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NOT VOTING—6

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□ 1521

Mr. METCALF 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 move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 2084, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 2000

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-180) on the bill (H.R. 2084) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1 of rule XXI, all points of order are reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Pursuant to House Resolution 200 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. 1401.

□ 1522

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. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, with Mr. NETHERCUTT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from California (Mr. COX) printed in the CONGRESSIONAL RECORD of June 8, 1999, had been disposed of.

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 106-175.

AMENDMENT NO. 3 OFFERED BY MR. COSTELLO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment No. 3 offered by Mr. COSTELLO:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

“a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

“b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.”

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting “SAFETY” before “REGULATIONS”.

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Illinois (Mr. COSTELLO).

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

Mr. Chairman, I would like to thank the Committee on Rules for making my amendment in order. I applaud the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) for their amendment. However, I believe there is a loophole in their amendment.

The COX-DICKS amendment does not cover all contractors and it does not cover not-for-profit contractors. My amendment addresses this problem by ensuring that any lab contractor who violates rules relating to the safeguarding and security of sensitive information or data will be held accountable.

My amendment to the Atomic Energy Act gives the Secretary of Energy the discretion to decide when and how the fines for national security breaches would be imposed. If the breach of national security is unintentional and without consequence, the Secretary could choose to impose a small fine or waive the fine and issue a warning instead.

The Act also gives the Secretary the flexibility to promulgate a different rule from the collection of fees for not-for-profit contractors. My amendment has not removed any of the flexibility afforded the Secretary in the Atomic Energy Act. Instead, I have given the Secretary the discretion to impose fines on all liable contractors. When a contractor employee knowingly, willfully, or repeatedly breaks the rules, the contractor should be held accountable and not automatically exempted.

Last month when I offered this amendment in the full Committee on Science to H.R. 1656, the DOE authorization bill, it passed unanimously.

When Secretary Richardson testified before the Committee on Science last month, he agreed with me that penalties should be imposed for national security infractions for all lab contractors, including not-for-profit contractors.

Mr. Chairman, my amendment is very simple. It is to the point. It levels the playing field and, in my opinion, provides accountability to anyone working at any of our labs throughout the United States, be they for-profit or not-for-profit contractors.

Mr. Chairman, I ask my colleagues to adopt the amendment.

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

Mr. COSTELLO. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I certainly support the intent of this amendment. It is a good amendment. There is some language that I would like to work with the gentleman from Illinois prior to going to conference. There are some concerns regarding fines and how it affects the taxpayers of California because the University of California and other public institutions.

I would like the assurance of the gentleman that we will work together to come to some agreeable language that will work for everyone concerned.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I would be happy to work with the gentleman. And I not only have had conversations with him concerning this issue, but also the gentlewoman from California (Mrs. TAUSCHER) who I would like to yield to now to express some concerns, as well.

Mrs. TAUSCHER. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from Illinois (Mr. COSTELLO).

As I understood it, the Costello amendment would subject Department of Energy laboratory contractors to financial penalties for violations of security procedures. I agree with my colleague that laboratory contractors must be held accountable for security lapses by their employees. Such accountability is necessary if we are to ensure that the security procedures that we put in place are properly administered. Protecting our Nation's secrets must be a top priority of our national laboratories. I am pleased that the House just voted to adopt the COX-DICKS amendment that enhances security at the labs.

I am concerned, however, that the amendment of the gentleman makes no distinction between laboratory contractors that are for-profit organizations and those that are not-for-profit organizations.

□ 1530

There are key differences between how these two types of organizations function. For example, subjecting the University of California, which is a public institution, to the same fines and penalties as a for-profit corporation would potentially penalize all of the tax-paying residents of the State of California for the operations of a Federal facility in pursuit of a national mission. I believe that in leveling civil penalties against these contractors, we must account for the differences inherent in their organizations. I am hopeful that this legislation moves forward and as it moves forward we can continue to work together to address concerns about applying civil penalties against not-for-profit laboratory contractors.

Mr. COSTELLO. Mr. Chairman, reclaiming my time, I appreciate the gentlewoman's comments and concerns. I assure her, as I do my other friend from California and the Cali-

fornia delegation, that I intend to work with them to address this issue in conference. The goal of my amendment is to create a level playing field for both for- and not-for-profit contractors. The goal in our Committee on Science, of course, was to try and level the playing field and as we move this legislation forward and hopefully if this amendment is adopted by the committee, we will work in conference to address the issues that you have raised here.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding me this time. I rise to support the legislation. I believe that we have a challenge to promote good scientific research, to do it in a manner that includes many of our citizens here in the United States, to reflect the diversity of this Nation, to promote collaboration but also to secure the important security issues of this country.

With that, I would simply ask, since I happen to come from a community that has a great emphasis on scientific research, NASA is located in my area, many of my universities like the University of Houston, Texas Southern University, Rice University and many others who I have not called their names, collaborate with the Department of Energy and other such entities such as the Department of Defense. I would simply like to yield to the gentleman to inquire whether his amendment would in any way inhibit or put a particular hardship on the very good research that many of our not-for-profit, nonprofit institutions are engaged in.

I yield to the gentleman from Illinois.

Mr. COSTELLO. I would say to the gentlewoman that the intent of the amendment is not to penalize in any way any university in the State of Texas or for that matter in my State of Illinois that are involved in research at our national labs. But it is intended to give the Secretary of Energy the ability to penalize any not-for-profit corporation that is doing work for our labs that repeatedly and intentionally violates the security regulations and rules that we have adopted. So I would assure her as I have the members of the California delegation that we will work in conference to address the issue.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I want to thank the gentleman and particularly for the fact that he has given this issue over to the Secretary of Energy in his wisdom and discretion, I think that is very important. I thank the gentleman very much for his amendment. I look forward to supporting this amendment.

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

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment. It is a good one. As the chairman I am prepared to accept it.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the committee.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Illinois for yielding me this time. We have examined the amendment on this side, we fully understand it and find it acceptable.

Mr. COSTELLO. Mr. Chairman, I ask that the House adopt my amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 106-175.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HUNTER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

**SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.**

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

- (1) An officer or employee of the Department.
- (2) An expert or consultant under contract to the Department.
- (3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

- (A) Special Access Programs;
- (B) Personnel Security And Assurance Programs; and
- (C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

- (1) not less frequently than every five years; and
- (2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term “counterintelligence polygraph examination” means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from California (Mr. HUNTER) and the gentlewoman from Hawaii (Mrs. MINK) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. HUNTER).

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

This amendment expands and I think makes somewhat more concise the polygraph provision in the umbrella COX-DICKS amendment that was just passed. We are all concerned obviously with the losses that have been categorized before us throughout the media, that have been the subject of this major piece of legislation, and one answer to that, of course, is to do more polygraphs, do them on a regular basis. In looking at the language that was proposed by the special committee, that language directs itself to what are known as special access programs. What my amendment does is expand that to include people who have access to nuclear weapons design, which is the very subject of the technology that was stolen, and fissile material, that is nuclear weapons material. So people who have access in those very important areas are similarly subjected to polygraphs.

The other aspect of our amendment is that the amendment also designates that these polygraphs should be given every 5 years, no less than every 5 years, which we think is a reasonable rate. That is the difference.

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

Mrs. MINK of Hawaii. Mr. Chairman, I yield myself such time as I may consume. I discussed this amendment with the offeror of the amendment, the gentleman from California (Mr. HUNTER). While he assured me that this requirement of the counterintelligence polygraph would be universal in the sense that it would apply to all employees that fit into the category of being an employee of a high-risk program in the Department of Energy, I just wanted to confirm with the gentleman from Cali-

fornia (Mr. HUNTER) at this point if that is the real intent and meaning of this amendment.

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

Mrs. MINK of Hawaii. I yield to the gentleman from California.

Mr. HUNTER. I would say to my colleague, yes, that is the intent of the amendment and the amendment very clearly states that the counterintelligence polygraph program shall be administered to each covered person who has access to these high-risk programs. And those high-risk programs are, of course, the nuclear weapons design programs, special access programs, and access to the material that we make nuclear weapons out of. Very clearly this is totally ethnic neutral, it is race neutral, it has no reference to the backgrounds of these people. If you qualify and are given a clearance under one of these high-risk programs, you have to take the polygraph test. So it is very fair in this particular amendment, very fairly delineated to apply to all people who have to get those particular clearances.

Mrs. MINK of Hawaii. Mr. Chairman, I have a further question of my colleague. Who is to manage the polygraph program? Who is to design it? And how is it to be applied to these employees in these high-risk programs? Whose guidance will the Department of Energy be following? The CIA, the FBI or exactly who?

Mr. HUNTER. No, the director of the Office of Counterintelligence of the Department of Energy shall administer this program for the Secretary of Energy.

Mrs. MINK of Hawaii. Now, the polygraph would be directed specifically to questions referring to leaks of sensitive information and not those things that refer to the privacy of the individuals or their associations in private life outside the context of the laboratory, or will it go into matters of their social behavior, their family relationships with other persons who may not be employed in the labs? How extensive is this polygraph going to be in its search for information which would be critical to the national security of these laboratories?

Mr. HUNTER. Of course, there is a certain discipline and a certain structure to polygraphs that are directed to people who have access to highly secret material. And, of course, one very important point, and I know the gentleman from Indiana (Mr. ROEMER) is concerned about this, too, is that the polygraph and the polygraph examination and the people who undertake it do so with a high degree of integrity, that is, that they limit it to intelligence areas that will give them information, only information as to whether or not the subjects may have been subject to a security breach. And, secondly, that the polygraph is given in a

very professional manner and is given by very professional people with a high degree of integrity. I know that is a concern, and I think that is something that we simply have to monitor very closely. But again the Secretary of Energy is charged with this program. He is charged with it and he carries it out through his director of the Office of Counterintelligence of the Department of Energy. So you have the President's Cabinet member overseeing this particular program. I think we should pay a great deal of attention to make sure that it is administered with a high degree of integrity but I think we can achieve that.

Mrs. MINK of Hawaii. A question by one of our colleagues, who unfortunately could not be here because there is another pressing meeting, raises the point of many of these employees are not fully conversant in English. They are limited English speakers. Many of them are highly skilled, very, very important technical scientists in this field. Is the polygraph examination going to be given in different languages so that the failure of communication in English is not going to tag this individual as being a risk because they could not relate to the types of questions that are coming at them in the English language nor could they respond in English in an adequate way?

Mr. HUNTER. First, I think obviously that is a very important part of the integrity of the polygraph examination. It has to be given in a way that is fully communicated to the person who is the subject of the examination and once again that is a part of the professionalism of the examination. Of course if you have a person who does not communicate fully in English, it must be communicated in the language that they are conversant with. We will certainly expect that that is the way that it would be administered. I think we can have conversations with the Secretary of Energy to make sure that that occurs.

Mrs. MINK of Hawaii. Does the amendment in any way set down the monitoring mechanism so that we can be assured that the responses that you have given to my inquiries will actually be the process followed by the Department of Energy?

Mr. HUNTER. The answer to that is I would say to my colleague that giving polygraph tests is a science that has been built up over the years. The Department of Energy, because this is such an important area, and the gentleman from Indiana has mentioned this, we have had actual failures of polygraph in the past who register a positive when in fact it should have, but because this is such a critical area, I think we can expect the Secretary of Energy to adopt, A, the highest standards, and, B, use the best trained professionals to do this, because this is so serious. And I think we should ensure that that occurs, but I think we can.

Mrs. MINK of Hawaii. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my good friend from Hawaii for yielding me this time. I rise not in opposition at all to the author of the amendment but to commend him especially for two areas that he has covered in this amendment. First of all, those individuals covered and also how often this is administered and to what programs are administered. I think the gentleman has done a thorough job. My concerns and caveats come to who is administering this and how they administer it in a professional, scientific way with thorough analysis and comprehensive integrity.

The Washington Post had an interesting story on this several weeks ago looking at the credibility of polygraphs, about the validity of the system, the analysis of answers using output of flawed polygraphs, the issue of false positives. What we want to do, I think, and the gentleman from California very much wants to do this, too, and accomplish this, is establish uniform standards.

□ 1545

Now I do not know that we should contract these out. Maybe the FBI has the ultimate science and professionalism and integrity. We have seen that we have had some problems in contracting this out in the past, that there have been some unreliable polygraphs produced; and I want to work with the gentleman in conference to make sure that not only have we got the parts right that he has done such an effective job on who is covered, how often, what special access programs are covered, but who administers this, and should we allow a contracting out of this.

Mr. HUNTER. Mr. Chairman, if the gentleman will yield, I would say to my friend he has raised excellent questions, that this is a subject that we need to sit down and discuss with the Secretary of Energy, and I would say that I can assure him that I will ask our chairman, the gentleman from South Carolina (Mr. SPENCE), because this is a very important area to him also, to participate with us and with the gentleman and with the Secretary of Energy and have some discussions during the conference to make sure that we have two things: the highest professionalism, and, No. 2, the best standards.

If those best standards fall in the area of government-given polygraphs, and perhaps they are not in the private sector, then let us go with the best standards if they are in the government. If the best standards and the best science has been developed on the outside, let us use that capability, but certainly let us make sure we have the best.

Mr. ROEMER. As long as the gentleman says the best standards are in the private sector and everybody agrees on that, that we do not then have this jumping back and forth between established best standards for one and their administering 50 or 60 percent of the polygraphs and the FBI or somebody else is doing the remaining 40 percent, and we know there is a discrepancy between or differences between the administration of those tests. I think it is very important that we establish a uniform standard of policy here as to who is administering it, and if it is the FBI, maybe we do not contract out. If the established science is in the private sector, then that is the uniform standard that we establish, and I look forward to working with the gentleman. I am not going to oppose this amendment.

Mr. HUNTER. I thank the gentleman, and let me just respond that I will work also to see that we have uniformity. I think that is a key.

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

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 106-175.

AMENDMENT NO. 5 OFFERED BY MR. ROEMER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. ROEMER:

At the end of title XXXI (page 453, after line 15), insert the following new section:

**SEC. 3167. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.**

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and security practices.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. ROEMER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Indiana (Mr. ROEMER).

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

Mr. Chairman, I have been a member of the Permanent Select Committee on Intelligence since the beginning of this Congress. I have been especially interested in the issues surrounding the compromise of nuclear weapons design information and the security and counterintelligence programs at the national laboratories. I do not believe that all of the facts surrounding what happened and how it happened with respect to the compromise of sensitive weapons information to the PRC have yet been sorted out.

Problems clearly existed for 2 decades, and for reasons that are still inexplicable, very little appears to have been done on a systematic basis until the press reports, the promulgation of Presidential Decision Directive 61. While I commend Director Freeh and the Director of Central Intelligence Tenet for pushing PDD 61, and Secretary Richardson for his commitment to fully implement counterintelligence and security reforms, and just recently to the gentleman from California (Mr. Cox) and the gentleman from Washington (Mr. DICKS) for their amendment today, I am not yet convinced all specific reforms have been considered addressing the culture and leadership between our national labs and the Department of Energy.

Nevertheless, I am convinced that counterintelligence and security reforms will only succeed if good counterintelligence and security practices become ingrained, ingrained in the daily business of those who have the duty to protect national security information and if there is continued high-level attention being made to security and counterintelligence discipline from the leadership and the national security agencies of the United States Congress. The keys, Mr. Chairman, are ingrained in the daily business, continued high-level attention, and disciplined leadership and direct communication between DOE and their employees and the United States Congress.

I have thus proposed in this amendment that the Secretary of Energy provide the Congress with a report each year on certain matters related to counterintelligence and security that would give one indication that there is keen attention and involved leadership to security and counterintelligence practices at the national laboratories. I would expect the report to be sent each year to the Armed Services and Intelligence Committees of the Congress with classified attachments, if necessary. There were three reports in the

Cox and Dicks amendment just voted on. This amendment does not produce any kind of duplication between those other reports. I would hope that the committees would then use the report as one springboard for oversight.

Again, I believe Congress must send the strongest constructive message about counterintelligence and security, and the message must be sustained over the long term, not just in the heat of revelations about espionage with sufficient appropriations from our oversight committees to ensure that the job gets done.

I would like to thank the House committee staff on intelligence, current members of the intelligence and counterintelligence communities and former members, such as the Director of Intelligence Jim Woolsey and experts on counterintelligence matters such as Paul Rudman and John Feron for their help in putting this amendment together.

Mr. Chairman, I yield to the gentleman from Delaware (Mr. CASTLE) who has also been helpful in putting together the bipartisan amendment.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Indiana for yielding, and I do rise in strong support of his amendment, of which I am a cosponsor, which would require the Secretary of Energy to report to Congress annually regarding the counterintelligence and security practices at our national laboratories.

I will not belabor this too much, because a lot of what I would say would be repetitious of what the gentleman from Indiana has already stated; but as a member of the Permanent Select Committee on Intelligence, I do have a distinct interest, as I think we all do, but perhaps it is a little more focused on the intelligence committee in safeguarding our national labs, especially considering the recent release of the details of the COX-DICKS report regarding United States national security and the People's Republic of China.

The facts obviously are still emerging, the consequences of that are still emerging, and efforts are being made to address it, but I think we have come to the conclusion that something needs to be done on a longer term regular basis, if my colleagues will, is what this amendment is all about, requiring the Secretary of Energy to issue an annual report on certain matters related to counterintelligence and security, in those particular labs.

So I am strongly supportive of this. I think we need to remain ever vigilant on this. We need to learn from the past, and we need to make sure that whatever it is that we do to cure these things will be continued into the future, and in my judgment some sort of annual review is exactly what is needed, and so for that reason I strongly support this amendment.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Delaware for his

strong bipartisan support for the amendment, and again come back to the many hearings and the many reports that we have had from the COX-DICKS Commission, the many meetings that we have set up with members of the counterintelligence community. They stress over and over and over again that the culture in our laboratories has to change; that we have to have ingrained in the daily business a concern and riveted attention to the details of security; that we have to have this as a continuum; that we have to continue to stress this at the highest levels; Secretary of Energy Richardson, who has got a good start on this, continue to visit the national laboratories and make this a top-down and bottom-up change in the culture.

The Chinese have probably been spying on the United States for 30 years since they started a nuclear program. We need to be more vigilant, we need to be more detailed about securing the most sensitive secrets we have, some of which are at our national laboratories.

So I would hope that this amendment would be accepted, that we can change the culture, we can keep attention to this, and that we will continue to put the necessary appropriations forward to keep ever vigilant in protecting our national security secrets.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON) for any comments he may have on the amendment.

Mr. SKELTON. Mr. Chairman, I would merely say it is a good amendment, and we examined it on this side. We have no problem with it and endorse it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from Missouri and would ask that the House adopt the amendment.

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I would like to commend the gentleman for his amendment, too, and as chairman of the committee I am prepared to accept it.

Mr. ROEMER. Mr. Chairman, I thank my good friend from South Carolina, and with those two resounding endorsements I know when to stop talking, Mr. Chairman, and I would ask the House to adopt the amendment.

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

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

The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 106-175.

AMENDMENT NO. 6 OFFERED BY MR. SWEENEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. SWEENEY:

At the end of title XII (page 317, after line 17), insert the following new section:

**SEC. 1206. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.**

(a) ANNUAL AUDIT.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) REPORT TO CONGRESS.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

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

Mr. Chairman, I do not expect to use all my allotted time, and I want to thank both the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE) for the opportunity to present this amendment.

As my colleagues know, the past several years have revealed two major breaches in the national security interests of this great Nation, and we have heard a lot of debate and discussion on the floor today about one of those. And the Chinese nuclear espionage and the transfer of militarily-sensitive technology to satellite trade have now proven beyond a doubt to have significantly enhanced the military capability of communist China.

Since the end of the Cold War, I believe, Mr. Chairman, we have taken our military strength and in turn our national security a bit for granted. Sadly, the recent events have revealed that American strength is not automatic and we must take positive steps to preserve our role as the only remaining superpower.

Today I offer my amendment to reestablish that it is the policy of the

United States to ensure that our technological advances and military know-how are not turned against us in the form of advanced military threat. My amendment and the real value of my amendment, I believe, is that it would provide an additional and very necessary layer of security and scrutiny to ensure that Chinese espionage experienced in the Department of Energy labs is not repeated in the Departments of Defense and Energy and that they regularly monitor their policies with respect to the technological transfers with China. The amendment requires that the Inspector General of Defense and Energy assess in consultation with our intelligence community their departments' policies and procedures with respect to the exchange of technology and scientific information that could be used to enhance the military capabilities in China. This audit must be conducted on an annual basis and is continuing with a report to Congress.

Mr. Chairman, I offered a similar amendment to the NASA authorization just a few weeks ago that passed the House, calling for an annual audit of policies regarding the transfer of technology to China from our space program. I believe this is a commonsense review and it should exist in all relevant departments throughout the Federal Government. Surely I recognize that the Department of Energy has taken steps to correct some of the problems that led to the compromise of our most critical military secrets.

□ 1600

I also recognize that there have been a number of amendments presented, and there will be more that will be presented today, that also provide for some answers and some solutions, and Congress has made this a priority as we address these security issues.

A few years ago we were pretty certain that the top secret scientific information at our nuclear labs was secure. We now know that was not the case. I think it is entirely appropriate and I would suggest essential that the agencies of the U.S. Government engaging in national security related matters be required to regularly conduct comprehensive evaluations of their policies for protecting militarily sensitive technology.

Again, the amendment simply provides an extra layer of protection at the Departments of Defense and Energy to prevent the repeat of the breach of our nuclear labs. America can no longer take our national security for granted and we in Congress can no longer take our national security for granted. I believe this is a common sense oversight amendment, and I urge my colleagues to support it.

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

Mr. SPENCE. Mr. Chairman, I find no fault with the amendment, and I com-

mend the gentleman for offering it. On behalf of the committee, I accept it.

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

Mr. SKELTON. Mr. Chairman, I have examined the amendment on our side and find it commendable.

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

The CHAIRMAN. Does any Member claim time in opposition?

If not, the question is on the amendment offered by the gentleman from New York (Mr. SWEENEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 106-175.

AMENDMENT NO. 7 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. RYUN of Kansas:

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

**Subtitle F—Department of Energy Foreign Visitors Program Moratorium**

**SEC. 3181. SHORT TITLE.**

This subtitle may be cited as the "Department of Energy Foreign Visitors Program Moratorium Act".

**SEC. 3182. MORATORIUM ON FOREIGN VISITORS PROGRAM.**

(a) MORATORIUM.—Until otherwise provided by law, the Secretary of Energy may not, during the foreign visitors moratorium period, admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a monthly basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) On a monthly basis, but not later than the 15th day of each month, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report in writing providing notice of the waivers made in the previous month. The report shall identify each individual for whom such a waiver was made and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that individual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy or an Assistant Secretary of Energy.

(c) FOREIGN VISITORS MORATORIUM PERIOD.—For purposes of this section, the term "foreign visitors moratorium period" means the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date that is 90 days after the date on which the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a certification in writing by the Secretary of each of the following:

(A) That the counterintelligence program required by section 3183 is fully implemented, and fully operating, at each of the national laboratories.

(B) That such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(C) That the Secretary is in compliance with the provisions of subsection (b).

#### SEC. 3183. COUNTERINTELLIGENCE PROGRAM.

(a) ESTABLISHMENT AT EACH LABORATORY.—The Secretary of Energy shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Secretary. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director of the Office of Counterintelligence of the Department of Energy.

(b) INVESTIGATION OF PAST SECURITY BREACHES.—The Secretary shall require that the counterintelligence program at each laboratory include a specific plan pursuant to which the Director of the Office of Counterintelligence of the Department of Energy shall—

(1) investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of the counterintelligence program at that laboratory; and

(2) study the extent to which a breach of security may have occurred before the establishment of the counterintelligence program at that laboratory with respect to a classified project at that laboratory by the admittance to that laboratory, for purposes of a nonclassified project, of a citizen of a foreign nation.

(c) REQUIRED CHECKS ON ALL NON-CLEARED INDIVIDUALS.—(1) The Secretary, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall ensure the following:

(A) That before any non-cleared individual is allowed to enter any facility of a national laboratory, a security investigation known as an "indices check" is carried out with respect to that individual.

(B) That before any non-cleared individual is allowed to enter a classified facility of a national laboratory or to work for more than 15 days in any 30-day period in any facility of a national laboratory, a security investigation known as a "background check" is carried out with respect to that individual.

(2) NON-CLEARED INDIVIDUAL.—For purposes of paragraph (1), a non-cleared individual is any of the following:

(A) An individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(B) An individual who has not been investigated by the United States, or by a foreign nation with which the United States has an appropriate reciprocity agreement, in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as "Secret".

#### SEC. 3184. EXCEPTION TO MORATORIUM FOR CERTAIN GRANDFATHERED INDIVIDUALS.

(a) GRANDFATHERED INDIVIDUALS.—Notwithstanding section 3182(a), the Secretary may, during the foreign visitors moratorium period described section 3182(c), admit to a facility of a national laboratory an individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list, for a period of not more than 3 months for the purposes of transitional work, if—

(1) that individual was regularly admitted to that facility before that period for purposes of a project or series of projects;

(2) the continued admittance of that individual to that facility during that period is important to that project or series of projects; and

(3) the admittance is carried out in accordance with section 3183(c).

(b) REPORT ON GRANDFATHERED INDIVIDUALS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on each individual admitted to a facility of a national laboratory under subsection (a). The report shall identify each such individual and, with respect to each such individual, provide a detailed justification for such admittance and the Secretary's certification that such admission was carried out in accordance with section 3183(c).

#### SEC. 3185. DEFINITIONS.

For purposes of this subtitle:

(1) The term "national laboratory" means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(2) The term "sensitive countries list" means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(3) The term "indices check" means using an individual's name, date of birth, and place of birth to review government intelligence and investigative agencies databases for suspected ties to foreign intelligence services or terrorist groups.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Kansas (Mr. RYUN) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. RYUN).

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer my amendment today because I believe its strong moratorium language will enable the Department of Energy to enact the previously debated and passed intelligence programs.

Mr. Chairman, I have worked with the bipartisan group that wrote the COX-DICKS amendment, and I voted for it. I agree with the series of strong security provisions that the amendment offers. However, I also believe putting these security provisions in place cannot be achieved overnight.

Until a comprehensive counterintelligence program is up and running at

each laboratory, access must be limited to ensure that enhanced security is functioning properly.

Mr. Chairman, as you can see, I would have had a chart just a moment ago, but it would have shown that 16 percent of our foreign visitors from sensitive countries were not given any kind of background check between 1994 and 1996. Congress needs to make sure that every effort is made in our power to limit that access until we discover the full extent of the revealed security breaches. It is pretty extensive when you look at the numbers between 1994 and 1996.

Secretary of Energy Bill Richardson in a letter written today to all Members of Congress states that the Ryun amendment "effectively kills several important national security programs at the DOE laboratories." However, the amendment allows the Secretary of Energy to waive the moratorium for individuals deemed necessary to our national security, so we have a waiver provision in there with the moratorium that allows if we have a national security problem allowing necessary people to come in and be able to perform in those laboratories. For each waiver, the secretary must report which individuals were admitted, along with the justification for their admittance to the House and Senate Armed Services Committees on a monthly basis.

Mr. Chairman, after the two-year moratorium is complete and after consultation with the Director of the FBI, the Secretary of Energy is required then to certify in writing that the new counterintelligence programs are running effectively before giving Congress a 90-day review period for the lifting of the moratorium.

This amendment puts accountability and Congressional oversight back into the security process at our nuclear labs. We must establish procedures to ensure that the theft of our national security secrets never happens again.

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

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

The CHAIRMAN. The gentleman from Missouri is recognized to control 20 minutes.

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

Mr. Chairman, were it not for the COX-DICKS amendment, this would be a different case. We not only are re-plotting the same ground, we find this amendment in conflict with that amendment which we have already passed unanimously in this body.

Mr. Chairman, let me commend my friend from Kansas, who is a very sincere and dedicated member of our committee. However, this amendment is not necessary because of the reasons that I heretofore stated.

Mr. Chairman, the protection of critical nuclear information is a very serious matter. There has been a compromise, and some changes are required in the manner in which security and counterintelligence matters are handled. The amendment does provide some increased emphasis on counterintelligence and potential for enhanced protection, but would codify the counterintelligence program mandated by Presidential Directive 61 in the least restrictive manner thus far proposed that provides a waiver by the Secretary of Energy during moratorium.

However, since the COX-DICKS amendment has been accepted by this body, as I point out, by unanimous vote on a rollcall vote, this amendment is not needed. It flies in the face, sadly, with the COX-DICKS amendment, so we would have two standards set forth in the bill should this be adopted. That, of course, is a very serious problem for anyone to follow when you have two standards, two ways of doing something, two time limits. It would be very difficult, and, frankly, unworkable.

Regretfully, because the gentleman from Kansas (Mr. RYUN) is such a dedicated member of the committee, I find that I really in all sincerity must oppose this amendment.

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

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is important to draw the distinction here, because while the Cox report allows for a moratorium, it is a very limited moratorium. It is a 90-day moratorium. In actually reading the report by the gentleman from Washington (Mr. DICKS), who is a part of this amendment, and Mr. COX, it is very clear to me that is a very limited period of time.

My amendment allows for a two-year moratorium, which is sufficient time to put a counterintelligence program in place and ensure that we genuinely protect those national secrets. That is the reason for the length. Under the Cox report it has a 90-day period with a 30-day reporting period, so conceivably at the end of 60 days there would not be a need for any further moratorium.

So I believe the extension is necessary if we are going to make sure that we have a counterintelligence program in place and to ensure our national secrets.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

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

Mr. Chairman, I want to rise in strong support of the Ryun amendment, and I want to say at the outset that I very much respect the position of folks on the other side. I know the gentlewoman from New Mexico (Mrs. WILSON) is very dedicated, very bright,

and has the best interests of our country at heart and serves her constituents very well. I have though a difference of opinion on this issue with the folks that limited the scope of the foreign visitors cutoff.

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

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

Mr. DICKS. Mr. Chairman, I just want to make sure we have this understood here. Nothing happens. There is a moratorium until Ed Curran, the new Director of Counterintelligence, certifies that we now have in place an effective counterintelligence program. Then, under the COX-DICKS amendment you would have 45 days, and Congress would then have a chance to review it. So you would have 60. But this is 60 days after the new head of counterintelligence certifies that we have an effective plan in place.

Why would we want to keep it on for two years after that? That does not make any sense.

Mr. HUNTER. Reclaiming my time from my B-2 friend, let me tell—

Mr. DICKS. Mr. Chairman, the B-2 did very well over there, by the way, in Kosovo.

Mr. HUNTER. I know the B-2 did very well in Kosovo. Let me say why the Ryun amendment makes a lot of sense. It is for this reason. I understand under both provisions we establish a counterintelligence office. That is, of course, a must. It is a mandate.

But the issue should go beyond how we establish the counterintelligence operation. It should also include the issue of this: Does it make sense for us to have visitors and to allow Algeria, Cuba, and I am looking at the GAO report on foreign visitation to our nuclear weapons complex, Cuba, Iran, Iraq and China in our nuclear laboratories at all? What advancement is Cuba giving us to our nuclear weapons program? What is the reasoning whereby we feel that we need to make, and I have added them up here, six visits by the states of Algeria, Cuba, Iran, Iraq and China to our nuclear weapons laboratories?

I think, and I say to my friend in all sincerity, I think we have missed part of the debate. I think when we do counterintelligence background checks on people from Iraq, you know what our counterintelligence people are going to give us on these particular agents and scientists? They are going to give us blank pieces of paper, because it is very difficult for us to get background information on those folks.

Now, I do not think that people from those states and many of the other controlled access states have anything to give to our nuclear weapons complex that helps us either build nuclear weapons or do stockpile stewardship on nuclear weapons, which is our primary purpose.

I would simply say this to my friend: The Secretary of Energy can execute waivers, but this is all about accountability. Under both provisions, the Ryun amendment and the base bill, the Secretary of Energy can execute waivers. I think if you look at this list of people from controlled countries that had no business being at our national labs, and you see the percentage of people that, in the cases of Iran and Iraq who were even given background checks, and it is down to 10 and 20 percent of people from Iraq were given background checks to come into our nuclear weapons complex, I think it is appropriate for us to say to the Secretary of Energy, listen, for the next two years, you can have people come in, and if it is the Nunn-Lugar program that affects the Soviet Union, if it is one of our missile control regimes, if it is a fissile material control regime, all you have to do is sign a piece of paper and you bring those scientists in. But we want you to look at these applicants for admission to our national weapons complex. The Ryun amendment does that.

I think, in light of that, the two-year moratorium makes a lot of sense. These people have not been paying attention. I think the gentleman would agree with me, when you let people come in from Algeria, Cuba, Iran and Iraq, and they are supposed to be contributing to our nuclear weapons development or stockpile stewardship, it makes us realize the leadership in DOE has not been reflecting on these admissions. We want to make them reflect.

Lastly, I would say what Leo Thorsen has said, the great Medal of Honor winner. He said in areas of national security, he said, go with strength. Go the extra mile. We are going the extra mile with the Ryun amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. Chairman, I stand in opposition to the Ryun amendment, although I understand the sincerity with which he offers it.

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This amendment is entirely unnecessary, as has been already pointed out. The concerns that are pertaining to the moratorium and checking out all the foreign scientists who come have been dealt with adequately in the COX-DICKS amendment that has already passed.

This amendment places a 2-year moratorium on the entry of foreign visitors from sensitive countries, and it presents what seems to me to be a very simplistic solution to a wave of espionage that has already occurred in our weapons labs.

I know that the sponsor indicated that between 1995 and 1996, that some

16 percent of the foreign scientists did not receive any background checks. If we had a 2-year moratorium for that time period, then it would make a lot of sense. But what we have in the situation here is that we are trying to solve a problem that we are already aware of, and it is like locking the barn door after the horses have escaped.

The free exchange of scientists in unclassified research areas at our nuclear weapons lab is important for recruiting and retaining a world class staff. We need to help maintain the U.S. nuclear stockpile and maintain American scientific leadership. A quarantine at our national laboratories in effect will insulate us from some of the world's finest minds in many scientific fields, and has the effect of undercutting our own progress, development, and superiority in nuclear weapons development and scientific advancement.

Imagine if this moratorium had existed during the U.S. development of the atom bomb. Dozens of scientists and physicists, people like Einstein and Fermi, who were citizens of enemy nations, would have been prohibited from research and development of a weapon that helped end World War II. These exceptional minds who labored tirelessly for their adopted country would be barred from that work today.

Secretary Richardson has responded to this. The COX-DICKS amendment has responded to this. This amendment is entirely unnecessary.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman who just spoke, we have a waiver provision that allows for national security, to allow certain scientists to come in if necessary.

Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Kansas (Mr. RYUN). I think it is a good amendment.

I have listened intently to all of the opposition. It does not make sense. It takes years to learn the scope of espionage that has already occurred in our nuclear labs. We still may not know the full extent of the problem.

As a matter of fact, the Cox report has only been able to offer up for the public view certain portions of what they found out. Many parts of it are still classified, and we would not know what has been learned there.

In March, the former director of the Los Alamos National Laboratory wrote in the Washington Post that during his tenure at the lab a great number of individuals from sensitive countries visited, but there was “. . . no indication that these contacts compromised our security.”

Unfortunately, it was during this same period of time that classified information on the W-88 warhead designed at Los Alamos was stolen by the Chinese. In this case, what we did not know has certainly hurt us.

Espionage by definition is not conducted in plain sight. We did not know that China was obtaining our nuclear secrets from laboratory employees, and my theory is that we do not know of losses that have occurred because of the foreign visitor program.

The Government Accounting Office has reported that during the period 1994 through 1996 there were 5,472 visits from sensitive countries to the three weapons laboratories. Of that number, 2,237 were from Russia; 1,464 were from China; and 814 were from India. That high visitation rate continues, with Los Alamos recently reporting 1,040 visits from sensitive countries in 1997 alone.

In view of this high volume of visitation from countries of proliferation concern, at least one of which has illicitly obtained our nuclear weapons secrets, I do not think it is inappropriate to place strict limits on these visitations.

I would point out what has already been pointed out to a lot of the concerns of our opponents in this matter, that the moratorium imposed by this amendment would not be permanent, nor would it be absolute. The amendment provides for waivers by the Secretary of Energy, allowing the admission to a national laboratory of specific individuals from a sensitive country if the Secretary determines the visit to be necessary for the national security interests of the United States.

The amendment also includes a sunset provision that has not been mentioned which would, under certain conditions, make it possible for termination of the moratorium within 2 years.

Mr. Chairman, this is a good amendment. It should be adopted.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I find parts of this amendment to be difficult to understand, at least in the real world and the way the laboratories operate.

Sandia National Laboratory in my district is a multi-program laboratory. Yes, it does nuclear defense work, but it also does a whole lot of other things. This amendment would prohibit foreign visitors from sensitive countries to any facility on Sandia National Laboratories, and the only exceptions are for when it is necessary for national security.

This means we are no longer going to have any foreign visits that deal with the solar energy farm or the micro-machines program or nuclear fusion or semiconductors or lithography, or a

whole range of scientific developments arrayed with computing.

We need our scientists to be engaged in the most advanced science in the world, and the reality in this country today is that half of the graduate students in engineering in American universities are not American citizens.

We need to stay on the cutting edge of science, and we would make a mistake if we cut ourselves off from that science.

Mr. RYUN of Kansas. Mr. Chairman, I yield 3 minutes to my friend and distinguished colleague, the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise in strong support of the amendment introduced by my friend, the gentleman from Kansas (Mr. RYUN), fellow member of our Committee on Armed Services. I have the utmost respect for the gentleman from Missouri (Mr. SKELTON) and Members on that side of the aisle. I appreciate what is being done by the COX-DICKS amendment.

There are many steps in the right direction. My friend, the gentlewoman from New Mexico (Mrs. WILSON) has great concern for her district, country, and her labs, and she very carefully and meticulously explained to me her views on the bill. I appreciate her willingness to talk with me at length about this.

But as I evaluate the situation from my perspective as a member of the Committee on Armed Services, it is apparent to me that to simply rely on the COX-DICKS amendment is a potential underreaction to an extremely serious situation.

With that in mind, I strongly support the efforts of the gentleman from Kansas (Mr. RYUN) to put our security first, to put the future security of our Nation at the absolute top of our priority list. I have listened to a number of colleagues. The amendment of the gentleman from Kansas (Mr. RYUN) does nothing but strengthen the recommendations put forth by the Cox commission.

It is clear from our debate that we are all in agreement over the seriousness of what is at stake. Events at Los Alamos reflect a collapse in DOE counterintelligence and a compromise of national security. Again, the COX-DICKS AMENDMENT IS CRAFTED TO ADDRESS THESE COUNTERINTELLIGENCE LAPSES, AND OUTLINES NO LESS THAN 13 NEW INITIATIVES FOR DOE IMPLEMENTATION. THIS IS GOOD.

There is no doubt that the measures, if properly executed, will close loopholes exploited by Chinese spies. It seems to me, however, impossible to set in place an extensive, verifiable counterintelligence system in a mere 90 days.

I would remind my colleagues, and there is not a member in this Chamber that did not support the COX-DICKS amendment, that this amendment establishes three new agencies of counterintelligence oversight. Do we really

believe these new agencies will be operational in 3 short months? I submit the answer is no.

The gentleman from Kansas (Mr. RYUN) is simply providing the DOE adequate time to ensure that some of America's most sophisticated technology is safe from foreign espionage. I contend any Member that is troubled by events at Los Alamos and is interested in legitimate solutions will support this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I very reluctantly rise in opposition to the Ryun amendment. I want to commend the gentleman for his work on this issue. He was an early proponent of tightening security at DOE, and his realization of the problems there have been proven correct.

We attempted in the drafting of the original Dicks amendment to address the problems he identified and, to a large measure, we were successful. The Dicks-Ryun amendments are now almost identical except for one major point. However, in my view, this point is a major difference. I must reluctantly oppose his amendment.

The Ryun amendment, like the Cox-Dicks amendment, imposes a moratorium on foreign visitors to the dose national laboratories. But under the Ryun amendment, this moratorium would extend for at least 2 years, regardless of whether or not all possible security measures needed to protect the labs are in place.

This is a serious concern to me because Ed Curran, chief of counterintelligence at DOE, assures me that it will not take that long to fix the problems at the labs. Frankly, I do not think the House could accept any answer from DOE that said it would take 2 years to fix these problems. To let problems continue for that long once they have been identified would be totally unacceptable.

Because the Ryun moratorium would last well after the amount of time needed to fix the problem, I am concerned that it will actually reduce the incentive for DOE to react quickly. I believe the amendment of the gentleman from Kansas (Mr. RYUN) will slow down the improvement of security at DOE.

The Cox-Dicks amendment already adopted by the House provides ample time for congressional oversight of DOE's changes to security at the labs, and it provides DOE the incentive to act quickly. I urge Members to oppose the Ryun amendment.

I just want to underline, our amendment is in place until the director, Mr. Curran, and the director of the FBI certify to the president, to the Congress, to the DOE that they have a security program in place. Then there will be 45 days of congressional review after that to make certain we agree with that.

But to put a 2-year lock on this thing, as the gentleman from Kansas (Mr. RYUN) does, will undermine any incentive to act quickly, which is what we want. We want Richardson, Curran, and Freeh out there implementing this program as quickly as possible.

I do not think the gentleman from Kansas (Mr. RYUN) intended this. I think it is an unintended consequence, but I think it really undermines our effort to get a quick solution to this problem.

Mr. RYUN of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

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

Mr. Chairman, I stand in strong support of the Ryun amendment. This is a commonsense amendment. To quote the amendment of the gentleman from Kansas (Mr. RYUN), the letter of June 8, it says his amendment simply prohibits foreign visitors from sensitive countries, and those are constituents that are such staunch U.S. allies as China, Cuba, North Korea, Iran, Iraq, Russia, from entering national laboratories unless the Secretary of Energy grants a waiver to individuals deemed necessary to our, the United States', national security.

Frankly, given the track record of this administration, I hate to see them have the ability to grant waivers. I would love to have some language in there that said unless they have been giving to the campaign, but I do not want to go that route.

□ 1630

I think we have already hashed that out. We know the relationships that have caused some of these breaches in security. But let us look at some of the statistics: 742 Chinese scientists visited Los Alamos National Laboratory, but only 12 were given background checks; 23 Iraqi and Iranian scientists visited the Sandia National Laboratory, none were given background checks; 1,110 Russian scientists visited Los Alamos National Laboratory, yet only 116 were given background checks.

Come on. This is national security. What is it that these people from sensitive countries offer that people are opposing the Ryun amendment over? I am not sure. What was it that the scientists from Cuba or North Korea or Iran or Iraq or Russia gave that we are afraid to give up for 2 years? Really we are not giving it up for 2 years. The Secretary of Energy would have the right to waive the requirement.

This is a common sense amendment. Our national security has been breached because of the sloppiness of the current administration. This tries to correct it. I stand in strong support of the Ryun amendment.

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

Mrs. TAUSCHER. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, when the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS) released their report last month, I feared amendments like this one offered by the gentleman from Kansas (Mr. RYUN) today.

This amendment is nothing more than a misdirected overreaction. Instead of making constructive changes to improve our counterintelligence operations, this amendment blindly cuts off our labs to foreign scientists, scientists who work in many nonclassified, nonweapons-oriented areas of the labs.

Specifically, this amendment fails to distinguish between the smuggling of our classified national secrets by American citizens from nonclassified disarmament-oriented exchanges with countries such as Russia.

Among our country's greatest national security threat is the spread of nuclear chemical and biological weapons. In February I spent a week in Moscow, meeting with U.S. and Russian scientists who administer programs designed to stop Russian scientists and their nuclear materials from going to countries such as Iran, Iraq, and North Korea.

Given the State of the Russian economy and the fact that Russia's uranium stockpiles are not locked down, we have no choice but to engage our Russian counterparts on a scientist-to-scientist level.

The Ryun amendment would end this cooperative effort. It would prevent Russian scientists from visiting our laboratories for 2 years and would severely damage U.S.-Russian relations.

Mr. Chairman, for those who are concerned about visits to our national labs, let me say just this. Earlier today, as part of the Cox and Dicks amendment, this House took steps that would reasonably address the need to protect classified materials at our national labs from foreign visitors.

It would provide for the lifting of a moratorium when DOE's Director of Counterintelligence, with the concurrence of the FBI Director, determines that the proper counterintelligence measures are in place.

Let us embrace this measured approach offered by the gentleman from California (Mr. COX) and the gentleman from Washington (Mr. DICKS). Let us reject the reactionary approach before use. Let us not blindly shut down vital national security programs that have nothing to do with classified secrets.

Mr. RYUN of Kansas. Mr. Chairman, I have no further speakers, but I would like to reserve the right to close.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has the right to close.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I commend the gentleman from Kansas (Mr. RYUN) for the serious work he has done in this effort. It is certainly rare that I would have a different opinion from my committee chairman, but I believe that the Cox-Dicks approach is better.

I think it is important for us to focus on the important parts of these security problems. There has been no indication whatsoever that the foreign visitor program has been in any way related to any of the security lapses that we have had at the national laboratories. Now other things are related, management of DOE and the number of other areas where more work is required, but not the foreign visitor program.

I would further say that the numbers that we hear talked about do not really tell us very much. For example, the Governor of California once called Lawrence Livermore and asked that a busload of Chinese tourists be able to visit Lawrence Livermore Laboratory and go to the publicly open museum. Every person on that bus counts as a foreign visitor. I do not think we wanted to have the Secretary of Energy sign a waiver for each and every one of those tourists on a bus going to a public building.

I think the COX-DICKS approach is better and ask that this amendment be defeated.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I want to repeat the commendation of the last speaker to the gentleman from Kansas (Mr. RYUN), because he served a purpose in raising this issue to the forefront. He caused us to take what he was proposing, to consider it in depth; and that was the genesis of the amendment we adopted unanimously today, the Cox-Dicks amendment.

While it included other things, that was our initial purpose, to take the foreign visitors program and add strictures to it, but not stifle it so much that we would literally suffocate and kill it, because this particular proposal would simply wipe out the foreign visitors program except for perhaps a few singular individuals who might be certified into it.

Now, what does that mean? What is the foreign visitors program? The foreign visitors program exists on reservations like Los Alamos, which is about the size of the District of Columbia. It is not just some small laboratory. It is a huge complex of facilities, an enormous site. It includes secure areas to which they do not have access and lots of other areas and labs and work spaces.

It would include an Israeli scientist there working on solar energy, a Swedish chemist who has come to work on plutonium issues, because there is a lot

we still do not know about plutonium. The Swedish chemist, an actual case, is one of the world's experts. We need his insights and advice into the nature of plutonium, how it ages and what its effects are.

It includes lots of foreign citizens who will soon be American citizens who post-doc'd from American universities and are working there, working at Los Alamos, or Livermore. They are the scientific talent of the present or the future.

It includes a lot of Russians and lab-to-lab exchanges. Why are they there? Their knowledge is just about on parity with us anyway, but it is reciprocal. We do not talk a lot about this. That is part of the Cox report that was not published. We have gained a great deal through these exchanges. That reciprocity has enhanced our knowledge of what they are doing and enabled us to get a better grip on the spread or misuse of nuclear materials and nuclear devices.

It could include IAEA trainees, because this is the perfect place to come where the knowledge resides. It could include nonnuclear exchanges. As the gentleman from New Mexico (Mrs. WILSON) stated, lots of other things have nothing to do with nuclear weapons, lithography for inscribing ships, for example, micromachinery, and stuff like that.

We will wipe out this program. Why is it important? Why does it have to occur at the labs? We set it up years ago when we created the stockpiles stewardship program so that we could have at these labs, which are national treasure houses, scientific talent that is second to none, so that we could attract excellent scientists there and maintain our excellence in nuclear weapons.

This is an important program. The strictures we need for the security and counterintelligence have already been passed and put into effect by the COX-DICKS amendment. This is not necessary. In fact, it is a dangerous precedent.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding me this time, and I certainly thank the gentleman from Kansas (Mr. RYUN) for his leadership on these important issues.

Mr. Chairman, we have been through some troubling times. We have been sometimes amazed, sometimes fearful, and sometimes deliberating what can we do to protect the national security issues of this government, and how can we combine that with the necessities of research and collaboration and our own intrinsic spirit of a country that welcomes those into our borders.

I believe there is good intent behind this particular amendment, but I rise

in opposition because of the importance of our national labs and the relevance that they have to part of the collaborative effort we have on very important research.

While the intent of preserving our national security secrets is one that I am committed to accomplishing and will be supporting several amendments dealing with the recent incident that we had in our national labs, I feel that this amendment imposes an unnecessary burden on the ability of our national labs to function.

In fact, we have already addressed many of these issues. The COX-DICKS amendment gives DOE incentive to rapidly fix security problems. Under the Ryun amendment DOE has a 2-year moratorium, no matter what they do, because they are forbidding those who are foreign nationals from even coming near our national labs.

I think the American ingenuity is better than that. I think we are smart people. I think we can address this question right now; and we can not or will not, by addressing it right now, prohibit the collaborative research that is important by most of those who come to our national labs, who have no intent of spying.

We had a terrible series of events which have been noted by the COX-DICKS report, started under Republican administrations, continued under Democratic administrations, went under a Republican administration. There is no one that can claim that one party over another has not had some responsibility for what has happened.

I would ask we vote down the Ryun amendment and support the measures that have already been done and support the Department of Energy's works that they have already begun to do, and make sure that we continue in the attitude that we have that good research is good and spying is bad.

Mr. RYUN of Kansas. Mr. Chairman, may I inquire of the Chair how much time is remaining on both sides, please.

The CHAIRMAN. The gentleman from Kansas (Mr. RYUN) has 2½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 3½ minutes remaining.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. TIAHRT), my friend and colleague.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time.

Mr. Chairman, it is apparent that the Department of Energy has no culture for keeping secrets. They keep secrets about like a sieve holds water. Personally, I think that we should move all nuclear functions from the Department of Energy to the Department of Defense under civilian control. At least in the Department of Defense we have a culture for keeping secrets, a culture for protecting our Nation's secrets.

Now, what is being asked by the gentleman from Kansas (Mr. RYUN) is not outside the realm of possibility. It is a very reasonable consideration, a small step in the giant trip we need to take towards recovering our Nation's secrets and putting into place a system that would prevent them from being lost in the future.

We simply have a counterintelligence function being put in place, a 2-year moratorium, and start the process of protecting the secrets that our country has invested billions of dollars in developing, and the loss of our secrets places our Nation in jeopardy. Our children's safety is very important to us. Whether they are in school or on the streets, it is important.

The Ryun amendment is a good first step, and I would encourage my colleagues to vote for it.

Mr. SKELTON. Mr. Chairman, I yield 1¼ minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas (Mr. RYUN), my friend and personal hero.

A year ago, the gentleman from Texas (Mr. THORNBERRY) and I traveled to Russia and visited several classified Russian nuclear labs. While we were there, we saw a demonstration, a cooperative venture that was set up between Sandia lab back in the United States and Russia.

We actually looked on TV screens and were looking at this Sandia lab. It was an experiment on how to most efficiently control nuclear materials, how to most efficiently verify that respective Nations are following treaty requirements.

What will happen if this amendment passes? First of all, there will be retaliation. Any nation that is on this sensitive nations list, they are going to retaliate against us. Of course, they are not going to let people like the gentleman from Texas (Mr. THORNBERRY) and I continue to visit their complexes.

Second, the gentleman from California (Mr. HUNTER) a while ago gave a list of the nations that are on the list of sensitive countries, and he mentioned Cuba and Algeria. I mean, who can complain about not letting Cuban baseball players into our nuclear facilities?

The problem is that is an incomplete list. The list I received from staff also mentions that are on the list of sensitive countries, Israel, Taiwan, India, Pakistan. Surely we would all acknowledge that these are countries that we do have need for cooperative scientific venture even in some classified areas.

The third point I would make is that this amendment is too broad. The specific language puts this 2-year moratorium on "any facility of a national laboratory."

Now, the doctor in me, when I hear the word "laboratory," I think it talks

about some one little small space or one room. These laboratories, like Sandia lab, Los Alamos, are large, sprawling, many, many acres, many, many buildings, doing all kinds of work with all kinds of different scientists, much of which is not classified.

We would be cutting off all of this material and all of those opportunities by passing this amendment.

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

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time, and I rise in opposition to the Ryun amendment.

I rise today in strong opposition to the Ryun amendment.

Last month Congressman NETHERCUTT offered an amendment to the DOE authorization bill in the Science Committee that would have imposed a moratorium on the Department of Energy's foreign visitor program. I amended Mr. NETHERCUTT's amendment to include a sunset provision. My amendment was unanimously accepted.

I offered my amendment in the Science Committee because I am very concerned about national security at our labs. My amendment called for a moratorium on foreign visitors from sensitive countries to all labs when the visit is to a classified facility, and topics involve export control and nonproliferation. However, it included a

1. Waiver of the moratorium on visits related to the U.S.-Russia nonproliferation programs that are important to our national security.

2. Similar to the bipartisan bill passed by the Senate Intelligence Committee, the Secretary can issue waivers as long as the Secretary reports to Congress within 30 days.

3. Contained a sunset to the moratorium. After all applicable portions of the Presidential Decision Directive 61 are in place, additional counterintelligence, safeguards and security measures announced by Secretary Richardson are in place and that DOE's current export controls on nonproliferation that govern foreign visits is in place.

4. Annual report by DOE and FBI to Congress assessing security at each lab.

Mr. RYUN's amendment would effectively kill several important security programs at the DOE labs including the nonproliferation programs that are so important to our national security.

I went before the Rules Committee to offer my amendment that was unanimously passed by the full Science Committee, however, my amendment was not made in order. Therefore, I will vote against the Ryun amendment and urge my colleagues to also vote against the amendment.

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

Unfortunately, Mr. Chairman, the current administration has used words like unnecessary, overdramatize, and overreaction when discussing this legislation that tightens security at our nuclear labs.

Security at the Department of Energy nuclear laboratories has been a systematic problem for over two decades. To blame one agency, one administration, or one individual would certainly be inappropriate. However, the discovery of all the thefts that have taken place in our most sensitive secrets does indeed warrant prompt and decisive action.

The recent security proposals by the Department of Energy will leave visitors from China, Iran, Iraq, and Russia, many of these sensitive countries, back in the status quo. Congress must enter in and make the change so that we no longer have the status quo.

I ask that my colleagues vote in support of this amendment and in support of the chairman, the gentleman from California (Mr. Cox), who intends to vote "yes".

Mr. SKELTON. Mr. Chairman, I yield 1 minute to gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. RYUN). This amendment could have the potentially destructive effect of cutting off important exchanges for 2 years between American scientists and their counterparts from other countries.

The amendment attempts to respond to compromises to our national security with regard to the People's Republic of China, obviously, a worthy goal, but it goes too far, extending the moratorium for 2 years instead of the 90 days specified in the COX-DICKS amendment.

The sensitive country list, as has been mentioned, includes many friends of the United States, including Israel. The list includes most of the former Soviet republics, including countries like Armenia, Azerbaijan, and Georgia that are part of NATO's Partnership For Peace, and whose presidents took part in the recent 50th anniversary celebrations for NATO here in Washington. It includes India, the world's largest democracy. The stated reason for putting India on the list is it has not yet signed the Nuclear Nonproliferation Treaty. But it needs to be made clear that India's nuclear program is an indigenous one, developed by India's own scientists.

Export controls on supercomputers and other dual-use technologies have been in effect against India for years, forcing India to develop its own highly advanced R&D infrastructure. There is no evidence or even suggestion that India has been involved in the kinds of espionage activities that have been documented with regard to China.

And we must be careful not to cut off scientific exchanges for as long as 2 years. And I know, Mr. Chairman, there is a waiver provision for national security reasons, but I would suggest

that that is a very difficult test. Experience shows these types of waivers are rarely used.

And I just want to say that I agree that China's espionage activities should cause us to be more vigilant, but the COX-DICKS amendment addresses many of these concerns, including a much more measured approach to dealing with the Department of Energy's foreign visitors program. So I think that for that reason we should oppose this amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. RYUN).

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

Mr. RYUN of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Kansas (Mr. RYUN) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 8, printed in House Report 106-175.

AMENDMENT NO. 8 OFFERED BY MR. GILMAN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by the gentleman from New York (Mr. GILMAN):

At the end of title XII (page 317, after line 17), insert the following new section:

**SEC. 1206. RESOURCES FOR EXPORT LICENSE FUNCTIONS.**

(a) OFFICE OF DEFENSE TRADE CONTROLS.—(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading "Administration of Foreign Affairs, Diplomatic and Consular Programs" in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from

New York (Mr. GILMAN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

Mr. Chairman, I am pleased to join with the distinguished chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), in offering an amendment which requires the Secretary of State and the Secretary of Defense to ensure that adequate resources are allocated to the Office of Defense Trade Controls and the Defense Threat Reduction Agency for the purpose of reviewing and processing export license applications.

The Office of Defense Trade Controls, the ODTC, within the Department of State, currently processes about 45,000 licenses each year, which is nearly four times what the Bureau of Export Administration in the Department of Commerce deals with, with only one-fourth of the personnel.

With the transfer in jurisdiction of satellites and related technology from the commodity control list to the munitions list, ODTC will be taxed even greater to meet its obligations to review and process munition licenses as well as meeting its mandate to ensure compliance with our export control laws. That is why the gentleman from South Carolina (Mr. SPENCE) and I worked together to ensure that last year's Omnibus Appropriations Act contained \$2 million for the Office of Defense Trade Controls to carry out its responsibilities.

Regrettably, the State Department has refused to allocate the necessary funds to ODTC. Therefore, additional language was placed in last month's emergency supplemental as report language directing State to provide the monies that are needed. The State Department still refuses to provide all of the \$2 million to ODTC, citing other pressing needs. Given the State Department's refusal to provide these needed funds, this amendment directs the Secretary of State to provide the balance of the funds needed to ODTC.

This amendment ensures that the Defense Threat Reduction Agency is going to be adequately resourced by the Department of Defense. Accordingly, I urge support for this amendment.

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

Mr. Chairman, the amendment offered by the gentleman from New York (Mr. GILMAN) and myself would require both the Secretary of State and Secretary of Defense to provide sufficient

resources to the offices within their respective departments that are responsible for reviewing and processing export license applications, as the gentleman from New York has said. This is premised on the strong belief that review of the export licenses should be carried out in a thorough and timely manner.

This amendment builds upon the provision in last year's Defense Authorization Act that transfers licensing jurisdiction for the export of United States satellites from the Commerce Department back to the State Department. Last year's legislation also mandated a greater Defense Department role in ensuring that sophisticated military-related technology is not inappropriately transferred to dangerous countries and countries of proliferation concern.

Mr. Chairman, this is a common sense amendment that simply requires both secretaries to commit sufficient resources to carry out their department's licensing activities. In particular, it calls on the Secretary of State to immediately allocate those funds provided last year for this purpose. As the Cox report indicated, the relaxation of export controls on sensitive dual-use technologies has had a devastating consequence for United States national security. Combined with the actions taken by the Congress last year to tighten our export control process, this amendment will help to see to it that American national security interests are protected.

The amendment's requirement that all export license reviews be carried out in a timely manner addresses industry's concerns regarding possible delays in the licensing process.

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

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 106-175.

AMENDMENT NO. 9 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. WELDON of Pennsylvania:

At the end of title IX (page 265, after line 11), insert the following new section:

**SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.**

(a) REORGANIZATION OF TECHNOLOGY SECURITY FUNCTIONS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a

separate Defense Agency named the Defense Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) **DIRECTOR.**—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) **FUNCTIONS.**—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

- (1) Strategic trade.
- (2) Defense cooperative programs.
- (3) Science and technology agreements and exchanges.
- (4) Export of munitions items.
- (5) International Memorandums of Understanding.
- (6) Industrial base and competitiveness concerns.
- (7) Foreign acquisitions.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this amendment and the one that will follow are noncontroversial amendments. I have discussed them with my colleagues on the other side. I have discussed them with the gentleman from Washington (Mr. DICKS), the ranking member on the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China.

My colleagues, these are perfecting amendments to try to deal with the internal operations of DOD to make sure that we have in place the appropriate role for our agency personnel who are charged with the responsibility of monitoring input on potential technology transfers in licensing so that we have maximum effort available to raise the potential threats that these technologies might bring to bear on the U.S. This change would take DTSA and the Technology Security Directorate out from under the control of DTRA, which is the Defense Threat Reduction Agency, and allow it to operate as a separate entity.

The reason why this is important is that in a reorganization that occurred in the fall of last year, DTSA was placed under the acquisition side of the Department of Defense, thereby providing undue influence on those technical people whose job it is to monitor technologies that, in fact, may be requested for licensing.

It is true that the DTSA organization also reports to the policy side of the Department of Defense, but there is a conflict in that dual reporting relationship. What we simply do with this amendment is have DTSA report di-

rectly to the policy side alone so that the technical people in DTSA, who are those that are best able to make key decisions relative to technology licensing in exports to the upper levels of the Pentagon, so they can have the appropriate response for the decision-making process involving Commerce and State on technologies that in fact may be exported.

It is a technical amendment, but it is one that I think is consistent with what was done by the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China. It is consistent with the goals and objectives of the chairman and the ranking member, and I ask my colleagues to support this amendment.

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

The CHAIRMAN. Does any Member claim time in opposition to the amendment? If not, all time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 106-175.

AMENDMENT NO. 10 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 317, after line 17), insert the following new section:

**SEC. 1206. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.**

(a) **REPORT TO CONGRESS.**—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) **CONTENTS OF REPORT.**—Each report under subsection (a) shall include an assessment of—

(1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;

(2) the impact of exports of technology which would be harmful to United States military capabilities, as well as countermeasures necessary to overcome the use of such technology; and

(3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) **TIMING OF REPORTS.**—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on

analyses contained in previous reports under this section.

(d) **SUPPORT OF OTHER FEDERAL AGENCIES.**—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) **DEFINITION.**—As used in this section, the term “country of concern” means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note).

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WELDON).

□ 1700

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will also make this brief. This is also noncontroversial. This is also an outgrowth of the Cox committee and a recommendation that I brought forward because of the findings that we made in looking at the damage done to our security.

We came to a bipartisan conclusion that U.S. international export control regimes have actually facilitated China's efforts to obtain militarily useful technology. And, therefore, what this amendment does is, I think, go a long way toward addressing the problem of monitoring what countries like China are attempting to acquire by ensuring that an annual comprehensive assessment of export licenses to countries of concern be prepared by the Department of Defense.

In other words, when an export license is granted to what we call a tier-three country, which is a country that the State Department identifies as one that is a potential threat to us, or when an export license is given perhaps to a country listed as a terrorist state, there is no requirement today that there is a process in place to monitor the cumulative effect of those licenses.

What my amendment says is that the Secretary of Defense, in consultation with the Joint Chiefs of Staff, has to submit to the Congress an annual report. That annual report will reveal to us the cumulative impact of individual exports to countries of concern. It does not say that any action will occur in a negative sense. It simply provides for the Congress to be given an annual report by DOD of these exports.

I think it is a common sense amendment. It will increase our effectiveness in this area. I would ask my colleagues to support this.

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

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume. I do so to ask my friend some questions.

I am sure that his intentions are very solid, but my question on the wording of the amendment is that, what if they do the study and they find out it has actually aided America's defense? Are they allowed to record that?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, that would be fine. That would be outstanding, and we would be happy to receive that report.

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, as I understand the language, I do not have it in front of me, it says to report the adverse impacts of international trade in high-technology items.

Mr. WELDON of Pennsylvania. Mr. Chairman, if the gentleman will continue to yield, actually, if he will real my amendment, he will see that section 2 says "the impacts of exports of technology which would be harmful." It says, "which would be harmful."

Mr. GEJDENSON. Right. So in that, would it be okay, for the record, if they assess something and they found out it would be helpful?

Mr. WELDON of Pennsylvania. Mr. Chairman, I would be happy to accept that.

Mr. GEJDENSON. Mr. Chairman, excellent.

Let me just say again, we have taken a spying case that started in the 1980s and we are trying in the process, I am fearful, of destroying the future economic and military strength of the country.

All these amendments are well-intentioned. But the reality is that most of this technology is not exclusively American, that American industry that has led the world with modern technology will not continue to do so if we unilaterally stop selling things, especially when they are generally available.

There are tens of companies that have most of these products. And if we continue to look through this in the same way we looked at machined tools, we will do to the computer industry and to other high-tech industries what we did to the machine tool industry.

Some of the same Members here would not allow American machine tool companies to sell abroad for fear it would end up in Russia's hands. What happened? The American machine tool industry continued to degrade to the point where the Defense Department wanted Japanese machines. And when the Soviets in those days were looking for a machine tool to create the kind of

quality they needed for their submarine program, they bought a Toshiba.

So let us not sit here and believe that we exist in a vacuum of total control of this technology. What we are going to set up with this stampede before any of the committees of jurisdiction have dealt with the issues is create the only restrictive process in the world. None of our allies are with us. They are selling everything they can to everybody who will put money on the table. And we are about to restrict things that are not in our national interest.

We need to deal with choke-point technologies. We need to deal with fissionable material, chemical and biological weapons, not with every piece of technology that leaves this country. And it seems to me that unless we calm down here a bit, we are going to do fundamental damage to a critical industry for the future of this country.

The choice is ours. Are we going to continue to add these amendments whose cumulative weight will create an export licensing process so complex that no one will believe America is a reliable supplier?

And again, these are not generally technologies that we hold unilaterally. These are technologies that exist all across the planet. Other countries, other companies have them.

I will close with this: In the early days of this Clinton administration, they were refusing a license for telephone switches to China. These switches operated at 565. And so, I took a look at that. And again, I am saying none of these things are made in my district, to my dismay, but this is an American product by AT&T. It was a 565 switch.

The Clinton administration refused to sell it. The Chinese made their own 565s. So we forced them to create a competitive technology. And a third country sold them 625 switches even faster. We have to understand the reality of the world and what really helps us.

The mistakes we have to date I think are clearly of the kind that this new approach will only exacerbate. Do not try to cast the wide net. Focus on the critical technologies, on things that are fundamental to weapons and other secrets that are critical to national security.

Trying to have this broad net across the globe on computers when a Sony Playstation, our kids' Sony version of Nintendo, operates at a greater speed than what we consider a super computer today is unachievable. It will only have one result. It will not increase national security. It will do damage to America's forward-looking industries.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was not going to do this but I cannot let those comments go unanswered. Here is a chart that I prepared, starting in 1993 until 1999. This chart has been made available to every one of my colleagues; and for the past two nights, I have done one-hour special orders here each night in detail about these charts. I cannot go through all of that today, but I would encourage my colleagues to read what I said and then come on the floor and dispute what I have said.

These charts were prepared by employees of the Federal Government that I have been working with from those agencies whose responsibility has been to monitor our technology, not to stop it, as the gentleman is trying to say, but to monitor it, so the DOD has at least the ability to know what it is we are selling.

Now, let us look at what has happened. And why did I pick 1993? Was it because Bill Clinton was elected? No. It is because in 1993 this administration decided to end COCOM.

COCOM was a process that was in place with our allied nations to monitor technology to make sure that in fact that technology, if it was going to be sold, we would understand the implications. This administration ended it. And I do not want to hear that it was started by the Bush administration.

Our Select Committee on China went into detail. We called in the witnesses. The final decision and the ultimate demise was, by this administration, they replaced it with something called Wassenaar, which is a total and complete failure. It has done nothing to stop technology or to give us the ability to monitor it.

Look at what happened since this administration ended COCOM. Each of these red dots are decisions that we took unilaterally to allow technology to flow overseas.

Now, in the case of high-performance computers, let us take that for a moment. Because the story is, well, every nation builds them today. Wait a minute. Up until 1995, only two countries built them, Japan and the U.S. There was an unwritten understanding between Japan and the U.S. that neither country would export high-performance computers to tier-three countries. We unilaterally ended that. We did it.

DTSA, the agency that I just talked about, said that is a bad decision. The administration said, we do not care. We are going to sell these computers anywhere. Within 2 years, China had acquired 350 high-performance computers.

What is the industry saying today? Oh, Japan is selling these. We have to compete with them. Well, why are they selling them? Because our Government stripped away the process, stripped away the process to allow the input by defense experts on the implications of these technology transfers.

Now, I cannot help it if my colleague does not believe employees of his administration. That is where I got this information from. But it goes beyond that also during this time period. These are export violations by this administration that occurred by China that this administration ignored and did not impose sanctions required under arms control regimes.

Where did these technologies go? They did not go to normal countries. They went to Libya. They went to Iraq. They went to Iran. They went to North Korea. This administration ignored the violations. This administration 20 times in the last 7 years, when we caught these violations occurring, said, we are not going to do anything because we do not want to upset our relationship with China. This combination of factors, along with these numerous visits by Chinese influence peddlers.

I wish my Democrat constituents could visit the President 12 times in one year like John Huang did. I wish my constituents could have personal meetings with President Clinton 12 times in one year to influence peddle. But my constituents do not have that opportunity.

So when the gentleman says we are going too far, I say to the gentleman, we had a 9-0 vote in the China committee for recommendations to improve our security. It was this administration who removed the laboratory security color coding at our Federal labs in 1993.

It was Hazel O'Leary who removed the FBI background checks in 1993. It was Hazel O'Leary who overruled Lawrence Livermore Laboratory when they caught a retired employee giving classified information, and she reinstated. And it was Hazel O'Leary in 1995 who gave the design for the W-87 warhead to U.S. News and World Report the same year they said we caught China.

This administration has been the problem with export policy, and we are trying to make some modest changes sensitive to the concerns of business to allow us to get a control on what it is we are selling. We are not trying to hurt business.

I will put my record against that of the gentleman on free market support of our business any day of the week. For him to stand up here and say we are trying to hurt our business is nothing less, in my opinion, than totally distorting our reputation and what we support.

We are concerned about America's security, and we are concerned about giving our employees in the Defense Department the chance to have input into what is happening.

I wish the gentleman on the Committee on International Affairs would have done more on the elimination of COCOM or the other things that occurred over the past several years that this administration gave away the

complete ability of our country to monitor the kinds of technology that we are selling. Because if we would have stopped these things, we would not have had to have a China commission, we would not have had to have a Cox committee. But none of those things occurred.

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

Mr. WELDON of Pennsylvania. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I ask the gentleman, would it be fair to characterize some of the discussion that took place in the Committee on Armed Services since 1993 as addressing some of the very problems that the gentleman has outlined in that chart?

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, absolutely. And the gentleman and my friend was in the leadership in some of those debates.

Mr. ABERCROMBIE. Mr. Chairman, if the gentleman would yield further, has it not been a topic of discussion among Democrats and Republicans that these questions that have been raised and which are addressed in the amendments now before us have been, if anything, stated in just as strong if not stronger terms in trying to deal with the question of technology transfer in the security interests of this Nation?

Mr. WELDON of Pennsylvania. Absolutely. And Democrats have been on the forefront of that in this body, as have Republicans. Our battle has not been within this Congress.

Mr. ABERCROMBIE. And would it not be fair to say that the question we had in the Committee on Armed Services was as to whether the Commerce Department was the best area to be making decisions with respect to national security interests of this country and technology transfer?

Mr. WELDON of Pennsylvania. Absolutely.

Mr. ABERCROMBIE. And so, I think it would be also fair to indicate that these two amendments that appear before us today, if anything, would be characterized by individuals on the Committee on Armed Services, such as myself, as possibly being even a little light in terms of what we might reasonably expect to impose given the sorry record that has appeared before us over the last 6 years.

Mr. WELDON of Pennsylvania. Mr. Chairman, I would say the gentleman is correct.

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

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

Mr. Chairman, some interesting things have been said, not all of them completely accurate. And I am sure it is unintentional.

The reality is that COCOM died and it died for a very simple reason. None

of our European, Japanese, and other partners would sit by any of the rules. Even when we had the Soviet Union, we could not get the French, Germans, and others to restrict sales.

Once the Soviet Union fell apart, in 1991, not when Bill Clinton got to be President, but in 1991, COCOM stopped functioning. And the reason there is not a COCOM today is because we cannot get an agreement from any of our allies or former members of COCOM on any restrictions whatsoever. The most that they are willing to do is to have their own set of rules essentially.

So they can dream about blaming Bill Clinton for everything, even when he wins. They can use his name here on a regular basis as some kind of scoundrel. But the reality is, in 1991, when he was not President, COCOM already stopped working.

□ 1715

What he tried to do with a follow-on organization is try to get our allies to have some semblance of a united position on exports. He has not been able to do it. The next President will not be able to do it. And not if the gentleman from Pennsylvania (Mr. WELDON) were the President would he be able to do it because the Europeans will not enter into that agreement with us.

Supercomputers, the Bulgarians made supercomputers when they were still communists. It is impossible to think that we are somehow going to strengthen America's security by degrading the industries that are giving us a new generation of computers every 6 months. So what you are going to do is, you are going to try to slow this process down. When a shelf life of a product is 6 months, you have basically disposed of that product's value.

When we look at where the future is, the future is very clear. The societies that take advantage of their leads and invest in future research and development will be the societies that succeed. American industry is not always right but in this area they are and the gentleman is wrong. American industry is competing globally. There are competitors making high speed computers and others of these products across the globe. And in every system, the present system and the previous system, the Defense Department was at the table. But if you ask people whose sole responsibility is defense, I guess they would not sell grain, they would not sell cars, they would not sell anything, because in some way that does assist your adversary.

Mr. Chairman, if we do not develop the technology for the future, we will be begging the Japanese or the Germans to sell us the computers we need and then tell me about American national security, when we no longer make the best in this country. It happened in electronics, it happened in machine tools, and with this kind of

attitude, it is going to happen in the most forward industry we have had in this country in some time, in telecommunication and computers.

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

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

In closing, the gentleman would make a fine fantasy writer for fantasy books. We are dealing in substance here. There have been serious security concerns brought before this Congress by nine of the most solid Members of this institution, four members of the Democrat Party who I have the highest respect for, who understand security issues and understand the implications of them and do not get on this floor and rail with a bunch of uninformed and unbacked-up rhetoric about what we are trying to do. This is a serious issue that deserves a serious response. This amendment takes that step. I would encourage and ask my colleagues to support this bipartisan effort to provide one more tool to allow us to monitor our technology before it is sold to a rogue nation or a terrorist state.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WELDON).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. RYUN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. RYUN) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 159, noes 266, not voting 9, as follows:

[Roll No. 181]

AYES—159

Aderholt	Cannon	Fletcher
Archer	Chabot	Fossella
Army	Chambliss	Franks (NJ)
Bachus	Chenoweth	Ganske
Ballenger	Coble	Gekas
Barcia	Coburn	Gibbons
Barr	Collins	Gilchrest
Bartlett	Cooksey	Gillmor
Barton	Cox	Gilman
Bilbray	Crane	Goode
Billirakis	Cubin	Goodlatte
Blunt	Cunningham	Goodling
Bonilla	Deal	Granger
Bono	DeLay	Greenwood
Bryant	DeMint	Gutknecht
Burton	Diaz-Balart	Hall (TX)
Buyer	Dickey	Hansen
Callahan	Doolittle	Hayes
Camp	Duncan	Hayworth
Campbell	Everett	Hefley

Herger	Miller, Gary	Shays
Hill (MT)	Moran (KS)	Shimkus
Hilleary	Mryick	Shuster
Hoekstra	Ney	Smith (NJ)
Hostettler	Northup	Smith (TX)
Hulshof	Norwood	Souder
Hunter	Nussle	Spence
Hutchinson	Packard	Stearns
Hyde	Paul	Sununu
Isakson	Pease	Sweeney
Istook	Peterson (MN)	Talent
Jenkins	Pickering	Tancredo
Johnson (CT)	Pitts	Tauzin
Johnson, Sam	Pombo	Taylor (MS)
Jones (NC)	Portman	Taylor (NC)
Kelly	Radanovich	Terry
King (NY)	Ramstad	Thune
Kingston	Reynolds	Tiahrt
LaHood	Riley	Toomey
Latham	Rogan	Trafficant
Lazio	Rogers	Upton
Leach	Rohrabacher	Walden
Lewis (KY)	Ros-Lehtinen	Wamp
Linder	Roukema	Watkins
LoBiondo	Royce	Watts (OK)
Lucas (OK)	Ryan (WI)	Weldon (FL)
Manzullo	Ryun (KS)	Weller
McCollum	Sanford	Whitfield
McInnis	Saxton	Wicker
McKeon	Scarborough	Wolf
Metcalf	Sessions	Wu
Mica	Shadegg	Young (AK)
Miller (FL)	Shaw	Young (FL)

NOES—266

Abercrombie	DeGette	John
Ackerman	DeLauro	Johnson, E.B.
Allen	Deutsch	Jones (OH)
Andrews	Dicks	Kanjorski
Baird	Dingell	Kaptur
Baker	Dixon	Kennedy
Baldacci	Doggett	Kildee
Baldwin	Dooley	Kilpatrick
Barrett (NE)	Doyle	Kind (WI)
Barrett (WI)	Dreier	Klecza
Bass	Dunn	Klink
Bateman	Edwards	Knollenberg
Becerra	Ehlers	Kolbe
Bentsen	Ehrlich	Kucinich
Bereuter	Emerson	Kuykendall
Berkley	Engel	LaFalce
Berman	English	Lampson
Berry	Eshoo	Lantos
Biggert	Etheridge	Largent
Bishop	Evans	Larson
Blagojevich	Farr	LaTourette
Bliley	Fattah	Lee
Blumenauer	Filner	Levin
Boehlert	Foley	Lewis (CA)
Boehner	Forbes	Lewis (GA)
Bonior	Ford	Lipinski
Borski	Fowler	Loftgren
Boswell	Frank (MA)	Lowey
Boucher	Frelinghuysen	Lucas (KY)
Boyd	Frost	Maloney (CT)
Brady (PA)	Gallegly	Maloney (NY)
Brady (TX)	Gejdenson	Markey
Brown (FL)	Gephardt	Martinez
Brown (OH)	Gonzalez	Mascara
Burr	Gordon	Matsui
Calvert	Goss	McCarthy (MO)
Canady	Graham	McCarthy (NY)
Capps	Green (TX)	McCrary
Capuano	Green (WI)	McDermott
Cardin	Gutierrez	McGovern
Carson	Hall (OH)	McIntosh
Castle	Hastings (FL)	McIntyre
Clay	Hastings (WA)	McKinney
Clayton	Hill (IN)	McNulty
Clement	Hilliard	Meehan
Clyburn	Hinojosa	Meek (FL)
Combust	Hobson	Meeks (NY)
Condit	Hoeffel	Menendez
Conyers	Holden	Millender-
Cook	Holt	McDonald
Costello	Hooley	Miller, George
Coyne	Horn	Minge
Cramer	Houghton	Mink
Crowley	Hoyer	Moakley
Cummings	Inslee	Mollohan
Danner	Jackson (IL)	Moore
Davis (FL)	Jackson-Lee	Moran (VA)
Davis (IL)	(TX)	Morella
Davis (VA)	Jefferson	Murtha
DeFazio		Nadler

Napolitano	Rothman	Stupak
Neal	Roybal-Allard	Tanner
Nethercutt	Rush	Tauscher
Oberstar	Sabo	Thomas
Obey	Salmon	Thompson (CA)
Olver	Sanchez	Thompson (MS)
Ortiz	Sanders	Thornberry
Ose	Sandlin	Thurman
Owens	Sawyer	Tierney
Oxley	Schaffer	Towns
Pallone	Schakowsky	Turner
Pascarell	Scott	Udall (CO)
Pastor	Sensenbrenner	Udall (NM)
Payne	Serrano	Velázquez
Pelosi	Sherman	Vento
Peterson (PA)	Shows	Visclosky
Petri	Simpson	Vitter
Phelps	Sisisky	Walsh
Pickett	Skeen	Watt (NC)
Pomeroy	Skelton	Waxman
Porter	Slaughter	Weiner
Price (NC)	Smith (MI)	Weldon (PA)
Pryce (OH)	Smith (WA)	Wexler
Rahall	Snyder	Weygand
Rangel	Spratt	Wilson
Regula	Stabenow	Wise
Reyes	Stark	Woolsey
Rivers	Stenholm	Wynn
Rodriguez	Strickland	
Roemer	Stump	

NOT VOTING—9

Brown (CA)	Kasich	Quinn
Ewing	Luther	Sherwood
Hinchey	McHugh	Waters

□ 1741

Ms. ROYBAL-ALLARD, Mr. KLECZKA, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. BRADY of Texas and Mr. OWENS changed their vote from “aye” to “no.”

Mr. WALDEN of Oregon and Mr. HULSHOF changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent Mr. SKELTON was allowed to speak out of order).

ANNOUNCEMENT OF AGREEMENT BY MILITARY FORCES OF YUGOSLAVIA TO WITHDRAW FROM KOSOVO WITHIN 11 DAYS

Mr. SKELTON. Mr. Chairman, I will be very brief.

Some in the House may know this, but many may not:

Secretary of Defense Cohen just a few moments ago announced that there is a withdrawal agreement by the military forces of Yugoslavia back to Serbia, and the agreement is that they will be completely out of Kosovo in 11 days.

I thought the House should know that.

The CHAIRMAN. It is now in order to consider Amendment No. 11 printed in House Report 106-175.

The Chair understands that it will not be offered.

It is now in order to consider Amendment No. 12 printed in the House Report 106-175.

AMENDMENT NO. 12 OFFERED BY MR. DELAY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 12 offered by Mr. DELAY:

Strike section 1203 (page 310, line 22 through page 314, line 7) and insert the following:

**SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.**

(a) **LIMITATION.**—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) **COVERED EXCHANGES AND CONTACTS.**—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

- (1) Force projection operations.
- (2) Nuclear operations.
- (3) Field operations.
- (4) Logistics.
- (5) Chemical and biological defense and other capabilities related to weapons of mass destruction.
- (6) Surveillance, and reconnaissance operations.
- (7) Joint warfighting experiments and other activities related to warfare.
- (8) Military space operations.
- (9) Other warfighting capabilities of the Armed Forces.
- (10) Arms sales or military-related technology transfers.
- (11) Release of classified or restricted information.
- (12) Access to a Department of Defense laboratory.

(c) **EXCEPTIONS.**—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) **CERTIFICATION BY SECRETARY.**—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calendar year was conducted in violation of subsection (a).

(e) **ANNUAL REPORT.**—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

- (1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.
- (2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.
- (3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.
- (4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.
- (5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Texas (Mr. DELAY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DELAY).

□ 1745.

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

Mr. Chairman, I rise today to offer an amendment to bar the United States from training the Communist Chinese military. Now, at first this amendment may sound unnecessary, especially after all the revelations about the Red Chinese spying that was found in the Cox report. It seems almost crazy to even suggest that the American government might tutor its ambitious nemesis in military strategy, but that is exactly what the United States Department of Defense under Bill Clinton has planned.

Unless this Congress acts to stop it, the Pentagon will go ahead with military to military exchanges and other sensitive information sharing with the People's Liberation Army. Such cooperation between American and Red Chinese Armed Forces has been both hot and cold for the better part of two decades. President Bush ended military exercises 10 years ago after the communist government violently suppressed the peaceful protest for democracy in Tiananmen Square. But consistent with his administration's habitual appeasement of Communist China, President Clinton jump-started American cooperation with the PLA soon after taking office in 1993. The imbalance in these so-called exchanges is extreme and predictably benefits the PRC.

Just this year, more than 80 cooperative military contacts were planned between the U.S. and Red China. Proposals for these training exercises include American operation on advice from Special Forces units, from the Navy Seals, the Army Green Berets and the Air Force.

Last December a ship from Communist China participated for the first time ever in complex exercises with America in Hong Kong. Plans were hatched this year for the PLA to engage in Code Thunder, the largest U.S. Air Force exercise in the Pacific, and, remarkably, the United States Army has already hosted communist troops for training exercises, and it just recently squelched a visit by PLA observers to view the entire American air and infantry divisions that were practicing at the Army's National Training Center.

Such suicidal national behavior has to come to an end. The role of our military is to defend America from hostile foreign powers, not to train them. This amendment protects the American military from its own expertise.

The United States has the most sophisticated military equipment in the world, bar none. Rogue nations and other aggressors are permanently discouraged from wreaking havoc around the globe because they fear the wrath of American retaliation.

One key to this influence is our unmatched technological and strategic

supremacy. Why on earth would we want to share our most valuable secrets with any nation, let alone a potential aggressor? The Cox report went into painful detail about the extent to which our arsenals have already been compromised to Communist China. The massive depth of the PRC's operation to infiltrate American security should teach us many lessons about our relationship with the growing power in Asia.

Primarily our relationship is not a two-way street. The PRC steals our nuclear secrets and we do nothing. We give them industrial technology and ask for nothing in return. They financially tamper with the reelection of an American President, and we sweep it under the rug. We open our markets to their products, but they slam their markets closed to America. Now, almost like a parody, the United States is practically training the People's Liberation Army. It is past time that we say enough is enough.

Opening our markets is different than opening our laboratories and military facilities, and the line should now be drawn. The Chinese Communists will not leave any stones unturned in their quest for military domination. There is absolutely no reason for the United States to enhance the PLA's war-making capabilities. It was not that long ago that a high ranking PLA official threatened to nuke Los Angeles if America interfered in the Taiwan Straits. There could be no clearer warning to their intentions, and we must defend ourselves from such a threat.

Now, this amendment is very simple, Mr. Chairman. It prohibits the United States Secretary of Defense from authorizing military exchanges with Communist China that reveal American classified, nuclear, logistical, technological, intelligence and other war fighting secrets.

Mr. Chairman, this Congress must vote against military-to-military exchanges with the Communist Chinese now. American security is definitely at stake.

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

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, and I yield myself such time as I may consume.

Mr. Chairman, I must point out this amendment is unnecessary. The committee did its work. The language in section 1203 of our bill more than adequately protects American national security in the area of military-to-military exchanges with the Chinese People's Liberation Army. The majority wrote this language, we agreed to it, it is good language.

Let me tell you what it does, what is already in the bill. First, it provides that these contacts be governed by the

principles of reciprocity and transparency.

Second, it establishes limits that would prevent Members of the PLA from inappropriate access to advanced technologies and capabilities of the United States Armed Forces.

Third, it requires the Secretary of Defense to certify prior to the start of any operation that military-to-military contacts with the PLA will be conducted in accordance with such principles of reciprocity and transparency that such contacts are in the national security interests of the United States, and prohibits members of the U.S. Armed Forces from participating in any military-to-military contacts until such certification is given to Congress.

Fourth, it requires the Secretary of Defense to submit a detailed annual report to Congress that provides an assessment of the military-to-military contacts with the PLA.

In addition to being unnecessary, this amendment would actually harm American security interests. The truth is that military-to-military contacts are more beneficial to the U.S. than to the PLA. Our military operates every day in an open, democratic society. The PLA operates in China's closed society. With military-to-military contacts we gain insight in the PLA's structure, its culture, its mode of operation and its influence on Chinese internal politics and foreign policy decisionmaking.

It is a matter of intelligence. We enhance our understanding of China's strategic doctrine and can reduce the potential for miscalculations and access between the PLA and U.S. or other Western forces.

Moreover, routine senior level defense contact in times of relative calm can help ensure open communications during times of tension. The language that is already in the bill, that is already there, written by the majority and agreed to by the minority, protects U.S. national security, while keeping open lines of communication, which is very essential to the American national interests.

I intend to vote against the amendment.

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

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

Mr. Chairman, I rise in support of the DeLay amendment to limit military-to-military contact between members of the United States Armed Forces and the Chinese People's Liberation Army. The DeLay amendment would strengthen the limitation already carried in the committee bill that would

attempt to better protect our military secrets while not prohibiting VIP level exchanges from continuing.

Make no mistake about it, there is a need for increased vigilance. As the bipartisan Cox committee report reminds us, the Chinese are engaged in a long-term effort to modernize their military, and, in particular, to understand and acquire the power projection capabilities that are the hallmark of our military forces.

In addition to acquiring United States and Western technology to improve their power projection capabilities, the Chinese are also attempting to understand and even adopt United States military tactics, techniques and procedures, the essential how-to knowledge necessary for effective military operations.

Increasingly, the Department of Defense is being pressured by other elements of our government to work with the Chinese military in ways that increase the chances these vital trade secrets might be revealed. For example, just recently the Chinese asked to send a delegation of 20 officers to the United States Army Training Center to be fully integrated into operations there. Although the Chinese were eventually denied full access to the center, the Army was under pressure from other parts of the administration to give the Chinese, quoting from an Army source, "a level of involvement that was beyond what we had granted to any other country," according to these Army documents. The Army believed the Chinese had an ulterior motive for their request, the desire to gain insight into advanced Army tactics.

Mr. Chairman, the United States would be foolish to place a higher value on the policy of engagement with China than on protecting the tactics and technologies that are the cornerstone of our national security, especially capabilities for power projection that China might well turn on Taiwan or our other allies in the Asia-Pacific region.

I agree with the DeLay amendment, and urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I thank the gentleman from New Jersey for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas, which has been characterized as a limitation on military to military exchanges with China's People's Liberation Army. However, if one takes the time to read the amendment, they will soon discover the limitation is a little inaccurate. What the amendment actually does is destroy the cornerstone of an effort to try to work to some extent with the military on a reciprocal basis with the Chinese military.

□ 1800

I think the amendment represents a misunderstanding about what military-to-military exchange programs are all about.

At first glance it would appear that the DeLay amendment would have us believe that the U.S. military is currently engaged in some sophisticated military exercises with the Chinese PLA, or has done so in the past. This is not the case. This amendment would prohibit all military contacts with the PLA for logistics operations, field operations, chemical and biological defense, force projection operations, and arms sales.

Ironically, we have not participated in this level of cooperation with China since Chiang Kai Shek, and the DeLay amendment sets up the premise that our military is sharing vital tactical and operational techniques with the PLA.

This is a little bit exaggerated. If any American commander was to engage in the kind of substantive exchange type of activities enumerated in the DeLay amendment, that commander should be in deep trouble. The language of the amendment of the gentleman from Texas (Mr. DELAY) is redundant in that he is outlawing what is already not practice.

In reality, the military exchange program, through this program as it currently exists, both China and the U.S. have embarked on a series of measured steps aimed at achieving increasingly higher levels of mutual confidence and understanding.

Let no mistake be made, our current military engagement program with China is leagues away from any level of cooperation we have with any other nation on the face of the earth. The basic substance of our existing military contact with the Chinese is based around naval port visits, exchange visits by top military leaders, and working level talks and meetings.

Indeed, during his tenure as commander of U.S. Forces in the Pacific, Admiral Joseph Prueher, now retired, had several productive exchanges with the Chinese military leadership which focused on discussions on Asia-Pacific security issues and bilateral defense relations.

Admiral Prueher's exchanges also provided for an opportunity for us to learn about what is going on in China and their efforts at so-called economic reforms, and the PLA's modernization. Our intelligence of this information would be scant, at best, if it were not for the relationships established by such military-to-military exchanges.

Even if we were to treat the Chinese as an adversary or potential adversary, continued and measured military-to-military exchanges provide invaluable intelligence and access to China's military leaders that we otherwise would be cut off from.

The British in the early part of this century promoted military and academic exchanges with their adversaries, the Germans, in order to know their enemy. We, too, engaged in this practice with Japanese admirals in the 1920s and '30s. Ceasing this intelligence practice would be cutting off our nose to spite our face.

The essential point is that in our society, we encourage the free exchange of ideas. This is one of the reasons why our Nation annually and publicly releases reports on the posture and strategy of our armed forces.

In fact, the U.S.-China military exchanges have created an environment where China has finally published its first white paper on defense, and although we know it is not comprehensive and not entirely accurate, I think through this contact we are breaking a barrier.

Mr. Chairman, furthermore, the DeLay amendment ignores the key current practice that governs our military-to-military exchanges with the PLA. In response to unequal treatment of access with regard to Chinese military equipment and installations as well as exercise viewing privileges, the Secretary of Defense has established a quid pro quo procedure. In other words, our military exchanges mirror the level of access that is granted to our officers and troops on exchange in China. Thus, I think our fears of unequal access are moot.

Through this evenhanded and measured commonsense initiative, we do not risk exposing ourselves to charges of weakness and disingenuousness, but at the same time we remain engaged with China's military to achieve the greater goal of mutual understanding.

This amendment is simplistic, I believe a knee-jerk reaction that feebly attempts to stem a genuine problem, but a problem that exists in an entirely different area. This amendment fails to consider the entire picture and constellation of elements that comprise our national security apparatus. The DeLay amendment seeks to create an enemy out of China by naively tossing out the baby with the bath water.

We need to create a balanced legislative approach that will yield a well-conceived response to foreign espionage.

Mr. DELAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, this amendment makes sense. I can understand why a cultural and economic relationship with China can improve human rights, but China is not a military friend. The events of last month have made that clear.

After the Tiananmen Square massacre, we discontinued military cooperation with China, and then in 1993 President Clinton reinitiated military-to-military contacts. Now we have

learned that as early as 1996, national security adviser Sandy Berger knew that the Chinese had stolen our nuclear secrets and were continuing to practice espionage in the United States.

Yet, in 1998, for the first time ever, we engaged in a joint military exercise with China's Peoples' Liberation Army. What has occurred during these military-to-military contacts scares me almost as much as the Cox report.

We have recently learned China is now attempting to purchase torpedoes specifically designed to explode directly under our ships. Why? Because at one of the visits last year they learned that our U.S. aircraft carriers had a thin hull and were vulnerable to these types of torpedoes.

At these exercises the Chinese saw our military's dependence on satellites and digital systems and AWACs aircraft. It does not surprise me that they are now seeking new ways to attack American satellites and to disrupt communications. We should not be allowing any national security secrets to be given away to any potential adversaries, much less China. We would not invite a thief to observe our home security system as it was being installed and tested.

This administration continues to show its inability to even attempt to keep our national security secrets from China. As a result of this ineptness, I support the amendment of the gentleman from Texas (Mr. DELAY) to prohibit most military-to-military contacts with the People's Liberation Army.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. Chairman, I strongly oppose this amendment. No one can deny that there is a serious breach of U.S. security with respect to the leak of military secrets to the People's Republic of China. The answer in my view to address that problem is to plug the leaks, punish the violators, prevent this from happening again, and to outsmart the technology which the Chinese have wrongfully obtained.

The answer is not to change our form of government and replace one Secretary of Defense and one Commander in Chief with 435 Secretaries of Defense or Commanders in Chief. I believe that is the fundamental error behind this ill-conceived amendment.

I would like my colleagues to consider the following not-too-unlikely scenario: A rogue state, let us say Iraq, decides it wants to plan and execute an attack on a U.S. corporation located in Beijing, in the People's Republic of China. Our intelligence community learns of this planned attack.

If the DeLay amendment were the law, as I read it, the Secretary of De-

fense and the military would be prohibited from talking to the People's Republic of China military about responding to prevent that attack, prevented from sharing any information as to what to do about it.

The principal flaw in this very flawed proposal is not simply what I believe to be its political motivation, it is also its absolute unreasonableness in implementation. People have to make decisions in times of crises with limited information and with peoples' lives on the line. It is wholly inappropriate for us to require that those decisions be bound up in the deliberations of a legislative branch.

There is not one Member here, certainly not I, that would say that the conduct of the Chinese military is exemplary. But history teaches us that there are times when we cannot choose our partners or our allies. There are times when we must act and seek the help of anyone who is willing and prepared to help us.

I agree that those circumstances would be very limited, indeed, given the history of the last few years and months and weeks on this issue. But for us to rule it out with the exception of search and rescue exercises or humanitarian exercises, whatever that means, I believe is imprudent and reckless, and is an abrogation of the rightful constitutional power of the executive branch.

For these reasons, I would urge my colleagues, both Republicans and Democrats, to reject this ill-conceived amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY).

Mr. Chairman, we were just looking at what happened with Secretary O'Leary a few years ago. We found out recently that she has been, when she was Secretary of Energy, she was shovelling out the door our nuclear secrets, just shovelling out the door. In retrospect, it looked like a going out of business sale. It was probably more like a going out of sanity sale. This is insane. The policies this administration has had towards Communist China, our worst, our most deadly potential enemy, is insane.

We have heard, we can just plug the leaks, change a little here, change a little there, and that is the way to approach it. No. What we need to protect the interests of the United States and ensure that our people are not incinerated with our own weapons or destroyed or killed, or having our defenders destroyed or killed by tactics that they have learned from us, that our enemy has learned from us, the way we do that is change the fundamental policies that we have toward Communist China.

Communism should not be treated as a potential friend. It is being treated as a friend now. It should be treated as a potential enemy. It is a hostile power, it is not a friendly power. Until we start treating communism this way, we will continue to do nonsensical things like training their military on how to better run a military.

I have a list here, as of February of this year, of the proposed military exchanges between the United States and the Communist Chinese. It includes quartermaster training, acquisition training, logistics training. It includes special forces training. It includes having their top officers to come for briefings.

Here we have what this administration's policies are. This is after they knew, this is after this administration knew that the Communist Chinese had acquired our most deadly weapons secrets, weapons that could incinerate millions of Americans, and this administration was still proposing that we have a military exchange program to teach them how our military functions and how their military can better function.

This is insanity. This is total insanity. I strongly support the DeLay amendment, and would request the American people to pay close attention to this vote.

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, I think the descriptive term that was used by my colleague, the gentleman from California (Mr. ROHRBACHER) may be the right one, but it is about the underlying amendment, not opposition to it.

As I read this, yes, and again, I like the gentleman from Texas (Mr. DELAY), I get along with him well, I know his intentions are noble. But would the author of the legislation prohibit the American military from sitting down with the Chinese to deal with nonproliferation issues? If we had not just reached this conclusion in Kosovo, it would be illegal under the language of the gentleman from Texas (Mr. DELAY) to sit down and talk about logistics with the Chinese.

The gentleman from Texas (Mr. DELAY) apparently does not trust our American military, that they are either too naive or simple, that somehow the Chinese are going to take advantage of them.

Let me tell the Members, we live in a free and open society. Anybody who wants to talk to the American military can look in the phone book and call them up and talk to them. We do not get to talk to Chinese, generally, because it is a closed society.

I would argue that whether it was the Soviet Union or any of the satellite states, that any time there was contact, at the end of the day, America

and freedom won. I believe our system is stronger, our military is more capable, and every time they come in contact with America and what it does, they crumble a little more.

The Chinese are probably praying that we go into an isolationist mode. It could be the best thing for the leaders in Beijing, because when they meet and see what Americans are all about, our strength comes across clearly.

Let us see what the Department of Defense says about this amendment.

□ 1815

For example, an attempt by U.S. open military-to-military channels regarding nonproliferation by definition involved contacts or exchanges with the PLA strategic missile and/or chemical defense personnel. Proliferation is a key area of U.S. Chinese relations, yet DoD would be barred from participating in that discussion. I would think the gentleman would demand that if there were discussions on nonproliferation that he would have members of the American military there.

Listening to the debate today, no one fools themselves that this world is not a dangerous place, even without the Soviet Union and its former empire situation. But we are the most powerful country on the face of this Earth. There is no one in second place compared to our capabilities, our men and women who represent us in the service.

I say to the gentleman from Texas (Mr. DELAY), for this country to be shivering here, trying to stop dialogue that achieves our goals, is a mistake. It is a mistake to say we cannot talk about proliferation issues. It is a mistake not to have these military-to-military contacts when it suits our interests, when America decides it is the right thing to do.

I am not sure what is going on here, frankly. I see a debate that creates the image of a weak and failing America. It is the wrong message to our countrymen. It is the wrong message to our adversaries. America is strong and capable. I would bet the lowest-ranking member of our Armed Forces, in a discussion with the Chinese, that we win that discussion, that we gain from that discussion.

When they see what we live like here, it undermines them. My parents fled the Soviet Union. What they told me was when Khrushchev visited here, they believed and I believe it, too, that Khrushchev thought we built a Potemkin Village, that we created these great grocery stores for him to see. Then Khrushchev went back.

But by the time Gorbachev came, they knew from military-to-military contacts, from private contacts, that every American had a better life than the top brass of the Soviet union.

It is foolish to put in permanent law a ban on these kind of contacts. It defies our own national interests. This is

not about doing the Chinese a favor. We do not have these meetings to help the Chinese. We do this for our interests.

Mr. DELAY. Mr. Chairman, could I ask how much time is remaining on each side?

The CHAIRMAN. The gentleman from Texas (Mr. DELAY) has 16½ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 15 minutes remaining.

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

Mr. Chairman, let me just say this side believes that we have a strong America, but we have a weak administration. Nothing in my amendment has anything to do with talking about proliferation or treaties or anything else. It has everything to do with exchange of operations, letting the communist Chinese observe what we do so they can take it back to China and copy it, if not steal it.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today to support this important amendment. I hope that it sends a wake-up call to both the leaders of the People's Republic of China and our current administration.

I am shocked and dismayed by the casual attitude of our current administration to the efforts of the Chinese Government to infiltrate our Nation's political and military infrastructure. I do not take these actions against our Nation lightly, and I hope my colleagues will not either.

I thought it was a proper course of action in 1989 when President Bush suspended joint training exercises following Tiananmen Square. Given the findings of the Cox report and our administration's admitted failure to respond to massive security breaches, I believe we should suspend all joint military exercises with China at once.

I believe that someday a peaceful Chinese nation can contribute positively to the international community. But at the present time, it is very difficult to place trust in the Chinese Government and expect a change in our current administration's seemingly willful acceptance of China's deceptive tactics and aggressive posture. I think that our current policy toward China should mirror that of President Reagan's engagement with the Soviet Union by containing their military aggression, preaching the moral superiority of freedom, and influencing the ideas of their people through trade and exposure to western political values.

Mr. Chairman, I encourage my colleagues to vote in favor of this amendment. Stop joint military activities with China until their leaders are willing to participate as an honest world power and until our administration is willing to make our national security a top priority.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the gentleman from Missouri for granting me this time and particularly since he has given me time to speak in support of the DeLay amendment.

I think the gentleman from Texas (Mr. DELAY) is right on this. I think between the revelations of the two 40-foot container loads of automatic weapons being shipped to our West Coast, the now control of two ports on the Panama Canal by a company called Hutchinson, which is owned by the Chinese, the things that have come out as a result of the Cox report as far as the Chinese either being given in some instances by dumb Americans, in some instances being sold technology and some instances stealing technology.

But I would like to ask the sponsor of this bill to let us take this a step further. See, next month this body is going to vote on something called most-favored-nation status for China. Technology is one thing. But in order to build the weapons that threaten America, China needs money. They get that money from America. They get that money from trade with America where they sell their goods to America with 2 percent or less tariff as a result of the most-favored-nation status. Yet, our country, our goods, when sold in China, have to pay anywhere from 20 to 40 percent.

I find it strange that the gentleman who is so right on this issue, 1 year ago, on July 22, when we voted to disapprove most-favored-nation status voted with the Chinese. The gentleman from Texas (Mr. DELAY) voted to grant the Chinese unlimited access to the American market and to continue this \$60 billion trade surplus on behalf of China.

In fact, I think I have gone so far as to break the code. See, MFN does not really stand for most favored nation. It stands for money for nukes. When some people very cleverly changed the name of it to NTR, thinking it would stand for normal trade relations, I think the truth of the matter is it stands for nuclear tipped rockets that they are going to buy with American money.

So I am going to vote with the gentleman from Texas (Mr. DELAY) today, but a month from now when we vote on MFN, money for nukes, I hope he will be voting with me to vote no.

Mr. DELAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from Texas (Mr. DELAY) for yielding me this time.

I rise in strong support today of the DeLay amendment. The time has come to base our relationship with China on realism rather than wishful thinking. The DeLay amendment sends a nec-

essary message to the People's Republic of China that the communist government is an untrustworthy military partner.

China's overall military modernization is striking. The PLA's abandonment of a traditional land-based people's army in favor of forming comprehensive strategic and nuclear strike capability by land, sea, and air has profound consequences on our relationship with China, and we ought to let them know that.

Mr. Chairman, there is no doubt that the PRC has been pursuing a rapid escalation of its military modernization, of both its strategic and conventional forces, and it is utilizing American technology to do so.

As a result, I believe a military confrontation with the PRC is not out of the question. Let us remember it was just 3 years ago that we were forced to send two aircraft carriers into the Taiwan Strait to respond to PRC menacing the region.

Military-to-military exchanges are in some cases cornerstones of important peaceful relationships with our allies. The People's Republic of China is not an ally. To be successful, these exchanges must employ real transparencies so that each partner gains insights into the capabilities of the others.

There is no mutual transparency here, Mr. Chairman, in our exchanges with the PLA. Instead, the information obtained by the Chinese is being used by its military to isolate our vulnerabilities and position the PLA for a future conflict, and our military experts observe nothing of value in return. This is not the goal of military exchanges. This amendment ensures that our leading military technology and know-how are not turned against us in the form of an advanced military threat.

Mr. Chairman, Henry Kissinger recently stated "that the critics of our 'strategic relationship' with China have an obligation to develop a vision commensurate with the vastness of the historical sweep of the challenge."

I believe he was addressing people like the gentleman from Texas (Mr. DELAY) and myself. I would answer Mr. Kissinger by pointing to the document which is the foundation of our American vision, our Constitution. It is, after all, a vision which requires minimum rights and protections for all individuals.

As we know, if Mr. Kissinger were a Chinese citizen and espoused the principles of the Constitution, he would be quickly in prison. Our vision, Mr. Kissinger, is the vision of Franklin, Adams, and Jefferson, and preserving it is important.

Mr. Chairman, with respect to China, our country has looked the other way for too long. The DeLay amendment tells China that we expect a relation-

ship based on truth and realism. I urge all my colleagues to support the DeLay amendment.

Mr. Chairman, I rise in strong support of the DeLay amendment to restrict military exchanges with China's People's Liberation Army. The time has come to base our relationship with China on realism rather than wishful thinking.

Since 1994 the P.R.C. has been constructing military facilities in the Spratly Islands. The size and nature of these facilities suggest that the P.R.C. is attempting to establish a permanent strategic presence in the area, from which it could patrol the South China Sea, the waterway through which one sixth of the world's trade is shipped.

Two years ago, in March 1997 a Chinese controlled company was able to obtain, from Panama, the rights to the port facilities that flank the canal zone.

Then there is the matter of the democratic nation of Taiwan. The P.R.C.'s 1995 military exercises and 1996 missile firings in the Taiwan Strait have been followed by an offensive military buildup on the Chinese mainland itself that includes tripling the number of missiles (to more than 100) already deployed against Taiwan.

These developments are all the more alarming when seen against the backdrop of:

(1) China's overall military modernization, its abandonment of a traditional, land-based "people's army" in favor of a comprehensive strategic and nuclear strike capability by land, sea, and air;

(2) China's clandestine efforts to acquire the most secret and sensitive of United States military technologies, including the know-how to replicate the W 88 warhead, the most dangerous security breach in 50 years; and

(3) allegations that China has assisted the North Korean missile program, on top of its known and suspected sales of missile and nuclear technologies to terrorist states.

With respect to China, our country has looked the other way for too long.

Human rights violations in China and Tibet are another point of contention since the Tiananmen Square crackdown. Among these violations are the recent excessive jail and labor camp sentences for pro-democracy activists.

A future military confrontation with the P.R.C. is not out of the question. Just three years ago President Clinton was forced to send two American aircraft carriers into the Taiwan Strait.

United States policy toward the P.R.C. has been based on wishful thinking for far too long. Policy makers in the Administration of both parties have time and time again been willing to give Chinese leaders the benefit of the doubt only to be consistently let down.

The DeLay amendment tells China that we expect a relationship based on truth and realism.

Mr. Chairman, Henry Kissinger recently stated and I quote, "that the critics of our "strategic relationship" with China have an obligation to develop a vision commensurate with the vastness and historical sweep of the challenge".

I believe he was addressing people such as Congressman DELAY and myself. I would answer Mr. Kissinger's challenge by pointing to

the document which is the foundation of America's vision. Our constitution. A vision which requires minimal rights and protections for all individuals.

As we all know, if Mr. Kissinger were a Chinese citizen and espoused the principals of our constitution he would quickly be imprisoned. Our vision, Mr. Kissinger is the vision of Franklin, Adams and Jefferson.

I ask support for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Texas (Mr. DELAY). I commend him for bringing attention to this extremely important national security issue.

I first learned last summer that the Pentagon was considering a plan for our elite special forces to engage in joint training exercises with Chinese PLA troops. At the time, I was outraged because our lax U.S. policy of constructive engagement toward China had already proven too dangerous.

Mr. Chairman, that was before the advent of the Cox report. What once seemed outrageous is now beyond belief. We have known for years that China cannot be trusted. In 1995, the United States made a futile agreement to extend most-favored-nation status to China, providing it would stop exporting nuclear weapons, and it would stop its abusive human rights practices. It has failed on both accounts, Mr. Chairman, and yet the administration continues to turn a blind eye to China's blatant suppression of human rights and its role as a global supply of weapons of mass destruction and technology to foreign countries.

We have learned the hard way that we have no reason to trust China. Last year the CIA reported that China had at least 13 missiles targeted at United States cities, and the Rumsfeld Commission indicated that China's proliferation of ballistic missiles and weapons of mass destruction threatens the security of the United States.

Mr. Chairman, while China was busy selling technology to rogue nations and amassing its own nuclear stockpile, the Defense Department was drawing up a game plan to engage the United States in military-to-military contacts with China in hopes of establishing a relationship of trust and confidence. How much more can we afford to give?

The Defense Department even developed and implemented a United States-China military exchange program for 1999 that includes visits from PLA officials to tactical and strategic facilities in the United States. Encouraging such exchanges is another way to potentially expose U.S. military information to a communistic nation.

Mr. Chairman, China has proved itself a threat to United States national security. The DeLay amendment

would prohibit military exchanges involving U.S. forces training PLA forces and help prevent China's capability for invasion and long-range operations.

I urge my colleagues to vote in favor of the DeLay amendment. The security of our Nation may depend on it. I repeat, Mr. Chairman, the security of our Nation may depend on it. Vote for the DeLay amendment.

Mr. DELAY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM), a top gun.

□ 1845

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time, but I am old gun now.

I would tell my colleagues that if I were to see a cobra, and the cobra was mounted, I might catch it and milk his venom and use that venom for good. And I think in some ways we need to, whether it is the Middle East, whether China or Russia, we have to engage them both economically and in other ways and milk that. But at the same time, I think we do not let that cobra loose where we have children playing in a room, and we do not teach that cobra how to bite.

The Navy Fighter Weapons School, which is known as the Top Gun, and the Air Force has the 414th, which is their fighter weapons school, and the adversary squadrons, every single day of my life in the service I flew Russian and Chinese tactics against our fighters so we would know how to fight them. How do we defeat their jammers? How do we defeat their tactics.

For example, they have high-low pairs and they have pincer tactics. They will take a pair up, up high, of MiG 23s or MiG 25s or even MiG 29s, and they will run sections of pairs, high-low pairs so that we cannot pick out the low pair or the high pair on one radar, and they want the enemy to go after the high pair. Then they will come around in a double pincer or a single pincer. If the high section sees that the enemy is going after them, they will turn and run and the pincer will come in and shoot the enemy down.

The White House allowed the Chinese and the Russians into the 414th, into Navy Fighter Weapons School in Fallon, and let them watch how we defeat their tactics and their jammers. That is wrong. That is like teaching the cobra how to bite. And I guarantee my colleagues, Russia and China will bite us if they have the opportunity. And the reason I am supporting this amendment is I do not want to give that cobra the chance to bite the kids that are up there in the air or on the ground with other things. I think that is wrong.

When I was a lieutenant in the United States Navy, I was just as outspoken then as I am now. And when our government, with a Republican President, let the Shah of Iran have F-14s, I

pounded my fist on the table and said I do not want to have to look down the barrel of those F-14s some day, because the Shah may not be here. And I knew the history of Iran and that someday we were going to look down those barrels. And we even trained some of their fighter pilots. And guess what? I felt like Billy Mitchell.

We must not give our enemies our deep secrets or let them play in the baby crib. And that is what we are doing, and that is what the gentleman from Texas, in his amendment, is trying to stop. How more common sense can we get? We cannot give the enemy the tactics that he can kill us with. And that is the reason I support the gentleman's amendment.

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

Mr. Chairman, there is no one I respect more in this House than the gentleman from Missouri (Mr. SKELTON). His work on this committee is outstanding, his leadership in trying to stop the devastation and the hollowing out of our defense is next to none. The gentleman, we say from Texas, knows from where he comes, and I do respect the gentleman, but in this case I respectfully disagree with him.

The gentleman says that my amendment is redundant because the committee has worked very hard at putting language in the bill that does basically the same thing I do. Where I disagree is the transparency and the reciprocity part of their portion of the bill, which, in my opinion, gives a huge loophole to this administration, this administration that has already exhibited incredible weakness when it comes to China.

Foreign relations with China are very difficult in the best of circumstances. They were difficult during the Reagan administration, they were difficult under all the administrations before this administration. But when we have an administration that kowtows to the Chinese, that lets them bamboozle them, that out-negotiates them, it leads to these kinds of problems that we are talking about here today.

The President of the United States went to China. He was received in Tiananmen Square, where hundreds were killed fighting for democracy. The President, while he was in China, was embarrassed when the Communist Chinese decided that that they would test an ICBM missile while the President of the U.S. was in-country. Just recently, after the huge mistake of bombing the Chinese embassy, this President apologized I do not know how many times. And I will tell my colleagues something, I will never forget the picture that I saw on CNN network of the ambassador to China and his aide standing over the President of the United States while he was sitting at his desk in the oval office signing a book of apology. Now, we should have apologized once, and that is enough.

But this administration has kowtowed to the Communist Chinese over and over again. And now we find that they are using all types of ways for exchanges to show the Communist Chinese and the People's Liberation Army how we do things so they can copy it. It has got to stop.

There is no reciprocity. The only thing that transparency will show is that we give them the key to the penthouse and they give us the key to the outhouse. We have got to stop it for the sake and security of the American people. And my amendment makes no mistake, leaves no door open, leaves no crack open. My amendment says we are going to stop it and we are not going to show the Chinese how the SEALs operate; we are not going to show exercises using two divisions of our army; we are not going to let them on our aircraft carriers so they can take notes of how to destroy them; we are not going to do these kinds of things. That is what my amendment does.

The gentleman from Guam says that the program improves our knowledge of Chinese methods and tactics. We are going to learn 1950s and 1960s and 1970s military tactics from the Chinese. We gather intelligence from them. The U.S. Armed Forces are superior to the People's Liberation Army. There is nothing we can learn from them nor is there parity between these exchanges. We offer the Chinese our national laboratories while they offer us empty barracks.

Let me just cite a couple of examples that were put in an article in *The New Republic* written by Jason Zengerle, I believe it is. A group of officers from the Chinese People's Liberation Army happened to drop in on an American naval base. Over steaks, beer, two kinds of wine and apple pie, the Chinese peppered their American counterparts with questions about the American aircraft carrier they were on and its vulnerabilities. Wanting to be a gracious host, like the admiral, an American lieutenant commander proceeded to tell the Chinese about the carrier's Achilles heel, its hull is too thin on the bottom, the commander explained. So a torpedo that exploded underneath the carrier could easily penetrate the carrier's skin. That is why they are buying torpedoes that explode under our ships because we gave them the information.

In another incident, not surprisingly then, when then chairman of the Joint Chiefs of Staff, General John Shalikashvili, visited a Chinese military installation in 1997, and this is incredible, he was shown a routine marksman demonstration, at a distance, through binoculars. Now, this is an exchange. And he was given a tour of empty barracks and mess halls. And similar things have happened to other visiting American officers. We see the same tired old factories, the same divi-

sions we have seen before, gripes a Pentagon official. We do not get into their crack divisions and factories.

We have to stop this. We have to stop it now. Enough is enough. The security of this country is at stake. I ask for a "yea" vote for the DeLay amendment.

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

I first must say to my friend, the gentleman from California (Mr. CUNNINGHAM), that no one in this Chamber admires more what he has done and what he does for his country, so I compliment him in his past and present actions, though from time to time we will vary on issues. And I appreciate the gentleman's comments earlier.

But let me say this to my friend from California, as well as my friend from Texas. When we first started the debate on this bill, I stated that this was the best bill that we have put forward to the Congress of the United States since the early 1980s. That included the language regarding the military-to-military contacts regarding China drafted by the majority under the guidance of our chairman, the gentleman from South Carolina (Mr. SPENCE). We have done the job. It is well worth it. We have protected the interests of the United States. I do not think it could be better.

The amendment that the gentleman from Texas offers, in my opinion, gilds the lily. I think that what is in there is excellent. I stand by it, I embrace it, I compliment the gentleman from South Carolina (Mr. SPENCE) and those that worked it out and I agree with it. I hope that we stand by it and approve it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative DELAY's amendment. This amendment would prohibit the military to military exchanges that train the People's Liberation Army of China.

I support this amendment for several reasons. First in light of the Cox report on the extent of China's espionage and theft of America's national security secrets, I feel that further contact is unwise. It would be imprudent to foster a relationship, which is not beneficial to our nation's interests and further extends the risk of exposure of U.S. technologies and capabilities.

This bill would ensure that exchanges and contacts between our military and the People's Liberation Army would be beneficial to both nations. It would prohibit exchanges and contacts which involve nuclear, chemical or biological operations; intelligence activities; war-fighting exercises, military space operations; arm sales or military related technology transfers. This amendment would preserve our two nation's ability to perform search and rescue or humanitarian exercises.

Mr. Chairman, June 4th marked the ten-year anniversary of the tragedy in Tiananmen Square. The images of the crackdown on the student democratic movement are still fresh in my mind even after ten years. The failure to recognize the mistake of ten years ago con-

tinues, as last week over 100 dissidents were detained to prevent the public marking of this anniversary.

I offer this recollection because, I believe that China has not recognized that stability is not something which can be demanded but rather it must come from the people freely expressing their own ideas. The United States should not have military to military contact with the People's Liberation Army because the Chinese government continues to use in military to restrict the notions of democracy within its own people.

I urge the members of this body to vote—"yes" and support Representative DELAY's amendment.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. DELAY).

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

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

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Texas (Mr. DELAY) will be postponed.

It is now in order to consider amendment No. 13 printed in House Report 106-175.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 13 offered by Mr. Goss:

At the end of title XII (page 317, after line 17), insert the following new section:

**SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.**

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

(1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed

Services and the Committee on Foreign Relations of the Senate.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. GOSS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

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

I am expecting the arrival at any time of the gentleman from New York (Mr. GILMAN), who is my co-colleague on this subject. Mr. Chairman, over the last several years, the Clinton-Gore administration has asked the military to do more with less, and I think that deserves our time, so I am going to discuss this matter pending the arrival of the gentleman from New York.

The result of having to do more with less, I think, is very plain to see. Declining morale and a military on the verge of being hollowed out confront us just at the time when we seem to have more demands on our military in so many other places.

The solution seems simple, as even President Clinton's Secretary of Defense William Cohen admits when he said, "We have to find a way to either increase the size of our forces or decrease the number of our missions." I could not agree more.

Earlier this year the commander of U.S. forces in Latin America, that would be General Charles Wilhelm, recommended we end our permanent troop presence in Haiti. In its place General Wilhelm recommends the periodic deployment of troops, as is the norm throughout the Western Hemisphere and the Caribbean. General Wilhelm's recommendation is sound on a number of counts, and I believe Congress should endorse it.

Maintaining a permanent presence in Haiti unnecessarily puts our troops at risk. A clear indication of this is the fact that about half our soldiers in Haiti do nothing more than protect their fellow soldiers. The situation is that tense. That is what is happening. The deployment to Haiti strains military resources. We already know there is a call for those resources elsewhere. The financial cost is approximately \$20 million per year. We also know there is a need for those resources elsewhere. The training, readiness and operational tempo are affected as well, as the military has clearly stated in much testimony before the United States Congress.

Our presence in Haiti duplicates work more appropriately done by non-governmental organizations. Even our commander in Haiti, the person on the front line, the person responsible, Colonel Morris, frankly admits that much

of his troop's work could be done by private sector groups. We are talking about building schools, building wells, doing other humanitarian work which desperately needs to be done in Haiti.

□ 1845

Finally, and from my perspective most importantly, our military planners clearly believe that the permanent deployment is less effective than periodic deployments would be. In other words, we get more bang for the buck, do more for Haiti, and do more for ourselves if we go to our norm of periodic deployments.

General Wilhelm's recommendation is right on target: End the permanent troop presence but allow the military to conduct routine periodic deployments as the situation warrants. Unfortunately, our military's pleas for a commonsense approach seem to have fallen on deaf ears among the Clinton administration's policymakers and political advisers.

It is time to restore Haiti to the norms in the hemisphere and end the permanent troop presence there. I think it is good for America. And in the end, I think it is a much more effective way to help the Haitian people, which is what we are trying to do.

For these reasons, I am very pleased to join the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, in offering an amendment that would essentially formalize General Wilhelm's recommendation. And I strongly urge my colleagues to support it.

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

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, it is astounding to me when I see this constant assault on any progress President Clinton has made. It almost seems an argument *ad hominem*; if it was a Clinton administration policy and it seems to be succeeding, let us see if we can cause some trouble here.

Other sections of the bill today, as we have an agreement from Mr. Milosevic to pull out, other sections of this bill will make it impossible to keep peacekeeping troops in Kosovo in the former Yugoslavian areas.

Let us take a look at the history of Haiti. It has never exactly been the Switzerland of the world. There has been dictator after dictator. And between 1992 and 1994, there were 60,000 refugees coming out of Haiti.

The gentleman and many from the Florida delegation came to the floor expressing their concern for social services that were being overrun by Haitian refugees. 60,000 in 3 years. And every day we saw members of the Florida delegation complaining about the pressures on their State that somehow

we had to end this massive immigration, people risking their lives in bathtubs virtually, to come to the United States, it was so bad in Haiti.

In the last 3 years, we have had 3,000 refugees coming in from Haiti. Is that a failed policy? Do we want to go back to the kind of policy we had before? In the last several months here, we have pulled out the peacekeeping forces at the insistence of the chairman of the Committee on International Relations. We are not training their police. They have no trained police.

And now these people who are helping the poorest people in our hemisphere, some of the poorest people on the planet, we are going to pull them out too? Why? We are not getting enough refugees coming across the ocean? They are not taking their little boats and risking their lives and their families to come to Florida? Is that what the gentleman wants?

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

Mr. GEJDENSON. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, if the gentleman is addressing me as "the gentleman from Florida," is the gentleman asking, do we want to keep the troops in Haiti to stop Haitians from leaving the oppression in Haiti? Is that what this is about?

Mr. GEJDENSON. Mr. Chairman, reclaiming my time, it seems to me that if we squander this opportunity where we are in the developmental process of a democracy, maybe not today, maybe not tomorrow, but I will guarantee my colleague, dictatorship will return and those refugees will be coming again.

It is better for the Haitians, it is better for the U.S. if we are able to help these people have a decent living at home. The violence has been reduced. The *Toutons Macoute* is almost out of business. There are not 60,000 refugees coming here to the United States in a 3-year period. Let us continue the good work we have started.

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

Mr. GOSS. Mr. Chairman, may I inquire of the Chairman how much time is remaining on either side?

The CHAIRMAN. The gentleman from Florida (Mr. GOSS) controls 6½ minutes. The gentleman from Connecticut (Mr. GEJDENSON) controls 7 minutes.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the House Committee on International Relations.

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

Mr. Chairman, our military did a superb job when they were sent to Haiti back in 1994. However, their mission of restoring the elected civilian government of former president Jean

Bertrand Aristide was accomplished some time ago. I imagine that many Americans are not aware that we still have troops in Haiti.

The Clinton administration informs Congress that we have maintained our permanent troop presence in Haiti to provide humanitarian relief and to give our Army Corps of Engineers and medical personnel opportunities to be trained. However, I do not believe it is now necessary to keep a permanent troop presence in Haiti to accomplish those goals.

Obviously, humanitarian relief activities can be conducted at far less expense to our taxpayers by civilian contractors working for our Agency for International Development.

It is obvious that Haiti is becoming a dangerous place. Our local commander in Haiti has had to raise his assessment of the threats against our troops from both common crime and, increasingly, political unrest.

In an ominous development, on June 4, press reports revealed that civilian employees of the U.S. military support group in Haiti abandoned their all-terrain vehicle in a hail of rocks. Protesters then torched the vehicle.

Our troops are increasingly unable to conduct their stated humanitarian mission. They are hunkered down and there are clear signs that they may become direct targets of attack. The presence of the troops has certainly not stopped nor in any way deterred numerous political murders or recent rioting.

Despite the administration's insistence that U.S. troops do not have a security role, we can see U.S. troops mired in a dangerous, open-ended commitment in Haiti.

The chairman of our Committee on Intelligence, the gentleman from Florida (Mr. Goss), and I offered this amendment in an effort to support the Defense Department's sensible recommendations that the permanent U.S. military presence in Haiti under Operation Uphold Democracy should be brought to an end.

Normal stationing of U.S. troops to protect our embassy and to provide diplomatic representation in Haiti would, of course, be permitted at all times. The President's authority to protect American lives and property in Haiti are also explicitly protected by this amendment.

The intent of this amendment is to make certain that our U.S. troops permanently deployed in Haiti under Operation Uphold Democracy through the U.S. support group will be completely withdrawn by December 31, 1999. The administration has fully 7 months to complete an orderly drawdown of our troops who are permanently stationed in Haiti.

Until such time as they are completely removed, our troops will continue to conduct their currently scheduled humanitarian missions.

After the permanently deployed troops are completely withdrawn, U.S. forces will be permitted to deploy to Haiti for short-term expeditionary missions.

There are serious concerns about the security of our troops in Haiti which we should consider. Moreover, it is not fair to our men and women in uniform to leave them in Haiti in an open-ended deployment.

Accordingly, I rise in strong support of H.R. 1401 and urge our colleagues to support the Gilman-Goss amendment.

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I was privileged to join the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. Goss), the gentleman from New York (Mr. CHARLES RANGEL), and we went to Haiti quite recently. We met with Pierre Denize, the national police chief of Haiti.

Remember, Haiti does not have an army now because we have agreed and they have agreed to get rid of them. We met with Bob Manuel, the Secretary of State for Public Security in Haiti. We got what I considered an excellent report about that.

Our troops are not in jeopardy. How many troops are we talking about, I ask my esteemed chairman of the Committee on International Relations? Two hundred seventy; 270 troops. Psychologically, they are performing an immensely important task of working and development. They are not there for security. I found them not to be in jeopardy. They are working with Department of Justice and Department of Defense people in the Isat training program, in the U.N. SITPOL agreement. Things are moving.

If we try to legislate them out of Haiti before the administration, the Department of Defense, and the State Department, which have all agreed that they should go, the question is the timing and whether the House of Representatives should now become the executive branch of Government.

Please, I beg my colleagues not to intrude this amendment, which is potentially dangerous, into the subject matter of Haiti. Haiti has problems. It is coming along very well.

I am glad that I was invited by my esteemed colleagues from New York and Florida to witness and talk in depth with them about this subject. Those troops are important there. They are not in jeopardy. And let us not pull them out prematurely.

Mr. GEJDENSON. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Connecticut (Mr. GEJDENSON) has 4½ minutes remaining. The gentleman from Florida (Mr. Goss) has 3 minutes remaining.

Mr. GEJDENSON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, this amendment should be defeated. It represents a double standard.

Why treat Haiti different than what we treat anyone else? There are only 500 troops in Haiti, thirty-six thousandths of 1 percent of our active force. Now, anyone who has any kind of sense at all knows that there is very little in Haiti.

This is about two things, as I perceive it: Haiti bashing, and it is not the first time, and bashing the President. It is time some of this stuff stopped.

We are talking about a small country here. The people are poor. And I say again, why not help continue what the President has started? How can we expect more from Haiti than we do from some of the rest of them? Why do we expect more from Haiti than we do any of the other countries that we are trying to help?

So there is a double standard. \$288 billion. We are only spending \$20 million to support the troops in Haiti, 500 of them. And I appeal to my colleagues to please kill this Goss amendment. The gentleman from Florida (Mr. Goss) has a very good way of approaching Haiti, always on the negative.

Please kill this amendment. It is not worth being in this good bill. So please go against this. It is bad for America and it is bad for Haiti.

Mr. GOSS. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to address my good friend the gentlewoman from Florida (Mrs. MEEK).

I do not know of a sweeter lady in this body than the gentlewoman from Florida. But I say to the gentlewoman, because there is payback; 500 troops and \$20 billion a year.

Look at Kosovo. We are lucky if we are going to get out with \$100 billion. Bosnia cost us \$16 billion.

When the Progressive Caucus comes up in the Labor-HHS bill and wants to increase money in Medicare and health care and education and not talk Social Security, if we want to do these things, the Progressive Caucus has got to support it and not want to cut defense by 50 percent of what it is now. There is a payback.

Mr. GEJDENSON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment.

I do so because we know that Haiti has been unstable. We are not really providing that much to them. But to take away the little bit that we are providing is unconscionable.

□ 1900

All that we are talking about is helping the poorest country in this hemisphere continue to have some hope for

stability, economic development, for growth and progress. I would urge, Mr. Chairman, that we vote in the best interests, not only of Haiti but that we vote in the best interests of humanity, a little bit of humanitarian effort. I urge that we vote "no" to the Gilman-Goss amendment.

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

Mr. OWENS. Mr. Chairman, why are we obsessed with Haiti? If there is going to be a standard for spreading our generosity, and we are the indispensable Nation, we are the last superpower, I think it is important that we should help out wherever we can in crises throughout the world, but why not have a single standard? Why do we not establish a standard? Where we have been in Bosnia, I do not think it has been \$16 billion as I heard before, but at least we have spent \$8 billion in Bosnia. We have been in Korea forever. Korea has a strong economy. They could support their own defense. We have been in Europe with bases for a long time and in Japan. We are spread out all over the world in places spending billions of dollars over long periods of time. Why would we not help a nation in this hemisphere, and the commitment there is relatively pennies now compared to the kind of commitments we have with the bases in Europe and Japan and Bosnia. I am not saying we should pull out of Bosnia overnight, but I think there ought to be some kind of formula whereby we go in to help, we spend a preestablished amount of money, we do it with some kind of standard equally throughout the world.

If you pick out Haiti alone and you go after Haiti, then the only conclusion we can come to is that it is because Haiti is a black nation. Why else are we obsessed with Haiti?

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

Mr. MEEKS of New York. Mr. Chairman, I rise today to oppose the Gilman-Goss amendment. Haiti is on the eve of democratic elections. We say that we have the moral authority to try to make sure that democracy is across this world. Yet the smallest and the poorest country in this world, we do not want to aid. We have less than 3 to 400 troops in Haiti. Yet we are trying to pull them out on the eve of elections when we may restore hope and dignity to people who are our neighbors. Yet we go all over the place for others. There seems and there is a double standard. We must not let this amendment stand. We must make sure that the bill is not poisoned by this terrible, terrible amendment and help the people who need most the help. To whom much is given, as this country has, much is required.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the

gentleman from Massachusetts (Mr. DELAHUNT).

The CHAIRMAN. The gentleman from Massachusetts is recognized for 30 seconds.

Mr. DELAHUNT. Mr. Chairman, this is a very dangerous amendment. This sends a message to the antidemocratic forces in Haiti that America is ready to disengage. This coupled with a hole that was placed by the majority in terms of human rights observers. This amendment should be defeated and it should be defeated overwhelmingly.

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

The CHAIRMAN. The gentleman from Florida is recognized for 2½ minutes.

Mr. GOSS. Mr. Chairman, I want to read part of a Charleston Post and Courier editorial:

General Wilhelm did not suggest that the United States should give up and walk away. He proposed U.S. military forces should visit Haiti periodically. Unfortunately, as the General told Congressmen, the 500 American soldiers—that number is actually 503 American soldiers—who remain have to spend much of their time defending themselves from attack. They should not be exposed in this way. Instead, detachments of troops, ready for combat if required, should be sent to Haiti to demonstrate U.S. commitment to upholding the rule of law. It would be wrong to keep troops in Haiti merely to disguise the fact that U.S. intervention, hailed as one of President Clinton's major foreign policy achievements, has failed.

I would point out that that editorial absolutely parallels the advice we are getting from the military. Now, we have heard testimony that Haiti needs to be treated the same as everybody else. I agree. That is what we are trying to do is take out the permanent troops and replace them with the periodic deployments which are characteristic for the area.

Secondly, we are trying to reduce the strain on the readiness of our troops because, Lord knows, we need them and the reduced strain would be helpful to the military. Thirdly, we are trying to increase troop safety. In fact our troops have been fired on in Haiti. Many people do not know that. Fourthly, many of the activities that are going on in Haiti that we need to help with are better suited with other NGOs. We will help those other NGOs as we have in the past and will continue to do in the future. That is where the help should be coming for the Haitians.

There are other reports coming from Haiti, well founded at this time, of new brutality and unfortunately involves brutality by people in Haiti, Haitians who are trained by the U.S. This is not good. Things are going sour in Haiti. The gentleman from Connecticut has pointed out that we have now got a problem in Haiti. I do not know if the gentleman has noticed that we have got a dictatorship returning to Haiti in the past several months and that we no

longer have all the elements of democracy down there that we seek to have. The dictatorship has in fact returned. But that is not the reason for the amendment. The reason for the amendment is to give Haiti a better chance to treat it the same as everybody else, to get the right kind of help going to Haiti and to get our troops back where they need to be.

This is the defense authorization bill. This is not the Haiti relief bill. This is the defense authorization bill. The military has recommended we get those troops out of there on a permanent basis. We should listen to the military. Mr. Chairman, I urge support of the amendment.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Gilman-Goss amendment, which limits funds for deployment of US Armed Forces in Haiti.

There are about 400 US military personnel in Haiti, who make up the US-Haiti support Group. This mission is humanitarian in nature, and provides engineering and other infrastructure assistance, and it is important to note that their presence is not permanent.

The role our troops play in Haiti is critical. If this amendment passes; however, we would send a negative message to the people of Haiti; namely, that the United States is leaving them at a critical time in the country's movement toward democracy.

I would like to point out that no other statute requires that the President report to Congress before a training deployment, as would be required if this passes.

I urge you to vote "no" on this amendment.

Lastly, it is unfortunate that a Member from Florida continues to attack our policy in Haiti. What we need to understand is that when the problems of Haiti go unresolved, these problems in turn, become ours as well.

Mr. PAYNE. Mr. Chairman, I rise today in strong opposition to this amendment. The Gilman/Goss amendment sends the wrong signal to the people of Haiti. It says that we don't care about democracy and we don't care about the rule of law and certainly we don't care about the people of Haiti.

This amendment would mandate a congressionally-imposed deadline for the withdrawal of troops which could send a destructive signal to opponents of democratic reform in Haiti. We are not talking about many troops—just 270 troops. That is vastly different from the 25,000 troops that went to Haiti 5 years ago. The 25,000 troops didn't have a single causality and you wanted to end that. Now the 270 troops that help in the areas of health care and rehabilitation program—you want to cut that also. This is ludicrous.

This is just another tactic to embarrass this Administration and to call into question smart, quick and decisive action we took in 1994 when we restored democracy back to Haiti by taking out Raoul Cedras and restoring the democratic government of then President Jean Bertrand Aristide.

Don't you remember what it was like 7 years ago when boat people drowned just to flee persecution and repression.

60,000 refugees left and fled for their lives. Many died trying to escape. This amendment

would cut off badly needed money to the defense program. This program allows children to be vaccinated and also allows engineers to train in building roads and bridges.

Mr. Speaker, this is the last program we have in Haiti and now that is in jeopardy. What exactly do you want to happen in Haiti. You cut off the training program, you effectively ended the MICIVIH program and now this humanitarian program.

The MICIVIH program was established in 1993 jointly by the United Nations General Assembly and the Organization of American States. Since that time, it has made critical contributions to Haiti's political development by assisting judicial reform efforts, conducting credible human rights monitoring and carrying out impartial investigations into human rights violations. Now that's gone.

Elections are coming up soon. This amendment would end what is a small and worthwhile humanitarian support program in Haiti.

The U.S. Military Support Group in Haiti—a 400 strong presence of engineers, humanitarian civil affairs and other personnel—serves as a visible manifestation of U.S. support for Haiti's democratic transition and economic development.

The presence of U.S. military personnel in Haiti also has a positive effect on the security and stability of Haiti. This is not a permanent presence in Haiti. The role our troops play there is critical, giving Haitians reason to be hopeful by building schools, providing health care, digging wells, and being a visible sign of the U.S. commitment to democracy in that country. The President has made it clear that he is paring down on the deployment and this is not the time to pull our troops out of Haiti.

Let's not pick on Haiti. I rise in opposition to this amendment and urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. GOSS).

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

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

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Florida (Mr. GOSS) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 106-175.

AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

Mrs. MEEK of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 14 offered by Mrs. MEEK of Florida:

At the end of title VII (page 238, after line 22), insert the following new section:

**SEC. 726. 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 “(a) RESTRICTION ON USE OF FUNDS.—”; and

(2) by striking subsection (b).

The CHAIRMAN. Pursuant to House Resolution 200, the gentlewoman from Florida (Mrs. MEEK) and the gentleman from Indiana (Mr. BUYER) each will control 15 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

I am offering an amendment that simply repeals the statutory prohibition on privately funded abortions in overseas military facilities and restores the law to what it was for many years. This amendment would permit servicewomen stationed overseas to use their own funds to obtain reproductive health care. No Federal funds would be used and health care professionals opposed to performing abortions as a matter of conscience or moral principle would not be required to do so. Earlier this month, this amendment was endorsed on a bipartisan basis by the Subcommittee on Military Personnel of the Committee on Armed Services, the committee of jurisdiction. This was a major victory for women serving in our armed forces. Unfortunately, the full committee failed to follow the recommendation of the subcommittee and deleted the language from the bill. As one of the ranking women here, I strongly feel that this ill-advised policy must be overturned. Women in our armed forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights for a policy with no valid military purpose.

Many of my colleagues will recognize this amendment as the former Harman amendment. I am proud to attempt along with the Women's Caucus, those of us who support this, to continue the good work of my friend and my colleague Congresswoman Jane Harman. I urge my colleagues to vote for this amendment. We owe our women serving our Nation no less, Mr. Chairman.

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 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. 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 the host nations regarding abortions. Secondly, the military has had a difficult time finding health care professionals in uniform willing to perform the procedures. Third, the real purpose of military medical treatment facilities is for military medical readiness and the training of lifesaving instead of the taking of life. Current law allows military women and dependents to receive abortions in military facilities in the cases of rape, incest or when necessary to save the life of the mother.

The House voted several times to ban abortions at overseas military hospitals. A similar amendment offered by Representative Jane Harman in the fiscal year 1998 Defense Authorization Act was rejected 196-224. In 1998, the House National Security Committee rejected another attempt to allow privately funded abortions at these facilities. When considering the fiscal year 1996 defense authorization and appropriations bills, the House voted eight times in favor of the present ban.

In overseas locations where safe, legal abortions are not available, beneficiaries have the option of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion.

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

Mrs. MEEK of Florida. Mr. Chairman, I ask unanimous consent to turn over control of the time in the management of this amendment to the gentlewoman from California (Ms. SANCHEZ). She is the originator of this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SANCHEZ. Mr. Chairman, I thank the gentlewoman from Florida (Mrs. MEEK) for her help on this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend from California for yielding me this time.

Mr. Chairman, this is a question of constitutional rights. When someone puts on the uniform of the United States military, she should not forfeit her constitutional rights. If a different constitutional right were at stake here, I suspect that the attitude of those who oppose this amendment would be very different. They may not like the fact that the Constitution guarantees the right to choose, but it does. If we had a policy that said that you could not freely exercise religion at your own expense on military property in foreign countries, people would object vociferously to that because they would understand that there was something fundamentally wrong to denying people in the military their constitutional rights.

You may not like this constitutional right. You are free to try to change it. But it is a constitutional right. And to deny it to women who serve in uniform is just wrong. The Sanchez amendment corrects that wrong. I would urge everyone to support it strongly as I do.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I assure the gentleman that the United States Supreme Court permits the Congress to discriminate and for us to make decisions with regard to the military. If you are too tall, if you are too short, if you are too heavy, if you are color-blind, if you are diabetic. We are permitted to decide how we can shape the force and we can also decide on rules and procedures for the military.

Mr. Chairman I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in opposition to the Meek amendment. The House has spoken on this issue many times. Each time it has rejected this amendment. Just last year the House rejected this same amendment offered by the gentlewoman from New York (Mrs. LOWEY) by a vote of 190-232.

□ 1915

By requiring U.S. military facilities to provide elective abortion on demand to uniformed personnel dependents, the Meek amendment would turn DOD medical treatment facilities into abortion clinics.

When the 1993 Clinton administration policy permitting abortions to be performed in military facilities, which was reversed in 1996 except in the cases of rape, incest and the life of the mother, when that was first begun, all military physicians as well as many nurses and supporting personnel refused to perform or even to assist in elective abortions.

Our troops already are demoralized enough. Why should we again ask them to do something to which they object?

I received a couple of letters on this issue. I just want to read a couple of quotes.

The National Right to Life Committee in a letter summed it up well by saying, "Facilities and personnel of the Federal Government should not be utilized to deliberately destroy the lives of innocent human beings."

And I received a letter from the Archdiocese for the Military Services which echoes this message by saying, "Military medical personnel have refused to take part in the procedure of life destroying abortion, citing the primary responsibility of our Nation's military services to preserve human life."

Mr. Chairman, I urge my colleagues to oppose again the Meek amendment.

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

Mr. Chairman, I would just remind the gentleman who just spoke that

there is already an objection clause and that no military personnel are forced to perform any of this.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), my friend.

Mrs. TAUSCHER. Mr. Chairman, I guess I am a little confused about the subcommittee chairman's assertion that the military discriminates right now against people that are too tall and too other things when in fact I think what we would actually call those would be minimum standards for qualification to qualify to be a good soldier, airmen, Marine. The question I have is: Is there such a thing as being too female, because this is a specific issue for American fighting men and women, and this is about American women who have the right to have the right to choose as American citizens, but because they are on military duty overseas our colleagues are suggesting that they forfeit that right.

I think that is discriminatory, I think that is inappropriate, and I urge my colleagues to support the Sanchez amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman from Indiana for yielding this time to me knowing that we do not agree on the subject. I just want to make a couple of points:

First of all, these are privately funded, these are not taxpayer funded. Secondly, we have the personnel to perform these procedures because they perform them in the case of rape, incest and the life of the mother. Thirdly, our men and women under arms serve under American law and American command, and like it or not, they have the same right to legal medical procedures as women throughout America. And fourthly, this is terribly discriminatory. If someone is an officer, they can afford to have their wife fly home or their daughter who got in trouble fly home. If someone is a common enlisted guy, they cannot, and space available does not necessarily work.

Do my colleagues really want them to go out on the medical economy of some of these foreign deployments where death is just about as likely as any other outcome? Do they not have a right as service men and women to have either their wives safe or, as women, to have a safe procedure? Mothers have a right to live for their children even if they have to elect this procedure.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS), my colleague.

Mr. DAVIS of Illinois. Mr. Chairman, I rise to express my strong support for the Meek Sanchez amendment. I find it ironic that strong women, brave

women, who enter the military to fight for their country then cannot get the same basic rights that people back home already have, rights they are fighting to protect. I think that this policy is the height of hypocrisy, and this amendment should not even be debated, it should not even be a question. It even should not be a consideration.

Mr. Chairman, let us extend to the fighting women in the military the same choice options that others have back home. I thank the gentlewoman for having yielded this time to me.

Mr. BUYER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank my good friend for yielding this time to me and congratulate him on his courage in embracing this important human rights issue. Let me begin by noting that I have the utmost respect for my friends on the other side of this issue, but in all honesty I continue to struggle with how so many bright and otherwise enlightened people can continue to demand a course of action that literally kills children and emotionally wounds so many of their mothers.

As my colleagues know, the national debate on partial-birth abortion has demonstrated beyond any reasonable doubt that abortion is violence against children. Can our friends on the other side of this issue not appreciate the inherent cruelty towards babies in sanctioning the stabbing to death of a partially born child followed by the suctioning of his or her brains and then calling that choice? I believe that such child abuse is beyond words, Mr. Chairman.

As my colleagues know, abortion methods often involve the literal dismemberment of children with razor-blade-tipped curettes. They are really just knives hooked up to a hose, a suction device that is some 20 to 30 times more powerful than the vacuum cleaner my colleagues have in their homes today. Well, the baby's body is literally hacked apart. The arms and the legs are cut off. Next time my colleagues go home and look at their child, they should remember this. And they can make faces and roll their eyes, but that is what abortion actually entails; it hacks off the arms, it decapitates the head.

I do not know if my colleagues have ever seen The Silent Scream put out by Dr. Nathanson, a former abortionist and founder of NARAL. He shows with ultrasound a baby being hacked to death, the commonplace abortion method that is utilized in this country. If the Sanchez-Meek amendment becomes law, it would facilitate that kind of cruelty towards children in our overseas military hospitals.

There are chemical abortions where highly concentrated salt solutions and other kinds of poisons are literally injected into the amniotic sac or into the

baby so as to procure that baby's death. That is child abuse.

A humane and a compassionate society will embrace those children with prenatal care and love even when they are, quote, unwanted and would say that that kind of violence cannot be sanctioned.

I chair the Subcommittee on International Operations and Human Rights. I have had about a hundred hearings in that Subcommittee and in the Helsinki Commission which I also chair, many of which have focused on torture. I have to tell my colleagues there is an unsettling similarity between the mangled badly bruised bodies of people who have endured torture and the victims of saline or salting-out abortions where they are covered with bruises. Very often the only part not bruised is the palms of their hands because it takes 2 hours for the baby to die, and the babies clench their fists because they feel the pain.

Abortion is child abuse. The Sanchez-Meek amendment would allow and facilitate abortion on demand in our military hospitals, the ultimate violation of human rights. We need to stand for the innocent unborn children and for their mothers. The emphasis should be on prenatal care, not on a course of action that maims, chemically poisons, and otherwise destroys human beings.

Please vote no on the Sanchez-Meek amendment.

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

Ms. WATERS. Mr. Chairman, I rise today in strong support of the Sanchez amendment, a bill that would restore women the right to equal access in health services at military hospitals. This amendment is first and foremost about protecting women's health. It would give military women the access to the health care they need and deserve. Soldiers in our Armed Forces already give up many freedoms and risk their lives in defending our country. They should not be asked to sacrifice their health, their safety and their basic constitutional rights for a policy with no valid military purpose.

Let me clarify that the amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 to 1988 and again from 1993 to 1996. This policy gives women in the military who are stationed overseas the same rights as military women in their own country, the right to pay for a safe and legal abortion with their own private money.

Enough is enough. Every woman should be guaranteed the same rights as any other woman, particularly if those same women are fighting to protect the freedoms of this country. How can we in good conscience deny our service women any right at all?

We will hear a lot of inflammatory language and a lot of discussions designed to frighten and intimidate. That is not what it is all about, Mr. Chairman. It is about women who want to take their own money and pay for a service that should be available. It is not, but they are paying their own money to have this service, one of the health care benefits that they should be afforded that they are not being afforded.

How can we say to a military woman who is out there risking her life for us in our Armed Services that we are going to deny access to service? We do not do that to men in any shape, form or fashion; do not do it to women.

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

Mr. Chairman, I am just not sure I remember the last time a man received an abortion. I do not think it has ever happened. I do not think it is humanly possible. I am not sure how gender even became injected in this debate.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, a lot of talk about rights, about women's rights, and properly so. Not a word, not a syllable, not a phrase is spoken about the rights of the unborn child. Because the unborn child in the process we call abortion or euphemistically we call choice, which is an interesting subject, but nonetheless the rights of the unborn are never considered whatsoever.

Now I have heard people on the other side say that there is a constitutional right to choose. It is really not in the Constitution, but the court found it there in 1973, 7 to 2, the right to an abortion. But there is no right to have the taxpayers pay for that abortion.

Now our colleagues will say but under the Meek amendment, which we are debating here, under this amendment the pregnant woman will pay her own expenses. But they are using a medical facility of the United States military, and thus they are turning that into not a place for healing, but an abortion mill, an abortion clinic.

Now there are people whose tax dollars go to pay for that hospital who are morally opposed to abortion, who do not think it is a good thing, who think it is a tragedy to take an innocent little human life, and before it gets a chance to laugh or cry, exterminate it. They do not terminate a pregnancy, they exterminate. All pregnancies terminate after 9 months.

Now this has been the policy of our country and our government for some time, and it ought to stay there. Do not turn military hospitals into abortion clinics. Do not use the facilities that are paid for by taxpayers to kill an unborn child.

Our colleagues say they want to make abortion safe, legal and rare. We can make it legal, we cannot make it

moral, and we cannot make it safe for the unborn, and by facilitating abortions we are not making it rare.

So think of the child, put the child in the picture, think of the unborn life that is entitled to life, liberty and the pursuit of happiness, and do not turn our military hospitals into abortion clinics.

□ 1930

Ms. SANCHEZ. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I would just like to remind my colleagues that there are already abortions performed at military hospitals, and that a woman who chooses to have one under this amendment would pay all the costs of having that procedure done in a military hospital. So it is at no expense to the taxpayer.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of the Sanchez amendment. I hope this amendment has the support of all but the most extreme of the anti-choice Members of this body, because this is indeed a very moderate approach. It simply says that women stationed overseas will be allowed to have abortions in safe military facilities at their own expense, at an expense that covers the full cost, not just the marginal cost, including, I would assume, a charge for the facility itself.

It says that no doctor would have to perform the procedure if or she did not want to because of moral or religious or ethical objections. It simply reinstates the policy of this country from 1973 to 1988 and again from 1993 to 1996.

We are about to deploy servicewomen even into the Balkans, where the hospitals have been damaged, where the Albanian hospitals are overrun or are having to deal with refugees, where all of the hospitals are overburdened, and we are turning to American servicewomen and saying, "Yes, you might risk your life because of a sniper or a land mine, but, in addition, you must risk your life to an unsanitary operation performed in whatever hospital or whatever illegal facility is available."

The other alternative available to our servicewomen is to wait. Instead of the abortion taking place in the first month, it would take place in some later month. Is that what the so-called pro-life forces want?

Ms. SANCHEZ. Mr. Chairman, I yield one minute to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise in strong support of this amendment. Our servicewomen and the wives and daughters of our servicemen stationed abroad do not expect special treatment, but they are entitled to receive

the same rights guaranteed all Americans under *Roe v. Wade*.

This bill penalizes women who have volunteered to serve their country by unduly interfering with their constitutionally protected right to choose. The Sanchez-Morella amendment assures that servicewomen and the wives and daughters of our servicemen do not become second-class citizens or subject to a two-tiered health care system. This amendment provides access for our servicewomen to medical care, to legal medical care.

Individuals who volunteer to serve in the Armed Forces already give up many freedoms and they risk their lives defending our country. In exchange, we offer our military personnel a full array of health care services; that is, except in the case of comprehensive reproductive health care.

I urge my colleagues to vote in favor of the amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I respect immensely my friend that spoke about abortion, but that is not really what this whole issue is about. Most of the women in the military overseas are very, very young. Even someone that voluntarily wants an abortion, I can imagine there is quite an emotional scar, whether you choose to or not. The military does not want these young women having an abortion overseas. They do not want someone in a military unit overseas that is going to go through this emotional trouble that has to work with a team.

There is not a single woman that has ever been forced in the military to have that abortion overseas. The military will bring that woman back, and, under *Roe v. Wade*, they are not denied, not one single item, and they are protected.

So they are not abused, they are not discriminated against, because they have the same rights back here in the United States once they get in CONUS. But the military does not want young impressionable women to have to go through an abortion overseas.

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

Mr. Chairman, I just want to let our colleague know I have a letter here from the Department of Defense that strongly support this amendment. In fact, our military does want this. They do want this amendment to pass.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of this amendment. This issue is about equal treatment for servicewomen stationed overseas. This amendment is not about Federal support for abortion services, it is about giving women who have volunteered to serve their country abroad the same

protections and choices they would have here at home.

When a woman in the military is stationed overseas, the best medical facility is most often the base hospital, a hospital that is clean and safe with well-trained doctors. However, this amendment denies military women, those who serve and protect our country, access to this base medical facility, even when the woman pays for and is willing to pay for the treatment.

Regardless of your position on choice, ask yourself a question: What would you want for your daughter, for your sister or your wife? If she were stationed overseas, would you not want her to go to the hospital of her choice? Would you not want her to go to an American military facility?

Mr. Chairman, these women fight for our freedom every day. Let us not take their freedom away. Vote "yes" on this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this amendment is about recognizing the rights and dignity of our women in the armed services. It is really a very limited attempt to correct the policy that never should have been enacted in the first place. It simply allows women to obtain safe abortion services using their own money at U.S. military hospitals overseas.

The current ban increases women's health risks and denies women their basic constitutional right to privacy. A woman must inform her superiors of her need for an abortion and wait until there is space available on a military flight back to the United States. The delay puts women's lives in jeopardy. The need to inform her superiors violates her privacy rights.

Furthermore, women serving overseas depend on the base hospital for medical care in areas where local health care facilities are inadequate. The health of a servicewoman is threatened when she has to look outside of the base for a safe provider of the medical attention she needs. The current policy may even force a woman to seek an illegal or unsafe abortion when facing a crisis pregnancy.

The ban discriminates against the women serving our country overseas. This amendment would ensure equal access to comprehensive reproductive health care for all U.S. servicewomen and dependents, regardless of where they are stationed, and therefore should be enacted.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), the cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I am pleased to cosponsor this amendment. Much has already been said about what the amendment does, but it does allow women serving in the military overseas

who depend on their base hospitals for medical care and may be stationed in areas where local health care facilities are inadequate to be able to avail themselves at their own cost of an abortion that may be very necessary.

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 rights for a policy that does not have any valid military purpose.

Mr. Chairman, I think the amendment is about women's health. I believe that. I believe it is also about fairness. The amendment also, and this has been repeated over and over again, it does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. It reinstates the policy we had before.

Finally, please know the amendment has the strong support of health care providers, organizations like the American Nurses Association, American Public Health Association, Medical Women's Association and the College of Obstetricians and Gynecologists. The litany goes on. These are medical people who know.

Please support the amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment. Only in a Republican Congress can a woman sign up to serve her country and have her rights denied in return. While a female soldier is busy defending her country overseas, her country in this Congress is working to take away her rights.

If a male member of the armed services needs medical attention overseas, he receives the best. If a female member of the armed services needs a specific medical procedure, she is forced to either wait until she can travel to the United States or go to a foreign hospital, which may be unsanitary and dangerous.

This bill will cost the American taxpayer nothing. Each woman will pick up her own tab. All she wants is the right to do it.

Women have waited long enough to receive equal treatment in the military. I hope my colleagues on both sides of the aisle will vote for this amendment, and give these most deserving soldiers back what is rightfully theirs.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond.

Mr. Chairman, it is quite disappointing for the gentlewoman who just spoke to talk about a Republican Congress denying.

Let me just state this: The purpose of the military is to fight and win the Nation's wars. The gentlewoman's comments also impugn the dignity of

Democrats who are pro-life advocates, those whose passion is about saving life, not taking the life of the innocent unborn child, as she is walking off the floor and does not want to hear this debate. I am speaking directly to you.

There are Members of both sides of this aisle that speak passionately about saving the life of the unborn. For you to try to rein in politics is completely unnecessary.

Ms. SANCHEZ. Mr. Chairman, I yield 10 seconds to the gentlewoman from New York (Mrs. MALONEY) to respond.

Mrs. MALONEY of New York. Mr. Chairman, this is a constitutional right, a right that is legal in the United States. You are depriving a woman who is defending her country, putting her life on the line to defend her country. You are taking away a right that men have. It is a right that she would have if she were in her own country. I think it is outrageous. It is wrong. Everyone should vote against this amendment.

Ms. SANCHEZ. Mr. Chairman, I yield the balance of my time to the gentlewoman from New York (Mrs. LOWEY).

The CHAIRMAN. The gentlewoman from New York is recognized for 50 seconds.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowe amendment, and I thank the gentlewoman from California (Ms. SANCHEZ) and my colleagues for their important work on this issue.

In closing, I just want to say, please do not be fooled. This is not an issue of taxpayer dollars funding abortion. This is about American women in private with their own money exercising their constitutional right to choose.

Over 100,000 women live on American military bases. These women work to protect the freedom of our country. These women risk their lives and security to protect our great and powerful Nation. These women for the past 4 years have been denied the right to a safe and legal abortion at the bases where they are stationed.

□ 1945

Just yesterday, when we debated the anti-choice majority's latest effort to restrict access to legal abortion, I said I was tired of these attempts to chip away at a woman's right to choose. I ask my colleagues to please support the Sanchez-Morella-Lowe amendment.

Mr. BUYER. Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. WELDON) to close in opposition to the amendment offered by the gentlewoman from Florida (Mrs. MEEK).

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) is recognized for 3 minutes to close.

Mr. WELDON of Florida. Mr. Chairman, I rise in very strong opposition to this amendment. I would encourage all

of my colleagues on both sides of the aisle to vote against this amendment.

I bring a somewhat unique perspective to this debate in that not only prior to coming to the Congress did I practice medicine, but for many years prior to coming to the Congress I practiced medicine in the military. I was actually in the Army Medical Corps at the time when pro-life President Ronald Reagan passed an order that said we were not going to have abortions in military hospitals anymore.

It was very interesting for me at the time, I was a medical resident, to see the reaction to that order. It was sort of a sigh of relief. Everybody that I spoke to, the doctors and nurses, were very pleased that they were going to take that very, very controversial issue and move it out of the military hospitals.

Some people have been arguing that this is a constitutional right. There is no constitutional right to have an abortion in a military hospital. Indeed, the reason all of those doctors and nurses, even many of whom considered themselves to be "pro-choice", liked getting it out is because they did not like to have anything to do with it.

It is one of the most fascinating things to me, when I talk with my medical colleagues, many of whom say, you know, I am pro-choice, but they always follow it with this. They say, I would never perform an abortion, I would never assist in an abortion. The reason why they say that is they know exactly what an abortion is. It is the taking of an innocent human life. It has a beating heart. It has brain waves. Those are the things that I used to use to make a determination as to whether or not somebody was dead.

This is a very, very controversial issue. Even if Members do stand on the pro-abortion side of this issue, Members have to acknowledge that it is so incredibly controversial within the population in general that this would be something that we would be well served as a Congress to keep outside of Federal facilities, outside of Federal hospitals.

To say that the women will pay for the abortion, we all know that that issue is just part of the story. Having that infrastructure, having those medical professionals there, it represents a certain amount of Federal support.

For the millions and millions of pro-life Americans, I think certainly if Members are pro-life, they should vote against this amendment. I think if Members are undecided, they should vote against this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly support the amendment, which will restore regulations permitting abortions for service members and their dependents at overseas defense department medical facilities.

Without this amendment women who have volunteered to serve their country will continue

to be discriminated against by prohibiting them from exercising their legally protected right to choose abortion simply because they are stationed overseas.

While the department of defense policy respects the laws of host nations regarding abortions, service women stationed overseas should be entitled to the same services, as do women stationed in the U.S.

Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers women's health.

Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal and potentially unsafe abortion.

Since 1996, the ban on DOD abortions was made permanent by the DOD authorization bill. I have fought to restore the female service member's constitutional right of choice.

This amendment does not require the department of defense to pay for abortions; it simply repeals the current ban on privately funded abortions at U.S. military facilities overseas. Absolutely no federal funds will be used for abortion services. In addition, all three branches of the military have a "conscience clause" provision which will permit medical personnel who have moral, religious or ethical objections to abortion or family planning service not to participate in the procedure. These provisions will remain intact as well.

Access to abortion is a crucial right for American women, whether or not they are stationed abroad. This amendment must be supported, as women who serve our country must be able to exercise their choice whether or not they are on American soil.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

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

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

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 12 offered by the gentleman from Texas (Mr. DELAY);

Amendment No. 13 offered by the gentleman from Florida (Mr. GOSS);

Amendment No. 14 offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of the gentlewoman from California (Ms. SANCHEZ).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 12 OFFERED BY MR. DELAY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DELAY) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 248, noes 143, not voting 7, as follows:

[Roll No. 182]

AYES—284

Aderholt DeLay Hunter  
 Archer DeMint Hutchinson  
 Arney Diaz-Balart Hyde  
 Bachus Dickey Kildee  
 Baker Dingell Isakson  
 Baldacci Doolittle Istook  
 Ballenger Doyle Jackson-Lee  
 Barcia Dreier (TX)  
 Barr Duncan Jenkins  
 Barrett (NE) Dunn Johnson (CT)  
 Bartlett Edwards Johnson, Sam  
 Barton Ehlers Jones (NC)  
 Bass Ehrlich Kelly  
 Bateman Emerson Kildee  
 Bentsen Engel King (NY)  
 Berkley English Kingston  
 Berry Etheridge Knollenberg  
 Biggert Everett Kucinich  
 Bilbray Ewing Kuykendall  
 Bilirakis Fletcher LaHood  
 Bishop Foley Largent  
 Bliley Forbes Latham  
 Blunt Fossella LaTourette  
 Boehlert Fowler Lazio  
 Boehner Franks (NJ) Leach  
 Bonilla Frelinghuysen Levin  
 Bonior Frost Lewis (KY)  
 Bono Gallegly Linder  
 Brady (TX) Ganske Lipinski  
 Brown (OH) Gekas LoBiondo  
 Bryant Gephardt Lofgren  
 Burr Gibbons Lucas (KY)  
 Burton Gilchrist Lucas (OK)  
 Buyer Gillmor Maloney (CT)  
 Callahan Gilman Maloney (NY)  
 Calvert Goode Manzullo  
 Camp Goodlatte Mascara  
 Campbell Goodling McCollum  
 Canady Gordon McCreery  
 Cannon Goss McHugh  
 Capuano Graham McInnis  
 Castle Granger McIntosh  
 Chabot Green (TX) McIntyre  
 Chambliss Green (WI) McKeon  
 Chenoweth Greenwood McNulty  
 Clement Gutknecht Menendez  
 Coble Hall (OH) Metcalf  
 Coburn Hall (TX) Mica  
 Collins Hansen Miller (FL)  
 Combest Hastings (WA) Miller, Gary  
 Condit Hayes Minge  
 Cook Hayworth Moakley  
 Cooksey Hefley Moore  
 Costello Herger Moran (KS)  
 Cox Hill (MT) Morella  
 Cramer Hilleary Myrick  
 Crane Hobson Nethercutt  
 Crowley Hoekstra Ney  
 Cubin Holden Northup  
 Cunningham Holt Norwood  
 Davis (VA) Hoolley Nussle  
 Deal Hostettler Oxley  
 DeFazio Houghton Packard  
 DeGette Hulshof Pallone

Pascarell Sanford  
 Paul Saxton  
 Pease Scarborough  
 Pelosi Schaffer  
 Peterson (MN) Sensenbrenner  
 Peterson (PA) Sessions  
 Petri Shadegg  
 Pickering Shaw  
 Pitts Shays  
 Pombo Sherman  
 Porter Shimkus  
 Portman Shows  
 Pryce (OH) Shuster  
 Quinn Simpson  
 Radanovich Skeen  
 Ramstad Slaughter  
 Regula Smith (MI)  
 Reynolds Smith (NJ)  
 Riley Smith (TX)  
 Rivers Souder  
 Roemer Spence  
 Rogan Stabenow  
 Rogers Stearns  
 Rohrabacher Stenholm  
 Ros-Lehtinen Strickland  
 Roukema Stump  
 Royce Stupak  
 Ryan (WI) Sununu  
 Ryun (KS) Sweeney  
 Salmon Talent  
 Sanders Tancredo

NOES—143

Abercrombie Hill (IN)  
 Ackerman Hilliard  
 Allen Hinojosa  
 Andrews Hoeffel  
 Baird Horn  
 Baldwin Hoyer  
 Barrett (WI) Jackson (IL)  
 Becerra Jefferson  
 Bereuter John  
 Berman Johnson, E.B.  
 Blagojevich Kanjorski  
 Blumenauer Kaptur  
 Borski Kennedy  
 Boswell Kilpatrick  
 Boucher Kind (WI)  
 Boyd Kleczka  
 Brady (PA) Klink  
 Brown (FL) Kolbe  
 Capps LaFalce  
 Cardin Lampson  
 Carson Lantos  
 Clay Larson  
 Clayton Lee  
 Clyburn Lewis (CA)  
 Conyers Lewis (GA)  
 Coyne Lower  
 Cummings Luter  
 Danner Markey  
 Davis (FL) Martinez  
 Davis (IL) Matsui  
 Delahunt McCarthy (MO)  
 DeLauro McCarthy (NY)  
 Deutsch McDermott  
 Dicks McGovern  
 Dixon McKinney  
 Doggett Meehan  
 Doolley Meek (FL)  
 Eshoo Meeke (NY)  
 Evans Millender-  
 Farr McDonald  
 Fattah Miller, George  
 Filner Mink  
 Ford Mollohan  
 Frank (MA) Moran (VA)  
 Gejdenson Murtha  
 Gonzalez Nadler  
 Gutierrez Napolitano  
 Hastings (FL) Neal

NOT VOTING—7

Brown (CA) Kasich  
 Hinchey Sherwood  
 Jones (OH) Stark

□ 2016

Mrs. THURMAN, Ms. DANNER, and Ms. SCHAKOWSKY, and Messrs. WEINER, HORN, and DAVIS of Florida changed their vote from “aye” to “no.” Messrs. HOLDEN, WISE, LUCAS of Kentucky, HALL of Ohio, MOAKLEY,

Tanner  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thornberry  
 Thune  
 Tiahrt  
 Tierney  
 Toomey  
 Traficant  
 Turner  
 Upton  
 Vitter  
 Walden  
 Walsh  
 Wamp  
 Watkins  
 Watts (OK)  
 Weldon (FL)  
 Weller  
 Weygand  
 Whitfield  
 Wicker  
 Wilson  
 Wise  
 Wolf  
 Wu  
 Young (AK)  
 Young (FL)

LARGENT, KILDEE, MASCARA, STUPAK, DINGELL, COSTELLO, MOORE and SHERMAN, and Ms. PELOSI, Ms. SLAUGHTER and Mrs. MALONEY of New York changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2015

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 13 OFFERED BY MR. GOSS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. GOSS) 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. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 198, not voting 9, as follows:

[Roll No. 183]

AYES—227

Aderholt Combest Goodlatte  
 Archer Condit Goodling  
 Arney Cook Goss  
 Bachus Cooksey Graham  
 Baker Cox Granger  
 Ballenger Crane Green (WI)  
 Barcia Cubin Greenwood  
 Barr Cunningham Gutknecht  
 Barrett (NE) Danner Hall (TX)  
 Bartlett Davis (VA) Hansen  
 Barton Deal Hastings (WA)  
 Bass DeFazio Hayes  
 Bateman DeLay Hayworth  
 Bereuter DeMint Hefley  
 Biggert Dickey Herger  
 Bilbray Doolittle Hill (MT)  
 Bilirakis Dreier Hilleary  
 Bliley Duncan Hobson  
 Blunt Dunn Hoekstra  
 Boehlert Ehlers Horn  
 Boehner Ehrlich Hostettler  
 Bonilla Emerson Houghton  
 Bono English Hulshof  
 Brady (TX) Everett Hunter  
 Bryant Ewing Hutchinson  
 Burr Fletcher Hyde  
 Burton Foley Isakson  
 Buyer Fossella Istook  
 Callahan Fowler Jenkins  
 Calvert Franks (NJ) Johnson (CT)  
 Camp Frelinghuysen Johnson, Sam  
 Canady Gallegly Jones (NC)  
 Cannon Ganske Kelly  
 Castle Gekas Kingston  
 Chabot Gibbons Knollenberg  
 Chambliss Gilchrist Kolbe  
 Chenoweth Gillmor Kuykendall  
 Coble Gilman LaHood  
 Collins Goode Largent

Latham	Pickering	Souder	Sherman	Tauscher	Waters	Lewis (GA)	Ose	Sisisky
LaTourette	Pitts	Spence	Shows	Thompson (CA)	Watt (NC)	Lofgren	Owens	Slaughter
Lazio	Pombo	Stearns	Sisisky	Thompson (MS)	Waxman	Lowey	Pallone	Smith (WA)
Leach	Porter	Stenholm	Skelton	Thurman	Weiner	Luther	Pascrell	Snyder
Lewis (KY)	Portman	Stump	Slaughter	Tierney	Wexler	Maloney (CT)	Pastor	Spratt
Linder	Pryce (OH)	Sununu	Smith (WA)	Towns	Weygand	Maloney (NY)	Payne	Stabenow
LoBiondo	Quinn	Sweeney	Snyder	Turner	Wise	Markey	Pelosi	Strickland
Lucas (OK)	Radanovich	Talent	Spratt	Udall (CO)	Woolsey	Martinez	Pickett	Tanner
Manzullo	Ramstad	Tancredo	Stabenow	Udall (NM)	Wu	Matsui	Pomeroy	Tauscher
McColum	Regula	Tanner	Strickland	Velázquez	Wynn	McCarthy (MO)	Porter	Thomas
McCrery	Reynolds	Tauzin	Stupak	Vento		McCarthy (NY)	Price (NC)	Thompson (CA)
McInnis	Riley	Taylor (MS)				McDermott	Pryce (OH)	Thompson (MS)
McIntosh	Roemer	Taylor (NC)				McGovern	Ramstad	Thurman
McIntyre	Rogan	Terry	Brown (CA)	Kasich	Sherwood	McKinney	Rangel	Tierney
McKeon	Rogers	Thomas	Coburn	Lewis (CA)	Stark	Meehan	Reyes	Towns
McNulty	Rohrabacher	Thornberry	Hinchev	Rush	Visclosky	Meek (FL)	Rivers	Turner
Metcalf	Roukema	Thune				Meeks (NY)	Rodriguez	Udall (CO)
Mica	Royce	Tiahrt				Menendez	Rothman	Udall (NM)
Miller (FL)	Ryan (WI)	Toomey				Millender-	Roukema	Velázquez
Miller, Gary	Ryun (KS)	Trafficant				McDonald	Roybal-Allard	Vento
Minge	Salmon	Upton				Miller (FL)	Rush	Walden
Moran (KS)	Sanford	Vitter				Miller, George	Sabo	Waters
Morella	Saxton	Walden				Minge	Sanchez	Watt (NC)
Myrick	Scarborough	Walsh				Mink	Sanders	Waxman
Nethercutt	Schaffer	Wamp				Moore	Sandin	Weiner
Ney	Sensenbrenner	Watkins				Moran (VA)	Sawyer	Wexler
Northup	Sessions	Watts (OK)				Morella	Schakowsky	Wise
Norwood	Shadegg	Weldon (FL)				Nadler	Scott	Woolsey
Nussle	Shaw	Weldon (PA)				Napolitano	Serrano	Wu
Ose	Shays	Weller				Neal	Shaw	Wynn
Oxley	Shimkus	Whitfield				Obey	Shays	
Packard	Shuster	Wicker				Olver	Sherman	
Paul	Simpson	Wilson						
Pease	Skeen	Wolf						
Peterson (MN)	Smith (MI)	Young (AK)						
Peterson (PA)	Smith (NJ)	Young (FL)						
Petri	Smith (TX)							

## NOT VOTING—9

## □ 2024

Mr. METCALF changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 14 OFFERED BY MRS. MEEK OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Mrs. MEEK) as the designee of 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. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 6, as follows:

## [Roll No. 184]

## AYES—203

Abercrombie	Evans	Markey	Abercrombie	Conyers	Gonzalez	Aderholt	Ewing	Manzullo
Ackerman	Farr	Martinez	Ackerman	Coyne	Gordon	Archer	Fletcher	Mascara
Allen	Fattah	Mascara	Allen	Cramer	Greenwood	Armey	Forbes	McColum
Andrews	Filner	Matsui	Andrews	Cummings	Gutierrez	Bachus	Fossella	McCrery
Baird	Forbes	McCarthy (MO)	Baird	Davis (FL)	Hastings (FL)	Baker	Gallegly	McHugh
Baldacci	Ford	McCarthy (NY)	Baldacci	Davis (IL)	Hill (IN)	Ballenger	Ganske	McInnis
Baldwin	Frank (MA)	McDermott	Baldwin	DeFazio	Hilliard	Barcia	Gibbons	McIntyre
Barrett (WI)	Frost	McGovern	Barrett (WI)	DeGette	Hinojosa	Barr	Gillmor	McKeon
Becerra	Gejdenson	McHugh	Bass	Delahunt	Hoeffel	Barrett (NE)	Goode	McNulty
Bentsen	Gephardt	McKinney	Becerra	DeLauro	Holt	Bartlett	Goodlatte	Metcalf
Berkley	Gonzalez	Meehan	Bentsen	Deutsch	Hooey	Barton	Goodling	Mica
Berman	Gordon	Meek (FL)	Berkley	Dicks	Hoyer	Bateman	Goss	Miller, Gary
Berry	Green (TX)	Meeks (NY)	Berman	Dingell	Horn	Bereuter	Graham	Moakley
Bishop	Gutierrez	Menendez	Bishop	Dixon	Houghton	Bilbray	Granger	Mollohan
Blagojevich	Hall (OH)	Millender-	Blagojevich	Doggett	Hoyer	Bilirakis	Green (WI)	Moran (KS)
Blumenauer	Hastings (FL)	McDonald	Blumenauer	Dooley	Inslee	Bliley	Green (WI)	Murtha
Bonior	Hill (IN)	Miller, George	Bonior	Dunn	Isakson	Blunt	Gutknecht	Myrick
Borski	Hilliard	Mink	Borski	Edwards	Jackson (IL)	Boehner	Hall (OH)	Nethercutt
Boswell	Hinojosa	Moakley	Boswell	Ehrlich	Jackson-Lee	Bonilla	Hall (TX)	Ney
Boucher	Hoeffel	Mollohan	Boucher	Engel	(TX)	Borski	Hansen	Northup
Boyd	Holden	Moore	Boyd	Eshoo	Jefferson	Brady (TX)	Hastings (WA)	Norwood
Brady (PA)	Holt	Moran (VA)	Brady (PA)	Etheridge	Johnson (CT)	Bryant	Hayes	Nussle
Brown (FL)	Hooey	Murtha	Brown (FL)	Evans	Johnson, E.B.	Burr	Hayworth	Oberstar
Brown (OH)	Hoyer	Nadler	Brown (OH)	Farr	Jones (OH)	Burton	Hefley	Ortiz
Campbell	Inslee	Napolitano	Campbell	Fattah	Kelly	Buyer	Herger	Oxley
Capps	Jackson (IL)	Neal	Capps	Filner	Kennedy	Callahan	Hill (MT)	Packard
Capuano	Jackson-Lee	Oberstar	Capuano	Foley	Kilpatrick	Calvert	Hilleary	Paul
Cardin	(TX)	Obey	Cardin	Ford	Kind (WI)	Camp	Hobson	Pease
Carson	Jefferson	Olver	Carson	Fowler	Kleczka	Canady	Hoekstra	Peterson (MN)
Clay	John	Ortiz	Clay	Frank (MA)	Kolbe	Cannon	Holden	Peterson (PA)
Clayton	Johnson, E.B.	Owens	Clayton	Franks (NJ)	Kuykendall	Chabot	Hostettler	Petri
Clement	Jones (OH)	Pallone	Clement	Frelinghuysen	Lampson	Chambliss	Hulshof	Phelps
Clyburn	Kanjorski	Pascrell	Clyburn	Frost	Lantos	Chenoweth	Hunter	Pickering
Conyers	Kaptur	Pastor	Condit	Gejdenson	Larson	Coble	Hutchinson	Pitts
Costello	Kennedy	Payne		Gephardt	Lee	Coburn	Hyde	Pombo
Coyne	Kildee	Pelosi		Gilchrest	Lee	Collins	Istook	Portman
Cramer	Kilpatrick	Phelps		Gilman	Levin	Combust	Jenkins	Quinn
Crowley	Kind (WI)	Pickett				Cook	Johnson, Sam	Radanovich
Cummings	King (NY)	Pomeroy				Cooksey	Jones (NC)	Rahall
Davis (FL)	Kleczka	Price (NC)				Costello	Kanjorski	Regula
Davis (IL)	Klink	Rahall				Cox	Kaptur	Reynolds
DeGette	Kucinich	Rangel				Crane	Kildee	Riley
Delahunt	LaFalce	Reyes				Crowley	King (NY)	Roemer
DeLauro	Lampson	Rivers				Cubin	Kingston	Rogan
Deutsch	Lantos	Rodriguez				Cunningham	Knollenberg	Rogers
Diaz-Balart	Larson	Ros-Lehtinen				Danner	Knollenberg	Rohrabacher
Dicks	Lee	Rothman				Davis (VA)	Kucinich	Ros-Lehtinen
Dingell	Levin	Roybal-Allard				Deal	LaFalce	Royce
Dixon	Lewis (GA)	Sabo				DeLay	LaHood	Ryan (WI)
Doggett	Lipinski	Sanchez				DeMint	Largent	Ryun (KS)
Dooley	Lofgren	Sanders				Diaz-Balart	Latham	Salmon
Doyle	Lowey	Sandin				Dickey	LaTourette	Sanford
Edwards	Lucas (KY)	Sawyer				Doolittle	Lazio	Saxton
Engel	Luther	Schakowsky				Doyle	Lewis (CA)	Scarborough
Eshoo	Maloney (CT)	Scott				Dreier	Lewis (KY)	Schaffer
Etheridge	Maloney (NY)	Serrano				Duncan	Linder	Sensenbrenner
						Ehlers	Lipinski	Sessions
						Emerson	LoBiondo	Shadegg
						English	Lucas (KY)	Shimkus
						Everett	Lucas (OK)	Shows

## NOES—225

Aderholt	Ewing	Manzullo
Archer	Fletcher	Mascara
Armey	Forbes	McColum
Bachus	Fossella	McCrery
Baker	Gallegly	McHugh
Ballenger	Ganske	McInnis
Barcia	Gekas	McIntosh
Barr	Gibbons	McIntyre
Barrett (NE)	Gillmor	McKeon
Bartlett	Goode	McNulty
Barton	Goodlatte	Metcalf
Bateman	Goodling	Mica
Bereuter	Goss	Miller, Gary
Berry	Graham	Moakley
Bilbray	Granger	Mollohan
Bilirakis	Green (WI)	Moran (KS)
Bliley	Gutknecht	Murtha
Blunt	Hall (OH)	Myrick
Boehner	Hall (TX)	Nethercutt
Bonilla	Hansen	Ney
Borski	Hastings (WA)	Northup
Brady (TX)	Hayes	Norwood
Bryant	Hayworth	Nussle
Burr	Hefley	Oberstar
Burton	Herger	Ortiz
Buyer	Hill (MT)	Oxley
Callahan	Hilleary	Packard
Calvert	Hobson	Paul
Camp	Hoekstra	Pease
Canady	Holden	Peterson (MN)
Cannon	Hostettler	Peterson (PA)
Chabot	Hulshof	Petri
Chambliss	Hunter	Phelps
Chenoweth	Hutchinson	Pickering
Coble	Hyde	Pitts
Coburn	Istook	Pombo
Collins	Jenkins	Portman
Combust	John	Quinn
Cook	Johnson, Sam	Radanovich
Cooksey	Jones (NC)	Rahall
Costello	Kanjorski	Regula
Cox	Kaptur	Reynolds
Crane	Kildee	Riley
Crowley	King (NY)	Roemer
Cubin	Kingston	Rogan
Cunningham	Klink	Rogers
Danner	Knollenberg	Rohrabacher
Davis (VA)	Kucinich	Ros-Lehtinen
Deal	LaFalce	Royce
DeLay	LaHood	Ryan (WI)
DeMint	Largent	Ryun (KS)
Diaz-Balart	Latham	Salmon
Dickey	LaTourette	Sanford
Doolittle	Lazio	Saxton
Doyle	Lewis (CA)	Scarborough
Dreier	Lewis (KY)	Schaffer
Duncan	Linder	Sensenbrenner
Ehlers	Lipinski	Sessions
Emerson	LoBiondo	Shadegg
English	Lucas (KY)	Shimkus
Everett	Lucas (OK)	Shows

Shuster	Sweeney	Walsh
Simpson	Talent	Wamp
Skeen	Tancredo	Watkins
Skelton	Tauzin	Watts (OK)
Smith (MI)	Taylor (MS)	Weldon (FL)
Smith (NJ)	Taylor (NC)	Weldon (PA)
Smith (TX)	Terry	Weller
Souder	Thornberry	Weygand
Spence	Thune	Whitfield
Stearns	Tiahrt	Wicker
Stenholm	Toomey	Wilson
Stump	Trafigant	Wolf
Stupak	Upton	Young (AK)
Sununu	Vitter	Young (FL)

There was no objection.

**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

**CONTROLS ON EXPORTATION OF TECHNOLOGY IN AMERICA**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Washington. Mr. Speaker, I rise today to talk about a very important policy issue in this country and that is the policy of export controls and specifically the controls that we place on the exportation of technology.

There has been a lot of talk about this issue today on the national defense bill, a lot of concerns about the exportation of technology. And I want to make a national security argument for changing some of those controls and allowing actually for the greater exportation of technology.

We heard a lot of talk today about the dangers of technology and what it can do to our national security. I think this is a misguided policy based on Cold War philosophies that fail to recognize the changes that have taken place in our economy and the emergence of a new information-based economy and what that means for all manner of policy decisions, particularly in the area of exportation of technology.

The situation we have right now is we have very strict restrictions on exportation of certain technology, most notably encryption software and any sort of so-called supercomputer. I say "so-called" because, basically, the laptops that we have on our desks today just a couple of years ago were considered supercomputers. That shows how fast computers advance and how much our policy fails to keep up with it.

The national security argument that I wish to make is based on the fact that our national security is best protected by making sure that the United States maintains its leadership role in the technology economy, maintains a situation where we in the U.S. have the best encryption software and the best computers.

If we place restrictions on the exportation of that technology, that will soon fail to be the case. We will cease to be the leaders in this technology area and we will cease to be able to provide that very important R&D to the military that enables them to be the leaders in technology.

Our current policies are creating a situation where more and more countries of the world have to go elsewhere

to get access to either encryption software or computers of any kind. And that is a very important point in this debate.

The limitations that we place on the exportation of technology is based on two premises. One is correct but misinterpreted, and the other is incorrect. The one that is correct but misinterpreted is that technology matters in national security. That is absolutely true. Computers, software, all manner of technology give us a stronger national defense, and all manner of technology can be a potential threat to any country's national security. That is true.

But the mistaken application comes from the belief that somehow the United States can place its arms around that technology and not allow the rest of the world to get it. That might have been true in the 1940's and in the 1950's. But in the new economy, in the Internet age and in the age of technology, it is not true.

Encryption is the best example. We believe that we are not going to allow the rest of the world access to the best encryption technology by restricting our Nation's companies' ability to export it. But we can download 128 byte encryption technology off the Internet.

Dozens of countries, not the least of which are Canada, Russia, Germany, export that technology. Also not to mention the fact that if we want to buy the best encryption technology possible, we can go to just about any software store in the world, slip it into the pocket of our suit, and climb on an airplane and go anywhere we want to go.

Our restricting our Nation's companies' ability to export encryption technology is not stopping so-called rogue nations or anybody out there from getting access to that technology. What it is doing is it is having them get that technology from some other country and also hurting our companies' ability to export to legitimate users of encryption technology.

And in the long-run, or actually, given the way the technology economy works, in the much shorter run than we would like, we are going to cease to be the leaders in encryption technology. The rest of the world is going to overtake us. And then our national security is really going to be threatened because we are not going to be the best and we are going to face other countries that have better technology than us.

The same is true in the area of computers. We are but a couple years away from creating a situation where most countries in the world will not be able to export so-called supercomputers to the rest of the country.

What we are a couple of years away from, forgive me, I did not exactly explain that right, is having our basic

**NOT VOTING—6**

Brown (CA)	Kasich	Stark
Hinchev	Sherwood	Visclosky

2033

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to authorize appropriations for fiscal years 2000 and 2001 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 2000 and 2001, and for other purposes, had come to no resolution thereon.

**PERMISSION FOR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE TO FILE SUPPLEMENTAL REPORT TO REPORT ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY**

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be permitted to file a supplemental report to report number 106-167, which accompanied the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The supplemental report contains the CBO cost estimate for the bill.

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

There was no objection.

**GENERAL LEAVE**

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1401.

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