deny workers' compensation simply because we lack certain medical documentation or because records were destroyed. If there is any doubt, the benefit of the doubt must go to the workers who were put in harm's way. We must pass and fund comprehensive workers' compensation legislation this year.

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

□ 1715

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky (Mr. WHITFIELD) for yielding me this time.

Mr. Chairman, as the representative for the Oak Ridge operations of the Department of Energy, I rise in support of this resolution, a sense of the Congress resolution, but also in support of further action that is going to be required in order to bring some benefits to the House's acknowledgment that there has been a disaffect from certain workers who were exposed through our nuclear buildup to radiation and beryllium and other sources that have caused these health problems.

The Department of Energy has now recognized that these problems exist and need to be addressed. The Congress needs to come along. We need to move quickly with the hearings and move quickly with the legislation.

There are four committees of jurisdiction. This is a problem that we need to unify on quickly and move forward.

We need these committees to come together. I came to the floor today to appeal to all the committees of jurisdiction to try to waive as much of their jurisdiction as possible so we can get legislation through this year to get benefits.

We have to be careful that we do not create such a broad benefits package, but we have to get help to these workers.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise, of course, in support of this resolution. I just want to point out to my colleagues that this is one of the most bipartisan pieces of legislation that we have been working on for several years. I initially got involved in this because of the berylliosis problem at the Department of Energy plant in my district. I have since discovered, in working with various Members of Congress, that they have similar problems from beryllium, radiation, and other hazardous exposures that occurred in Department of Energy and Department of Defense installations in this country.

For more than 50 years now, people have been dying and suffering from horrible injuries without compensation. The opportunity we have today is to take advantage of at least four pieces of well thought out and previously introduced legislation, to have the committees of jurisdiction come together and take these pieces of legislation, hold hearings, and construct a bill that this Congress can pass, probably with unanimous consent, in the next several months.

Fifty years is too long to wait to assist these workers dying from horrible diseases when we know they have only suffered as a result of their exposure as Cold War warriors. To deny compensation any further is foolish because the Department of Defense and the medical establishment of this country have established, without question, that these diseases are directly related to their employment and that exposure. If we can enact other legislation in several weeks, this Congress, in a bipartisan way in the next month, should come together and pass a compensation bill to compensate the Cold War warriors of this country.

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Chairman, as we all learned in basic first aid, some wounds heal faster than others. The wounds of war, of course, can be the worst of all to heal.

As a representative of the Nevada Test Site, I rise in strong support of this amendment. Today, the bipartisan sponsors of this amendment and I are calling for long overdue first aid to protect and help our constituents: Those forgotten, wounded, citizen vet-

erans of the Cold War. Their injuries and their wounds, for which no Purple Heart can ever be awarded, were received in Cold War battles waged in our laboratories and weapons plants all across America.

The culmination of these atomic laborers lit the skies and ripped the grounds in the deserts of the Nevada Test Site. They left poisoned workers in their wake, poisoned with radiation from the test and with silica from the dangerous underground tunneling the test required.

This amendment calls for action to address these wounds and to regain the trust and faith of these ill Cold War workers, and I call on all my colleagues to support this amendment.

Mr. STRICKLAND. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Chairman, I am proud to stand here today with my colleagues on both sides of the aisle in support of this important resolution. I want the listeners to know that I represent the Rocky Flats facility, which was a key part of the nuclear weapons complex in the great State of Colorado.

We need to pass this resolution today and, as so many of my colleagues have called for, we need to put a bill together. In my opinion, we could do it by July 4. That would be fitting because these Americans were warriors in the Cold War, and they were no less deserving of support for the illnesses and injuries that occurred to them than those members of our society who were in the hot war that we fought in the Second World War.

So let us get this done for these Americans. I am proud to stand here with my colleagues.

Mr. WHITFIELD. Mr. Chairman, I yield 5½ minutes to the gentleman from South Carolina (Mr. GRAHAM), for the purpose of a colloquy.

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

Mr. GRAHAM. Mr. Chairman, I rise today in support of the Whitfield amendment and enter into a colloquy with the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. HUNTER), the gentleman from Virginia (Mr. SISISKY), the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) about the need for comprehensive legislation to address worker exposures at Department of Energy facilities during the Cold War.

Mr. Chairman, I along with the gentleman from South Carolina (Mr. SPENCE) represent a large number of Cold War veterans at the Savannah River Site in South Carolina who helped this great Nation win the Cold War through their dedication and hard work. We have heard the last several speakers talk about DOE workers

across the Nation who were exposed to levels of radiation greater than they should have been, and other DOE workers who were exposed to other substances, including beryllium, which have had an adverse effect on their health.

I think that all Members will agree that if through the course of producing nuclear weapons for this great Nation, Department of Energy or Department of Energy contract employees were caused physical harm, we owe it to them to seek a remedy for their lost wages and medical treatment.

Mr. Chairman, I know that as of late there has been a concerted effort on the part of the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the Department of Energy and others to come up with a plan to offer these workers compensation.

I believe the smart and responsible thing for us to do is to take a look at this situation and make sure we do the right thing for the workers.

Mr. Chairman, I have a letter from the gentleman from Texas (Chairman SMITH) of the Committee on the Judiciary's Subcommittee on Immigration and Claims in which he states, "I hope to work with you and other Members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold hearings on this subject in the coming months."

I appreciate the willingness of the gentleman from Texas (Mr. SMITH) to hold a hearing on this issue.

Mr. Chairman, I believe that the gentleman from Tennessee (Mr. HILLEARY) has a similar letter from the chairman of the Committee on Education and the Workforce.

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

Mr. GRAHAM. I yield to the gentleman from Tennessee.

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

Mr. HILLEARY. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding, and I rise in strong support of the Whitfield amendment.

Mr. Chairman, I want to make sure we do the right thing for these workers. Many Tennesseans, in my opinion, are Cold War heroes and they deserve to be compensated if, through the course of their work, their health was adversely affected by exposure to radiation or other harmful effects.

I do have a letter from the gentleman from Pennsylvania (Mr. GOODLING) addressed to myself and the gentleman from South Carolina (Mr. GRAHAM) in which he too commits to hold a hearing this year on this important matter.

In this letter, the gentleman from Pennsylvania (Mr. GOODLING) states, and I quote, "I will work with you and

the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE-contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War."

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his willingness to work on this matter, and as a member of the Committee on Armed Services and the Committee on Education and the Workforce, I look forward to participating and finding a real solution that benefits these injured workers and also look forward to assisting the gentleman from Tennessee (Mr. WAMP), who represents Oak Ridge, and other Congressmen from the surrounding area around Oak Ridge in their efforts to help these workers.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM.

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. GRAHAM. Mr. Chairman, I would ask the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) if they will agree to assist us in holding a hearing on this matter this year and make serious efforts to pass comprehensive workers compensation legislation?

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

Mr. GRAHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I agree to work with this gentleman and with all the Members who have shown so much concern for these folks who are Cold War warriors and veterans in practically every sense of the term. I think we realize three things on the

committee. One is that we do have a duty to take care of our Cold War veterans, including people who experienced exposure in trying to develop the strategic systems of this country that even today keep this country safe.

Number two, science has shown that there has been exposure, fairly major exposure, to a lot of our workers.

Number three, the fact that we do have a responsibility to take actions and perhaps to abandon this position that we have taken, which has been a presumption against the worker in the past.

So let me just thank all of my friends who have worked on this, and I support totally the Whitfield amendment and I want to let everybody know that we will be holding hearings. We will be working in cooperation with the gentleman, and we did put a couple of million dollars in the bill already to direct DOE to start to construct a program. So let us all work together and put this thing together and we will work with the gentleman.

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

Mr. GRAHAM. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I appreciate the work of Members of both sides of the aisle on this issue and look forward to working with the gentleman from California (Mr. HUNTER) in doing what is right for these workers, and I support this amendment and urge the House to accept it.

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

Mr. GRAHAM. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I appreciate the effort of all the Members involved in this issue and thank them for bringing it to the attention of the House. We need to do the right thing for these people who through the course of providing for the defense of our Nation received injury due to exposure to hazardous materials.

I support the amendment and I certainly encourage its adoption.

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

Mr. GRAHAM. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I also want to acknowledge the hard work of the gentleman from Kentucky (Mr. WHITFIELD) and others who have brought this resolution forth, and I agree to work with them and with the gentleman from California (Mr. HUNTER) in the days ahead. I support the amendment and urge its adoption.

Mr. GRAHAM. Mr. Chairman, I include the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 15, 2000.

Hon. LINDSEY O. GRAHAM,
House of Representatives,
Washington, DC.

DEAR LINDSEY: I appreciate your interest in resolving the issue of compensating Department of Energy (DOE) workers for damage done to their health due to exposure to

radiation and other substances during their employment at DOE weapons production facilities during the Cold War.

It is my understanding that Congressman Whitfield, Congressman Wamp, Congressman Kanjorski, Congressman Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Subcommittee on Immigration and Claims for consideration.

I hope to work with you and other members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold a hearing on this subject in the coming months.

Thank you for bringing this issue to my attention.

Sincerely,

LAMAR SMITH,
Chairman, Subcommittee on
Immigration and Claims.

CONGRESS OF THE UNITED STATES,
Washington, DC, May 17, 2000.

Hon. LINDSEY GRAHAM,

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
Member of Congress.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Whitfield-Strickland-Udall-Gibbons-Kanjorski sense of Congress resolution in the form of an amendment to cover workers from the Department of Energy and its contractors and vendors.

I would just say to my colleagues that as this legislation moves forward, there is one important category that is not covered and that is those workers, like those at Brush Wellman in Elmore, Ohio, who worked for the Department of Defense as contractors, vendors, subcontractors. I stand today in memory of Gaylen Lemke, a gentleman who died of chronic beryllium illness last year who first came to see me in 1994. It was an absolutely cruel illness. He was as much a veteran of this country as anyone who ever flew

an airplane or served on a submarine. I would just hope that as these hearings are held that true compensation could be found for these individuals and their families who have suffered so greatly, actually through no one's fault but through our lack of knowledge about how these metals actually react with the human body.

When one's lungs turn to crystalline over a period of 10 to 15 years, it is among the cruelest of ways to die.

I just want to thank the Members of the Committee on Armed Services here today, my good friend, the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. SISISKY), for looking really seriously at this. I would say in my region of Ohio we have upwards of 200 people who have died or will die of this illness. Please do not forget those who have worked on contract to the Department of Defense, especially providing the material that was processed for the interiors of our missiles and our guided missile systems.

Mr. STRICKLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. STRICKLAND) for his help and his leadership on this issue and also the gentleman from Kentucky (Mr. WHITFIELD). It has been a pleasure to work with them on this.

I really want to say that we are seeing the best of Congress here; Republicans in the House and Democrats in the House and the administration coming together to do what is correct.

□ 1730

We need to help people like Clara Harding and Al Matusick. Clara's husband Joe worked for 18 and a half years at the Paducah Gaseous Diffusion Plant in Kentucky which the gentleman from Kentucky (Mr. WHITFIELD) now represents. He worked without any radiation protection in air that was thick with uranium dust and plutonium, neptunium, and possibly ruthenium.

Mr. Harding died in 1980 at the age of 58. Two years ago, Mrs. Harding received only \$12,000 in compensation. It is inexcusable. When we stop and think about the problems health-wise that these workers have experienced, it is unbelievable.

My friend, the gentleman from Pennsylvania (Mr. KANJORSKI) and his staff, just doing good casework, they worked with Al Matusick and discovered through him that there were this whole group of Cold War warriors who were suffering. That really began this ball rolling.

I want to thank the gentleman from Nanticoke, Pennsylvania (Mr. KANJORSKI) for having the foresight and compassion to introduce H.R. 675. I am proud to be a cosponsor of his bill, and want to continue to work with him on H.R. 3418, and work with the gentleman from Kentucky (Mr. WHITFIELD), and thank him for introducing H.R. 4398.

I want to thank Secretary Richardson for agreeing that the administration would work with us to see that the right thing is done on this issue. I think everybody is working together, and I am so happy to hear the dialogue on the floor today that we are going to have hearings and that something is going to be done. Fifty years is so long for people to wait.

We have heard about some of the things in the hearings we have held in the Committee on Commerce, and in fact that people were put at risk. They knew there was a danger there. These workers, many have died. Their families and workers need to be compensated. This Congress can act. It is the right, the correct, the ethical, and the moral thing to do.

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

In conclusion, I would like to say a couple of personal words.

Mr. Chairman, I want to thank my good and dear friend, the gentleman from Kentucky (Mr. WHITFIELD), for the work we have been able to do together.

I want to thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Virginia (Mr. SISISKY), the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON).

This is the right thing to do. This is one of the joys that I have experienced in this House, working together on this particular issue. I just have a heart full of thanks for these Members.

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

Mr. Chairman, I also want to thank everyone. We cannot solve this problem without the efforts of everyone.

If someone worked in a DOE facility during the Cold War and he is a Federal employee, he is covered under the Federal Employee Compensation Act. If he worked as an agent of a contractor and was exposed to one of these diseases, he did not have any coverage. We need to correct that problem. This is the first step.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong support of this amendment. Congress must act as soon as possible to provide compensation and health care for the forgotten soldiers of the Cold War—those who constructed America's nuclear weapons.

More than 50 years ago, hundreds of Manhattan Project staff inhaled tiny particles of beryllium while helping develop the atomic bomb at a University of Chicago lab. That lab later became Argonne National Laboratory, a national energy laboratory operated for the Department of Energy by the University of Chicago, and located in the district I represent.

The Department of Energy estimates that as many as 2,300 people in Illinois were exposed to beryllium during the two decades ending in 1963 when the toxic metal was used in the atomic program at Argonne. Inhalation of beryllium dust causes Chronic Beryllium Disease (CBD)—a chronic, often disabling and sometimes fatal lung condition. It also causes beryl-

lium sensitization, wherein a worker's immune system becomes allergic to the presence of beryllium in the body.

People who work at Argonne and other national labs are technically employed by the contractors hired to run the labs, so they don't qualify for federal employee health benefits. Meanwhile, state workers compensation laws often fail to provide benefits for occupational illnesses, which—in the case of nuclear weapons workers—can develop years after exposure to beryllium, radiation, or hazardous chemicals and long after a worker's eligibility for compensation has lapsed. Beryllium dust, for example, can cause Chronic Beryllium Disease up to forty years after exposure.

Mr. Chairman, compensating these workers for the suffering endured in service to our country is the right thing to do. This issue deserves our attention, which is why I urge my colleagues to support this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to give my strong support for this amendment. It represents an overall bipartisan effort that I believe must move forward in order to provide fair and just compensation for those who worked long and hard to win the Cold War: the Atomic Veterans. Many of these Atomic Veterans are ill or dying from diseases due to their exposures to hazardous materials at Department of Energy facilities.

New Mexico has a long and valued tradition of service to our Nation. New Mexico's workers at Los Alamos National Laboratory, the birthplace of the atomic bomb, have suffered from illness due to their exposures to radiation, beryllium, and other hazardous materials used in the production of nuclear weapons. It is right that we compensate the Atomic Veterans from all over this great nation who have sacrificed so courageously for their country. We spend billions of dollars on cleanup of nuclear waste sites; we now take responsibility for the human cost of the Cold War.

Congress must act, first to support this amendment, and then to pass legislation that is just and fair. When I introduced legislation to compensate Atomic Veterans from Los Alamos National Laboratory, I urged my colleagues from around the country, Democrats and Republicans, who also have victims in their districts, to work together to craft a solution to this problem at the national level. This amendment is a step in that direction.

Compensation is important because these workers are true patriots. They loved their country, they worked for their country, and now we need to do what is right and compensate them fairly for their illnesses.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106-624.

AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) FUTURE REPEAL OF LIMITATION ON NUMBER OF SITES.—Effective January 1, 2001, paragraph (2) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended to read as follows:

“(2) LOCATION OF SITES; FACILITIES.—Subject to annual appropriations, the program shall be conducted in any site that provides a full range of comprehensive health care and that is designated jointly by the administering Secretaries. The program shall be conducted nationwide by January 1, 2006.”.

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended in paragraph (1)(A) by inserting “, which may be modified if necessary” before the closing parenthesis.

(c) MAKING PROJECT PERMANENT; CHANGES IN PROJECT REFERENCES.—

(1) ELIMINATION OF TIME LIMITATION.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) TREATMENT OF CAPS.—Subsection (i)(4) of section 1896 of such Act is amended by adding at the end the following:

“This paragraph shall not apply after calendar year 2001.”.

(3) CONFORMING CHANGES OF REFERENCES TO DEMONSTRATION PROJECT.—Section 1896 of such Act is further amended—

(A) in the heading, by striking “DEMONSTRATION PROJECT” and inserting “PROGRAM”;

(B) by amending subsection (a)(2) to read as follows:

“(2) PROGRAM.—The term ‘program’ means the program carried out under this section.”;

(C) in the heading to subsection (b), by striking “DEMONSTRATION PROJECT” and inserting “PROGRAM”;

(D) by striking “demonstration project” or “project” each place either appears and inserting “program”;

(E) in subsection (k)(2)—

(i) by striking “EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT” and inserting “PROGRAM”; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

“(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

“(B) whether the terms and conditions of the program should be modified.”.

(4) REPORTS.—Subsection (k)(1) of such section 1896 is amended in the second sentence—

(A) by striking “the demonstration project” and inserting “the program”;

(B) by striking “, and the” and all that follows through “date”;

(C) by redesignating subparagraph (O) as subparagraph (S); and

(D) by inserting after subparagraph (N) the following new subparagraphs:

“(O) Patient satisfaction with the program.

“(P) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

“(Q) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

“(R) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the program.”.

(5) ADDITIONAL CONFORMING AMENDMENTS.—Section 1896(b) of such Act is further amended—

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

(B) in such paragraph, by striking “At least 60 days” and all that follows through “agreement” and inserting “The administering Secretaries shall also submit on an annual basis the most current agreement”.

(6) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

“(5) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term ‘medicare-eligible military retiree or dependent’ (as defined in subsection (a)).”.

(d) PAYMENTS.—

(1) PERMITTING PAYMENTS ON A FEE-FOR-SERVICE BASIS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

“(1) PAYMENT ON A FEE-FOR-SERVICE BASIS.—Instead of the payment method described in subsection (i)(1) and in the case of individuals who are not enrolled in the program in the manner described in subsection (d)(1), the Secretary may reimburse the Secretary of Defense for services provided under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services if sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), did not apply.”.

(2) PAYMENTS TO MILITARY TREATMENT FACILITIES.—Such section is further amended by adding at the end the following new subsection:

“(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.”.

(3) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting “or subsection (l)” after “subsection (i)”;

(B) in subsection (b)(2), by adding at the end the following: “If feasible, at least one of the sites shall be conducted using the fee-for-service reimbursement method described in subsection (l).”;

(C) in subsection (d)(1)(A), by inserting “(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))” before “shall meet”;

(D) in subsection (d)(1)(A), by inserting “and the program (insofar as it provides for payment for facility services on the basis described in subsection (l)) shall meet all requirements for such facilities under this title” after “medicare payments”;

(E) in subsection (d)(2), by inserting “, insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),” before “shall comply”;

(F) in subsection (g)(1), by inserting “, insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i),” before “the Secretary of Defense”;

(G) in subsection (i)(1), by inserting “and subsection (l)” after “of this subsection”; and

(H) in subsection (j)(2)(B)(ii), by inserting “or subsection (l)” after “subsection (i)(1)”.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on January 1, 2001, and apply to services furnished on or after such date.

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

“(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.”.

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

“(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), effective January 1, 2001, the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

“(2) In applying paragraph (1)—

“(A) in the case of enrollments occurring before January 1, 2001, any reference in clause (v)(III) or (vi) of section 1882(s)(3)(B) of such Act to ‘within the first 12 months of such enrollment’ or ‘by not later than 12 months after the effective date of such enrollment’ is deemed a reference to during calendar year 2001; and

“(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.”.

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

“(6) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the past half of a century people wearing the uniform of the United States of America in federally-owned buildings have been telling young 18-, 17-, 19-, and 20-year-old enlistees that if they served their country honorably for 20 years, that upon retirement they would receive free health care for them and their spouse in a military facility for the rest of their lives.

By and large, our Nation did a pretty good job of honoring that promise until

about a decade ago. Then, with the demise of the Soviet Union, the subsequent drawdown, the subsequent reductions in the defense budget, the military health care system started telling these military retirees when they hit 65, we are sorry, we cannot see you anymore. Go see a doctor out in Medicare.

They justifiably feel betrayed, and betrayed is the proper word. They were made a promise. They kept their end of the promise, and their Nation let them down.

Today I am going to ask my colleagues, Democrats and Republicans, to honor that promise. After all, great nations keep their word. I am asking us to take a major step that would allow these military retirees to continue to go to the base hospital, and upon reaching their 65th birthday, Medicare would reimburse that base hospital. It would make this program nationwide, available at every military medical facility, and it would make this program permanent.

Why is this program important? Today in America, people will be retiring from the Armed Forces. When they retire and choose their retirement home, in many instances they do so near a military facility because they want to be able to use that hospital. I want those people who choose a house, who choose a retirement home, to know that this is going to be the law of the land forever, and that our Nation has failed them, but we will fail them no more.

Mr. Chairman, I urge my colleagues to support the Taylor amendment. This is the beginning of what is going to be an hour-long debate. My colleague, the gentleman from Indiana (Mr. BUYER), is going to try to gut the Taylor amendment.

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

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. BUYER) seek the time in opposition?

Mr. BUYER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. BUYER) is recognized for 15 minutes.

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

Mr. Chairman, I would change the vocabulary a bit, I say to my friend, the gentleman from Mississippi (Mr. TAYLOR). I seek to improve the amendment, not gut it.

To improve the amendment, what I mean is what we have done in the base text of this bill is stop the rhetoric. By speech, it is 101, any Member can go to the well and give a great speech and throw their arms around the military veteran. It is the easiest speech to give. It is 101 in speech.

Delivering the right preparation on the commitment and obligation of the retiree is a little more difficult. I will never, ever create an unreal expectancy. I caution Members who will

speak on this issue, because I will be quick on my feet. I want truth in advocacy.

When it comes to "the Medicare subvention," let me bring the stark reality into question. If we were to draw a pie of the 1.4 million military retirees, half of that pie, they live next to medical treatment facilities all around the country. Then, of that pie, I take 20 percent of the half, and that is all that could ever be treated in Medicare subvention. Why? Because there is a capacity question, capacity.

So be very cautious and tempered in words to say, and I throw this warning out in the debate, that Medicare subvention, if we make it permanent, delivers on the promise, because it does not.

The painful reality to the military retirees came into being not in the 1960s, when we created Medicare as a program, and we then triggered the retiree into the Medicare system, to be treated like everyone else in the country, senior citizens who had never worn the uniform. The painful reality really came when we went through the BRAC process and closed a lot of military bases, to include those base hospitals.

Congress responded in search of an answer. The reason this is so difficult, and it is a complex health system, is that the purpose of the military health systems are to treat combat casualties and accidents, and those active duty service personnel who are sick. Second comes the dependents and retirees. The real purpose is combat casualties, so military medical readiness is set up a little bit differently.

So when Congress is in search of "the answer" of how we take care of the commitment to the military retiree, we created some demo programs. We created Medicare subvention, whether it is the FEHBP, we have BRAC pharmacies, we have many different things.

What we do in the base text of this bill, which I compliment the bipartisan support of, that came out of the Committee on Armed Services, is, and it is supported by the administration, we put our arms around all of these demonstration projects. We expand them, and then we end them on December 31 of 2003.

Why do we end them? Because we want to analyze all these programs and say, all right, what is best to deliver the care to the military retiree? I would say that we do not have the competency to make that judgment today, so we create a methodology that says, all right, we create an independent advisory board, nominated by the Secretary of Defense. They will examine these. They have a report due to Congress in July of 2002.

We will have our ideas. The advisory group has theirs. DOD has theirs. The Senate will have theirs. OMB I am sure is a player. Then what we do is we come in and then make a judgment in the fall of 2002 of what is the best to deliver.

In the meantime, what can we do? Because that is the spirit of what my

colleague, the gentleman from Mississippi (Mr. TAYLOR), is trying to say: In the meantime, what can we do?

I have been a good listener to him. I will have an amendment that comes up that says that we will expand the scope to the major medical centers, but it is not timely for us to make permanent Medicare subvention. Why? Because it is a crippled program. It was meant to be cost-neutral when it was negotiated with the Committee on Ways and Means and the Committee on Commerce. Today it is costing over \$100 million to DOD, in excess of \$3,000 per beneficiary.

Mr. Chairman, if we have a pilot program that is crippled fiscally, is it the right thing to do by the taxpayers to say, well, we will just go ahead and make it permanent? I believe that is not the proper and prudent thing for us to do. Let us follow the methodology. Let us do what is right for the military retiree.

In the meantime, we can do something. I will agree, I concur with the gentleman, we will extend the scope. We will work with HCFA and DOD to renegotiate these reimbursement rates. We will work on the utilization question.

One glorious thing we did do in this bill is we said to the military retiree, we said, we will create a pharmacy benefit, a pharmacy benefit that is so rich that it is not going to be treated like Grandma and Grandpa that never had served in the military. We are going to say to the military retiree, you are entitled to this pharmacy benefit.

So there are some things that we can do while we are waiting for the methodology, the analytical process of the data. Then we step forward, working with the next administration, for the cost of this program.

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

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

Mr. HUNTER. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, I think it would be good for the gentleman to tell us a little bit about the pharmacy benefit and what the retirees can expect. It has not been talked about a lot in the base bill.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the TRICARE senior pharmacy, what we do is reinstate access. We do not create new entitlements for the military retiree. It is an earned benefit. What we do is we preserve access to the military pharmacies at the medical treatment facilities.

We create a mail order pharmacy with an \$8 co-pay, so if someone has diabetes or needs a drug that they know that have to have, they can. We also create a network, retail, with a 20 percent co-pay. Then also we have added an out-of-network retail with a 25 percent co-pay and a \$150 deductible.

What we are doing is giving the widest array of choices to that military retiree. I think that is extremely

important, because most do not live next to medical treatment facilities.

Mr. HUNTER. If the gentleman will continue to yield, I just want to thank the gentleman for the great work that he did, along with his colleagues on the Subcommittee on Military Personnel, in developing this good program for our veterans and for our retirees.

I appreciate the fact that he is walking down through this road, these problems, which are fairly complex and which have a lot of potential options, and trying to put together a responsible program for our veterans and our retirees.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the key word that I believe the gentleman used is "options." This methodology preserves a wide array of options from which we can then choose.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, keeping our word to our Nation's military retirees is not an option. Ten Members of Congress have cosponsored this amendment.

They are the gentleman from Mississippi (Mr. PICKERING), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Florida (Mr. SCARBOROUGH), the gentlemen from North Carolina, Mr. JONES and Mr. HEFLEY, on the Republican side; the gentleman from California (Ms. SANCHEZ), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from California (Mr. FARR), and the gentleman from Tennessee (Mr. TANNER) on the Democratic side.

We believe, Democrats and Republicans, that it is time we keep our word.

□ 1745

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), which expands and makes permanent the TRICARE Senior Prime program, more commonly known as Medicare subvention.

I focused on the need to improve access to health care services to the men and women in uniform in the past and particularly for our Medicare eligible retirees. This is truly the year of military health care. The expansion and permanent authority for Medicare subvention which the Taylor amendment will provide will begin to fulfill the commitment made to our men and women in uniform who were promised access to health care services for life if they served 20 years or more in the Armed Forces.

We made that promise to take care of the career men and women and their

families and me must, Mr. Chairman, keep that promise. The Taylor amendment improves access to medical care for Medicare-eligible military retirees by expanding TRICARE Senior Prime to military hospitals and making the program permanent. It is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities.

Mr. TAYLOR of Mississippi. Mr. Chairman, since we have the luxury of so many cosponsors, I will be recognizing them in the order of seniority on the committee, Democrat, Republican.

Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I am really torn on this. There is nobody that has worked harder on this subject than the gentleman from Indiana (Mr. BUYER). The gentleman has struggled, he has negotiated with the Committee on Ways and Means, and unless you have negotiated with the Committee on Ways and Means you do not know what he has been through. He has worked diligently and hard and not only that, his heart is in this subject. He wants this problem solved, and he has come up with a plan to solve it.

On the other hand, I have worked for so many years on this subvention program. I can remember years ago, and I say to the gentleman from Mississippi (Mr. TAYLOR), I do not know if the gentleman remembers this or not, because we did not know each other well at that time, when we were before the committee and we were saying that we had made promises to these people that we were not keeping, and at that time the Pentagon was saying we did not really promise; that was overzealous recruiters that made those promises.

And I say to the gentleman, remember, we waved in front of them recruiting brochures to show, back from the 1950s I think they were, to show that we had made those promises. We made promises and we need to keep those promises, and one way to do that was that we passed the subvention program, to give it a try.

I sponsored that when it was not popular. There was no other sponsor in the House, there was no other sponsor in the Senate when that first started, but now it is a popular program. The retirees like that program, but it is not working like we planned, as the gentleman from Indiana (Mr. BUYER) has well pointed out.

Mr. Chairman, we made a bad deal on the payment schedule, and we need to correct that bad deal. The amendment of the gentleman from Indiana (Mr. BUYER) will kick the ball down the field, and I think that is good. And if that is all we can get, I think that is good, but I think it has one flaw, I say to the gentleman from Indiana (Mr. BUYER), and that is that it has to be cost neutral, and I am not sure it ever

happens to expand it to those 12 or 13 if it is cost neutral unless we correct the problem with HCFA.

Let me just say in closing real quickly, there are three things that I would like to come out of this whole deal, and it may have to come out in conference, I would like for us to make HCFA pay like they are supposed to pay. I would like that to happen, and I think we are going to have to write that in in conference.

I would like the program extended nationwide, and I do not mind at all putting the sunset on it to take another look at it, and that is what the gentleman from Indiana (Mr. BUYER) is trying to do there. So I think there is a way to compromise, do not make it permanent like the gentleman from Mississippi (Mr. TAYLOR) wants it and I would like it, but have a time to reexamine it, but extend it nationwide.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

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

Mr. Chairman, I think the first thing that one ought to say when looking at this issue is that the government did make a promise, and it is important to keep that promise, not just for the retirees, but also for the young folks who are in the military now or are thinking about getting into the military.

Like many of my colleagues, I have had the experience of talking with the young 22-year-old single male in the military and asking why he is staying or whether he is going to stay in the military and the subject of health care comes up from someone that we would not think would be particularly concerned about health care.

I think all of us feel the frustration that the gentleman from Colorado (Mr. HEFLEY) talked about of trying to get greater attention to this issue and trying to find a way to solve this problem, to keep that promise when there are not the base hospitals to keep the promise. So it certainly has been a difficult thing.

Mr. Chairman, I heard the gentleman from Mississippi (Mr. TAYLOR) say in front of the Committee on Rules that he wished he had a magic wand to wave over the country to solve it for everybody. Subvention is not a magic wand. As a matter of fact, I think there is no such thing as a magic wand, which is why we have to look at a number of options.

The underlying bill that the gentleman from Indiana (Chairman BUYER) has put together gives us, I think, for the first time since I have been in Congress a path towards a solution. It is not mere rhetoric, but it moves us in a direction by extending the various pilot programs and by expanding them to help make sure that it is a fair test.

My district is one of those that includes part of the subvention pilot program test, and I can give my colleagues

a number of concerns that folks in my region have why it is not a true test. In my district, I also have people who live in a city that has a base that has been closed, and they are hundreds of miles away from the base where the subvention test is going on.

In my district, I also have military retirees that live many miles from any significant city, and around the country there are a variety of circumstances, and no one approach, including subvention, or FEHBP, is going to solve them all. We have to have a multilayered approach in order to come as close as we possibly can to keeping that promise that we made to retirees. I think that is the essential point.

What this bill does is gives us several options, tries to collect the information on what is needed but also moves us towards a time certain to make that decision, and we have never had that time certain before, but the essential point that has to be included in this or any other approach is that kind of choice; that is in the pharmacy benefit, which is in this bill.

We can have the mail order choice, if that is what best meets your needs, or we can a pharmacy that is inside this organization, or an outside one. You pay a little different copay, but you have the choice to make the decision that best meets your need. That is the only way we will come close to meeting the commitment that we made to military retirees, giving them those options.

The path that has been laid out by the chairman is the way to get to that point, and I thank the gentleman for offering it.

Mr. TAYLOR of Mississippi. Mr. Chairman, if a politician breaks his promise, shame on him. If a Nation breaks its promise, shame on all of us.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel, another member of this committee who is trying to see to it that our Nation keeps its promise.

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

Mr. ABERCROMBIE. Mr. Chairman, let me state that I do not think anyone has worked harder on this issue than the gentleman from Indiana (Mr. BUYER). No one has worked with more diligence to try and put together a package that we can present to the body, some of which has already been mentioned, as the gentleman from California (Mr. HUNTER) indicated about the prescription benefit.

We do not want the good work that has been put together to get lost in this particular argument, and I do not even want to say it is an argument. As a matter of fact, that is one of the points I want to make. I do not think, and I hope that everyone on the committee would certainly recognize, that no one has tried to work harder than

with the gentleman from Indiana (Mr. BUYER) than myself. This has been a bipartisan effort.

And I really believe, I honestly believe, my friends, that we may be having a dispute over something which really we have no argument about. I was quite content with the bill the way it was in the sense that we were trying to work the Medicare subvention thing, something which I support and many people have supported right straight through.

The question, though, for us now is the Committee on Rules has made this in order. And in my conversations with the gentleman from Indiana (Mr. BUYER), I indicated if they made it in order, I thought that perhaps the best role for us to take was to go to the full expansion and see where we win out.

Let me tell my colleagues why. The difference between what the gentleman from Indiana (Mr. BUYER) has and what the gentleman from Mississippi (Mr. TAYLOR) has again may be a distinction without a real difference if we work this right. The amendment to the amendment or the substitute that the chairman has extends it to some additional sites, the Taylor amendment makes it nationwide.

Here is the implementation idea, because I think in the end, we want to go to subvention, Medicare subvention. The Taylor amendment now reads beginning next January, but full implementation does not take place till 2005. And the amendment of the gentleman from Indiana (Mr. BUYER) now has beginning in 2002 and could be limited at least in terms of the experimental time for about 15 months.

In other words, we are talking about a difference in time. There is not a difference in principle here. There is a position versus our interests. And I think our interests are to try and extend it now, not because there is a victory or a defeat in this, but rather that inasmuch as we are going to expand the program anyway, let us expand it nationwide, let us give the House the opportunity to work its will on this, and then we will move; as General Ryan has indicated in his letter, that we need to have a more equitable arrangement than is now possible on cost effectiveness between the HCFA and the DOD.

Certainly, the Armed Forces will work with us. In fact, he says "I ask your support in working with the DOD, HCFA and the Congress to develop cost-effective solutions." I think virtually everything that the gentleman from Indiana (Mr. BUYER) has said with respect to the difficulties is absolutely correct. I do not think anybody in any honesty can argue with it, but if we give this a chance to work nationwide, I think that we will all be the winners in the end. And I hope that we can come together on that resolution.

I want to thank the gentleman from Indiana (Mr. BUYER) for all of his help.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I enjoyed

working with the gentleman from Hawaii (Mr. ABERCROMBIE), and I would say that in the letter from the Air Force Chief of Staff, it also reads, "I urge that we heed the lessons already learned from the Medicare subvention demonstration projects. The current TRICARE Senior Prime demonstration, though popular with retirees, is not fiscally sustainable over the long term."

The real difficulty I say to the gentleman from Hawaii (Mr. ABERCROMBIE) between these two proposals is that the gentleman from Mississippi (Mr. TAYLOR) seeks permanency of a crippled program.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the testimony of the DOD before the House Committee on Armed Services on March 15 of this year, and I am quoting, "We believe that TRICARE Senior Prime is the key component of keeping health care commitments to our 65-year-old retirees and family Members who have sacrificed so much in the service to their country." That is Rudy de Leone, the Under Secretary of Defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), another key player on this, a member of the House Committee on Armed Services.

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Taylor-Jones-Bartlett amendment. I have seen the recruiting brochures. We did promise lifetime health care in a military facility for those who honorably served their country for 20 years or more. For a decade now, we have broken that promise and we are paying a high cost for having broken that promise.

It hurts us in recruitment. When their father, their uncle, their grandfather tells them that the military did not keep their promise to them, why should they think we are going to keep our promises to them?

□ 1800

Three of our services are failing to meet their recruitment totals, and this is part of the problem.

It is hurting retention. When they look ahead to what will happen to them when they retire, they wonder if they can trust us, and so they are not staying in. They will not retire. They are leaving the service.

Properly administered, this program should cost no more than what we are now doing. As a matter of fact, the Medicare reimbursement is only 95 percent of what it is in the other hospitals. This means it actually ought to cost the taxpayers less. If the program is crippled now, it is only because it is not being administered correctly and we need to change that.

It is very important that we keep our promises to our veterans, not just because we made them and that is what

honorable people do, it is important because it is hurting us now in recruitment and it is hurting us now in retention.

Mr. Chairman, I strongly urge a positive vote on this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, what is the time that remains?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Mississippi has 3 minutes remaining, and the gentleman from Indiana (Mr. BUYER) has 3½ minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), another sponsor of this measure and a member of the Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Taylor amendment.

What is at stake here is a fundamental commitment to the men and women who wear the uniform. This is not a time to go slow. That is not what we have asked our veterans to do. This is not a time for incremental gain. We need the comprehensive approach that the Taylor amendment calls for.

I join with my colleagues in recognizing the efforts of the gentleman from Indiana (Mr. BUYER) on this committee, but I would like to point out that what we need here is the will to move forward. As we go through mid-time review and see the surpluses that this Nation will have achieved because of our economic strength, we have the ability to carry out the options necessitated to make sure that we live up to the commitment that we made to these veterans.

Mr. Chairman, my father used to say to my mother Pauline, sitting across the dinner table, "Who won the war?" It is to the bewilderment of many of our veterans these days, thinking that their Nation has forgotten about them, that it has reneged on their promise. I do not question the patriotism or the fervor on the part of the gentleman from Indiana (Mr. BUYER) or anyone here who has served on our committee to do the very best for veterans. I simply believe that we can do more and we should do more. This is not a time to pull back. This is a time to move forward because we have the resources and the will to accomplish this on behalf of our veterans.

Memorial Day is around the corner. I agree with the gentleman, too many times we hear semantical speeches and plaudits given to veterans. We have an opportunity here today to act on their behalf. I urge support of the Taylor amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield the balance of my time, 1½ minutes, to the gentleman from North Carolina (Mr. JONES), another key member of the House Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this Taylor amendment, and I must say

I have enjoyed this debate. I have great respect for the gentleman from Indiana (Mr. BUYER) and great respect for the gentleman from Mississippi (Mr. TAYLOR) because what we are all trying to do is to do what is right for our retirees.

I have 12,000 retirees in my district, the Third District of North Carolina, and I have to say that the first thing on their mind is health care; secondly is will they have adequate health care when they get to be 65. They also say to me that we here all seem to be able to send \$13 billion to Kosovo, and they want to know why we cannot help them with their health care.

So I am delighted that we are having this debate today because it is extremely important, and this Taylor amendment will help our retirees understand that we are willing to do what is necessary. I commend the gentleman from Indiana (Mr. BUYER), and I think that his plan is good, but I think this plan is much better because what we are saying to those retirees is we are going to make an investment.

It is my understanding that 5 years of the Taylor plan would cost \$250 million. That is my understanding. If I am wrong a few million dollars, still look at what we are spending in Kosovo. We can find the money to help these retirees, and I think, quite frankly, Mr. Chairman, that those of us who have the privilege to serve I hope will look seriously at supporting the Taylor amendment tonight. We are saying to our retirees that we are willing to roll up our sleeves, we are willing to do what is necessary to give them the health care that they deserve and that they need when they hit 65.

Mr. BUYER. Mr. Chairman, I yield the balance of my time, 3½ minutes, to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Chairman, I do not often find myself facing a tragic situation, but what I see occurring tonight here on the floor is a tragic situation.

Everyone in this House wants to honor military retirees and veterans. And those are two different groups. We have worked tirelessly to try to assist military retirees, through the Department of Defense's program called TRICARE, as we have worked diligently to try to help veterans under the Veterans Administration program called Vision.

Now, what is at stake here is not helping Americans who turn 65. That is not at issue. A military retiree turning 65, a veteran turning 65 has the Medicare benefits available to them. No one is being deprived of the full Medicare services, even though the hospital portion is a payroll tax, paid for by some Americans into a payroll tax and not paid by others.

No one turning 65 does not get Medicare. That is not the issue in front of us. Please, do not try to make that the

issue. It is not. The issue is should military retirees be able to go to military hospitals to get their Medicare benefits.

Now, as my colleagues might imagine, the military hospitals were not exactly structured to handle geriatrics. They did not have as their history the ability to deal with old-age infirmities. That is not what they were designed to do. By what we are trying to do is take the Medicare funding, the taxpayers' money, and utilize it in Department of Defense institutions. It is not an easy thing to do. They do not have doctors that necessarily deal with old age. They deal more with wounds than arthritis. But what we have tried to do is meet the request; merge the Medicare monies into the DOD hospital structure. And we have been moving forward.

In 1997, under the new majority, we said let us try this program. Here was the first General Accounting Office evaluation in May of 1999. "DOD Data Limitations May Require Adjustments and Raise Broader Concerns." We knew that it was going to be difficult getting started.

Here is the September 1999 report. "DOD Start-up Overcame Obstacles, Yields Lessons and Raises Issues." That is progress. Here is the January 2000 report. "Enrollment in DOD Pilot Reflects Retiree Experiences and Local Markets." We are making progress.

If I asked members of the Committee on Armed Services if they wanted to issue a rifle that they knew jammed on every fifth shot, just so they could say that they met some deadline in giving them new equipment, when they knew the equipment would not work; is that really what they would want to do? If we make this program permanent, it will fail.

There is no question it will fail on the basis of the ability of the DOD to account for the costs of seniors who are military retirees in their hospitals. It will overwhelm them. We will be paying out billions of dollars. Instead of receiving money, we will be paying money. We do not want that.

My colleagues do not want what they are asking for. This program is moving forward. It is responsible. Support the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, all we have to do is go out here at Bethesda Naval Hospital, or Walter Reed Hospital, or Fort Leonard Wood Hospital and we will see those military physicians and technicians and nurses doing their very best to take care of geriatrics, the senior citizen who served his or her country for over 20 years.

So I wish to correct my friend from California.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

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

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I listened with great care to what the gentleman from Indiana (Mr. BUYER) had to say to warn us about the emotional side of being inaccurate in this, but I am not running for reelection. This speech gives me nothing.

I want to tell my colleagues what I learned when I first ran for office 6 years ago, and that is that we have lied and cheated our veterans and our retired military in terms of their health care. It is too common a complaint. It is too real. I saw it. I saw it at Tinker Hospital in Oklahoma City. They cannot even handle the people that are there now that are active duty. They send the people off.

So the question is, yes, have we met our need? We all agree we are trying to do that whether we do the Buyer amendment to this amendment or not.

The question that was raised is, is it cost effective? I do not care if it is cost effective. Because if it is cost effective or not, if the first principle of not keeping our word is not met, it does not matter. It does not matter.

We will not be able to ever man an army when we need to man a geared-up army if that population believes that we will not keep our word. And that is exactly what they believe today.

The final thing is that it is a crippled program. The only reason it is crippled is because we have not thought outside of the box. If we make the commitment to retired military that we are going to promise them health care, then give them a card, a new card, that lets them get it at a military hospital, at a VA hospital, at any hospital they want. But, by dingy, keep that commitment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

I believe that H.R. 4205 laid the groundwork to address the continuing health care problems that are plaguing our service members. This amendment is crucial to our military retirees because it expands the Medicare subvention demonstration program for our Medicare eligible military retirees and their dependents.

Mr. Chairman, I just spent a week in my district visiting high schools and working with each of our services on their recruiting efforts. What is really great is the amount of young people that are out there who have a sincere interest in serving their country. What is unfortunate is that there are retirees who discourage them because of their intense disappointment and anger in how we are addressing their health care needs. They simply feel betrayed.

I want all my colleagues to know that this issue is real and that we are feeling the effects at our recruiting

stations in our recruiting efforts. This amendment ensures that service members who served their country honorably have access to Medicare subvention, and not just in 8 locations, but across the country.

I was concerned about subvention because of reimbursement costs, however, this amendment also ensures that the Health Care Financing Administration would reimburse the Pentagon for most of the program's cost.

I urge my colleagues to support this amendment. We owe this to the men and women who have served and continue to serve our country.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

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Mr. PICKERING. Mr. Chairman, I rise in support of the Taylor amendment and as a cosponsor.

In my great State of Mississippi, we have the legacy of leaders like Stennis and Montgomery, who have built a strong defense. We believe in a strong military in Mississippi. But more important than our leaders has been the men and women, the veterans and the retirees who have honored our country by serving it.

How do we honor them? We honor our word. How do we keep recruitment and retention? We honor our word. If we say "cost," they say "commitment." The question is will we keep our commitment, will we find at least a part of the solution tonight?

I believe the Taylor amendment does that. I ask my colleagues to support the Taylor amendment. I am pleased to join with him.

I commend the gentleman from Indiana (Mr. BUYER) for all of his efforts, from the pharmacy benefit to TRICARE reform to all of the things in the underlying bill that help us keep our commitment as well, but I believe the Taylor amendment is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, now we are beginning to make some progress. I thank my colleague the gentleman from Oklahoma (Mr. COBURN) because, as we heard him say, he is not coming back so he wanted to speak from his heart. What we heard from his heart was that we ought to give military retirees and in fact we ought to give veterans a card, as he said, to go anywhere to get the health care they deserve.

That is not the Taylor amendment. The Taylor amendment says they have got to go to a military hospital on a military reservation.

Now, I tell my friend the gentleman from Missouri (Mr. SKELTON) that I am quite sure that Bethesda Naval Hospital, in the middle of this military area called Washington, does a pretty good job with military retirees. He ought to come out to China Lake in the middle of the Mojave Desert, he

ought to go to Edwards Air Force Base and take a look at their military hospitals. They are not Bethesda, believe me.

Those people deserve to get the best health care they can. They do not deserve to be forced to get it on a military base. That is what this Taylor amendment does.

What we did was to set up some programs to figure out how we could merge the private sector assisting the military through the public sector.

The Taylor amendment may be well-intentioned, but what they are trying to do is guarantee that every military retiree gets their Medicare benefits at a military hospital. That is the wrong service to provide to our military retirees.

I agree with the gentleman from Oklahoma (Mr. COBURN), let them go anywhere. But that is not the amendment. I ask them to understand what they are trying to do. They are going to guarantee that the military retirees are going to fail in their effort to get Medicare services at military hospitals.

The amendment of the gentleman from Indiana (Mr. BUYER) is a definite step forward in making sure that this plan continues to show progress.

The gentleman from Mississippi (Mr. TAYLOR) is bound and determined to give the military retirees a rifle that will jamb. Why does he think a shiny new rifle that will not work is somehow benefiting military retirees?

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER), the chairman of our Armed Services Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for the leadership that he has given me as I put this together and also worked with the gentleman from Hawaii (Mr. ABERCROMBIE).

I needed to address several points earlier when I talked about making sure our advocacy is very correct. Let me address, number one, with regard to the comments of the gentleman from North Carolina (Mr. JONES) that this will only cost \$250 million. The actual scoring from CBO is that it is \$285 million. I just want to be very accurate.

The other is that what worries me is that if we are at six sites and it is costing DOD \$100 million when, in fact, it was supposed to be cost neutral, and then we are going to expand nationwide, over 40 sites nationwide, it boggles my mind the impact that is going have upon DOD that has not even been budgeted.

With regard to my colleague, who I have great respect for and have been in Oklahoma with him in saying that whether it is cost effective or not does not matter, I believe that being cost effective in the efficiencies of governmental operations does matter.

In this bill, for example, we even said, for every claim that TRICARE files, we have learned that it costs \$78 per claim. For Medicare, I say to the

gentleman from Oklahoma (Mr. COBURN), when he goes back to Oklahoma and does his Medicare, it costs 85 cents to a dollar to file it. So we are forcing TRICARE to do best business practices and on-line billing.

We are going to save over \$500 million over 5 years. That is like a touch-down and extra point for the American taxpayer. Asking government systems to exercise business practices and principles should not be a radical concept of the Federal Government.

I understand the gentleman saying these are men and women who put on the uniform who were not only willing to risk their life but their earning power, also.

Should we meet the commitment and obligation? Absolutely. How we get there with the right method is what this debate is all about.

So I have to stand here, as hard as it is, to agree to disagree with my colleague the gentleman from Mississippi (Mr. TAYLOR). We should not be going to as permanent a system, not yet.

I do not want to, but I will bring my opinion into the matter. My opinion is that I do not believe something magically should happen to a military retiree when they turn 65. When they retire from the military at age 46 or 42 or 50, whatever it is, or they are in TRICARE Senior Prime or Standard, nothing magically should happen when they turn 65. Keep them in the same system. It works for all.

I say to the gentleman from Connecticut (Mr. LARSON) that is comprehensive. To say that what is being offered is comprehensive I would respectfully disagree, because Medicare Subvention is only going to apply to 20 percent of the 50 percent that live next to a military medical treatment facility.

Mr. STARK. Mr. Chairman, having served in our nation's military, I am aware of the hardships that our military men and women, and their families, undergo on a daily basis. When they enlist in our nation's armed forces, they know they are volunteering for a very hard life, not only difficult physically, but also difficult financially and emotionally. Even in peacetime, their jobs are among the most dangerous in all of society, with injury or even death a constant threat.

In addition to the dangers they face defending America and its interests and keeping the peace throughout the world, they also know that their private lives will be very, very hard. Throughout their military careers they accept reduced pay and the deep emotional strain that inadequate finances places on their families. They face the additional emotional strain caused by poor living conditions they must endure. They face the emotional pain of constant uprooting of their lives as they are moved from one military installation to another. Mr. Chairman, the military life is a deeply difficult and painful life.

To be able to cope with the day-to-day difficulties in military life, our military men and women and their families must cling to hope for a better life when their military careers are over. One of the glimmers of hope is that upon retirement, their medical costs, which

can be severe, will be paid. In retirement, they will finally have peace of mind, free from the fear of financial ruin brought on by a debilitating illness.

Mr. Chairman, when our military retirees are sick, they feel more comfortable receiving their medical care in a military facility. That is understandable. And because they feel more comfortable there, their stay in the health care facility is less traumatic, less emotionally painful, than in a civilian health care facility. Studies have shown repeatedly that people experience fewer side effects from an illness—and recover faster from it—when they experience less emotional stress. And that is the fundamental reason that we need to find ways to help our military retirees get their medical care in military health care facilities.

That is why, in the Balanced Budget Act of 1997, we authorized a demonstration project under which military retirees in six sites who are also entitled to Medicare would be able to get their medical care in military facilities and have Medicare contribute to the costs of that care. Because we did not know the answers to many questions about controlling costs, the Congress decided to place certain restrictions on this demonstration. Just as we needed to provide a means for military retirees who are entitled to Medicare to get their medical care in military facilities, the Congress also had to protect the Medicare trust funds from going bankrupt, thus jeopardizing medical care for 39 million other Americans who depend on Medicare.

As an example, one of the key issues concerned the form of the Medicare payment for services in military facilities. Because medical personnel in military facilities are paid a salary, unlike private sector medical professionals, who are paid on a fee-for-service basis, the Congress decided that payment for services in military facilities should be on a "capitated" basis; that is, payment should be based on the average amount that Medicare would normally pay for services for a Medicare beneficiary living in the area where the service was provided. The Congress also placed other limitations on the demonstration to protect Medicare.

Because the Congress did not want to delay any longer than necessary in providing this important benefit to military retirees, the demonstration was limited to three years. The Congress asked the General Accounting Office (GAO) to evaluate the demonstration and advise us on how to expand the program and make it permanent. In January of this year, the GAO issued its first report on the demonstration. The GAO found that in the first year of the demonstration, over one-fifth of Medicare-eligible military retirees in the six demonstration areas had enrolled in the demonstration. Enrollment was highest in sites where other Medicare managed care plans were not present; it was lowest where such plans were widespread. GAO will continue to monitor the demonstration and report to Congress annually.

Mr. Chairman, the amendments that we are considering today would either abandon the demonstration, and the knowledge to be gained from it, and proceed immediately to a permanent unlimited program, or expand the demonstration to eight additional sites, again without the benefit of the knowledge gained from the demonstration already underway. This is not the prudent way to proceed. This

is not the way to help our military retirees and also protect the 39 million other Americans who depend on Medicare. The demonstration we have underway will give us information on which both to help military retirees and to protect Medicare. And we would know these answers in only two more years.

Mr. Chairman, the Administration has informed us that their position on these amendments is that the current demonstration should be extended for only one or two additional years, and that an independent evaluator should review the demonstration before we proceed further. That is the prudent course of action.

Mr. Chairman, I rise in enthusiastic support of the Taylor Amendment, which will expand and make permanent the existing TRICARE "Medicare Subvention" demonstration program for Medicare-eligible military retirees and their dependents. The Health Care Financing Administration would reimburse the Pentagon for most of the program's cost. Under the Taylor amendment, TRICARE's "Senior Prime" program would become a permanent program and would be available nationwide by Jan. 1, 2006.

Mr. Chairman, I cannot think of a more worthy amendment that would have a more wide reaching effect on the healthcare of our honored Veterans and retirees. For many years, thousands of our military retirees were promised by their recruiters a lifetime of affordable healthcare if they served their nation for at least 20 years. The Taylor Amendment will restore the covenant between a grateful nation and those who faithfully served it in the Armed Services.

Medicare Subvention improves the military healthcare system and has without a doubt been an unmitigated success. Under the Taylor Amendment retirees will have access to the healthcare they need more expeditiously than under the current "space available" standard. The physicians at the military facilities where the pilot programs have been implemented, have welcomed the introduction of retirees as these patients have enabled a greater practice of medicine, which adds to the recruitment and retention of doctors and nurses.

The Taylor Amendment is an important step towards fulfilling the promise to our nation's military retirees. I urge its passage and I urge a defeat to the Buyer substitute.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 7 printed in House Report 106-624.

AMENDMENT NO. 7 OFFERED BY MR. BUYER AS A SUBSTITUTE FOR AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. BUYER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 7 offered by Mr. BUYER as a substitute for Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) EXPANSION OF PROJECT.—Section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended—

(1) by amending paragraph (2), to read as follows:

“(2) EXPANSION; LOCATION OF SITES.—Not later than December 31, 2002, in addition to the sites at which the project is already being conducted before the date of the enactment of this paragraph and subject to annual appropriations, the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center and that is designated jointly by the administering Secretaries. The total number of sites at which the project may be carried out shall not exceed 14, and the total number of military treatment facilities at which the project may be carried out shall not exceed 24.”;

(2) in paragraph (4), by striking “3-year period beginning on January 1, 1998” and inserting “period beginning on January 1, 1998, and ending on December 31, 2003”;

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

“(6) ADMINISTRATION OF PROJECT.—Not later than September 30, 2002, the administering Secretaries shall undertake measures to ensure that the project under this section is being conducted, and reimbursements are being made, in accordance with subsection (i), including discussions regarding renegotiation of the agreement authorized under subsection (b)(1)(A).”

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended—

(1) in paragraph (1)(A), by inserting “, which may be modified if necessary” before the closing parenthesis; and

(2) in paragraph (5), by striking “At least 60 days” and all that follows through “agreement” and inserting “The administering Secretaries shall also submit on an annual basis the most current agreement”.

(c) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

“(7) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term ‘medicare-eligible military retiree or dependent’ (as defined in subsection (a)). Notwithstanding paragraph (2), the administering Secretaries shall continue to provide health care under the project at any military treatment center at which such care was provided before the date of the enactment of this paragraph.”

(d) PAYMENTS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

“(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.”

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

“(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the project has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (within the meaning of that term as used in

chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the project by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.”

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

“(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the project (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

“(2) In applying paragraph (1)—

“(A) in the case of an enrollment that occurred before the date of the enactment of this subsection, the enrollment (or effective date of the enrollment) is deemed to have occurred on such date of enactment for purposes of applying clauses (v)(III) and (vi) of section 1882(s)(3)(B) of such Act; and

“(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.”

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

“(8) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.”

(h) REPORTS.—(1) Subsection (k)(1) of such section 1896 is amended—

(A) in the second sentence, by striking “3½ years” and inserting “4½ years”; and

(B) by redesignating subparagraph (O) as subparagraph (T); and

(C) by inserting after subparagraph (N) the following new subparagraphs:

“(O) Patient satisfaction with the project.

“(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

“(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

“(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

“(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.”

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 1108 note) is amended by inserting “the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg),” after “section 722.”

(3) Not later than July 1, 2002, the Secretary of Defense shall submit to the independent advisory committee established in section 722(c) a report on the actions taken to provide that the project established under section 1896 of the Social Security Act (42

U.S.C. 1395ggg) is being conducted on a cost-neutral basis for the Department of Defense.

(4) Not later than December 31, 2002—

(A) the Secretary of Defense shall submit to Congress a report on such actions; and

(B) the General Accounting Office shall submit to Congress a report assessing the efforts of the Department regarding such actions.

H. RES. 504

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Indiana (Mr. BUYER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER) is recognized.

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

Mr. Chairman, the amendment that I offer would require the expansion of Medicare Subvention, TRICARE Senior Prime Program, by the end of 2002 up to 13 more hospitals, bringing the total number of hospitals offering enrollment in Medicare Subvention to 24, and making an additional 140,000 retiree eligibles for enrollment.

We seek to extend Medicare Subvention, TRICARE Senior Prime demonstration project, through December 31, 2003. We require the Secretaries of Defense and Health and Human Services to take measures necessary to ensure the program is being administered in a fiscally sound manner and in accordance with the original legislation.

We also require GAO to oversee the efforts of both Secretaries. We ensure that the current subvention sites continue and care for the current participants is not interrupted.

We also ask that direct payments go directly to medical treatment facilities where the program is being offered.

We also seek to eliminate discrimination among enrollees allowed to "age into" the program by removing the requirement that their care be managed by a military treatment facility prior to enrollment.

We also seek to provide Medigap insurance protection to enrollees as if they were enrolled in the Medicare+Choice Plan.

We will also seek to implement the utilization management controls to keep the program within the budget caps as set by the budget resolution.

We also seek to require several reports on the efficacy of the demonstration project to be considered by the Congress in making the final decision in the year 2003 about the type of care we seek to extend to the Medicare eligible military retirees.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Buyer plan calls for a very limited program that would end in 2003. The Taylor plan calls for a nationwide program that would begin now and remain as long as we are a republic.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), one of the sponsors of the Taylor amendment.

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me the time.

Mr. Chairman, I have a great deal of respect for all the members of the com-

mittee that are dealing with this issue. I am not a member of that committee, but I do have some experience in this issue. I represent the largest base closure in the United States where they closed the military hospital. Out of that developed a veterans health clinic.

What I am seeing in this debate and I think our problem here in Congress is that we know about the promises and promises and promises that were made, but when we get down to trying to implement the promises, we find we have excuses, excuses, excuses. Those excuses are sort of promises dependent upon multi-layered solutions, promises dependent upon studies, promises dependent upon delays on pilot programs and so on.

I mean, the fact of the matter is that we have military hospitals and we have veterans clinics. I know that there is a different jurisdictional issue here, but to the people outside of this building, they do not understand that.

Most hospitals in America are having a problem of being filled because our delivery of medicine is being more adequate. We have enough facilities out there. And what we have is a process that does this, they say they can go to a military clinic and they can get care and there is where their records are, those are where their identities are with their professional staff, but when they get to the age of 65, they are out, to go out in the private sector and, for the first time in their life perhaps, a doctor that will provide service for them and accept Medicare payments.

This is a whole new series. Think if they are a widow who has been in the military service and has not been able to understand the private sector. So we kick people out at a very vulnerable time, they lose that rapport, their records are not in one place.

What we are saying here is why not have, and this is where I think we are crazy on our budgeting of this stuff, why not allow a continuum of care at age 65 in the very same place they have been getting it, whether it is a veterans clinic or a hospital.

This amendment should be defeated.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

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

Mr. SPENCE. Mr. Chairman, I rise in support of the Buyer amendment.

Mr. Chairman, the Buyer amendment provides a reasonable expansion of Medicare Subvention by adding up to 13 more hospitals to the 11 already participating today. It also provides 146,000 more retirees the eligibility to enroll in the program, where today we only have 30,000.

What the gentleman from Indiana (Mr. BUYER) proposes fully complements the superb health care reforms contained in the base text of our bill. In addition to restoring the access of 1.4 million retirees to the prescrip-

tion drug benefit they have earned, this bill provides a process by which a permanent, comprehensive health care benefit can be provided to Medicare-eligible military retirees. The Buyer amendment substantially advances that process.

I am also swayed to support the Buyer amendment by the cautions raised by General Mike Ryan, the Chief of Staff of the Air Force. He does not believe that the current Medicare Subvention program is sustainable fiscally over the long term. In my view, that serious caution must not be disregarded as we make decisions with regard to changes in the level and scope of medical benefits for our military retirees.

I urge my colleagues to support the Buyer amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me point out that General Ryan is a four-star general. When he retires, the private sector will be beating his door down to offer him outstanding opportunities.

I am more concerned with the sergeants and chief petty officers who do not have that financial security, and that is why we are trying to make Medicare Subvention on a nationwide basis for all military retirees.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget and the senior member of the House Committee on Armed Services.

Mr. SPRATT. Mr. Chairman, I represent a lot of military retirees; and I can speak to the sentiments others have voiced that they feel betrayed.

This bill is an effort to try to make them feel that we are keeping the promises we made about military health care for life when we induced them to serve the better part of their adult lives in the armed services of the United States.

The base bill here is basic. What it simply says is that, when they turn 65, if they are a military retiree, they can keep on going to a military treatment facility for medical care and the care they receive, if they have the space available, the resources available, will be paid for by Medicare, by HCFA.

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If the military treatment facility is not able to provide that care, then the retiree would continue to receive benefits that he had been receiving under the TRICARE program. Basically if the resources are not there, if the treatment facility cannot accommodate the military retiree, then that person will go back into the private network that he has always used if he has been a subscriber to TRICARE. This provides among other things for continuity of care. It will help us get military retirees to join TRICARE because they know when they get to be 65, they will not have to start all over again with a

new battery of doctors and new treatment facilities.

The Republican-passed budget, when it came to the floor, initially did not provide enough money for this, nor did it provide enough money for a pharmacy benefit. When it came back to us from conference, the conference report, however, provided \$400 million, anticipating it might be used for something like this. And so that is exactly what we are doing. We are saying, let us use the money that is provided in the budget resolution to extend the Medicare program, extend the benefits of the Medicare program to military retirees so that they can go to those military treatment facilities they have always used. It is fair, it is sensible, it is affordable, it is not a token, it is substantial. We ought to do it.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of the Buyer amendment, and I believe that that amendment and frankly the underlying goal of the underlying amendment are both well-intentioned. However, I believe that subvention does not do it all for all the people we need to help. We are not keeping the commitment that we must keep to the retirees. When you come from a district like mine where we have no base to argue about a clinic, whether it is great for geriatric patients or not, they end up having to drive 640 miles round trip to McClellan from Oregon just so they can get their prescriptions filled.

So I am not ready to write a blank check here on subvention. I think the Buyer approach is the best approach, take this a step at a time while we do what my colleague from Oklahoma recommended about getting a card for everybody, so that my veterans and retirees do not have to make this trip.

I commend the gentleman and the chairman for their work so that they can get prescription drug coverage, because right now these people are boarding buses once a month to go to McClellan so that they can establish their ability to get prescription drugs. Do you want them to drive over mountain passes in the middle of the winter 300 miles each way to do that? This legislation fixes that problem. I commend both of the gentlemen and all the members of this committee for taking care of that. I support the Buyer amendment so we do the right thing here and not write a complete blank check.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Let me point out a couple of things. The Taylor amendment does not deprive any single program of one cent. It is an expansion of health care made permanent in military installations. The Buyer bill, throughout the entirety of the bill, says "may be carried out at a limited number of places" and it expires in 2003.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

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

Mr. Chairman, let me say that with some difficulty I am going to vote against the gentleman from Indiana and for the gentleman from Mississippi's amendment. But I want to make it very clear that I have no greater respect for anybody in the world than the chairman of this committee and the gentleman from Indiana in their efforts to improve the defense of this Nation and in their concern for caring for our veterans and our retirees.

They do not have to take a back seat to anybody on that. The wonder of this debate is, however, that we are really here today, all of us, trying to find a solution to a problem that we have known about a long time, and it started some years ago as a little low roar and now, by golly, we are in here fighting it out how who can do the best for our particular veterans. Medicare subvention, in my view, and in the gentleman from Mississippi's view is probably the better way to go. It does not fulfill our commitment totally, nor does it force our veterans to go to military treatment facilities. They do not have to do that. They can continue to go to civilian facilities if they like.

Now, I am concerned about the difference in the cost. However, there is something badly wrong there. HCFA pays the same thing for an MRI, whether they go to Eisenhower Army Hospital or whether they go to a civilian community. The question is what is causing that cost and that is exactly what we need to do. We need to fix that and make sure it is cost neutral. I believe that we can do that if we put sort of the wheel to the grindstone. When we get through passing this today and giving our retirees part of what we owe them, Medicare subvention, we need to continue pushing, we need to continue to have this debate, and there is a bill for us all that will allow all of our retirees to be able to use the very health plan we have, the Federal employees' plan. That is what they want to do. They just want the same thing that we get, and there is absolutely no reason that you can justify that we should not do that and do that this year, do it immediately and keep our word.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I take a back seat to no one as far as veterans and trying to help them, whether it is FEHBP, subvention, or other programs. I fought for their COLAs and I fought for their funding. I am a veteran. I am a combat veteran. I have health care needs because of that combat. And I understand the need. I have gone into hospitals where a general running a military hospital said, "Duke, I'm losing two or three veterans a week from World War II,

and they're not getting the health care that they need." And I understand what the gentleman is doing probably more than anybody in this room.

My veterans in San Diego wrote the subvention bill, the original one. I fought it through this body and through the Senate, and the White House limited it to a pilot program. And the whole idea of it was that you could use Medicare at a hospital, a military hospital where you do not have large overheads. I am giving you the other side of your position, which is good, because I am trying to show you where my heart is. That because you do not have to pay for illegal aliens and children born out of wedlock and all of those things at a military hospital, you actually save Medicare dollars. I do not think they take that into account when they talk about, my side, talking about the expanded cost of it. We save Medicare dollars. It costs the military, but there needs to be a change in that.

But I want to tell you something. TRICARE, when you talk to the veterans is a Band-Aid. Subvention is a Band-Aid, even if it is expanded. Because instead of having to drive hundreds of miles just to fill a prescription, if you have a military hospital close to you, then it is okay, it is good, in the advancement of subvention. But if you live in a rural area, then you are left out.

What I want to do is work with the gentleman from Indiana and the gentleman from Mississippi and the rest of you to bring about a program of FEHBP where if you have a civilian working along with a lieutenant, the civilian at the end of the 20 years will get FEHBP supplement to Medicare and the military does not. If we will provide subvention along with that, but I do not know what that mix is.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, the bill does provide very properly and excellently, I think, for other ways to obtain prescription as opposed to just going to military hospitals.

Mr. CUNNINGHAM. I understand that. But I want to tell you, if we jump off into this, we may prevent in the future with this commission looking at what we could do to help everybody, not just the people that live next to a hospital. And that is my goal. I want to fight for that, and I want to work with the gentleman. But we cannot on this basis.

Mr. TAYLOR of Mississippi. Mr. Chairman, in addition to the broad base of congressional support, the Taylor amendment has been endorsed by the Military Coalition, a group of 24 veterans groups; the National Military Veterans Alliance; the Retired Military Association; and the Retired Enlisted Association. It has also been endorsed by the gentleman from New Jersey (Mr. ANDREWS) to whom I yield 2 minutes.

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

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time. I rise in opposition to the amendment and in strong support of his proposal. This country made a promise to its veterans of lifetime quality health care. I know both of the contestants in this debate are honorable people that want to meet that objective. I believe that the gentleman from Mississippi's approach is absolutely the right way to do it. That promise did not say that you get lifetime quality health care on conditions.

There are veterans in this country that are about to turn 65 who want to continue their care at a veterans health facility and have Medicare pay for it. That is the way they have chosen to have that promise honored. But the promise did not say that it will be honored if you are lucky enough to live near one of those 14 places. The promise did not say that the promise would be honored if one of those 14 places has a major medical center. The promise did not say you would have to wait for over 2 years if you live in one of the new places, and it did not say that the promise expires in 2003. It says it for keeps and forever.

At a time when the country is bringing in about \$1.05 in revenue for every \$1 we spend, I believe the money is here. I think this is a question of will, not fiscal ability. I believe that there is both Republicans and Democrats that will be supportive of the gentleman from Mississippi's approach. I think the right way to do that is to reject the amendment before us and strongly support the gentleman from Mississippi's approach which I do.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank all my colleagues, the gentleman from Mississippi, the gentleman from Indiana, all of the folks that have spoken on this important issue, because I think together you are all a great team and we have come a long ways.

With respect to the gentleman from Maryland (Mr. BARTLETT) talking about the promises that were made and the brochures that were distributed, I just want to let my colleagues know that when I went down to the post office and signed up to go to Vietnam, all they told me was "get on the bus," but I know that promises were made and extended to American veterans and retirees deserve that reciprocity and that trust.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM) so he can finish his statement. He is the father, at least in my mind, of subvention, and he did a lot of great work on it in the early times.

Mr. CUNNINGHAM. I thank the gentleman from California for yielding.

Mr. Chairman, if anybody should know the merit of this bill, it is the originator of the bill and what it

stands for and what we can and cannot do with it. I want to use part of the subvention in whatever we go forward with. But my fear is if we go ahead with this, we may prevent an overall support for a bill that is going to help all veterans.

I want to tell you something. We told you that when you voted to go into Somalia, we have spent \$2.4 billion into Haiti. We went to Iraq, we went to Sudan and bombed an aspirin factory with the White House, and all of these things, \$200 billion. We could have more than paid for all of this. But yet, your liberal left on the Democrat side, oh, we need to go into Haiti, we need to go into Somalia, we need to go into all these other places. We said there would be a cost. I do not care so much about the cost of this that I want to take care of the veterans, but there is limited dollars in what you do.

Mr. HUNTER. I thank the gentleman. We have a limited amount of time. I thank him for his championing of the subvention system. Let me just say to my colleagues that we have the three options, FEHBP and supplemental and subvention. Let us give them all a chance. Let us go with Buyer.

Mr. TAYLOR of Mississippi. Mr. Chairman, again in addition to the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association, the Retired Enlisted Association who have all come out in favor of the Taylor amendment is the Colonel from the Tennessee National Guard, the gentleman from Tennessee (Mr. TANNER) to whom I yield 2 minutes.

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from Mississippi for yielding me this time and I want to urge the defeat of this amendment. This is not hard. We have made promises to people who have given their productive lives to the uniformed service of this country. This is an attempt to partially fulfill that. The money we are talking about is within the caps. There is absolutely, in my mind, no good reason that we cannot at least partially fulfill what we told people that we would do as a Nation, as a grateful Nation for their service to this country.

Now, you talk about the liberal left, somebody said, about limited dollars. Yes, there are limited dollars around here.

□ 1845

But it is not too limited that we cannot vote for a \$800 billion tax cut. This is about priorities. Are you for a tax cut, or are you for doing what we told veterans who gave their productive lives to this country we would do for them when they got through? It is not hard, it is not complicated; it is within the budget caps, it ought to be done, and this amendment ought to be defeated.

Mr. BUYER. Mr. Chairman, I wondered how long it would take before we get a little politics involved in the

issue. I thank the gentleman from Mississippi (Mr. TAYLOR).

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), one of our true American heroes.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Chairman, I appreciate the position on both sides, and I thank the gentleman from Indiana (Mr. BUYER) for offering this amendment.

As a veteran and former prisoner of war, I support ensuring veterans have access to the best health care our Nation has to offer. The amendment before us would extend Medicare subvention through 2003 and allow Medicare to pay for military retirees to get the health care they need at veterans hospitals.

To suggest that we are abrogating our responsibilities to America's veterans is just plain wrong. Before we make any program permanent, we ought to make sure that all the health care needs of our veterans are being met.

We have got to do the right things by our veterans. TRICARE is not working. We are committed to this Nation's veterans and our promise of lifetime health care. Let us make sure it is right when we do it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the greatest respect for the gentleman from Texas (Mr. SAM JOHNSON), but if the gentleman from Texas had read the Buyer amendment, he would notice that it limits the number of sites where Medicare subvention will be allowed; it says it may be carried out, it does not say it shall be carried out, and it expires in 2003.

Quite frankly, our Nation's military retirees are tired of being told maybe, sort of, kind of, if we get around to it. The Taylor amendment says we are going to do it, we are going to fulfill the promise. The Buyer amendment says we might. It is that simple.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS), the champion in the United States Congress as far as health care for military veterans and military retirees.

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I appreciate the opportunity to be here to talk about something that means a lot to me and I think millions of Americans across this country, and that is being fair to our military retirees.

I have actually talked to men and women who were recruiters, who are retirees, and they hang their head in shame because they promised these other young men and women when they joined the service they would have health care for the rest of their lives if they stayed 20 years.

Mr. Chairman, just imagine yourself in a foxhole, or out fighting a war or a

conflict or something like that, and trying to help this country survive to keep us free where we can participate today, thinking when you get out, you are going to have free health care for the rest of your life, or health care access. TRICARE does not work, CHAMPUS did not work, we are trying to get subvention and what Congressman TAYLOR is trying to do now.

This is something that is important. It meets the 4 R's, as far as I am concerned. It meets the recruitment, retention, military readiness, and it is the right thing to do.

Let us think about our military retirees. I ask Members to support the Taylor amendment.

Mr. BUYER. Mr. Chairman, I have no more speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would say to the gentleman from Indiana (Mr. BUYER), I have the luxury of a team that is going to win on this.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), another key member of that team, and a member of the House Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise to oppose this amendment. I have great respect and admiration for the gentleman from Indiana (Mr. BUYER) and his efforts on this committee, and I applaud those efforts.

As has been said by many of the people that have risen today, we worked very hard as a committee to come to solutions. I believe, however well intended the gentleman's solution is, that it only goes part of the way, and that the wisdom behind the amendment of the gentleman from Mississippi (Mr. TAYLOR) and the time that it allows from its inception to its fulfillment, will provide us the remedies, whether the gun has been jammed, whether the program has been crippled, to correct those problems within the system, so that we can provide for our veterans what they richly deserve, the fulfillment of the commitment and the pledge that we made to them.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 3 minutes.

Mr. BUYER. Mr. Chairman, I welcome the gentleman from Mississippi (Mr. TAYLOR). When you look at the amendment itself, when the gentleman said "what Buyer offers is a 'might,' it might happen," no. In the amendment we say in here "the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center."

So what is that? That is the National Capital region, which is Walter Reed, it is Bethesda, it is Malcolm Grow, it is Fort Belvoir. Then we also go down to the Tidewater area, that is, Portsmouth. It is Naval Hospital, it is Langley Air Force Base, it is Fort Eustis. Then we drop down to North Carolina,

it is Fort Bragg. In Georgia, it is Eisenhower Medical Center. In Ohio it is Wright-Patterson Air Force Base. In Texas it is William Beaumont. In California it is Travis Air Force Base. In Hawaii it is Tripler.

Now let me address this, "Oh, this only does it part of the way, and, gee, is this really going to take care of everyone?"

Mr. Chairman, I tried to do this pie and tried to explain it to everybody. Now I am going to grab the back of the chair and I am going to do another what I say is truth in advocacy. Let me just define this for everyone. Let me show you this really quick.

When you draw the whole of the pie, cut it in half, because this half over here represents how many military Members actually live in close proximity to a medical treatment facility. Now, of that half, of the 1.4 million, Medicare subvention, if we go permanent, it only addresses 20 percent of the half, which is only 10 percent of the 1.4 million. That is only 140,000 of the military retirees that we actually take care of. Why? Because of the capacity question.

So, even in my amendment, when we expand it to the major medical centers, it makes eligible 146,000 military retirees, but we only have room at the facilities that I listed for 30,000.

Then I had the list of all the other medical treatment facilities that the gentleman from Mississippi (Mr. TAYLOR) would add. What would it add? It would then make 195,800 eligible to enroll, but, at most, there is only room for 39,000. See, we have to be very, very careful between our rhetoric and demagoguery and what this really does.

Now, I have great respect, and I will say it again, with the gentleman from Mississippi (Mr. TAYLOR), because we are going to continue to work, whatever the outcome here, as we move to conference. But I think what is extremely important for us to do as a body is all these demonstration projects, we get our arms around them all; we get our arms around them, we actually have good analysis of the data so we can deliver the plan. In the meantime, we get the pharmacy benefit and we try to make sense out of this very complex military health system that we have. That is our pursuit.

Mr. Chairman, I ask all Members to vote for the Buyer amendment.

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

Mr. TAYLOR of Mississippi. Mr. Chairman, the Taylor amendment tells the Department of Defense to do it and we tell HCFA to pay for it. Our Nation's military retirees kept their word; we want our Nation to keep its word.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT), a recently-retired Colonel from the Army National Guard.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for standing up for so

many military retirees that need help, deserve help. Let us, once and for all, keep those promises.

The Taylor amendment corrects the inequity for military retirees dropped from TRICARE at age 65, to now enable them to continue to access the TRICARE benefits at the military treatment facilities. That is what it does, and that is what we are trying to accomplish here. That is not asking too much.

I served 2 years in the regular army, and then I joined the National Guard, and I am around military people, like many of you, on a daily basis. Being a Member of Congress, I have fought, ever since I have been here for the military retirees, to stay on track and do what we said we would do and keep our promises.

The gentleman from the great State of Mississippi (Mr. TAYLOR) has stepped forward, a great champion for the military retirees, and for the defense budget and all that, and he knows the issues, and he is offering some legislation that will, once and for all, correct a lot of these problems. What it offers, more than anything, is peace of mind, and peace of mind means a lot to our military people, when they do not know about what options are available to them anymore and they see so much deterioration in veterans affairs programs.

I used to be on the Committee on Veterans Affairs, just like the gentleman from Indiana (Mr. BUYER) and others have served on it, and I know the issues.

Let us stand and support the Taylor amendment, because it is the right thing to do.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Taylor amendment and against the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), the sponsor of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I would again like to remind everyone that the Taylor amendment has been endorsed by the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

A week from Monday we will all be honoring our veterans at Memorial Day. We are going to honor them for what they have done, the many who died, the so many who were away from

their families, who lost their sight, their limbs, their loved ones. What better way to honor our veterans than to finally say to them we are going to keep our word, we are going to fulfill the promise that was made to you the day you enlisted?

Mr. Chairman, I attended Walter Jones Sr.'s funeral, and I remember the preacher saying a quote by a man named Everett Hale, he was using it to describe Walter, Sr. He said "I am but one, but I am one; I can't do everything, but I can do something; and those things that I can do, I should do, and, with the help of God, I will do."

We are 435 Members of Congress, given the awesome opportunity to do what is right for our Nation's veterans. I am asking Members to step forward. We are not going to solve every problem in the world, there will still be other things. But we have the opportunity to do what is right for our Nation's military retirees, to say to them we are going to fulfill the promise at every base hospital in America, for every one of you, and it is forever. We are not going to cut you off in 4 years. We are going to keep our word.

Let us do what we can to make the world a better place. Let us fulfill our promise to our military retirees.

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

Mr. Chairman, we are charged to do our best for the people that we represent, for the people of our country. In this particular case, by voting for the Taylor amendment, unamended, we will be doing our best.

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

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

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

Mr. THOMAS. Mr. Chairman, I think what we owe the American people, the veterans, the military retirees, is the truth, and I have not heard much of that here tonight. The idea that military retirees, if the Taylor amendment passes, can now go to military hospitals, and if you are Medicare-eligible, receive care, is simply not true.

□ 1900

It was not true yesterday. It is not true today. It is not going to be true tomorrow.

I heard a lot of people saying we promised the military and that we ought to deliver on the promise. What is being proposed does not deliver on the promise.

If we heard the gentleman from Oklahoma, if we really truly want to provide healthcare to all Americans and most especially veterans and military retirees, we ought to make sure they

have the ability to get it where they are able to get it, as close to them as possible; not at isolated locations called military hospitals.

The whole approach of trying to say one does not have to change, notwithstanding the fact that they are a widow and they have moved away from the area that their husband served his military service in, that they have to locate a particular physical place for them to get the benefit that we promised, is 19th Century thinking. It is worse than 19th Century thinking. It is telling people we are going to deliver a hope and a promise and, in fact, shatter a belief once again.

Now I do believe there has been some enlightenment in the understanding that there needs to be a change in the way in which we honestly meet a commitment to our veterans and to our military retirees. It frankly is not the Buyer amendment. It most certainly is not the Taylor amendment, because it makes permanent a flawed system which guarantees it fails.

Now, I didn't have to speak on this. I could have sat on the sidelines but what I do not want to be done is what has been done repeatedly, and that is make a promise that cannot be delivered, because the Taylor amendment does not do it. At least we are moving forward with the Buyer amendment, and I would ask my colleagues to be responsible in moving forward.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding the balance of his time.

Mr. Chairman, I do not believe that any of the Members who have spoken here today or those of whom served dutifully on the Committee on Armed Services can claim the cornerstone of fulfilling the promise, because I believe in fact we are all working in that direction.

I also will concur with the gentleman from Missouri (Mr. SKELTON) in that we are all charged to do our best, honor the commitment. Those are all the words that all of us will use, but let us be very careful.

I am always extra cautious not to create unrealistic expectancies among populations, and here in particular the military retiree. Let us say that today we even voted to make Medicare subvention permanent. Okay. Let us do a hypothetical. We vote to make it permanent right now. None of us can go back to our districts, pound the chest and say we have now fulfilled the promise and all the military retirees are taken care of.

The reason I drew out the pie and tried to show the map is the total eligibility of military retirees next to the medical treatment facilities is about 350,000. Of that 350,000, because of the limited capacity, we can only do about 69,000, which means out of 1.4 million military retirees we are only talking

about 69,000. So let us be very honest with ourselves about what we are doing here today.

It is a pilot program that is flawed at the moment. It is running a deficit to the Department of Defense of \$100 million. One says, well, money does not matter. Oh, really? Go back home and say that again.

Money does matter. We have to make sure that we make the right decision, and what we have done is laid forth the methodology to deliver the care.

In 2002, when we get that report from the independent advisory council, Congress will work with OMB, work with the Department of Defense; in 2002, put together the program, make sure the \$9 billion to \$10 billion will be in the budget; it comes over here; in October of 2003, this question is done. It is done, but what we have done is made sure that what we do is the right thing.

We do not have the capacity today to say, well, I already know the answer; we are going to do it; we are just going to make Medicare subvention permanent. Permanent when it only addresses a small minority of individuals who are located next to a medical treatment facility?

Let us do the right thing. Let us take the time and do the analysis.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) as a substitute for the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6(f) of rule XVIII, the minimum time for electronic voting on the underlying Taylor amendment, if ordered, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 95, noes 323, not voting 16, as follows:

[Roll No. 206]

AYES—95

Archer	Dunn	Kasich
Armey	Ehlers	Kelly
Ballenger	Ehrlich	Kingston
Barrett (NE)	Everett	Knollenberg
Bateman	Ewing	Largent
Blunt	Fowler	LaTourette
Boehner	Gekas	Lewis (CA)
Bonilla	Gilchrest	Martinez
Brady (TX)	Gillmor	McCollum
Bryant	Goodling	McKeon
Burton	Goss	Metcalf
Buyer	Graham	Mica
Cannon	Granger	Miller, Gary
Castle	Greenwood	Ose
Chabot	Hansen	Oxley
Chenoweth-Hage	Herger	Packard
Combest	Hobson	Pease
Cook	Hoekstra	Pitts
Cox	Hostettler	Portman
Crane	Houghton	Pryce (OH)
Cunningham	Hunter	Radanovich
DeLay	Hutchinson	Regula
DeMint	Istook	Reynolds
Doolittle	Johnson (CT)	Ryun (KS)
Dreier	Johnson, Sam	Sanford

Sensenbrenner Stark
Shays Stearns
Sherwood Stump
Shuster Sununu
Simpson Tauzin
Souder Taylor (NC)
Spence Thomas

Thornberry
Tiahrt
Toomey
Vitter
Walden
Weldon (PA)

Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Sweeney
Talent
Tancredo
Tanner

Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)

Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt
Gibbons
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hoefel
Hobson
Hoelstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer

Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klecza
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo

Ney
Northup
Norwood
Nussle
Oberstar
Obey
Oliver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryan (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)

NOES—323

Abercrombie Evans
Aderholt Farr
Allen Fattah
Andrews Filner
Baca Fletcher
Bachus Foley
Baird Forbes
Baker Fossella
Baldacci Frank (MA)
Baldwin Frelinghuysen
Barcia Frost
Barr Gallegly
Barrett (WI) Ganske
Bartlett Gejdenson
Barton Gephardt
Bass Gibbons
Becerra Gilman
Bentsen Gonzalez
Bereuter Goode
Berkley Goodlatte
Berman Gordon
Berry Green (TX)
Biggert Green (WI)
Bilbray Gutierrez
Billirakis Gutknecht
Bishop Hall (OH)
Blagojevich Hall (TX)
Bliley Hastings (FL)
Blumenauer Hastings (WA)
Boehrlert Hayes
Bonior Hayworth
Bono Hefley
Borski Hill (IN)
Boswell Hill (MT)
Boucher Hilleary
Boyd Hilliard
Brady (PA) Hinchey
Brown (FL) Hinojosa
Brown (OH) Hoefel
Burr Holden
Callahan Holt
Calvert Hooley
Camp Horn
Canady Hoyer
Capps Hulshof
Capuano Hyde
Cardin Inslee
Carson Isakson
Chambliss Jackson (IL)
Clay Jackson-Lee
Clayton (TX)
Clement Jefferson
Clyburn Jenkins
Coble John
Coburn Johnson, E. B.
Collins Jones (NC)
Condit Jones (OH)
Conyers Kanjorski
Cooksey Kaptur
Costello Kennedy
Coyne Kildee
Cramer Kilpatrick
Crowley Kind (WI)
Cubin King (NY)
Cummings Klecza
Danner Klink
Davis (FL) Kolbe
Davis (IL) Kucinich
Davis (VA) Kuykendall
Deal LaFalce
DeFazio LaHood
DeGette Lampson
Delahunt Lantos
DeLauro Larson
Deutsch Latham
Diaz-Balart Lazio
Dickey Leach
Dicks Lee
Dingell Levin
Dixon Lewis (KY)
Doggett Linder
Dooley LoBiondo
Doyle Lofgren
Duncan Lowey
Edwards Lucas (KY)
Emerson Lucas (OK)
Engel Luther
English Maloney (CT)
Eshoo Maloney (NY)
Etheridge Manzullo

Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-
McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Schott
Sessions
Shaw
Sherman

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski

Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg

Stupak
Towns
Udall (NM)
Vento

NOT VOTING—16

□ 1927

Ms. ROS-LEHTINEN, Mrs. NORTHUP, Mrs. BIGGERT, and Messrs. SWEENEY, YOUNG of Alaska, TANCREDO, CONYERS, LAHOOD, NUSSLE, BASS, ROGERS, HYDE, MILLER of Florida, ROGAN, WELLER, CALVERT, RUSH, DIAZ-BALART, DICKEY, TERRY, WELDON of Florida, PETERSON of Pennsylvania, and HORN changed their vote from “aye” to “no.”

Messrs. HOBSON, STARK, and CHABOT changed their vote from “no” to “aye.”

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

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

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 18, as follows:

[Roll No. 207]

AYES—406

Abercrombie
Aderholt
Allen
Andrews
Army
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry

Biggert
Bilbray
Billirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehrlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert

Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combust
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne

Thompson (MS)	Viscosky	Weller
Thornberry	Vitter	Wexler
Thune	Walden	Weygand
Thurman	Walsh	Whitfield
Tiahrt	Wamp	Wicker
Tierney	Watkins	Wilson
Toomey	Watt (NC)	Wise
Traficant	Watts (OK)	Wolf
Turner	Waxman	Wu
Udall (CO)	Weiner	Wynn
Upton	Weldon (FL)	Young (AK)
Velazquez	Weldon (PA)	Young (FL)

NOES—10

Archer	Sanford	Stump
Buyer	Sensenbrenner	Thomas
Houghton	Shays	
Packard	Stark	

NOT VOTING—18

Ackerman	Meehan	Stupak
Campbell	Murtha	Towns
Ford	Quinn	Udall (NM)
Franks (NJ)	Rangel	Vento
Lewis (GA)	Salmon	Waters
Lipinski	Shadegg	Woolsey

□ 1934

Mr. NADLER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I include the following exchange of letters for inclusion in the RECORD.

COMMITTEE ON EDUCATION
AND THE WORKFORCE,
Washington, DC, May 11, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN SPENCE: Thank you for working with me in your development of H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, specifically:

1. Section 341, Assistance to Local Educational Agencies that Benefit dependents of Members of the Armed Forces and Department of Defense Civilian Employees.

2. Section 342, Eligibility for Attendance at Department of Defense Domestic Dependent Elementary and Secondary Schools.

3. Section 504, "Extension to end of calendar year of expiration date for certain force drawdown transition authorities."

4. Section 1106, "Pilot Program For Re-engineering the Equal Employment Opportunity Complaint Process."

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4205, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4205 and look forward to working with you on these issues in the future.

Sincerely,

BILL GOODLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 12, 2000.

Hon. FLOYD D. SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 4205, legislation that was ordered reported by the Committee on Armed Services on May 10, 2000.

As reported, H.R. 4205 contains language within the Rule X jurisdiction of the Committee on the Judiciary, specifically sections 543, 906, and 1101.

The Judiciary Committee staff was consulted on these provisions of the bill to the satisfaction of this Committee. For this reason, the Committee does not object to the terms of this provision, and will not request a sequential referral. However, this does not in any way waive this Committee's jurisdiction over those portions of the bill which fall within this Committee's jurisdiction, nor does it waive the Committee's jurisdiction over any matters within its jurisdiction which might be included in H.R. 4205 during conference discussions with the Senate.

Sincerely,

HENRY J. HYDE, Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, May 12, 2000.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over the following sections of FY 2001 Defense Authorization Bill, H.R. 4205.

Section 518: Extension of Involuntary Civil Service Retirement Data for Certain Reserve Technicians.

Section 651: Participation in the Thrift Savings Program.

Section 723: Extended Coverage under Federal Employee Health Benefits Program.

Section 801: Extension of Authority for the Defense of Defense Acquisition Pilot Program: Reports Required.

Section 906: Organization and Management of Civil Air Patrol.

Section 1101: Employment and Compensation Provisions for Employees of Temporary Organizations Established by Law or Executive Order.

Section 1102: Restructuring the Restriction on Degree Training.

Section 1104: Extension of Authority for Civilian Employees of the Department of Defense to Participate Voluntarily in Reductions in Force.

Section 1106: Pilot Program for Re-engineering the Equal Employment Opportunity Complaint Process.

Section 2939: Land Conveyance, Charles Melvin Price Support Center, Illinois.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee to ensure that these provisions address the legislative goals of both Committees as well as the American taxpayer.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
Chairman.

Mr. LEVIN. Mr. Chairman, I support most of the provisions of the Defense Authorization Act; at the same time, I have grave concerns about the Kasich amendment that the House adopted yesterday. In my judgement, the Kasich amendment does serious harm to U.S. policy in Kosovo.

If possible, this amendment is even more misguided than a similar proposal the House rejected earlier this year when we debated the Supplemental Appropriation. The Kasich amendment conditions U.S. participation in Kosovo on whether or not our European allies meet a specified percentage of their aid pledges. All of these so-called burdensharing amendments contain the same fundamental flaw: They seek to abdicate control of U.S. policy in Kosovo to Europe. If the Kasich amendment becomes the law of the land, the decision on whether U.S. forces remain in Kosovo will not be made on the basis of whether doing so is in the best interest of our national security. Instead, the decision will be put on automatic pilot on the basis of what Europe does.

I know some Members of the House honestly disagree with U.S. policy in Kosovo. They feel we should not be there. I disagree with them, but if that's the way they feel, let's debate U.S. participation in Kosovo directly and have an up-or-down vote. Don't try to dress this up as a burdensharing amendment. The fact of the matter is that Europe is already providing 80 percent of the 46,000 NATO troops in Kosovo, Macedonia and Albania. There is no legitimate burdensharing argument that would dictate the withdrawal of U.S. forces from Kosovo.

I agree with NATO Secretary-General Robinson who recently wrote that an American withdrawal from Kosovo "risks sending a dangerous signal to the Yugoslav dictator—Slobodan Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes." Having prevailed in Operation Allied Force, we should not now hand Milosevic the victory he could not win on the battlefield.

The Kasich amendment would undermine peace in Kosovo and jeopardize the relationship between the United States and our NATO allies. While I will vote for the Defense Authorization today, I do with the expectation that the Kasich language will be modified in conference with the Senate.

Mr. UDALL of Colorado. Mr. Chairman, I have some serious concerns about aspects of this bill. But I will vote for it because it includes many provisions that are important for our country and for Colorado.

For one thing, today the House adopted the amendment that added a strong statement of the need for the Congress to promptly pass legislation to provide compensation and fairer treatment for workers at DOE nuclear-weapons sites who were exposed to beryllium, radiation, and other hazards. I joined with colleagues from both sides of the aisle in proposing that amendment, which is very important for the nation and especially for the many Coloradans who have worked at Rocky Flats.

Earlier, the House also approved my amendment to assist federal employees at Rocky Flats to make successful transitions to retirement or new careers as we move toward expedited cleanup and closure of the site.

In addition, the House approved the amendment by Representative KASICH and others to

condition further U.S. military involvement in Kosovo on more equitable burden-sharing by our NATO allies. I voted for that amendment because I believe our allies should keep their commitment to help us bear the load of peacekeeping in Kosovo. The United States is a great power, and as such must continue to play a leading role in global affairs. That doesn't mean, however, that we should have to carry the weight of the world on our own.

I am also glad that the House adopted the amendment by Mr. DREIER and others to reduce the current six-month waiting period for new computer export controls to a more realistic time period. I believe this is an important step toward developing an effective export control policy that protects our national security at the same time that it ensures continued U.S. technological leadership and competitiveness.

The bill would also make TRICARE's "senior prime" a permanent, nationwide program—a change of great importance to veterans.

However, as I said earlier, I do have serious concerns about some provisions in the bill.

First, the bill's authorized levels exceed last year's appropriated levels by \$21 billion, and are \$4.5 billion more than the Pentagon requested. I remain concerned that too much defense spending means not enough investment in education, health care, and the needs of our children.

Second, the bill authorizes \$2.2 billion for the initial phases of a national missile defense system. I am concerned that the authorization of these funds could encourage a premature decision on the deployment of a national missile defense system. I don't believe that it is an accurate statement to say—as the bill does—that the National Missile Defense Act of 1999 entails a commitment by the President to deploy such a system. In fact, this was conditional on feasibility and on whether we are able to deploy in the context of other arms agreements. I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defensive system. Earlier this year I wrote to the President urging that he not make a deployment decision based on politics instead of on diplomacy and technical feasibility, and without weighing considerations of cost. The same holds true for Congress.

The House rejected a proposal to simply close the School of the Americas. Instead, the bill will replace it with a new military training institute that is not substantively different than the current one. I am deeply concerned that this cosmetic change is being viewed as the best we can do to clean up the School of the Americas.

I was also disappointed that the amendment Ms. SANCHEZ proposed did not pass. The amendment would have ensured equal access to comprehensive reproductive health care for all U.S. servicewomen and military dependents.

These are not trivial defects. They are real shortcomings.

Nonetheless, on balance, I think the merits of this bill as it stands outweigh its shortcomings and I will vote for its passage. It is my hope that the bill can be further improved as it moves through the legislative process.

Mr. STARK. Mr. Chairman, I oppose H.R. 4205, the Defense Authorization for Fiscal Year 2001 bill for a number of reasons. This

bill spends too much for a national missile defense system that the President hasn't even determined to deploy and it seeks to keep defense contractor coffers plentiful.

H.R. 4205 authorizes \$2.2 billion for national missile defense (NMD) systems when President Clinton hasn't made a decision on whether or not to deploy such a system. The President had indicated that he will make his decision later this year. But the longer he waits, the more evidence indicates that deployment is unwise.

Last month, the Congressional Budget Office (CBO) delivered a devastating blow to NMD proponents when they calculated the costs of building and operating the Administration's defenses system at almost \$60 billion. For months now, the Pentagon has insisted that the cost of the Administration's system over the next six years was a modest \$12.7 billion.

The Pentagon was shocked once again when a recent poll was released that national missile defense is an extremely low priority for Americans. Improving education, protecting Social Security and Medicare, and improving health care coverage are all significantly higher priorities than defense-related matters. I would much rather spend \$12 billion to cover 11 million uninsured children—the cost of my MediKids bill.

While GOP feels at liberty to throw more money at the defense industry for deployment of a national missile defense, they considered my amendment unworthy of floor consideration.

I offered an amendment to H.R. 4205 that prevents the use of taxpayer funds at international air and trade shows. Unfortunately, my amendment, along with other amendments that would have saved millions of taxpayer dollars, were not made in order. This is especially egregious because the Defense Appropriations managers on the floor of the House accepted the same amendments last fall.

Currently, the Pentagon pays for incremental costs to advertise sophisticated weaponry and aircraft at international air shows and trade exhibitions. Last year, industry leaders such as Boeing, Lockheed Martin and Raytheon pawned off their wares to developing countries in Rio de Janeiro, Brazil. Lockheed pushed their high-ticket items such as the F-16, while Boeing advertised their FA/18 Super Hornet Fighter. These companies peddle their wares to countries that cannot even afford to feed their own citizens. And the U.S. government helps them to do so by subsidizing the expense at the shows.

The aircraft used during these shows and weapons exhibitions is paid for with American taxpayer dollars. The taxpayer subsidizes the cost of insurance, ramp fees, transportation to and from the show, and payment for government personnel needed to attend and monitor the show.

A conservative estimate of the total cost of taxpayer subsidies is \$34.2 million per year. This is a blatant form of corporate welfare and wasteful spending by the government.

My amendment prevents any further direct participation of Defense personnel and equipment at air shows unless the defense industry pays for the advertising and use of the DoD wares. The amendment prohibits sending planes, equipment, weapons, or any other related material to any overseas air show unless the contractor pays for all related expenses. If

a contractor is making a profit by showing the aircraft, they will also be required to pay for the advertisement and use of the aircraft. In addition, my amendment prevents military and government personnel from lending their expertise at the show unless the contractor pays for their services during the show.

This amendment in no way prohibits the use of U.S. aircraft or other equipment in trade exhibitions. The bill simply takes the financial burden off of the American taxpayer and puts it on the defense contractor.

This is a wasteful practice that must end. It is a shame that my GOP colleagues did not agree that this was a waste of taxpayer dollars and make my amendment in order.

I urge my colleagues to stop throwing money at the defense industry and oppose H.R. 4205.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of section 535 of H.R. 4205.

At the National Memorial Cemetery of the Pacific there are 647 nameless remains of soldiers and sailors who died on December 7, 1941 as a result of the attack on Pearl Harbor. They are buried in graves marked simply "unknown."

H.R. 3806, which I introduced on March 1, 2000, would require that the Department of Veterans Affairs add information to the grave-stones identifying the ship and the date of the death of those gallant servicemen.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, for being a cosponsor of the legislation. I appreciate his efforts, and the efforts of the ranking minority member of the Committee, Mr. SKELTON, to include language in H.R. 4205 to recognize these gallant men who gave their lives for their country.

Section 535 of the bill provides that the 74 graves containing the remains of 124 unknowns from the U.S.S. *Arizona* be marked with the name of the ship on which they served. The section is based on the validation of the research of Mrs. Lorraine Marks-Haislip of the U.S.S. *Arizona* Reunion Association and Mr. Ray Emory of the Pearl Harbor Survivors Association by the Director of Naval History. The two historians worked hard using the records of the Army and the Navy to identify the ship from which each set of unknown remains was recovered. The Director of Naval History reviewed the research and confirmed its accuracy.

I look forward to the validation of the remainder of the research of Mrs. Marks-Haislip and Mr. Emory so that the remaining graves of the unknown dead of the attack on Pearl Harbor may be properly marked as well.

Mr. BLUMENAUER. Mr. Chairman, the priorities in this bill are misplaced. For years we made commitments to military retirees that they and their families were entitled to lifetime health care. Some may argue it is too expensive but the commitment was made and people relied upon it.

We can afford to honor our commitments. We are spending too much in this bill on too many unproven technologies, duplicative systems, and Congressional add-ons. We are not spending enough on our people or on environmental remediation of past actions.

We are making a down payment totaling \$2.2 billion on a national missile defense system that CBO estimated last month will cost \$60 billion over the next 15 years. Many describe our current approach to national missile defense as a "rush to failure" that is resulting

in excessive spending on a system that has only a spotty record of success.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. The combined cost of the Air Force's F-22, the Navy's F-18 E/F, and the Joint Strike Fighter will be well over \$350 billion. This bill adds over \$3 billion this year for weapons systems that were not requested by the Pentagon and no funds were added to the personnel account for our troops.

Before we embark on new projects, we must address our primary responsibilities of taking care of our people who serve and have served in uniform and cleaning up our environment. If in the name of politics, we can give the military money it cannot afford for projects it does not need or want, then in the name of taking care of people, we can pay the bill and do it right. In the name of national security, we must not shortchange our people or the environment.

I regret that we did not have the opportunity to consider Congressman ALLEN's amendment giving the Pentagon the flexibility to dismantle strategic nuclear missiles it no longer wants or needs. We could save billions if we were not forced to maintain our nuclear arsenal at the START I level of 6,000 strategic nuclear weapons while Russia's forces continue to decline due to aging and funding shortfalls.

I am also disappointed that the McCarthy amendment was not allowed. It eliminated language that discriminates against gun manufacturers that have entered into common-sense agreements with our government to add child safety locks to their product. The McCarthy amendment would have allowed our government to lead by example by giving our business to gun manufacturers who want to bear some part of the responsibility for the end use of their products. The fact that the leadership does not want members to vote on this issue is a sure signal that we would have prevailed. I hope the offending language will be removed in conference before the president signs this bill.

We have to ask ourselves, what is truly important? Should we spend more money on a military that is unrivaled anywhere in the world, while ignoring commitments to our military retirees and family's health care? I think not.

Mr. STUMP. Mr. Chairman, rear (now Vice) Admiral Michael Mullen, Director of Surface Warfare, testified in March before the SASC Sea Power Subcommittee that, in effect, the present absence of naval surface fire support places the lives of Marines "at high risk." Commandant General James Jones testified that "we [Marines] have been at considerable risk in naval surface fire support since the retirement of the lowa-class battleships." The Navy retired these ships in 1992 even though during the Gulf War they were the only warships we had which could, and did, provide our soldiers and Marines with effective fire support. This left us with zero-capability in this critical area. As the Senate Armed Services Committee declared on July 8, 1995, our decommissioned battleships represent the Navy's "only remaining potential source of around-the-clock, accurate high volume, heavy fire support . . ." This will remain true for many years to come. As we learned again from Kosovo, bad weather can effectively eliminate air support for our troops in coastal

region conflicts. Without surface fire support, they could needlessly suffer heavy casualties. We simply cannot continue taking this risk. It is, therefore, imperative that two battleships be returned to active service as soon as possible to bridge this dangerous fire support gap.

Two battleships, Iowa and Wisconsin, could be reactivated and modernized for about the cost of one new destroyer. The Navy stated that they can be reactivated in 14 months. Measured against their capabilities, they are the most cost effective and least manpower intensive warships we have. The Navy solution, however, is the near term five inch ERGM program and the long term DD-21 and 155mm advanced gun programs. The Navy's unrealistic requirements for this small gun have made the intrinsically flawed ERGM an engineers' nightmare. Moreover, as Lt. General Michael Williams recently testified, ERGM will not have the lethality the Marines need. The complex, still largely notional DD-21 and AGS programs face many challenges and it could well be 12 or more years before they could be fielded. In the meantime, two reactivated battleships could buy time essential for the deliberate and ultimately successful development of the DD-21 concept. General James Jones testified that the absence of naval surface fire support would "continue until the DD-21 . . . joins the fleet in strength." Probably 2020. He earlier had testified that "DD-21 will not be able to match the lowa-class battleships in firepower and shock effect." He did, however, express positive hopes for the DD-21, but later stated that "the Corps still requires more options." Could any option surpass the already available battleships? It should also be noted that only the battleship is survivable enough for a close-to-shore peacekeeping forward presence, the Navy's main peacetime mission. It alone can provide us a truly menacing visual show-of-force in coastal crisis areas.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 National Defense Authorization Act. This legislation applies virtually all of the additional \$4.5 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's authorization bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the federal government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, "Those who love peace prepare for war" is as true today as its ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the nation's wars when told to do so by the elected representatives of American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill that allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included

increasing funding for National Missile Defense development by \$85 million, increasing procurement accounts by \$2 billion, and increasing research and development accounts by \$1.4 billion.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill removes barriers to an effective TRICARE system and generates significant savings that will be redirected to pay for future benefits. It restores pharmacy access to all Medicare-eligible military retirees, and establishes a road map toward implementation of a permanent health care program for military retirees over age 65.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow members of Congress to support the Floyd D. Spence National Defense Authorization Act Fiscal Year 2001.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4205, the Defense Authorization for FY 2001.

I would like to thank the Chairman and the Ranking Member of the Armed Services Committee for including language I requested to be included to convey the Charles Melvin Price Support Center to the Tri-City Port District located in my congressional district in Southwestern Illinois. The passage of this language will reduce the financial burden on the Army by entering into an interim lease with the Port District. It is in the best interest of the military and the local community. By downsizing the military to convey this property we are setting a good example of peacetime benefits which will also aid in lessening future costs to the Army. I am pleased an agreement was reached to keep the military housing in the area protected. I am confident the Port District will be a good landlord as long as the military has a presence. I am hopeful an interim lease can be entered into expeditiously. While there are several small areas that will need to be worked out in conference, I strongly encourage the passage of this legislation.

However, Mr. Chairman, I was disappointed to learn this morning that Congressman SANFORD will be offering an amendment jeopardizing such conveyances. This is an amendment opposed by the committee. Not only will passage of such an amendment continue to cost the military more money on land they wish to excess, it goes against Congress' best efforts to convey such land to local governmental agencies. Many times these land conveyances offer better resources from local governments than the military may be interested in providing. In many cases the Armed Services Committee has conveyed excess property to local law enforcement agencies—property that is desperately needed in many areas.

Mr. Chairman, I strongly urge my colleagues to oppose the Sanford amendment and support final passage of the Defense Authorization bill.

Mr. LAMPSON. Mr. Speaker, I rise today in support of my amendment to H.R. 4205, the

Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, to provide assistance to a small but important museum in my district of Galveston, Texas.

The Offshore Rig Museum was opened to the public in April 1997. It is unique among museums in the United States and probably around the world because the Museum was literally created out of a jack-up drill rig, the Ocean Star. The Ocean Star was acquired by the Offshore Rig Museum, a nonprofit corporation established under the laws of Texas, and doing business as the Offshore Energy Center, in 1995. The Ocean Star was a Mobile Offshore Drilling Unit (MODU), built in 1969 at the Bethlehem Steelyard in Beaumont, Texas. The Ocean Star was designed to work primarily in the Gulf of Mexico. During its working life, the Ocean Star drilled about 200 wells. After its working life was over, the Ocean Star was acquired by the Offshore Energy Center and moved to Pier 19 in Galveston and jacked into place for its new assignment as a museum.

Since its opening in April 1997, the Ocean Star has proudly seen close to 100,000 visitors tour this glorious old rig and learn how energy resources are recovered from the world's oceans. The mission of the Museum is to chronicle the unique heritage and technological accomplishments of an industry that discovers, produces, and delivers energy resources to mankind in safe and environmentally responsible ways.

The Museum has educational programs for children as well as for adults. School children regularly tour the Museum to learn about their world's resources and special programs are offered for scouts and other groups. In addition, the Museum offers safety training for offshore workers. I commend the Executive Director of the Museum, Ms. Carol Fleming, for all her hard work in bringing the Museum to life and building its educational and outreach programs.

As a result of acquiring the Ocean Star, the founders of the Museum were forced to assume some financial obligations on an earlier drill rig they had originally acquired from a private party. The earlier drill rig, the Marine 7, was encumbered with a promissory note to the Maritime Administration (MARAD). As a non-profit organization and public Museum, the Offshore Rig Museum has not been able to raise sufficient revenues to make the payments on this note. I have consulted with the Maritime Administration, and they are agreeable to my amendment that will convey full title to the Ocean Star to the Museum and release the note under certain conditions. The Museum has agreed to all these conditions, including the agreement to return the rig to MARAD should the Museum ever stop using the Ocean Star as a museum open to the public. These conditions were worked out with Marad and I appreciate their assistance on this project.

As MARAD understands, this is probably the best use of this obsolete drill rig. The cost to MARAD of foreclosing on the note and having to store and maintain the rig in its defense reserve fleet are certainly outweighed by the benefits of keeping the rig where it is and open to the public as a museum. Numerous other obsolete vessels are proudly serving as maritime museums these days, having being conveyed with special legislation similar to my amendment. The OCEAN STAR is one more

proud testament to our merchant marine and offshore energy fleet.

The Offshore Rig Museum is an important part of the Galveston skyline and community. It brings many visitors every year to Galveston and is recognized for its important contributions to education and awareness of our Gulf of Mexico resources. With this amendment, the Museum will continue to do this job proudly and enable future generations of school children to see how we recover energy from the ocean and bring it to our shores.

I thank my colleagues for their support, and especially thank Mr. BATEMAN and Mr. TAYLOR for their assistance.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of section 536 of H.R. 4205.

This section expresses the sense of Congress that the commander of the U.S.S. *Indianapolis*, Admiral (then Captain) Charles Butler McVay III was not culpable for the sinking of the heavy cruiser by a submarine on July 30, 1945. The ship sunk in 12 minutes. Of the 1,196 crew members, only 316 survived the attack and a five day ordeal being adrift at sea before being rescued.

Captain McVay was court-martialed in 1946 for the loss of his ship despite the opposition of Fleet Admiral Chester Nimitz and Admiral Raymond Spruance. The hurried court of inquiry and subsequent court martial did not provide adequate opportunity for a defense. Furthermore, information which would have exonerated Captain McVay was withheld from him.

Admiral Nimitz recognized the injustice done to Captain McVay and when he became Chief of Naval Operations, he remitted Captain McVay's sentence and restored him to active duty. Captain McVay went on to complete 30 years of active naval service and was promoted to the rank of Rear Admiral effective upon the date of his retirement.

The survivors of the U.S.S. *Indianapolis* still living today have remained steadfast in their support of the exoneration of Captain McVay.

A special word of thanks is due to Hunter Scott for pursuing the vindication of Captain McVay. Three years ago then-12 year old Hunter began his campaign to clear Captain McVay's name. He had thoroughly researched the case and concluded that the Captain was unjustly convicted. Hunter Scott should be proud of his successful effort on behalf of Captain McVay.

I support this long overdue recognition of the Congress that the court martial charges against Captain McVay were not morally sustainable and that his conviction was a miscarriage of justice.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. PEASE, having assumed the Chair, Mr. LAHOOD, Chairman pro tempore 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. 4205) to authorize appropriations for fiscal year 2001 for

military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, pursuant to House Resolution 504, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUCINICH. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KUCINICH moves to recommit the bill H.R. 4205 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section:

SEC. . NMD SYSTEM REDUCTION.

The amount provided in section 201(4) is hereby reduced by \$2,200,000,000, to be derived from funds for the National Missile Defense Program.

Mr. SPENCE. Mr. Speaker, I reserve a point of order against the motion, because we do not even have a copy of it yet. I ask that we get a copy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, today's New York Times reports that Dr. Theodore Postol, a prominent scientist at the Massachusetts Institute of Technology, says that the National Missile Defense Plan that we are considering authorizing at this moment is a hoax. He says that the Missile Defense System cannot distinguish incoming weapons from decoys.

He says in this article, in today's New York Times, that the contractors and the Department of Defense have deceptively planted the data of the tests. I want to repeat that, this article in today's New York Times says from a prominent scientist at Massachusetts Institute of Technology that contractors and the Department of Defense have deceptively manipulated the data of tests for this National Missile Defense System, which this bill will authorize \$2.2 billion.

This time we know about the scandal before we vote on the money. Dr. Postol is calling on the administration to appoint an independent high-level scientific panel to investigate alleged efforts to cover up these flaws.

Why would Congress authorize \$2.2 billion for more fraudulent tests on the same day that The New York Times carries this story?

I urge my colleagues to vote yes on the motion to recommit in order to give us a chance to take account of the fraud in past tests of the National Missile Defense System and to save the taxpayers billions of dollars in tests. When you have the credibility of the Pentagon and of defense contractors being called into question by a prominent scientist at the Massachusetts Institute of Technology, when this report says they are covering up flaws in data, this makes it a national security matter, because if this system cannot work, then we are telling the American people to pay \$2.2 billion in the hope that somehow a system will work when there is data that has been according to this scientist when there is data that has been phoned up.

Now, this is a matter for the taxpayers, and it is a matter for national security. And if we care about national security, if we care about the taxpayers, we will vote to recommit this bill, straighten out this thing in committee and put forth a bill which is good and solid. I know a lot of good Members have done great work on this bill. It is a shame to have the bill clouded up with deception by the Pentagon and by defense contractors.

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

The SPEAKER pro tempore. Does the gentleman from South Carolina (Mr. SPENCE) insist on his point of order?

Mr. SPENCE. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Is there a Member opposed?

Mr. WELDON of Pennsylvania. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes in opposition.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

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Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH) is a friend of mine. He and I traveled to Vienna last year to try to write an end to the Kosovo conflict. I have respect for him. I also have respect for the members that sit on the Committee on Armed Services; the gentleman from Missouri (Mr. SKELTON); my friend, the gentleman from Virginia (Mr. PICKETT); the gentleman from Virginia (Mr. SISISKY). We went through this bill after literally hundreds of hearings over the course of the last several months and came up with a solidly bipartisan bill that passed out

of committee 51 to 1. The only member who objected to the bill because of the nuclear waste provisions and the impact on his own State. In this subcommittee there were no amendments raised of this type. In fact, our effort on missile defense has continually been bipartisan.

Mr. Speaker, I know Ted Postol. I do not know whether my colleague does. I know what his feelings are on missile defense. The article in today's paper is not new. He has been arguing against missile defense since I have been in Congress. I work with Ted Postol. I try to convince him and work with him. We should not vote on a motion to recommit and end years of research and technology development because of one article in one paper that no one else, my good friend, agrees with.

There is no member of the committee that offered this amendment, and the gentleman has to respect the members of the committee that sit with us on a day-to-day basis. They are all solid members of the minority party. They are all talented people; the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. PICKETT), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Texas (Mr. REYES). These are people who work these issues.

We should not overturn all of the hard work of the committee because of an article in The New York Times based on a report by a scientist who has an axe to grind, who has his own initiative that he would like us to fund, by the way, in case the gentleman did not know that, called boost phase intercept.

I would suggest to my colleagues, and I would hope they would believe this as well, that this is an easy vote for all of us. I would hope all of us would join together, my Democrat friends, like the gentleman from Hawaii (Mr. ABERCROMBIE), and all of us who work together, and rousingly oppose this motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 63, not voting 19, as follows:

[Roll No. 208]

AYES—353

Abercrombie	Edwards	Latham
Aderholt	Ehrlich	LaTourette
Allen	Emerson	Lazio
Andrews	English	Leach
Archer	Etheridge	Levin
Armey	Evans	Lewis (CA)
Baca	Everett	Lewis (KY)
Bachus	Ewing	Linder
Baird	Farr	LoBiondo
Baker	Fletcher	Lucas (KY)
Baldacci	Foley	Lucas (OK)
Ballenger	Forbes	Maloney (CT)
Barcia	Fossella	Maloney (NY)
Barr	Fowler	Manzullo
Barrett (NE)	Frelinghuysen	Martinez
Bartlett	Frost	Mascara
Barton	Gallegly	Matsui
Bass	Ganske	McCarthy (MO)
Bateman	Gejdenson	McCarthy (NY)
Becerra	Gekas	McCollum
Bentsen	Gephardt	McCreery
Bereuter	Gilchrest	McHugh
Berkley	Gillmor	McInnis
Berman	Gilman	McIntosh
Berry	Gonzalez	McIntyre
Biggert	Goode	McKeon
Bilbray	Goodlatte	McNulty
Billirakis	Goodling	Meehan
Bishop	Gordon	Meek (FL)
Blagojevich	Goss	Menendez
Bliley	Graham	Metcalfe
Blunt	Granger	Mica
Boehlert	Green (TX)	Millender
Boehner	Green (WI)	McDonald
Bonilla	Greenwood	Miller (FL)
Bonior	Gutierrez	Miller, Gary
Bono	Gutknecht	Mink
Borski	Hall (OH)	Mollohan
Boswell	Hall (TX)	Moore
Boucher	Hansen	Moran (KS)
Boyd	Hastert	Moran (VA)
Brady (PA)	Hastings (FL)	Morella
Brady (TX)	Hastings (WA)	Myrick
Brown (FL)	Hayes	Napolitano
Bryant	Hayworth	Nethercutt
Burr	Hefley	Ney
Burton	Herger	Northup
Buyer	Hill (IN)	Norwood
Callahan	Hill (MT)	Nussle
Calvert	Hilleary	Ortiz
Camp	Hilliard	Ose
Canady	Hinches	Oxley
Capps	Hinojosa	Packard
Cardin	Hobson	Pallone
Castle	Hoefel	Pascarell
Chabot	Hoekstra	Pastor
Chambliss	Holden	Pease
Chenoweth-Hage	Horn	Peterson (MN)
Clay	Hostettler	Peterson (PA)
Clayton	Houghton	Petri
Clement	Hoyer	Phelps
Clyburn	Hulshof	Pickering
Coble	Hunter	Pickett
Coburn	Hutchinson	Pitts
Collins	Hyde	Pombo
Combest	Inslee	Pomeroy
Condit	Isakson	Porter
Cook	Istook	Portman
Cooksey	Jackson-Lee	Price (NC)
Costello	(TX)	Pryce (OH)
Cox	Jefferson	Radanovich
Cramer	Jenkins	Rahall
Crane	John	Ramstad
Crowley	Johnson (CT)	Regula
Cubin	Johnson, E. B.	Reyes
Cummings	Johnson, Sam	Reynolds
Cunningham	Jones (NC)	Riley
Danner	Jones (OH)	Rodriguez
Davis (FL)	Kanjorski	Roemer
Davis (VA)	Kaptur	Rogan
Deal	Kelly	Rogers
DeLauro	Kennedy	Rohrabacher
DeLay	Kildee	Ros-Lehtinen
DeMint	Kilpatrick	Rothman
Deutsch	King (NY)	Roukema
Diaz-Balart	Kingston	Roybal-Allard
Dickey	Kleczka	Royce
Dicks	Klink	Ryan (WI)
Dingell	Kolbe	Ryun (KS)
Dixon	Kuykendall	Sanchez
Dooley	LaFalce	Sandlin
Doolittle	LaHood	Sawyer
Doyle	Lampson	Saxton
Dreier	Lantos	Scarborough
Duncan	Largent	Schaffer
Dunn	Larson	Scott

Serrano	Strickland	Upton
Sessions	Stump	Visclosky
Shaw	Sununu	Vitter
Sherman	Sweeney	Walden
Sherwood	Talent	Walsh
Shimkus	Tancredo	Wamp
Shows	Tanner	Watkins
Shuster	Tauscher	Watts (OK)
Simpson	Tauzin	Weldon (FL)
Sisisky	Taylor (MS)	Weldon (PA)
Skeen	Taylor (NC)	Weller
Skelton	Terry	Wexler
Smith (MI)	Thomas	Weygand
Smith (NJ)	Thompson (CA)	Whitfield
Smith (TX)	Thompson (MS)	Wicker
Smith (WA)	Thornberry	Wilson
Snyder	Thune	Wise
Souder	Thurman	Wolf
Spence	Tiahrt	Wynn
Spratt	Toomey	Young (AK)
Stabenow	Trafficant	Young (FL)
Stearns	Turner	
Stenholm	Udall (CO)	

to the request of the gentleman from South Carolina?
There was no objection.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4205.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?
There was no objection.

PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 17, 2000, I was unavoidably detained in New York. Therefore, I missed roll call votes 190, 191, 192 and 193. I would like the RECORD to reflect that had I been here, I would have voted "nay" on roll-call Vote 190, "aye" on rollcall votes 191 and 192, and "nay" on rollcall vote 193.

AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Institute in Taiwan Facilities Enhancement Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) *in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as "AIT"), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;*

(2) *the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;*

(3) *the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;*

(4) *the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;*

(5) *AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and*

(6) *because the Congress established AIT and has a strong interest in United States relations*

with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of \$75,000,000 to AIT—*

(1) *for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and*

(2) *for acquisition by purchase or construction of such facility, residences, or other structures.*

(b) *LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106-113; 113 Stat 1501A-451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.*

(c) *AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.*

Mr. BEREUTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. BEREUTER) is recognized for 1 hour.

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

Mr. Speaker, H.R. 3707, which this Member introduced, is an important measure that enjoys wide bipartisan support. It was considered and approved without objection by this body on March 28 of this year. The other body subsequently approved the legislation on May 2, with two modifications.

The amendments to H.R. 3707 approved by the other body are minor in nature. One unnecessary introductory paragraph that refers to the "unofficial" nature of U.S. relations with Taiwan is deleted. In addition, the other body added a sentence to Section 3(b) noting that if the Director of AIT certifies that certain security requirements related to construction of a new facility are not applicable on account of the special status of AIT, that he shall also certify that security considerations permit the exercise of the waiver of such requirements.

Mr. Speaker, as a newly-elected freshman Member of this body, one of the first votes this Member cast was on passage of the Taiwan Relations Acts of 1979 (TRA). For over 20 years, the TRA has guided U.S. foreign policy and demonstrated our commitment to the security and well-being of Taiwan. And, after 20 years, our unofficial relations with the people of Taiwan are

NOES—63

Baldwin	Hooley	Owens
Barrett (WI)	Jackson (IL)	Paul
Blumenauer	Kind (WI)	Payne
Brown (OH)	Kucinich	Pelosi
Capuano	Lee	Rivers
Carson	Lofgren	Rush
Conyers	Lowey	Sabo
Coyne	Luther	Sanders
Davis (IL)	Markey	Sanford
DeFazio	McDermott	Schakowsky
DeGette	McGovern	Sensenbrenner
Delahunt	McKinney	Shays
Doggett	Meeks (NY)	Slaughter
Ehlers	Miller, George	Stark
Engel	Minge	Tierney
Eshoo	Moakley	Velazquez
Fattah	Nadler	Waters
Filner	Neal	Watt (NC)
Frank (MA)	Oberstar	Waxman
Gibbons	Obey	Weiner
Holt	Olver	Wu

NOT VOTING—19

Ackerman	Lewis (GA)	Stupak
Campbell	Lipinski	Towns
Cannon	Murtha	Udall (NM)
Ford	Quinn	Vento
Franks (NJ)	Rangel	Woolsey
Kasich	Salmon	
Knollenberg	Shadegg	

□ 2003

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

"A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes."

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4205, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection