protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping some 23 million people in more than 140 countries.

Mrs. Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly 10 years. It is one of the toughest jobs and she has done a magnificent and superb job of bringing both professionalism and compassion to the organization over her decade of service not only to the United Nations but certainly to the people of the world.

This resolution also calls on the international community to bring together with UNHCR an effort to reassure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe and voluntary repatriation, local integration or resettlement of these refugees.

While the resolution before the House does not deal with the refugee situation in West Timor, Indonesia, it is important, however, to remember the recent killing of three UNHCR workers who were helping East Timorese refugees. These UNHCR employees, including one American, were trying to bring order to the refugee camps and create a situation where the East Timorese refugees could return home. Their killing by the militias was deplorable. We must always remember the dangerous conditions which these workers are exposed to.

I would be remiss, Mr. Speaker, if I did not also offer my compliments and commendation to Ms. Kathleen Mazed who is the staff consultant on this side of the aisle of our committee for the superb job that she has done not only to this piece of legislation but three other pieces of legislation. I want to thank her and recognize her services for doing this.

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

Mr. GILMAN. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from New Jersey (Mr. SMITH), chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding me this time. I am very proud to be a cosponsor of this resolution introduced by my good friend, the gentleman from Ohio (Mr. HALL), whose commitment to human rights and humanitarian principles is well known. The resolution celebrates the 50th anniversary of the office of the United Nations High Commissioner for Refugees, the UNHCR. It commends the UNHCR on its good work over the years and congratulates the present High Commissioner, Dr. Ogata, who will be retiring in December. The Subcommittee on International Operations and Human Rights made minor technical changes to the legislation and reported it favorably to the full committee which reported it out last week.

As the resolution rightly points out, it is important that the UNHCR never forget that the heart of its mandate is protection. Donor countries including a major donor, the United States, often forget this. Our own contribution to refugee protection around the world is about 20 percent lower than it was just 5 years ago and most other countries have done even worse. Moreover, countries of first asylum, to which refugees have fled from persecution or the fear of persecution, often wish they would go away. And sometimes the brutal regimes from which they fled are only all too happy to get them back. So there is always pressure on the UNHCR to pretend that mass repatriation would be safe when, in fact, it is dangerous or to pretend that repatriation is voluntary when, in fact, the refugees and asylum seekers are given no choice.

Mr. Speaker, we are the subcommittee of jurisdiction on refugee protection. We have had numerous hearings on many parts of the world, including Africa, the Great Lakes region, Rwanda, and I take a back seat to no one and my very good friend the ranking member, the gentlewoman from Georgia (Ms. MCKINNEY), has likewise been there and the gentleman from California (Mr. LANTOS) who was the ranker 2 years ago in raising concerns about people being forced back when they had a real fear of persecution and many of those people when forced back have come to a very untimely and unfortunate fate. Occasionally, as in the so-called comprehensive plan of action, for example, asylum seekers from Indochina, the UNHCR in that case yielded to pressure. On these occasions, I and other Members as I have pointed out were among UNHCR's strongest critics. However, on many, many other occasions, the UNHCR has stood for the principle of protection, even at great risk to its own institutional interests. This resolution celebrates those instances of courage, those instances of compassion over the last 50 years and particularly during the stewardship of Dr. Ogata.

I support this resolution and urge my colleagues to support it.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH) for his strong advocacy of this measure.

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

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

I want to say, Mr. Speaker, if there is ever a champion and someone anywhere in the four corners of the world that I will travel as someone to attend with me when we talk about human rights is none other than the gentleman from New Jersey (Mr. SMITH). I want to commend him for that. I know that the situation in West Papua, New Guinea now is burning up to a situation given the fact that some 300,000 West Papains were murdered, tortured, and killed by the Indonesian military since 1963.

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We can go on, but I want to thank the gentleman from New Jersey (Mr. SMITH); and I thank the gentleman from New York (Mr. GILMAN) also for his outstanding leadership when it comes to the issue of human rights.

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

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

Mr. Speaker, I want to thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his leadership on these measures we have had before us at this late hour, and I want to thank the gentleman from New Jersey (Mr. SMITH) for his advocacy.

Mr. HALL of Ohio. Mr. Speaker, I also want to thank Chairman GILMAN and SAM GEJDENSON and CHRIS SMITH for their leadership in moving this resolution through Committee and for their strong support of the bill.

I am proud to be the sponsor of H. Res. 577 which honors and recognizes the United Nations High Commissioner for Refugees (UNHCR) on the occasion of its 50th anniversary for its contributions on behalf of the world's refugees. On December 14, 2000, UNHCR will mark a half-century of helping millions of the world's most vulnerable people.

UNHCR has been mandated by the United Nations to lead and coordinate international action for the world-wide protection of refugees and the resolution of refugee problems. It is one of the world's principal humanitarian organizations helping 23 million people in more than 140 countries.

Madam Sadako Ogata has served as the United Nations High Commissioner for Refugees now for nearly ten years. it is a tough job, and Madam Ogata has performed superbly, bringing both professionalism and compassion to the organization over her decade of service.

This resolution also calls on the international community to work together with UNHCR in efforts to ensure that host countries uphold humanitarian and human rights principles for refugees, to lessen the impact of refugees on host countries, and to promote the safe voluntary repatriation, local integration, or resettlement of refugees.

I would urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the resolution, H. Res. 577, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5174) to amend

titles 10 and 18, United States Code, and Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings located on military installations and reserve component facilities to be used as polling places in Federal, State and local elections for public office.

The Clerk read as follows:

H.R. 5174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) USE OF MILITARY INSTALLATIONS AUTHORIZED.—Section 2670 of title 10, United States Code, is amended—

(1) by striking ''Under'' and inserting ''(a) USE BY RED CROSS.—Under'';

(2) by striking ''this section'' and inserting ''this subsection''; and

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

''(b) USE AS POLLING PLACES.—(1) Notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title), the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local election for public office.

''(2) Once a military installation is made available as the site of a polling place with respect to a Federal, State, or local election for public office, the Secretary shall continue to make the site available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the site will no longer be made available as a polling place.

''(3) In this section, the term 'military installation' has the meaning given the term in section 2687(e) of this title.''.

(b) USE OF RESERVE COMPONENT FACILITIES.—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title). Once a facility is made available as the site of a polling place with respect to an election for public office, the Secretary shall continue to make the facility available for subsequent elections for public office unless the Secretary provides to Congress advance notice in a reasonable and timely manner of the reasons why the facility will no longer be made available as a polling place.''.

(2) Section 18236 of such title is amended by adding at the end the following new subsection:

''(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local election for public office notwithstanding chapter 29 of title 18 (including sections 592 and 593 of such title).''.

(c) CONFORMING AMENDMENTS TO TITLE 18.—(1) Section 592 of title 18, United States Code, is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(2) Section 593 of such title is amended by adding at the end the following:

''This section shall not prohibit the use of buildings located on military installations, or the use of reserve component facilities, as polling places in Federal, State, and local elections for public office in accordance with section 2670(b), 18235, or 18236 of title 10.''.

(d) CONFORMING AMENDMENT TO VOTING RIGHTS LAW.—Section 2003 of the Revised Statutes (42 U.S.C. 1972) is amended by adding at the end the following: ''Making a military installation or reserve component facility available as a polling place in a Federal, State, or local election for public office in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, shall be deemed to be consistent with this section.''.

(e) AVAILABILITY OF POLLING PLACES FOR 2000 FEDERAL ELECTIONS.—If a military installation or reserve component facility was made available as the site of a polling place with respect to an election for Federal office held during 1998, the same or a comparable site shall be made available for use as a polling place with respect to the general election for Federal office to be held in November 2000.

(f) CLERICAL AMENDMENTS.—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

''§ 2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections''

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. BARTLETT) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. BARTLETT).

GENERAL LEAVE

Mr. BARTLETT of Maryland. 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. 5174.

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

There was no objection.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5174 clarifies the authority of the Secretary of the Defense to use DOD facilities as polling places in Federal, State and local elections for public office.

Mr. Speaker, H.R. 5174 brings a common sense approach to the issue of voting on military installations. There is no retrenchment from the prohibition against using military forces to influence voters. The Congress will remain vigilant against any potential that military forces could be used to intimidate voters. However, we must guard against the over reaction that voting must never be allowed on military facilities regardless of the benign circumstances in the absence of a threat of coercion by military forces.

The simple fact is that in some remote and rural locations in our Nation, military facilities are important community resources that have been used for polling for a number of years. The members of the local community that have used DOD facilities for voting are not threatened by the military forces that live and work in their communities.

It is important to note that this language does not require military commanders to open their facilities for voting. The bill only makes explicit that polling on military facilities is not illegal.

Mr. Speaker, H.R. 5174 does not force either local community leaders nor the military commanders to use military facilities for voting. However, if both sides agree that using military facilities for polling is in the best interest of the community and the military mission is not harmed as a result, then this bill authorizes the military commander to make the facilities available legally.

I commend the gentleman from California (Mr. THOMAS) for bringing this important matter to the attention of the House, and I urge my colleagues to vote yes on H.R. 5174.

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

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

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

Mr. ABERCROMBIE. Mr. Speaker, I rise reluctantly in opposition to H.R. 5174.

One important component of U.S. foreign policy is the promotion of democracies worldwide. Each time the U.S. supports a fledgling democracy, we insist on a clear decoupling of the civilian leadership and a nation's military. We insist that the military subsume itself to civilian control by elected officials. This principle is as important today as it was to our Founders. Because of the strength of that principle I must stand in strong opposition to the measure before us today. Protection of this enduring principle requires adherence to established procedures.

There is a longstanding tradition of avoiding the politicization of military bases. Polling activity brings with it electioneering, and that activity on a military base is clearly inappropriate.

Military personnel vote at their home of record. For most, this means that they vote through absentee ballot. There is no indication that military personnel are currently disenfranchised, and that this measure would be necessary.

There may be legal considerations regarding the assignment of precincts and other state election laws. These may conflict with federal considerations.

The addition of new polling places may require that the states provide new balloting machines. There is no funding for this under this measure, and may therefore present the states with an unfunded mandate.

Many of our bases are open bases with free access to civilians. However, some bases are not for national security and/or force protection reasons. It is unclear how this bill would affect those concerns.

In addition, the Department of Defense is opposed to this provision. This provision deserves to be taken through the normal committee process, and not be considered under suspension of the rules.

Most Important: There have been no hearings on this measure. Many questions, such as those above, should be fully investigated through the committee hearing process before this bill is brought to the floor.

A citizen's right to vote is the linchpin of our democracy, therefore nothing should be held in higher regard nor given more deference. This bill should be afforded a full and comprehensive review by the entire Congress through established procedures. Anything short of that is irresponsible and borders on weakening the time-tested foundations of democracy.

Mr. Speaker, I include additional material for the RECORD.

The Department of Defense has a standing policy prohibiting the use of federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process. The principle that the military should remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the Armed Forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties. See 18 U.S.C. 592, 593. Locating polling places on military installations, where a commander's authority is paramount, in inconsistent with DoD policy and runs the risk of exposing military personnel to criminal sanctions.

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

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

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Hawaii (Mr. ABERCROMBIE) for yielding me this time, and also let me thank the gentleman from Maryland (Mr. BARTLETT) for bringing this bill up at this moment.

Mr. Speaker, I am troubled by this legislative proposal. This breaks a long-standing American tradition; and I frankly cannot, will not support this legislation.

Let me quote from the Department of Defense on this bill, and I think they are absolutely correct.

The Department of Defense has a standing policy prohibiting the use of Federal, active military and reserve facilities as polling or voting places. The Department believes that the military should not be involved in any way in the electoral process, in order to avoid the possibility or the perception of voter coercion or intimidation by military personnel or a military presence, or the perception that the military has authority over the election process.

Further,

The principle that the military shall remain separated from the electoral process is reflected in existing laws imposing criminal penalties on commanders who station troops or armed men at any place where a special or general election is held, and on members of the armed forces who impose regulations on the conduct of such elections or otherwise interfere in any manner with an election officer's discharge of his duties.

Let me give an example there if I may, Mr. Speaker. Polling places being held on a military installation such as Fort Leonard Wood in Missouri, military installations, bases or posts by their very nature have men and women under arms; and then, of course, near a polling place would consist of a criminal penalty, and I think that is asking too much of our military personnel to impose that type of restriction and threat on them of having violated a criminal statute.

Further, the Department of Defense states that locating a polling place in military installations where a commander's authority is paramount is inconsistent with the Department of Defense policy, and it runs the risk of exposing military personnel to criminal sanctions, as I just mentioned.

Now, let me point this out, Mr. Speaker: this is a controversial issue at best; and as such we have committees, we have a Committee on Armed Services that I am pleased to be the ranking member thereof and all of us on the committee take our jobs very seriously. I think that a measure such as this should have extensive hearings. Those in favor of it should appear before us and say why they feel as they do and those of us that oppose it will have the opportunity to ask questions and cross-examine the witnesses and hear witnesses who are opposed to it, including those from the Department of Defense. I think it is a violation at least of the process by which controversial legislation is handled in this wonderful body we call the House of Representatives. So consequently, I find that I must and do sincerely oppose this legislation.

Mr. Speaker, at this point in the RECORD I would add a letter from the Department of Defense which outlines in detail their reasons, and there are four of them spelled out.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, October 10, 2000.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on H.R. 5174, 106th Congress, a bill ''To amend titles 10 and 18, United States Code, and the Revised Statutes to remove the uncertainty regarding the authority of the Department of Defense to permit buildings on military installations and reserve component facilities to be used as polling places in Federal, State, and local elections for public office.''

The Department of Defense opposes this legislation.

The Department has a longstanding policy prohibiting the use of military installations as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process. The policy of separating the military and partisan politics is critically important to maintaining public support for and confidence in our Armed Forces, as well as maintaining good order and discipline within military ranks.

The principle of separating the military from the political process is also reflected in two federal criminal statutes. 18 U.S.C. §592 provides that:

[W]hoever, being an officer of the Army or Navy, or other person in the civil, military or naval service of the United States, orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held, unless such force be necessary to repel armed enemies of the United States, shall be fined under this title or imprisoned not more than five years or both.

Similarly, 18 U.S.C. §593 subjects members of the Armed Forces to criminal penalties if they ''impose or attempt to impose any regulations for conducting any general or special election in a State, different from those prescribed by law,'' or ''interfere in any manner with an election officer's discharge of his duties.'' Placement of voting sites on military installations in which ''troops or armed men'' are likely to come into close contact with voters is fundamentally incompatible with the concept of maintaining separation between the military and politics.

If enacted, H.R. 5174 would reverse Department of Defense policy by authorizing the use of military installations as polling places. We strongly disagree that it is appropriate for the fundamental political activity of voting to take place at locations that the Department of Defense strives to make politically neutral and nonpartisan. The proposed legislation also would not effectively amend the criminal statutes reference above to relieve military personnel from potential criminal liability. Specifically, the amendments to the criminal statutes proposed in section 1(c) of H.R. 5174 would only clarify that it is not a crime for polling places to be placed on military installations. It would not address at all the placement of troops or armed men at polling places. It would not be practical simply to prohibit military personnel from approaching or entering a polling place on a military installation during voting hours. The commander of a military installation must at all times have complete control over the facilities within his or her authority. It is possible that circumstances could arise that would require a commander to order military personnel to enter a building designated as a polling site if that building is located on a military installation. We believe it is therefore prudent to retain the prohibition on the use of military buildings as polling places.

We recognize that some installations have overlooked the Department's policy on this issue in the past and that some military facilities have been used as polling places in some localities. In some cases, short-term waivers of the policy have been granted if an alternative location could not be identified in time to avoid disruption to an upcoming election. In such cases, local election officials have been advised to designate a new polling place as soon as possible. Furthermore, section 121 of the Military Construction Appropriation Act for Fiscal Year 2001 requires that military facilities that have been used as polling places over recent years must be permitted to be used as polling places for the November election. Enactment of H.R. 5174 is not necessary, therefore, to relieve any possible inconvenience to voters in

the November election resulting from enforcement of the Department of Defense policy.

Finally, we want to point out that our policy does not apply to National Guard armories or other Guard facilities. These buildings are subject to the control of state Governors through their Adjutant Generals, not the Department of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for consideration of the Committee.

Sincerely,

DOUGLAS A. DWORKIN.

Mr. BARTLETT of Maryland. Mr. Speaker, I yield myself such time as I may consume, and I would ask the gentleman from Missouri (Mr. SKELTON) if he might engage in a colloquy with me.

It is my understanding that for a number of years now at certain limited number of our military facilities that there has been voting. If this has been going on, and I am assured that it has, then clearly this is in violation of current law. What this bill, as I understand it, intends to do is to make it possible to continue voting at some of these remote bases and a few reserve bases where this has appeared to be in the best interest of the community.

I would point out that this legislation is entirely permissive. The military can decide that they do not want voting in any of their facilities. I am reading from the bill itself now. It says: ''The secretary of a military department may make a building located on a military installation available, and for the reserve component the language is essentially the same.'' The secretary may make a facility covered by subsection A available for use. They do not have to make it available at all.

My question to the gentleman from Missouri (Mr. SKELTON) is if this has been a practice, and if at some very remote locations where the military facility is just about the only show in town, because it was placed there because of the desire of the military to be very remote so that essentially all of the people in that community are associated with the military, it is my understanding that is predominately the locations where this has been going on, and my question is, if that has been going on and if it was deemed necessary to do that because of a shortage of other places in the community, then why would this totally permissive legislation be objectionable since in all other places the military could exercise its option to not permit voting at all?

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

Mr. BARTLETT of Maryland. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Maryland (Mr. BARTLETT) for his inquiry. Back home in Missouri we have the saying, two wrongs do not make a right. And the fact that they have been doing it, I think, because of the policy of the United States in the past, they have been violating that policy.

Now, this does not apply to National Guard armories, because National Guard armories are State property. There are many places that are available, whether it be schools or private places, sometimes private homes. There are many places and one does not need a military installation to fulfill the opportunity for folks to vote.

Let me say that there are four reasons that the Department of Defense opposes this legislation. There is a long-standing policy prohibiting the use of a military installation as polling sites for elections. This policy is based on sound public policy of maintaining strict separation between the military and the political process.

Similarly, the law, 18 U.S.C. 593, subjects members of the armed forces to criminal penalties if they impose or attempt to impose any regulations for conducting any general or special election in the State different from those prescribed by law.

I think that that is a situation where one may put someone in the armed forces in a very embarrassing and possibly a criminal violation.

Further, the Department of Defense policy, if this were enacted, would reverse the policy by authorizing the use of military installations, and the Department strongly disagrees that it is appropriate for the fundamental political activity of voting to take place on locations that the Department of Defense strives to make politically neutral and nonpartisan.

The proposed legislation would not effectively amend the criminal statutes. It leaves those alone and consequently would subject certain members of the armed forces to criminal violations.

Further, the Department recognizes some installations have overlooked the Department's policy, as the gentleman has pointed out, on this issue in the past and that some military facilities have been used. In some cases short-term waivers of the policy have been granted, and I think there is a short period that a waiver has been established. But I think quite honestly we should not allow this situation where there have been a few folks in violation of this policy, to enlarge itself and become the norm.

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It bothers me a great deal. I just do not think that the military and the political process should get thrown together. Consequently, let us keep them separated. The military is far removed from the political ways of our country, as they should be.

That is why I just, in all good conscience, cannot support this. At best, we have to have a hearing on this. I would like to have the opportunity to cross-examine those who propose it.

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

Mr. BARTLETT of Maryland. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I am grateful for the gentleman yielding, and for the opportunity, particularly since I have so much respect for his commitment to all questions that we have dealt with in the Committee on Armed Services.

The issue is an important one. There is a waiver in existence now with respect to the use of the facilities so perhaps we do not find anybody in violation, inadvertently or otherwise. Perhaps this is an issue, although I realize the gentleman is not in the position of advocating the bill this evening.

There should be an opportunity for us to discuss this, then, in committee. I am sure we could take up the pros and cons and maybe talk it out a little bit, and perhaps another solution could be arrived at.

But I have to stand, then, with my original reluctance and at the same time say that even after this colloquy I find myself still in opposition, not necessarily to doing it or finding some other solution, but at this particular time, pending hearings in the House Committee on Armed Services, I ask that it be defeated for the time being, at least.

Mr. BARTLETT of Maryland. Mr. Speaker, I understand the gentleman's concern. I would state that I do not believe it was the intention of this bill to enlarge this practice.

The gentleman mentioned that waivers have been granted. These were in very limited locations, and they were granted because it was felt that voting at the military facility was the only reasonable thing that could be done.

I think the reason for this bill is that we cannot, in a military base, waive law. That is what they were pretending to do. We cannot just waive law. The law now says we cannot do it there. I think what the intent of this bill is is simply for those rare occasions where this needs to be done, that this now puts the commander of the base not in violation of the law when he does a reasonable thing, and that is to permit the people to vote there.

That is my understanding of the bill, and I think that is all that was intended by the bill, was to solve a current problem where those commanders who have waived the law, and I do not think we can waive a Federal statute, they have waived the law and in effect they have been in violation of the law when they have permitted voting in their facility, this now would make them in compliance with the law, because this would say they have the option of doing that if it is appropriate.

The bill makes very clear that this is not appropriate when it violates any of the intent, any of the mission of that facility. It is totally permissive, it is not obligatory in any sense. I believe that I am clearly expressing the intent of the legislation and the desire of the gentleman from California (Mr. THOMAS).

Mr. SKELTON. Mr. Speaker, if the gentleman will continue to yield, I appreciate that statement.

I keep going back to my old Missouri comment: Two wrongs do not make a

right. I am very concerned that should this bill become law it would be permissive, and it would enlarge a practice that really should not have begun to begin with.

So I do not think that we are doing anyone a service here. I think we are doing ourselves a disservice by mixing the military and the political process together. I thank the gentleman for yielding and for taking the bill up at this time.

Mr. BARTLETT of Maryland. Mr. Speaker, I would like to say in closing that Federal law prohibits political activity on any Federal land, including military land.

In Maryland, we can campaign within 100 feet of the polling place. If that polling place were on a military facility, it would be my understanding that we could not campaign within 100 feet of the polling place.

I do not see voting as a partisan political activity, I see it as a patriotic activity. Campaigning for a specific candidate I see as partisan political activity, which I would not think would be appropriate to go on on a military facility.

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

Mr. Speaker, I would like to comment on the last observation of the gentleman from Maryland (Mr. BARTLETT), which I agree with. Unfortunately, I come to a little bit different conclusion this evening. This is one of the reasons why I oppose it at this time, or oppose passage at this time.

I believe voting is a patriotic act. I believe it is an act, if you will, of self-preservation of a democracy, certainly our democracy. Because free speech is so important, I think the gentleman is quite correct in observing that it is unlikely that commanders would like to have political activity, sign-holding, et cetera, very near a polling place if it was in the middle of a base.

I expect different jurisdictions across the Nation have different rules with respect to how close to a voting booth one can actually politic, but nonetheless, it is unlikely that military bases would find themselves easily resolving those kinds of questions.

My point, in conclusion, Mr. Speaker, is that while this is an idea that certainly should receive full discussion and consideration, passing it at this time has not allowed for that. So therefore, again, I reluctantly state my opposition at this time.

Mr. LINDER. Mr. Speaker, I rise in support of the bill H.R. 5174, a bill to help families and communities that support military bases preserve their voting rights.

I have been very concerned with the decision earlier this year by the Department of Defense to not allow voting booths on military facilities, even though many of these facilities are isolated and in remote areas of our country. The Department refers to a law preventing the presence of troops at election sites, something we can all agree is a good law. Mr. Speaker, that law was never intended to prevent local election officials from asking to set up voting booths in order to let military personnel and people in the community vote. The purpose of that old law was to stop intimidation and abuse of the military in elections.

The men and women who support these bases, not only those in the service, have been used to voting at long established voting booths in some of these military owned buildings. Sometimes in these remote communities, the military owns all the buildings suitable to set up a voting booth. It is unfair that we would stop this from continuing since there are no known instances in which this posed a problem or voting infringement by anyone. Frankly, it is just overzealous lawyering at work in the Department. H.R. 5174 sets this straight.

I am especially pleased that H.R. 5174 does not attempt to force some new mission onto the military. It quietly allows voting booths to continue to be set up on these military facilities. It also gives the proper discretion to the military to continue or discontinue this practice. H.R. 5174 allows the military to keep the status quo of providing this service to our servicemen and their supporters while taking away any fear of breaking the law. I support H.R. 5174 because it helps service personnel, their families, and the people who support these isolated bases to continue to exercise their right to vote.

People in the military work hard enough and suffer hardships by living in isolation. We should not be making it harder for them to vote. We should make it easier.

Mr. THOMAS. Mr. Speaker, I rise in support of my bill H.R. 5174, which preserves the voting rights of people in communities who live on or around military bases in remote, rural areas.

Earlier this year the Department of Defense issued a directive that disrupts the traditional role of these bases whose commanders have for years allowed local election officials to set up election voting booths. Lawyers at the Department of Defense have said they are concerned that an old Civil War era law prohibiting troops at election polls could be used to impose criminal sanctions on military personnel who are simply allowing local election officials to set up voting booths. My interest is in protecting those military personnel while allowing the commanders of remote bases to continue to allow the setting up of voting booths. H.R. 5174 does this.

The need to act quickly is great. These bases are sometimes the only facility in a remove and isolated area; indeed, the remoteness is usually what attracted the military to locate the base there in the first place. It is entirely proper that the military should permit these election polls to continue at the commander's discretion. The people in communities that support our military bases sacrifice by living in isolated rural areas. They look to the military for shopping needs at commissaries, recreation needs at rec halls and theaters, and sometimes homes and schools on base. We should not be making it more difficult for them to vote. We should be making it easier.

At the same time, I am very aware that the military must have the final say as to whether an election poll can be permitted on a military base. The very nature of national defense is such that we must not tie the hands of those who are working to protect us. Obviously, many bases, if not most, are sensitive and should not be open to election operations. That is why I have written H.R. 5174 with great care to allow the presence of election polls on military sites, but the discretion to have them is entirely with the military. H.R. 5174 provides a safe harbor by expressly stating that the military may make a building located on a military installation available for use as a polling place in any Federal, State, or local election.

I hope my colleagues will join me in voting for this bill and preserving the tradition of the military in protecting the voting rights of people in communities that support our military facilities.

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

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

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174.

The question was taken.

Mr. BARTLETT of Maryland. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING APPRECIATION FOR U.S. SERVICE MEMBERS ABOARD HMT ROHNA WHEN IT SANK

Mr. BARTLETT of Maryland. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 408) expressing appreciation for the United States service members who were aboard the British transport HMT ROHNA when it sank, the families of these service members, and the rescuers of the HMT ROHNA's passengers and crew.

The Clerk read as follows:

H. CON. RES. 408

Whereas on November 26, 1943, a German bomber off the coast of North Africa sunk the British transport HMT ROHNA with a radio-controlled, rocket-boosted bomb;

Whereas 1,015 United States service members and more than 100 British and Allied officers and crewmen perished as a result of the attack;

Whereas hundreds died immediately when the bomb struck and hundreds more died when darkness and rough seas limited rescue efforts;

Whereas many families still do not know the circumstances of the deaths of loved ones who died as a result of the attack;

Whereas more than 900 United States service members survived the attack under extremely adverse circumstances;

Whereas United States, British, and French rescuers worked valiantly to save the passengers and crew who made it off the HMT ROHNA into the sea;

Whereas one United States ship, the USS PIONEER, picked up many of those who were saved;