

ATTACKING JUDGE STARR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, Former Arkansas Governor Jim Guy Tucker; Clinton business partners Jim and Susan McDougal; former Arkansas Judge David Hale; former Associate Attorney General and Rose Law firm partner of Hillary Clinton and golfing partner, Webb Hubbell; Arkansas businessman Eugene Fitzhugh; Arkansas businessman Charles Matthews; Arkansas appraiser Robert Palmer; White-water real estate agent Chris Wade; Arkansas banker Neal Ainley; former top Clinton aide Stephen Smith; Arkansas Little Rock developer Larry Kuca; and Arkansas businessman William J. Marks, Sr., 13 people either convicted or pleaded guilty.

□ 1045

I wonder how these people feel when they hear over and over again from James Carville and the Clinton attack machine, who defend ethical outrages that Judge Starr's investigations have "turned up nothing."

White House tactics bring to mind a tactic known to every trial lawyer: When you have the facts, argue the facts; when you have the law, argue the law; when you have neither the facts nor the law, attack the prosecutor.

Nothing to show? Maybe Judge Starr's attackers might want to ask those 13 people what they think.

DISMISSING THE ELECTION CONTEST AGAINST LORETTA SANCHEZ

Mr. THOMAS. Mr. Speaker, by direction of the Committee on House Oversight, I call up a privileged resolution (H. Res. 355) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Whereas credible allegations by contestant Robert Dornan of election fraud in the 46th Congressional District of California were received by the House of Representatives and an investigation has been conducted under the authority of the Federal Contested Election Act;

Whereas that investigation was repeatedly hindered and delayed by the lack of cooperation by the Department of Justice, the Immigration and Naturalization Service, and key witnesses;

Whereas the delay and lack of cooperation included the following:

(1) The refusal of the Immigration and Naturalization Service to provide any information to the Committee on House Oversight until the Service was subpoenaed and the failure 8 months after the subpoenas to provide the accurate information needed by the Committee.

(2) The refusal of key witnesses to provide evidence under the provisions of the Federal Contested Election Act.

(3) The refusal of the Department of Justice, in complete disregard of a resolution passed by the House of Representatives, to

enforce the Federal Contested Election Act by prosecuting any of the 11 witnesses who refused to comply with the provisions of such Act which require production of evidence on a timely basis;

Whereas despite the lack of full cooperation from witnesses and government agencies, the investigation of the election contest in the 46th Congressional District of California has resulted in evidence that over 700 illegal votes were cast in that election, including votes cast by persons who were not citizens of the United States;

Whereas the evidence of illegal voting comes from the following sources:

(1) The Registrar of Voters of Orange County has indicated that 124 absentee ballots were cast illegally in the November 1996 General Election.

(2) The Committee on House Oversight's comparison of Immigration and Naturalization Service records and Orange County voter registration records provide evidence that more than 600 additional votes were illegally cast in that election;

Whereas the number of votes shown to be illegal by clear and convincing evidence is less than the post-recount 979 vote margin by which the election was decided;

Whereas it is critical that the incidence of illegal voting be reduced and eliminated in future elections and that the ability of investigators in future election contests to detect and punish voter fraud be enhanced;

Whereas the Committee on House Oversight should continue its investigation of illegal voting practices and recommend to the House of Representatives legislative measures to reduce voter fraud and improve the integrity of the voting process; and

Whereas the Committee on the Judiciary and the Committee on Appropriations should closely examine the operations of the Department of Justice and the Immigration and Naturalization Service to ensure that proper steps are being taken to enforce the laws of the United States and accurately provide information on the citizenship status of individuals, as required by Federal law: Now, therefore, be it

Resolved, That the election contest of Robert Dornan, contestant, against Loretta Sanchez, contestee, relating to the office of Representative from the 46th Congressional District of California, is dismissed.

The SPEAKER pro tempore (Mr. CAMP). The reported resolution constitutes a question of the privileges of the House and may be called up at any time.

The gentleman from California (Mr. THOMAS) is recognized for 1 hour.

Mr. THOMAS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Maryland (Mr. HOYER), pending which I yield myself such time as I may consume.

Mr. Speaker, the resolution before us dismisses the contested election in California's 46th District. That is clearly the substance. The real story is that in the process of examining this particular contested election, it is clear that voter rolls across the country are suspect.

We all know that elections are fundamental to our democracy. Free and fair elections are essential in selecting our Representatives in this Republic. The belief on the part of people who cast their ballot that their ballot may be negated by someone who should not have been able to vote in an election

erodes the fundamental basis of our democracy and our Republic.

There have been attempts in this process to argue that our concern about making sure that only those people who are eligible to be registered and, therefore, eligible to vote, was not the focus of our concern. Their arguments have been that, quite frankly, what we are doing is "racist;" that we are on a "witch hunt."

It is extremely difficult to understand why someone would not want to make sure that voter rolls are accurate. It is without contention, Mr. Speaker, that in those areas involving people who wish to become naturalized citizens that there are enormous problems today. We discovered just this week that the Immigration and Naturalization Service has hired one of the big five accounting firms to examine the way in which their process operates.

We have been accused of racism because we thought we needed some firmer identification than is currently available from the INS. The INS now admits that they are going to look at a proposal which requires digitized photographs and fingerprints at the beginning of the process, in the middle of the process, and at the end of the process.

It just seems to me that if that system is admittedly flawed, and that people have become citizens who should not have become citizens, or, even more regrettably, those private organizations who participated, ostensibly, in bringing this citizenship about, utilized the opportunity to interact with these nascent citizens in a way that put them on voter rolls illegally, has got to be investigated until it is resolved.

Included in the Coopers & Lybrand report is the suggestion that these private operations should be shut down. In the particular contested election in front of us, one of those private organizations, Hermandad Nacional, had 60 percent of the people it registered flawed. That kind of a ratio either indicates sloppiness or an unwillingness to follow the rules. Which clearly indicates we should not use these private organizations. Now, whichever instance it is, it simply means voter rolls are flawed.

Mr. Speaker, I yield 8 minutes to the gentleman from Michigan, (Mr. VERN EHLERS), the chairman of the task force, to give my colleagues an understanding of the details of this particular examination of an election beyond the normal examination of contested elections historically. And thank goodness we are finally looking at the problems behind the surface.

Mr. EHLERS. Mr. Speaker, I thank the chairman of the committee for yielding me this time. I am pleased to come to the House and report on the results of a very thorough investigation of the DORNAN-SANCHEZ contested election race.

I was given the following charge by the chairman of the committee, when I

took this task: I was asked to chair this task force because of my reputation for integrity and honesty, and he emphasized in the initial assignment that he wanted me to be fair, honest, factual and thorough. This charge was reinforced by the Republican leadership of the House several times during the course of this investigation when certain issues came up, and once again I was always encouraged to be fair, honest, factual and thorough in the investigation. And I have certainly attempted to do that because that is the way I want it to be.

It is regrettable that many false charges were made by the minority party, even on the floor of the House, during the course of this investigation. Because I felt it improper for anyone involved in the investigation to comment, I restrained my comments at that time.

Initially, there were several charges made in the contest documents filed by former Representative Dornan. As we examined these, we found that many of them simply could not be substantiated. But what we did find was that charges of illegal voting, specifically of fraudulent voting by noncitizens, could be substantiated and, in fact, were true.

The initial examination by the registrar of voters of Orange County discovered 124 absentee ballots which were invalid, and so that reduced the 979 vote margin by 124. The California Secretary of State did an independent investigation of the election, along with the Los Angeles office of the Immigration and Naturalization Service, and identified in their first pass 305 noncitizens who had registered to vote and had voted.

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

Mr. EHLERS. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I do not want to interrupt the gentleman's statement, but I want to ask him a question to clarify what he just said.

When the gentleman indicated that reduced the margin by 124, am I correct that in order to do that, we would have to assume that all of those votes were cast for the gentlewoman from California (Ms. SANCHEZ)?

Mr. EHLERS. Mr. Speaker, I thank the gentleman for calling that to my attention. I did not mean to imply that. Reducing the margin gets into another issue, but my point is that the reports from the Registrar of Voters and the Secretary of State certainly indicated substantial problems with the election.

Unfortunately, the national headquarters of the INS stopped the process by telling the Los Angeles office they were no longer allowed to cooperate with the California Secretary of State. At that point, the House Oversight Committee asked the INS to cooperate, and again we were told no. All this resulted in approximately a 3-month delay, until the committee issued sub-

poenas and the INS then responded to the subpoenas. The delay was most unfortunate because we wanted to wrap up the investigation quickly.

Another delay occurred with the subpoenas issued by former Congressman Dornan in an attempt to engage in the discovery process and get more information. All of those subpoenas were ignored by the recipients and no progress was made on that point.

Furthermore, the request by the House to the Department of Justice to enforce the subpoenas resulted in no action and, again, we incurred approximately a 3-month delay.

Finally, the Congress itself issued subpoenas to a few crucial witnesses and organizations, and after considerable work on our part and their part, they responded and we did get some information, although it is still in question as to how thorough that was.

I give this only by background to illustrate some of the difficulties encountered by the task force in attempting to ascertain the truth and, as I said, to be fair, honest, factual, and thorough.

Let me give a very brief report of the process and of the discoveries we made. This chart looks very complex because it is, and it is very hard to read because there is a lot of information on one sheet. I will not go through it in detail; I simply want to illustrate that the process started by getting a computer tape of the Orange County voter registration list, computer tapes of the INS database, and running comparisons. And that is what we started from.

The rest of the work primarily was going through the results of the computer match because we wanted to determine to the maximum extent possible what names had to be eliminated because they had proof of citizenship at time of registration to vote. So most of the work, contrary to what one might expect from a Republican majority task force, was not devoted to finding additional noncitizen voters but rather to prove that we could verify and document the results presented here.

□ 1100

Let me report now on what we discovered in terms of number of votes. After doing the computer check, eliminating obvious mismatches, we had an original number of 7,841 suspect votes. Upon further examination, going through not just the INS computer tapes but also through the INS written records and trying to clear up the many discrepancies we encountered, we discovered that 5,303 of the 7,841 actually were citizens and were legitimate registrants. So we subtracted that from the 7,841 and that indicated we still had 2,538 suspect registrants. Then, checking the voter records carefully, we determined that 1,718 of them, even though they had registered illegally, did not vote and so, therefore, had no impact on the election.

But it does illustrate the point that the chairman of the committee made a

moment ago, this is definitely a matter of concern. Altogether, we have approximately 2,500 illegal registrants discovered in our process; and that has to be taken care of as a separate issue, through further legislation. That indicated that there were still 820 suspect registrants who did vote in the November 1996 election.

At that point we went into extensive examination of the data to try to document in the best possible way those that we could be certain were illegal noncitizens who voted, and the number that emerged was 624. We had circumstantial evidence that an additional 196 had voted but were unable to document it to my and our satisfaction; and, therefore, we decided not to include those in the total of questionable votes.

If we add to the 624 illegal noncitizen voters that we have identified the 124 absentee ballots that had previously been disallowed by the Orange County Registrar of Voters, then we discover 748 illegal votes. And that is the total that we had emerge as the number of illegal votes cast in that election. If one were to include those votes with circumstantial evidence of illegality, there would be 944.

Let me remind my colleagues again, the margin of victory was 979. Let me also remind my colleagues, the three options open to the committee and the task force were, number one, to dismiss the election, simply saying there is not sufficient proof to change the result of the election; number two, to say the evidence was so overwhelming in favor of the contestant that we had to overthrow the election and seat Mr. Dornan; and number three, to simply say, we cannot tell the result of the election, no one can tell the result of the election, and we vacate the seat and the State must call a new election.

It is our recommendation to the committee, and its recommended to the Congress, that we dismiss the election in view of the fact that the number of illegal votes we identified is less than the margin of victory that was previously determined.

Mr. HOYER. Mr. Speaker, I thank the chairman for yielding the time, and I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I thank my distinguished leader of the task force as we did our work. We appreciate his standing in and for all the work that he put into this committee and into the final report.

Mr. Speaker, we discussed this issue now for 13 months and \$2 million of the taxpayers' money. I am happy that we finally came to a concluding approval that the case should be dismissed. We said that over and over again on this side of the aisle for the last 13 months. And we believe then, as we believe now, that there was no case against the gentlewoman from California (Ms. SANCHEZ), as has been documented by the Orange County grand jury, citizens

in that district, as has been documented now by the Republican secretary of state.

Mr. Speaker, there has been much time spent on this issue. Ms. SANCHEZ and some of our Members have been threatened. I myself received a threat on last Monday that my brains would be blown out because of my stance on this very important issue. What is at stake here is, Mr. Speaker, the Voting Rights Act: Should American citizens, and we mean citizens of America, be allowed to participate in the voting process that this country has. I believe that we should.

The 1965 civil rights law and the 1964 Voting Rights Act said that we ought to allow American citizens to participate. Was there fraud in this election? The Orange County grand jury said no. The Republican secretary of state said no. And more than that, the gentleman from California (Ms. SANCHEZ) won with over 900 votes, a solid victory.

It is unfortunate that we had to spend this time. I want to remind my colleagues that in 1964, when Rosa Parks, who was my constituent, by the way, refused to give up her seat, she did so because she believed that America was the land of the free and the home of the brave, she believed that civil rights ought to be afforded all American citizens and that those same citizens ought to be allowed the privilege to vote.

I fully support the registration of all citizens. I think that any impairment or any attack on the Voting Rights Act is despicable and we must fight against it. I believe that as we move to the new millennium in this country that we take all American citizens with us. Those that are disenfranchised, we ought to bring them also into the American dream.

Mr. Speaker, as a Member of this Congress for the first year and now in my second year, I am delighted to have served on the House Oversight in this hearing process. It certainly has grown me up and taught me that as we work for the American citizens we can speak out and speak up, that when we do right by the people who elected us, we have a better America for all of its citizens.

I am convinced that the Voting Rights Act is a very real part of that. I will fight vehemently any proposals that would weaken that Voting Rights Act for all American citizens.

I rise in support of the wisdom of Congress in dismissing the challenge by former Congressman Robert K. Dornan and ending, once and for all, the election that was certified by the people of the 46th Congressional District of California and by California's Republican Secretary of State. Although I voted for the legislation as a member of the House Oversight Committee, I voted for it with some trepidation and concern. I would also like to take this opportunity to thank the members of the Task Force for their hard work and diligence, especially the gentleman from the State of Maryland, STENY HOYER. Congressman

HOYER's tireless efforts toward justice for the people of the 46th Congressional District, none of whom, I might add, will be able to vote for him in the fall, speaks to the highest aspirations and goals of public service. I am proud and privileged to serve with Congressman HOYER and Congressman SAM GEJDENSEN, my Democratic colleagues on the House Oversight Committee.

The legacy of the protection of voting rights for minorities in the United States was a hard-fought battle that saw its culmination in the adoption of the Voting Rights Act of 1965. Despite entreaties to the contrary, there has been no demonstration from the Majority that any changes to our current registration laws—proof or documentation of citizenship to register to vote, or to allow states to require Social Security numbers on voting registration applications—are needed or necessary to ensure the accuracy and validity of our nation's elections. A grand jury in California, and the Republican Secretary of State, concluded that no fraud occurred in this election of a Democratic member of Congress. After 13 months and \$2 million in taxpayer's dollars in wasted funds, we have concluded 748 people may have—I emphasize, may have—voted improperly. Of this total, 124 of these "suspect" voters were elderly and disabled people who submitted absentee ballots. In California, ten million people voted. This resulted in one contested election, and of that, 748 votes may have been improperly cast. While this is not perfect, a 99.99 percentage for voting accuracy is certainly a pretty good electoral record.

We all want open, honest and fair elections and registration processes. What should not happen, as a result of this decision by the House Oversight Committee, is the further disenfranchisement of voters by even more restrictive registration requirements. As we all know, this would only be the beginning of the recurrence of poll watchers, literacy tests, and poll taxes—other relics of a bygone era that died with the adoption of the Voting Rights Act of 1965. These, and other further and unwarranted voting rights restrictions, hinder the progress and freedom of not just minorities, but of all Americans. Tomorrow will mark the anniversary of the founding of the Southern Christian Leadership Conference (SCLC), an organization founded by the late Martin Luther King, Jr. As we all know, it was the courage, bravery and dedication of a current resident of my Congressional District, Rosa Parks, whose single-minded refusal to negotiate her principles, led in no short measure to the adoption of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Thirty-three years later, I am afraid that we are witnessing the beginning of the end of that hard fought battle.

I am also concerned about this legislation's precedence for tort law. While I am not an attorney, it was my belief that one of the principles in law is that the loser pays. It befuddles and confuses me as to why the legal bills of the loser, former Representative Robert K. Dornan, are being reimbursed along with those of the winner, Representative LORETTA SANCHEZ. It is unfortunate that Congressman HOYER's attempt to eliminate this patently unfair provision was not approved by the Committee.

I fully support the full and unfettered access to registration and voting for all U.S. citizens. I will continue to fight against any further erosion of the Voting Rights Act, and encourage

my colleagues in Congress to do the same. Access to voting denied to a single senior citizen casting an absentee ballot, to a newly-naturalized citizen, or someone who has voted in the last several elections, based on a peremptory analysis of one's race, creed or ethnicity, is access to voting denied to us all.

Mr. THOMAS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. NEY), a member of the contested election task force.

Mr. NEY. I thank the chairman for yielding me the time.

Mr. Speaker, let me go over a few, I think, important points of what occurred through the task force. I want to commend the gentleman from Michigan (Mr. EHLERS) for his integrity and thoroughness on the issue, and also the gentleman from California (Mr. THOMAS), the chairman, and all members of the task force for going through the entire process.

But the task force found evidence of over 700 illegal voters. Now 124 of those were illegal absentees, according to the Orange County Registrar, because of the procedure. But also in the area of noncitizens, 600 noncitizens, based on matching of INS and voter lists, in fact voted in this election. Now that is two-thirds of the entire total margin of victory.

I know we cannot say who they would have voted for. I fully realize that. I do not know who those people would have voted for. But I think it has got to be pointed out that in fact these 600 voters existed in this election.

Now as far as the evidence of over 1,700 more illegal registrations, there is evidence that that there were 1,700 more. They did not vote but they could have in any election throughout California or anywhere else; if in fact illegal voters exist, they can vote.

Now the task force, I think this is important, confirmed that 60 percent of Hermandad's registration was illegal. That bothers me because Hermandad Nacional Mexicana registered 1,160 persons. Sixty percent were not properly registered, they were illegal. And that means that taxpayers across this country also, because there were taxpayers' dollars involved with this group, paid for that. Now I do not think that is a good use of any taxpayers' dollars across this country. I think the conclusion is the system for detouring voter fraud is flawed.

I just want to say something about the attack on voters' rights. This is not an attack on voters' rights. This is standing up as the United States House of Representatives, in a United States congressional election, and supporting voters rights. All we ask is that those voters be citizens. And under the California law, they were not citizens.

So the final conclusion of this task force, I think, points out that it is not about who won or lost, but it is about the American people, who become very, very apathetic in voting across the country. And American people know that the United States House looked

into illegal voters and that after this we follow up together on a bipartisan basis to ensure that the best elections are held in any State and in any district across the country.

The bottom line of this is that there has been a lot of things said and people's emotions. If we listen to our voice mail, threats run both sides I guess. But I think that the significant point to this is that at the end of the day, when Bob Dornan came to us and said that there were illegal voters, Bob Dornan was right, there were illegal voters, 600 noncitizens in that election.

But the other thing that Bob Dornan did with his tenacity, and I know nobody likes these types of hearings, it is not pleasant for anybody, but it does point out that in fact we have flawed elections in the country, elections, the election process, that we have to correct if we expect voters to have confidence in the United States congressional elections or in elections all the way down through the courthouse level across this country.

Mr. HOYER. Mr. Speaker, I yield myself 30 seconds.

I want to say just to clarify as this debate proceeds, our side believes, based upon what we have been able to count, we categorically deny that there is substantial proof that there is anywhere near the number of 600, 500, 400, 300, 200 confirmed noncitizen voters in this election.

Now, the majority has not shown us their analysis yet, so we cannot analyze their figures. But ours show that their figures are wildly inflated.

Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Mr. Speaker, this has got to be a bittersweet moment for the gentlewoman from California (Ms. SANCHEZ). The women Members of Congress rejoiced when a new woman joined us in 1996, bringing the number of Hispanic women finally to four. But my colleague was forced to win her seat twice; first at the polls, and then from a baseless challenge in the Congress itself.

Her ordeal has been unworthy of a body that promises democracy and fair representation. But she has shown herself to be a fighter extraordinaire. The attempt to steal her seat has raised her status from simply one more excellent new Member to one of heroic proportions throughout this country.

The best way to make this one right is for every Member of this House to congratulate her and wish her well. LORETTA, you won, not once but twice.

Mr. THOMAS. Mr. Speaker, might I inquire of the time on both sides?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 14¼ minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 24½ minutes remaining.

The gentleman from Maryland has 25½ minutes remaining.

Mr. HOYER. Mr. Speaker, we have two or three people coming. We moved pretty quickly here, and we are waiting for somebody to yield to.

Would the gentleman like to take one speaker, then we will take one?

Mr. THOMAS. My understanding from the Speaker is that you have 10 minutes more than we do. And it is usually customary in debate to try to even the time up. You have 25 minutes. We have 14.

Mr. HOYER. If you have one more short speaker, if you will take that, then we will take a long stretch of time to do exactly that.

Mr. THOMAS. I tell the gentleman that I have a number of speakers that want to speak a long time. The outrage of what went on requires a lot of time consumption.

Mr. HOYER. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. GEJDENSON), distinguished ranking member.

Mr. GEJDENSON. Mr. Speaker, it is with great pleasure that I come to the floor today. This last 14 months need not have occurred. What was clear from the very beginning was that the gentlewoman from California (Ms. SANCHEZ) had won her seat in Congress, she had won it by a substantial majority, a majority that exceeded the majority of the Speaker of the House in a previous election. The process we went over which lasted these months was completely irregular.

□ 1115

It was partisan, it was an attempt to create a crisis where none existed, and frankly, it is the wrong message to send to the American people. In a country that has virtually half its citizens not registered and only half of them showing up to the polls, with the percentage of people voting and registering on a continuous decrease, this is a wrong message to send to America.

It is clear from the very beginning, from the court action taken in this case, that this was a legitimate victory; and the only reason we may be here today is over a battle of several elections ago in a case in Indiana, nothing to do with the gentlewoman from California. Had the majority adhered to the law, we would have dismissed this motion in its first days.

Our previous colleague, Mr. Dornan, maybe properly thought, but when he looked at several homes in the district and found 18 people with different names in one house, that there was something irregular. One house turned out to be an establishment for a religious order; the other was a military facility or house where military individuals lived together quite legally, all registered legally. And if polling information tells us anything, the Marines probably voted for Mr. Dornan, and he might have even gotten a small portion of the religious order as well.

We need to end this process today, and I will vote for this resolution, although there is much in this resolution

that is inaccurate, and it seems to be a rationalization in the last 14 months.

My daughter happens to be here today, and I was waiting until she got here with a class from this community of new immigrants to America. My parents came to this country in 1949, and by 1950-1951 we were living in the State of Connecticut. My parents broke no laws. When my mother saw a uniformed officer, she would tremble because of her experiences under the Nazis and Stalin.

To have a major political party in this country have a record where it put ballot security police only in areas of immigrants is an outrage to what this country stands for. We ought to be encouraging new immigrants to participate in this system, not trying to intimidate them from that participation.

The laws we have in this country need to focus on fraud. The grand jury found none. Where there are humans, there are mistakes, but this was a clean and fair election, and what we do here today is right, but it is late. Let us move forward and free this district and give the honor and respect to our colleague she deserves.

I would like to particularly mention the great work the gentleman from Maryland (Mr. HOYER) has done in this case, and appreciate his efforts in this one and a previous election.

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

Mr. Speaker, I am not pleased that the primary argument being made is once again name calling and guilt by association. In the minority's own views that were filed today, they say there may have been mistakes, problems or even illegalities in the election in the 46th district. Our job was to get to the bottom of that. I am just sorry that there was an attempt to argue something entirely different than what this was about, and apparently it continues on the floor even today. It simply will not wash.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, first and foremost, when the integrity of our election process is in question, it is certainly something that should be investigated when we have made it more easy for illegal aliens to register to vote with this motor voter program that was put in place several years ago. Of course, we want to make sure that the people who are voting in elections are legally entitled to vote; otherwise we are diminishing the rights of our own people.

This is a case that should have been investigated. Something smelled about that election from day one. Hermandad has received a great number, a great amount of Federal funding. Hermandad, an organization that was deeply involved in LORETTA SANCHEZ's campaign, received Federal funds, and they ended up registering to vote people who are not entitled to vote. Sixty percent of the people in that, who are

registered by that organization, were not legal voters.

This is something that deserved to be looked into, and I think that we have not proven or disproven exactly who won or did not win that election in the 46th.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 2 minutes to the distinguished chairperson of the Hispanic Caucus, the gentleman from California (Ms. ROYBAL-ALLARD).

Ms. ROYBAL-ALLARD. Mr. Speaker, the voters of the 46th Congressional District have reason to celebrate. After a year of investigation and political posturing with a taxpayer price tag of \$1 million, the Republican leadership has been forced to give up its investigation because it has found nothing to substantiate its claims that the gentleman from California (Ms. SANCHEZ) was not duly elected by the voters in her district.

The 46th District can celebrate with pride because, in spite of Republican attacks and efforts to discredit their vote and their Congresswoman, the gentleman from California (Ms. SANCHEZ), fought back with dignity and honor to protect their right to elect their representative while at the same time working diligently and effectively on their behalf in the halls of Congress.

It is unfortunate that the Republican leadership refuses to accept the facts and gracefully allow the gentleman from California (Ms. SANCHEZ) to serve her district. Instead they have chosen to resort to tactics unworthy of their leadership position by introducing this unfairly worded resolution.

Nonetheless, this issue must be dismissed, and I ask my colleagues to vote aye.

Mr. HOYER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from the 46th district of the State of California (Ms. SANCHEZ), making it clear that at no time was there any evidence or allegation that she did anything other than act properly during the election in the 46th District.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for this time and for his diligent and effective representation for the citizens of Orange County. I thank also the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Connecticut (Mr. GEJDENSON), the gentleman from Michigan (Ms. KILPATRICK), and the gentleman from New Jersey (Mr. MENENDEZ), who have each carried a special burden in this cause. And to all of my colleagues on this side of the aisle and to a handful on the other, congratulations.

They were right. When others were spreading false and dark and shameful allegations of criminality and conspiracy, they stood tall for justice, and their judgment was confirmed by 19 honest citizens on a grand jury of Orange County.

It was unfortunate to call this process an election contest. It causes some to think that this is a game. It is serious business whenever we contemplate throwing out a single ballot in any race, especially when a voter has never been confronted with the evidence against them.

It is not over. In the coming days the committee intends to have these suspects purged from the voting rolls despite overwhelming evidence that the vast majority were legal voters last November.

I hold here in my hand an official document of the committee. However, the committee is so ashamed of this political hit piece it would not even put its own name on it. I say to the gentleman from California (Mr. THOMAS), his document contradicts his own task force chair, the gentleman from Michigan (Mr. EHLERS).

It is rebutted by 4 sworn statements. It is refuted by the indisputable fact that the accuser claims he was in possession of an absentee ballot even before they were distributed by the Republican registrar of Orange County. And finally, he leaves out the fact that he was a disgruntled fired employee of a school district and that he made his accusation against a school board member who refused to order his reinstatement and who was not an employee of my committee.

A word about racism: We searched the CONGRESSIONAL RECORD for the last Congress and found 50 occasions when this House and the other body debated race-based outcomes. Of course, those references to racial preferences and reverse discrimination and race-based set-asides were about affirmative action. Whenever this Congress subpoenas government records of Americans at the INS, for a narrow slice of time in a small geographic region the outcome will be race-based.

In Grand Rapids, Michigan, the outcome would unfairly target Dutch immigrants; in San Francisco, the Chinese immigrants; in Miami, the Cubans would be unfairly labeled; and in Providence, Rhode Island, it would be Italians. Racism is persistent and as real today as it was 100 years ago.

As we honor the birth of a great leader, President Lincoln, let us resolve to understand these issues and to open our minds to do more to end this bias against any ethnic or racial subgroup.

I say to the gentleman from Ohio (Mr. NEY) I heard and understood him on this issue, and therefore I extend an invitation. If he will permit me to join him in a school in his district to discuss voter fraud or anything else, I will host him in my district to do the same.

And to the gentleman from Michigan (Mr. EHLERS), he says the Contested Election Act needs changes. I invite him to sit down with my staff and to do bipartisan reform.

And to the gentleman from California (Mr. THOMAS), his district and mine have serious problems with water reclamation projects. Half of our State

today is declared an emergency. Could we not begin tomorrow by working together on this important issue?

And to the Speaker, the gentleman from Georgia (Mr. GINGRICH), I know of his proposal to launch a new effort in America's schools to teach civics. I challenge him to expand his ideals and ensure that every 17-year-old spends time learning about registration, the electoral system. Give them hands-on experience. Let them see what voting is about. We must do more to reverse the decline in voter participation in this country of ours.

And finally, I am reminded of 2 Sundays ago when I was the guest of honor at a Catholic mass in my district. The priest gave a sermon about rejection, the rejection Jesus felt when he was turned against and the rejection his Orange County parishioners felt when their votes were cast in doubt.

Today, Orange County is celebrating the dismissal of this case. I am going home to tell those parishioners that the faith they placed in this democracy has been honored, that they have not been rejected by those who stood tall in their defense, that here, uniquely in this world, justice will ultimately prevail on behalf of the voters of Orange County.

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

Mr. Speaker, included in that list, I hope, is working together to make sure that the modernizations in the INS that have been requested, including digitized photographs and fingerprints, are part of that order so that we can once and for all guarantee that the voting rolls are clean.

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

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

Mr. STEARNS. Mr. Speaker, I rise to speak against the resolution before the House to dismiss the election challenge by Congressman Robert Dornan.

I believe the House is setting a terrible precedent on how to handle a contested election. Each Member is being asked to vote one way or the other on this highly important matter, but the vast majority of the Members have been unable to read, let alone see, the report from the House Oversight Committee regarding the contested election.

My staff has been trying since last Friday to obtain a copy of the committee report to review the details of this case. As of this morning, my staff still has not been able to get a copy.

This is no way to dismiss a contested election. How can I, as a Member of this body, fairly determine the accuracy of the House Oversight investigation without having the ability to review its report.

The Committee has discounted 624 votes. Beyond these votes, the Committee has listed an additional 196 votes as indicating circumstantial illegal noncitizen voting.

But the Committee is not adding the 196 additional possible illegal votes to the total. Why?

We have not been shown adequately why the 196 votes have not been added to the total. If we add the 124 absentee ballots that have been disallowed by Orange County and the recent subtraction of another 26 votes by the County due to voting in a non-residence and double registering, the total illegal votes documented and alleged is now 970.

Ms. SANCHEZ had been originally designated the winner by 979 votes, but now we have indication that a possible 970 votes were cast illegally—providing Ms. SANCHEZ with a victory by just nine votes.

Are we ready to dismiss an election challenge that has been deemed to have been won by 9 votes with over 900 potential illegal votes.

I do not believe we have given this election challenge its absolute fair review and the Committee has not done its job of informing the Members of the details of its investigation.

COUNTY OF ORANGE,
GENERAL SERVICES AGENCY,
Santa Ana, CA, January 17, 1997.

WILLIAM R. HART,
Hart, King & Coldren,
Santa Ana, CA.

DEAR MR. HART: Our office has concluded its review of the various lists submitted by you on December 17, 1996. Though it would be inappropriate to discuss individual voter records, I have provided below summary data which should clarify and offer perspective on the issues you have raised.

BUSINESS ADDRESSES

Of the 50 addresses submitted representing 122 voters, 8 of the addresses representing 29 voters were duplicated on your list. The resulting 42 addresses representing 93 voters were reviewed by staff. From the review the following was determined:

39 addresses representing 88 voters were locations which served as the voters' residence and, therefore, met criteria for registering to vote.

2 addresses representing 4 voters were locations which were not the voters' residence. Those records are being forwarded to the District Attorney for review and appropriate action.

1 address representing 1 voter was improperly entered in the computer system. The address information has been corrected. Both addresses were within the same ballot type for the general election.

REGISTRATIONS INDICATING THE VOTER WAS UNDER AGE

Two records were submitted which appeared to indicate the voters were not 18 years of age at the time of election. After reviewing the original and prior affidavits of registration, staff has determined both individuals are over 18 years of age and the discrepancies were caused by data entry errors.

ABSENTEE VOTER RECORDS

Of the 128 records submitted, 5 records were duplicated on your list. The resulting 123 records were reviewed by staff. From that review the following was determined:

59 records appear to have met the basic criteria of absentee return in person, by certain authorized relatives, or in emergency by a designated representative.

60 records do not appear to have strictly conformed to the criteria of EC 3017 but were executed by the voter.

4 records that the absent voter had not properly executed.

DUPLICATED REGISTRATIONS INDICATING POSSIBLE DOUBLE VOTING

Of the 114 registration groupings submitted, 17 registration groupings were duplicated on your list. The resulting 97 registra-

tion groupings were reviewed by staff. From that review the following was determined:

67 registration groups, though appearing to indicate duplicated records on your list, were actually separate individuals with similar registration data.

19 registration groupings had duplicate records. However, after reviewing original documents, information does not support the conclusion that any of these voters actually voted twice. The duplicate registrations have been canceled.

11 registration groupings, representing 11 voters, have been referred to the District Attorney for review for possible Elections Code violations.

ADDRESSES WITH 6 OR MORE REGISTERED VOTERS

Of the 145 addresses submitted with 6 or more registered voters, two addresses were also submitted and reviewed as part of the business address list. Staff reviewed the remaining 143 addresses with the following result.

127 addresses appear to be residences with multiple families or large family groups.

11 addresses are apartment complexes.

5 addresses are large residential facilities.

AFFIDAVITS POTENTIALLY HELD MORE THAN 3 DAYS BEFORE SUBMITTAL TO THE REGISTRAR OF VOTERS

Holding records for more than three days not affect the voter's eligibility to vote.

"VOTED TAPE" AND "STATEMENT OF VOTES" DO NOT MATCH

The "voted tape" is a tape of voter history and is not utilized in the official canvass. The "voted tape" is a computer product which is created from a static file of active voter registrations as of 29 days prior to the election and which are still active when the tape is created after the election and who have voted in the election. As a result the "white provisional" (NVRA Fail Safe) voters and "new citizen" voters are not included on the "voted tape". In addition, records canceled between election day and the creation of the tape will not appear on the "voted tape". Some voted records will not accurately reflect the method of voting.

The data you submitted was compiled by "regular" precinct and not "consolidated voting" precinct. This accounts for many of the discrepancies in the detail portion of your list. Due to the nature of the "voted tape" and the fact that the Statement of Votes is compiled by "consolidated voting" precinct, this office will address only the summary totals on your report.

The report submitted indicated 106,255 ballots cast on the Statement of Votes and 104,270 voters on the "voted tape". Staff has reviewed our "voted tape" and has determined there are 104,447 individual voter records on the "voted tape". Therefore, that shall be the base number used.

| | |
|---|---------|
| "Voted tape" total | 104,447 |
| "White provisional" voters not included on "voted tape" | 666 |
| "New citizen" voters not included on "voted tape" | 218 |
| Canceled records not included on "voted tape" | 464 |
| Total | 105,795 |

This leaves a difference between the "voted tape" and the Statement of Votes of 460 records. The 460 records indicate an average of two data entry errors per "consolidated voting" precinct.

The information you have submitted has been valuable in providing an additional op-

portunity for this office to review various aspects of our operation. Thank you for bringing your concerns to my attention.

Very truly yours,

ROSALYN LEVER,
Registrar of Voters.

□ 1130

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ), one of our deputy whips.

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

Mr. MENENDEZ. Mr. Speaker, I want to thank the distinguished gentleman from Maryland (Mr. HOYER) not only for yielding, but for all of his work on behalf of not only the gentlewoman from California (Ms. SANCHEZ), but our community, which looks at this case with great, great interest.

Mr. Speaker, the dismissal of this witch hunt is a victory for justice and integrity and respect for the electoral process. It is a victory for the gentlewoman from California (Ms. SANCHEZ) and the people of California's 46th District who elected her. It is also a victory for the Hispanic American community who stuck together and fought this battle, despite attacks on our privacy, on our honor, and on our very citizenship, our citizenship.

They underestimated how much that meant to us, those of us from families who came here fleeing political persecution, or from nations without basic rights know and honor the value of our vote. That truth was on our side, and that truth won out.

Mr. Speaker, 15 months ago, Bob Dornan claimed a vast conspiracy of voter fraud stole that election from him, but the California Secretary of State did not find any evidence to prove his charges, a grand jury in Orange County did not find enough proof to issue a single indictment in the case. The exhaustive taxpayer-funded \$1 million, 14-month investigation produced no ultimate proof to overturn the election, and the Republican-dominated oversight committee itself was forced to recommend dismissing the charges because there was not enough evidence to back up Mr. Dornan's outrageous charges.

One would think that all of these facts would be enough for Republicans to admit that Mr. Dornan's claims were simply false. Instead, in this resolution, Republicans blame various government agencies and officials, from the INS to the U.S. Justice Department, as well as various witnesses in the case, for preventing them from getting the proof they needed.

I have another, more rational explanation for the lack of evidence. It does not exist. That is the reality, and that is why Hispanic Americans across the country are today rejoicing in this decision but not forgetting in November about what some in this House tried to do to our basic rights.

Mr. THOMAS. Mr. Speaker, could I inquire as to the time remaining?

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 13 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 14 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield to the gentlewoman from Washington (Ms. DUNN), a former member of the committee.

The SPEAKER pro tempore. The gentlewoman from Washington (Ms. DUNN) is recognized for how long?

Mr. THOMAS. One minute, Mr. Speaker, plus the time that people have been getting after each speaks.

Ms. DUNN of Washington. Mr. Speaker, I rise to thank the Committee on House Oversight because I think that the committee has shown great courage in considering this challenge to an election.

For decades, we never took a second look at challenges and there was a deal made between both sides of the House of Representatives, and nothing was ever done. I think there were among those four decades of challenges probably some very good and useful basis. However, why I am particularly thankful to Chairman THOMAS and the committee for looking at this challenge is that it has brought to public view some very serious problems that exist for people who run elections and for citizens who should have the right to elect their own representatives themselves.

Specifically, I am talking about the whole area of motor voter and the whole area of the requirement that one must be a citizen before he or she votes. I did work as a party chairman in Washington State for 11 years, and I must say we had the cleanest elections of all of the States in the Nation during that time. Most of it is due to the success of our Secretary of State, Ralph Munro, who himself was an early supporter and initiator of motor voter.

But the problem exists in this sort of scenario, Mr. Speaker. Last year when I renewed my driver's license, the man behind the counter asked me to come back there and look at some documents. He showed me a stack of documents this high that he told me were illegal documents used by people to get their driver's licenses, upon which they would get the guaranteed right to vote. Those were people who were not citizens, then using the national ability of a citizen to vote.

This is a big problem, and to the degree to which this investigation leads us to analyze and do oversight over the whole motor voter issue so that citizens will be required to vote, and that people who are not citizens of our great Nation will not have the authority to put into positions representatives of our Nation I think is a great achievement of this investigation, and I look forward to those oversight hearings that the Committee on House Oversight will have and to our Secretary of State, Ralph Munro, for providing testimony, as he has agreed to do and looks forward to doing.

Mr. HOYER. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, we consider today an issue that is perhaps the most fundamental issue that can come before the House: Who shall be elected representative of a congressional district. It is a decision that the Constitution of the United States places in the hands of two entities. First instance, the voters of our districts, the people, and then secondly, the Members of this House to judge whether that election was conducted properly.

It is, therefore, a matter of great importance that should be approached with caution, serious consideration, thorough and fair analysis, and non-partisanship. It is with regret, frankly, that I stand before my colleagues today to say that while I believe the decision the majority is recommending is correct and appropriate, the process that preceded that decision is not one I hope that future Congresses will replicate.

The procedures set forth in the Federal Contested Election Act, under which this contested election was supposed to be considered, are quite clear and have been used under Democratic and Republican majorities. The procedures that the task force and the committee undertook in this election contest were not consistent with the act, in my opinion, and were not fair, and were certainly not bipartisan.

From the beginning of this contest, I repeatedly sought a bipartisan process whereby we could agree on the procedures and the issues before us. I was disappointed that throughout the last 14 months, those efforts were continually and consistently rebuffed. So closed has this process been that as I stand before my colleagues today, I have only just received a copy of the majority's report. In fact, contrary to assertions and commitments that were made to me, I have never been given the majority's analysis of the votes in question to this very day. I, nor any other Member on this floor, with the possible exception of the two Republican task force members and the gentleman from California (Mr. THOMAS), have seen the analysis on which the numbers that we have heard earlier today are based.

It is incomprehensible to me that I come to the well of this House with absolutely no idea how the majority reached its findings. Although I am a full member of the task force, I have yet to see the list of names behind the numbers on the majority's report. I have agreed to keep that confidential, and I appreciate the chairman's observation that in fact every name has been kept confidential.

However, because the minority, after a fight, had access to the data received from the Immigration and Naturalization Service, I can make some judgments about the majority's numbers.

My colleagues cannot read this chart, I understand, any better than we could read the majority's chart. Why? Because as the gentleman from Michigan (Mr. EHLERS) said, it has been a com-

plicated process. But I point out to my colleagues only that the minority staff, smaller and with less information, did, in fact, analyze and go through all of the votes and all of the names that were generated during the course of this investigation.

The minority staff on the Committee on House Oversight undertook an extensive and exhaustive analysis of the data from the INS and other sources. The minority undertook a diligent and exhaustive review of the records before us.

An enormous database was developed which included information on Orange County registrants who potentially matched an INS individual, all naturalization data about the individual that was available, including electronic and hand written notations, and all relevant information about the individuals registration date and voting status. First, the minority had to reduce the massive list to those who actually voted in the 46th Congressional District, from this database we were able to discern individuals who had gender conflicts, obvious first name mismatches, obvious middle name mismatches, and individuals who were clearly American citizens by virtue of birth, parentage or naturalization date.

The INS repeatedly warned that their data could not be relied on for the purpose it was being used. Short of face-to-face interviews, we will never know for sure that the individual from the INS is indeed the same individual as the Orange County voter. Yet, given that caveat, some conclusions about the majority's number can be stated.

I can tell my colleagues that the number of voters who are described as illegal, noncitizen voters is greatly exaggerated, and that the majority's own evidence shows this. I want to show my colleagues a chart where we have analyzed some, not all, about 150, of the 346 or so that may be voters who are not identified by naturalization date. The fact of the matter is that we have found that 93 percent of the signature matches on suspect lists referenced by the, 93 percent, were in fact U.S. citizens on November 5, 1996.

I can tell my colleagues that rather than stonewalling and being uncooperative, the INS responded to more than 20 separate committee requests for either electronic data matches or paper file reviews. The INS has provided approximately 8,000 worksheets and nearly 3,700 signatures for the committee. I would tangentially inform everybody in this House, as I have before: This process has never been pursued before in the history of this Republic; not when the Irish immigrants moved into Boston, not when the Italian immigrants moved into Providence; not when the Polish immigrants moved into Chicago; not when the Jewish population moved into New York; never before in the history of America. Not once has this process been pursued.

Mr. Speaker, 72 different INS field offices, including five INS foreign offices, as well as district offices, sub-offices, service centers, asylum offices and headquarters assisted the committee in

this investigation. I can tell my colleagues that within 7 days of being subpoenaed by the Committee on House Oversight, the INS provided the committee with its first list of names, over 500,000 from around the country. There were less than 110,000 people who voted in the congressional race in the 46th District, yet 500,000 names were generated by the INS in response to the majority's request.

I can also tell my colleagues that of the 748 votes that the majority contends are illegal votes by noncitizens, 124 of them concern absentee ballots. The registrar of elections who did an outstanding job during the course of the election and during the course of this investigation, Roz Lever, said that in a less contested election, she would count. Why? Because the only thing wrong with that citizens' vote was that it was delivered by the wrong person under the statute. It was an absentee ballot. It may have been a neighbor rather than a husband that was able to deliver that ballot, but they were citizens of the United States of America. Their citizenship was never in doubt. Although the majority talks about 748 noncitizens voting, they know that number is exaggerated.

Furthermore, I can tell my colleagues that beyond these absentee ballots, hundreds, hear me now, hundreds of the so-called illegal, noncitizen voters are indeed citizens, and have been for a very long time. While some may not have been citizens when they registered, a bone of legal contention, and I understand that, they were citizens when they voted. The massive net that the majority cast over the past 14 months included individuals that had been citizens prior to 1996, and hear me now, have been citizens of this country for over 20 years that are in the list that the majority has projected.

Let me make clear, at no time was there any credible evidence to show anything other than the election of LORETTA SANCHEZ. When Robert Dornan's initial allegations proved groundless, that should have been the end of this matter. But the majority wanted to prove a point. They wanted, for the first time ever to move the Federal contested elections act beyond a motion to dismiss. When even that effort proved fruitless, they turned to the INS.

This matter has taken longer than it should have, Mr. Speaker. The committee has had in its possession the evidence that it needed to reach today's conclusion for at least 5 months.

If the committee's initial request to the INS had been more focused, rather than the 500,000 person fishing expedition it was, we could have finished sooner. If the majority had managed the procedures of this case in a thoughtful and expeditious manner, rather than letting motions objecting to Mr. Dornan's overly broad and intrusive sit for months, we could have finished earlier. If we could have come together and reviewed the evidence together, rather than duplicating staff and committee resources, we could have come to this House sooner.

Some people on this floor continue to talk about fraud. The district attorney

had an extensive investigation. Allegations were made on this floor about individuals and about organizations.

□ 1145

The grand jury of California refused to indict a single person or single organization after hearing the evidence. As I said earlier, at no time was the gentlewoman from California (Ms. SANCHEZ) ever, ever implicated in any wrongdoing. It is right and proper that we sustain her election today.

The facts have told a different story than were originally projected. After a yearlong investigation by the DA no crimes have been found. The DA of Orange County could not convince a grand jury of 19 citizens to indict anyone. The gentlewoman from California has been found, as we knew it to be the case, to have won this election. Mr. Speaker, I am glad this has finally come to an end.

Mr. Speaker, I would simply say that I will offer a motion to recommit so that the only thing in the resolutions is to do what we should have done in February of last year: Dismiss this complaint that did not provide credible evidence, as required by precedents for the last 30 years, to show anything other than the gentlewoman from California won cleanly, fairly, and obviously the election in the 46th Congressional District in 1996.

Mr. THOMAS. Mr. Speaker, would you please indicate to me how much time is remaining on each side.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 11 minutes remaining. The gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), a member of the Committee on House Oversight.

Mr. MICA. Mr. Speaker, what we are talking about here today is one of the most important responsibilities given to the Congress, and that is to be a judge of its own Members in contested elections.

Mr. Speaker, this resolution is about fraud in a contested Federal election. This important responsibility is not a game of horseshoes where if we get close, we win. This is about one of the most sacred responsibilities and opportunity every American has, and that is to cast an honest and fair and open ballot.

The question today is, did fraud occur? And the answer is yes, fraud did occur in this. We have information from the county, we have information from the State, we have information from Federal agencies. But we just heard the gentleman from Maryland speak at the well who said that we do not have all the information necessary.

Mr. Speaker, I today protest the closing down of this investigation of fraud, and I am dismayed by what has taken place by some on the other side, what they have done. The tactics are, first of all, smear the investigation. Try to dis-

credit it. Call it partisan. Call it a witch-hunt. Fail to cooperate. And not just that side of the aisle, but Federal agencies, INS, the Department of Justice. And then some who have been involved in this fraud have fled the country so we cannot talk to them. Does all of this sound familiar?

Finally, the most repugnant part of the tactics of the other side is to come and disrupt the proceedings of the floor. My concerns is that we cannot act through intimidation in this process. We cannot act through obstruction. We cannot act through delay. If we pervert the electoral process, we destroy faith and confidence in the entire system.

Mr. Speaker, this election is one of the worst cases of voter fraud in the history of Federal elections. Again, this is not a game of horseshoes. This is a fact that we have got to 700 and we have stopped counting.

Mr. Speaker, this Congress has spent millions and millions of dollars to ensure fair elections in Haiti, in Bosnia, in countless developing nations and developing democracies across the world. Yet, we cannot ensure an honest election and fair election in the 46th District and there are still on the rolls 1,700 illegal voters, according to our information.

Let me say that history will record the closing down of this investigation of fraud and this election with disdain. My grandparents were all immigrants. The greatest day in their life was when they became an American citizen. The second greatest day was when they were able to cast a vote, because they often did not have that opportunity from where they came.

The integrity of that vote has been disparaged here today. What have we done to the vote that I and they cherish? If those who close down this investigation were taking a wrecking ball to the side of this House of Representatives' chambers, I do not believe they could do more damage to this institution than what they are doing today.

Mr. HOYER. Mr. Speaker, I do not know how many speakers that the majority has left. I may be the only remaining speaker. Right now, we do not have the other speakers here and we know where they are and they are aware and they obviously cannot get back.

Mr. THOMAS. Mr. Speaker, we have the right to close and we have two speakers. Is the gentleman from Maryland saying that he is the only one remaining or there will be additional ones arriving?

Mr. HOYER. Mr. Speaker, at this time I am the only remaining speaker that we can find, because we note two of our speakers who want to speak, the gentleman from Michigan (Mr. BONIOR), the minority whip, and the gentleman from California (Mr. BECERRA), the chairman of the Hispanic Caucus, both wanted to speak. Both of them are at another event right now. We are trying to get them here. I am the only speaker remaining.

Mr. THOMAS. Mr. Speaker, the gentleman from Maryland indicates he is the only speaker remaining, thus I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, the forest almost gets lost for the trees. Seven hundred forty-eight illegal votes were found by clear and convincing evidence. Now I, like a number of other Members, sat down and got debriefed by the committee and that was my question: When the smoke cleared, were there illegal votes cast? Were there illegal voters involved? The answer on both counts was yes.

Mr. Speaker, I yield to the gentleman from California (Mr. THOMAS), chairman of the committee, to ask: Does this accurately represent the finding of the committee?

Mr. THOMAS. Mr. Speaker, that is correct.

Mr. HUNTER. Mr. Speaker, reclaiming my time, 748 illegal votes were found by clear and convincing evidence.

Mr. Speaker, I say to my colleagues that this investigation was not driven by revelations that Bob Dornan produced. It was driven by the Los Angeles Times' report by a Hispanic reporter who reported that the Hermandad office had been raided and that 227 illegal voters, nonlegal voters, had been identified by authorities. That is what started driving this investigation, a Hispanic reporter.

Mr. Speaker, let me go to my second point. The Hispanic community is not against this investigation. At least the Hispanic community that I know. The Hispanic community that I served with in Vietnam. The Hispanic community in Southern California that believes in having free and fair elections.

Mr. Dornan, is a colleague and a friend who I traveled with to Central America when the democracy of Salvador was in question, the democracy of Honduras, the proposed democracy in Nicaragua was in question. I met with him in one of the last meetings with Jose Duarte, that great democrat of Salvador who brought them to freedom and democracy, and Bob Dornan said, "This is one of the great people in our hemisphere. He is going to bring free elections to this country."

Bob Dornan did exactly what every one of us would have done. If we had had a narrow election in which we thought we had won on Election Day, we were ahead in the votes, the absentee ballots came in when we were behind. And then we had a story come out and tell us that raids were being made and over 227 illegal voters had been found, which Member in this Chamber would not have rightly contested that election?

The gentleman from Connecticut (Mr. GEJDENSON) spoke and said there should have been no contest. The gentleman from Connecticut won one of his elections by 23 votes. Now, what if he had been told by the major newspaper in his town that 227 Republicans

had been illegally registered? Would he have pursued that? Let us clear away the political baloney. Of course he would have pursued it. Of course we had a right to do this. Of course Mr. Dornan did what every single other Member would have done.

Now, he did not get the 900-plus votes that was the margin in the election, according to the committee's report and its analysis. But that was an incomplete report, in my view, for this reason: It did not review any of the illegal aliens who voted. It only reviewed people, the 10,000 or so people who had signed up with the system.

So if they never signed up with the system and if they were registered by one of these bounty hunters who got 10 bucks for registering and voting them for the party, like the bounty hunters who registered and voted the guy who assassinated the Presidential contender, Mr. Colosio in Tijuana, he was assassinated by a guy who had been registered twice by the Democrat Party in Los Angeles, of all places.

So those people who were registered, who were illegal aliens and who were not citizens, who had not signed up to be naturalized, were not identified. There is only one way to identify them. And the way to identify them is very difficult, very hard, very expensive. It costs about \$5 million. We must go door to door and qualify every voter, once a prima facie proof of fraud has been found of illegal voters. We go door to door and we start with Adams and go to Ziegler and see if a person is a legal voter. It costs a lot of money and takes a lot of time. That is the other 90 percent of voters in this district. We did not do it.

Mr. Speaker, Bill Jones, secretary of state of California said, I want to do it. He announced he was going to do it in March of 1997, and he did not do it. He said, and I quote,

Given the current state of the law, my hands are for all legal purposes tied. I am prevented from undertaking a large-scale citizenship qualification check of the Orange County voter file as I initially requested in March of 1997.

So, Mr. Speaker, put me down as feeling that this investigation is incomplete. I am going to vote "no" because I think it is incomplete, because once we made the prima facie showing of illegal voters we should have taken the time and taken the expense of \$5 million to check the qualifications of every voter in the district.

Mr. HOYER. Mr. Speaker, I apologize, but we have had another event with the President going on. That is why we are having a little trouble.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOYER. Mr. Speaker, I do this just to explain to all the Members that I do not want them to think that I am getting special advantage from the chairman. Mr. Speaker, am I correct if

I called a quorum call at this time, I would be in order?

The SPEAKER pro tempore. That is in the discretion of the Chair, and the Chair does not have to entertain a call of the House at this time.

Mr. HOYER. But I could do that?

Mr. THOMAS. Mr. Speaker, my assumption was that the time was ordered, the time was allotted, and the time should be consumed.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL), someone who has been extremely helpful in getting us to understand the mathematical theories and the false assumptions that have underlain previous attempts to examine elections.

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

Mr. CAMPBELL. Mr. Speaker, it is my prayer that today we can put our animosities behind us and that is the reason why I asked to speak.

Mr. Speaker, I wish to say that it is my view that the gentlewoman from California ought to have her attorneys' fees paid, because she is the prevailing party. I believe that in civil litigation, and that should apply here.

□ 1200

I also believe that my good friend and colleague, the gentleman from Michigan (Mr. EHLERS) has done a very fine job and that it was unfair to criticize him as much as he has been criticized. He is an honest man and he did his very best.

The same goes for my good friend and colleague, the gentleman from California (Mr. THOMAS). What lasts from this, what comes out of this that might be of permanent value is that we should in the future have a standard for those cases where we cannot prove ballot-box stuffing, but where the number of persons who voted, who should not have, exceeds the margin of the outcome.

That is a case that is ambiguous in existing law. I think it is a good rule, going forward, that when the number of cases of illegal voters exceeds the margin, we have to hold a new election. That seems to me safe.

Lastly I would say that the more important thing even than that lesson is that we not let the rancor continue. I welcome my colleague from California as a fellow Californian. I trust that all of us can put this behind us for the good of our Congress and the good of our Nation.

The SPEAKER pro tempore (Mr. CAMP). The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 5 minutes remaining.

Mr. HOYER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I agree with the gentleman from California. The rancor ought to pass from us. I will tell my friend from California that there would have been far less rancor if this had been a more open process, and we had felt included in this process.

I think I have the reputation of being a fair Member who can work with both sides of the aisle. I value that reputation and I value that mode of operating. But I will tell my friend that there are clearly some erroneous things that are being said on this floor: 748 illegal votes. Nobody on this floor knows that there are 748 illegal votes that were cast in this election. I guarantee it. I guarantee it as someone who has worked pretty hard on this case, who has read all the precedents, who has read not the majority report, because I just received it at 10 minutes of 10:00, but read all of our report, all our lawyers' reports, and investigated as much as I could with the time I had available on matches of signatures.

We believe that there is a general issue here, but that, very frankly, the House has been hurt in the attempt to establish a new precedent with respect to the level of credible evidence necessary to get a Member to the time when they have to respond to as prolonged and expensive contest as this has been.

The distinguished gentleman from California (Mr. HUNTER) said that we were not proceeding on Mr. Dornan's allegations. He was absolutely correct. It was the gentleman from California (Mr. HUNTER) that said that. We believe that is the case. What we were proceeding on was information garnered by the committee, not on the contestant's case. Indeed, the contestant does not have all the information, in my opinion, that he should have right now. But neither does the contestee. But it is time for us to dismiss this case. It is time for us to go beyond this and indeed it is time to free the gentlewoman from California (Ms. SANCHEZ) from the bondage which has been this case, and allow her to fully represent the people of the 46th District. She has been doing so well and I know she will continue.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. BONIOR), minority whip.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 2 minutes remaining, and the gentleman from Maryland (Mr. HOYER) has 3 minutes remaining.

Mr. THOMAS. Is the gentleman's intention to yield the additional minute, if necessary, or is he going to reserve it?

Mr. HOYER. Mr. Speaker, I will finish our time before yielding back.

Mr. BONIOR. Mr. Speaker, I thank my colleague from Maryland (Mr. HOYER) for his work on this, my colleague from New York and my colleague from New Jersey (Mr. MENENDEZ), my colleagues who worked on this issue.

In 1996, the voters of Orange County elected LORETTA SANCHEZ and they defeated Bob Dornan. That is the way American democracy is supposed to work. Voters get to choose who they want to represent them in the Congress.

For the past 15 months Bob Dornan and the Republicans have forgotten that. They questioned the integrity of

thousands of Hispanic voters. They wasted more than a million dollars of taxpayer money. They ran after so many false leads, stumbled into so many dead ends, jumped to so many conclusions, I am surprised they can still stand up today.

In the end, they came up empty. In the 15 months the Republicans could find no evidence, no evidence that LORETTA SANCHEZ did anything but win her election fair and square. So the Republicans finally are giving up. They are giving up because they have no case.

I do not really expect the Republicans will apologize to the gentlewoman from California (Ms. SANCHEZ), but they ought to. I do not expect the Republicans will apologize to the thousands of Hispanic Americans for questioning their right to vote merely on the basis of their ethnic heritage, but they ought to. And I do not really expect the Republicans will apologize to the voters of Orange County for trying to undermine their constitutional rights, but they ought to.

LORETTA SANCHEZ won the 1996 election fair and square. Grudgingly, the Republicans have to acknowledge that. But now they are trying to cover up their retreat with an ugly cloud of innuendo and a bill that will be before us in just a few minutes to discourage minority voters from casting their ballots at election time.

This campaign of intimidation has got to stop. Republicans must accept that voters get to choose who they want represented in this Congress.

LORETTA, congratulations on your victory. Your courage is an inspiration to us all.

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

We come to the end of a long and somewhat torturous time in this House. I congratulate the majority for coming to its conclusion. I think it is an appropriate and correct conclusion.

I regret the rhetoric that is included in the preamble to that conclusion. I think it is erroneous. I disagree with it. For that reason, Mr. Speaker, at the appropriate time I will make, as I said earlier, a motion to recommit with instructions. That motion to recommit will simply provide for the passage of the dismissal of the complainant's contest. That is what we ought to do. That is what facts show. It is time that we do so.

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with humility, and I rise with a sense of freedom that today we will be able to free LORETTA SANCHEZ, finally free LORETTA SANCHEZ.

Mr. THOMAS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I find it ironic the picture that is painted by the now minority in terms of this process. Would that someone who held a valid election cer-

tificate signed by the chief election officer of their State been allowed to be seated, the Democrats did not seat him. The Republicans honored the certificate of election.

We do things differently than you do. You name-call. You argue that there is no fraud in this election and yet, based upon your minority report, you indicate that there were flaws in the election. You argue that the INS data is not sufficient for us to prove our point, but you use the same INS data to say that our point is invalid. You cannot have it both ways.

I understand you are disappointed that you are no longer the majority and you can not continue to shut down questionable elections as you did for 40 years. But what this majority now will do on this case and in the future is to get to the bottom of problems in elections.

One thing this House can do is thank Mr. Dornan because he looked at the Contested Election Act and said, it is a catch-22 if people can stonewall while trying to get to the bottom of it.

It has been said on your side that you need to know the truth. The truth will set you free. What is wrong with trying to get to the bottom of what happened in an election? If you try to find out who the honest voters were, you are automatically a racist. If you try to determine an accurate count, it is a "witch-hunt."

What in the world do you folks do with a recent headline that says "INS Proposing Citizenship Test Overhaul"? There is a new screening process to cut fraud and delays.

It was the political people, the political appointees of the Department of Justice who stonewalled. We are familiar with that tactic from this administration.

The professionals at INS cooperated initially in California. Had we gotten that kind of cooperation, we would have brought this to a conclusion much faster. We did not have a preordained result. We wanted to get to the bottom of it. We have gotten to the bottom of it as best we are able. We need to change the laws to fully understand who is on the rolls, responsibly and properly, and who is not.

Ms. CHRISTIAN-GREEN. Mr. Speaker and my colleagues, I rise to thank my colleagues on the other side of the aisle for finally having the courage, after 15 months and over one million of wasted taxpayer dollars spent, to dismiss the completely unfounded challenge of former Congressman Dornan to the election of LORETTA SANCHEZ.

This totally partisan investigation singled out Representative SANCHEZ and the voters of the 46th District of California for unparalleled scrutiny and harassment, the likes this body never saw before.

After hounding Ms. SANCHEZ and the Hispanic-Americans in her District for more than a year, with unfounded allegation after allegation, the majority has finally come to accept what many of us have known from the very

beginning, which was: That Ms. SANCHEZ was duly elected by the lawful voters of her district; and that officials in the State of California including, the Orange County District Attorney and the California Secretary of State, certified her election.

So I applaud my Republican colleagues for taking this action today. While I believe that this resolution is 10 months too late in coming to the floor, I am grateful that we can finally put this matter to rest and Ms. SANCHEZ can get on with doing the job she was elected to do. Thank you.

Mrs. KENNELLY of Connecticut, Mr. Speaker, I am very pleased that the House Oversight Committee has decided to dismiss the election contest against our colleague, LORETTA SANCHEZ.

Of course, this action took an unconscionable amount of time—more than a year has passed since Congresswoman SANCHEZ was seated in this House. Of course, this action involved charges that on their face had no merit but were nonetheless pursued. Of course, it is difficult to understand the action—except as an attempt to intimidate and distract a vulnerable new member of this House.

Nonetheless, I am pleased. And I would be glad to put this difficult chapter behind us—except that the majority is intent on writing a new chapter today.

The Oversight investigation turned up no evidence of large-scale non-citizen voting—not in Orange County, and certainly not nationwide. Why then are we being asked to consider this next piece of legislation? At best, it is unnecessary—a solution in search of a problem. At worst, it is an effort to intimidate naturalized American citizens from exercising our most precious right—the right to vote.

Mr. Speaker, I urge my colleagues to join me in congratulating LORETTA SANCHEZ—once again—in her election victory in November 1996. And I urge them also to join me in opposing the unfair and unworkable Horn bill.

Mr. THOMAS. Mr. Speaker, I would urge all colleagues to vote aye and I move the previous question on the resolution and on the preamble.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the resolution?

Mr. HOYER. I am opposed to the preamble.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the resolution H. Res. 355 to the Committee on House Oversight with instructions to report the same back to the House forthwith with the following amendment:

Strike the preamble.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. As the motion was presented, it is its entirety. Can the gentleman then be partially for and partially against a motion to recommit? The gentleman is not opposed to the motion in its present form?

The SPEAKER pro tempore. The gentleman qualifies as being opposed to the resolution because he is opposed to the preamble which is not to be separately voted on under these circumstances. So therefore he is opposed to the resolution in its present form and he qualifies at this point.

The motion is not debatable.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. HOYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 194, nays 215, not voting 21, as follows:

[Roll No. 15]

YEAS—194

| | | |
|--------------|----------------|---------------|
| Abercrombie | Gejdenson | Meeks (NY) |
| Ackerman | Gephardt | Menendez |
| Allen | Goode | Millender- |
| Andrews | Gordon | McDonald |
| Baessler | Green | Miller (CA) |
| Baldacci | Gutierrez | Minge |
| Barcia | Hall (OH) | Moakley |
| Barrett (WI) | Hall (TX) | Mollohan |
| Becerra | Hamilton | Moran (VA) |
| Bentsen | Hastings (FL) | Murtha |
| Berman | Hefner | Nadler |
| Berry | Hilliard | Neal |
| Bishop | Hinchey | Oberstar |
| Blagojevich | Hinojosa | Obey |
| Blumenauer | Holden | Olver |
| Bonior | Huoley | Ortiz |
| Borski | Hoyer | Owens |
| Boswell | Jackson (IL) | Pallone |
| Boucher | Jackson-Lee | Pascarell |
| Boyd | (TX) | Pastor |
| Brown (CA) | Jefferson | Payne |
| Brown (FL) | John | Pelosi |
| Brown (OH) | Johnson, E. B. | Peterson (MN) |
| Cardin | Kanjorski | Pickett |
| Carson | Kaptur | Pomeroy |
| Clay | Kennedy (MA) | Poshard |
| Clayton | Kennedy (RI) | Price (NC) |
| Clyburn | Kennelly | Rahall |
| Condit | Kildee | Rangel |
| Costello | Kilpatrick | Reyes |
| Coyne | Kind (WI) | Rivers |
| Cramer | Klecza | Roemer |
| Cummings | Klink | Rothman |
| Danner | Kucinich | Roybal-Allard |
| Davis (FL) | LaFalce | Rush |
| Davis (IL) | Lampson | Sabo |
| DeFazio | Levin | Sanchez |
| DeGette | Lewis (GA) | Sanders |
| Delahunt | Lipinski | Sandlin |
| DeLauro | Lofgren | Sawyer |
| Deutsch | Lowey | Schumer |
| Dicks | Luther | Scott |
| Dingell | Maloney (CT) | Serrano |
| Dixon | Maloney (NY) | Sherman |
| Doggett | Manton | Sisisky |
| Dooley | Markey | Skaggs |
| Doyle | Martinez | Skelton |
| Edwards | Mascara | Slaughter |
| Engel | Matsui | Smith, Adam |
| Etheridge | McCarthy (MO) | Snyder |
| Evans | McCarthy (NY) | Spratt |
| Farr | McDermott | Stabenow |
| Fattah | McGovern | Stark |
| Fazio | McHale | Stenholm |
| Filner | McIntyre | Stokes |
| Forbes | McKinney | Strickland |
| Ford | McNulty | Stupak |
| Frank (MA) | Meehan | Tanner |
| Frost | Meek (FL) | Tauscher |

Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner

Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler

Weygand
Wise
Woolsey
Wynn
Yates

NAYS—215

| | | |
|---------------|---------------|---------------|
| Aderholt | Gillmor | Packard |
| Archer | Gilman | Pappas |
| Armey | Goodlatte | Parker |
| Bachus | Goodling | Paul |
| Baker | Goss | Paxon |
| Ballenger | Graham | Pease |
| Barr | Granger | Petri |
| Barrett (NE) | Greenwood | Pickering |
| Bartlett | Gutknecht | Pitts |
| Barton | Hansen | Pombo |
| Bass | Hastert | Porter |
| Bateman | Hastings (WA) | Portman |
| Bereuter | Hayworth | Pryce (OH) |
| Bilbray | Hefley | Quinn |
| Bilirakis | Herger | Radanovich |
| Bliley | Hill | Ramstad |
| Blunt | Hilleary | Redmond |
| Boehlert | Hobson | Regula |
| Boehner | Hoekstra | Riley |
| Bonilla | Horn | Rogan |
| Brady | Hostettler | Rogers |
| Bryant | Houghton | Rohrabacher |
| Bunning | Hulshof | Ros-Lehtinen |
| Burr | Hunter | Roukema |
| Burton | Hutchinson | Royce |
| Calvert | Hyde | Ryun |
| Camp | Inglis | Salmon |
| Campbell | Istook | Sanford |
| Canady | Jenkins | Saxton |
| Cannon | Johnson (CT) | Schaefer, Dan |
| Castle | Johnson, Sam | Schaffer, Bob |
| Chabot | Jones | Sensenbrenner |
| Chambliss | Kasich | Sessions |
| Chenoweth | Kelly | Shadegg |
| Christensen | Kim | Shaw |
| Coble | King (NY) | Shays |
| Coburn | Kingston | Shimkus |
| Collins | Klug | Shuster |
| Combest | Knollenberg | Skeen |
| Cook | Kolbe | Smith (MI) |
| Cooksey | LaHood | Smith (NJ) |
| Cox | Largent | Smith (TX) |
| Crapo | Latham | Smith, Linda |
| Cubin | LaTourette | Snowbarger |
| Cunningham | Lazio | Souder |
| Davis (VA) | Leach | Spence |
| Deal | Lewis (CA) | Stearns |
| DeLay | Lewis (KY) | Stump |
| Diaz-Balart | Linder | Sununu |
| Dickey | Livingston | Talent |
| Doolittle | LoBiondo | Tauzin |
| Dreier | Lucas | Taylor (NC) |
| Duncan | Manzullo | Thomas |
| Dunn | McCollum | Thornberry |
| Ehlers | McCrery | Thune |
| Ehrlich | McDade | Tiahrt |
| Emerson | McHugh | Trafficant |
| English | McInnis | Upton |
| Everett | McIntosh | Walsh |
| Ewing | McKeon | Wamp |
| Fawell | Metcalf | Watkins |
| Foley | Mica | Watts (OK) |
| Fossella | Moran (KS) | Weldon (FL) |
| Fowler | Morella | Weldon (PA) |
| Fox | Myrick | Weller |
| Franks (NJ) | Nethercutt | White |
| Frelinghuysen | Neumann | Whitfield |
| Galleghy | Ney | Wicker |
| Ganske | Northup | Wolf |
| Gekas | Norwood | Young (AK) |
| Gibbons | Nussle | Young (FL) |
| Gilchrest | Oxley | |

NOT VOTING—21

| | | |
|----------|--------------|---------------|
| Buyer | Furse | Peterson (PA) |
| Callahan | Gonzalez | Riggs |
| Clement | Harman | Rodriguez |
| Conyers | Johnson (WI) | Scarborough |
| Crane | Lantos | Schiff |
| Eshoo | Miller (FL) | Smith (OR) |
| | Mink | Solomon |

□ 1232

Mr. NEUMANN, Mr. NETHERCUTT and Mrs. CHENOWETH changed their vote from "yea" to "nay."

Messrs. SKAGGS, TAYLOR of Mississippi, KENNEDY of Massachusetts,

and MURTHA changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. CAMP). The question is on the resolution.

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

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 33, not voting 19, as follows:

[Roll No. 16]

YEAS—378

| | | |
|--------------|---------------|----------------|
| Abercrombie | Davis (IL) | Hill |
| Ackerman | Davis (VA) | Hilleary |
| Aderholt | Deal | Hilliard |
| Allen | DeFazio | Hinche |
| Andrews | DeGette | Hinojosa |
| Archer | DeLauro | Hobson |
| Armey | DeLay | Hoekstra |
| Bachus | Deutsch | Holden |
| Baesler | Diaz-Balart | Hooley |
| Baker | Dickey | Horn |
| Baldacci | Dicks | Houghton |
| Barcia | Dingell | Hoyer |
| Barrett (NE) | Dixon | Hulshof |
| Barrett (WI) | Doggett | Hutchinson |
| Barton | Dooley | Hyde |
| Bass | Doyle | Inglis |
| Bateman | Dreier | Istook |
| Becerra | Duncan | Jackson (IL) |
| Bentsen | Dunn | Jackson-Lee |
| Bereuter | Ehlers | (TX) |
| Berman | Ehrlich | Jefferson |
| Berry | Emerson | Jenkins |
| Bilbray | Engel | John |
| Bilirakis | English | Johnson (CT) |
| Bishop | Ensign | Johnson, E. B. |
| Blagojevich | Etheridge | Johnson, Sam |
| Bliley | Evans | Kanjorski |
| Blumenauer | Everett | Kaptur |
| Blunt | Ewing | Kasich |
| Boehlert | Farr | Kelly |
| Boehner | Fattah | Kennedy (MA) |
| Bonilla | Fawell | Kennedy (RI) |
| Bonior | Fazio | Kennelly |
| Borski | Filner | Kildee |
| Boswell | Foley | Kilpatrick |
| Boucher | Forbes | Kim |
| Boyd | Ford | Kind (WI) |
| Brady | Fossella | King (NY) |
| Brown (CA) | Fowler | Kleczka |
| Brown (FL) | Fox | Klink |
| Brown (OH) | Frank (MA) | Klug |
| Bryant | Franks (NJ) | Knollenberg |
| Bunning | Frelinghuysen | Kolbe |
| Burr | Frost | Kucinich |
| Camp | Galleghy | LaFalce |
| Campbell | Ganske | LaHood |
| Canady | Gejdenson | Lampson |
| Cannon | Gephardt | Largent |
| Cardin | Gibbons | Latham |
| Carson | Gilchrest | LaTourette |
| Castle | Gillmor | Lazio |
| Chambliss | Gilman | Leach |
| Christensen | Goode | Levin |
| Clay | Goodlatte | Lewis (CA) |
| Clayton | Goodling | Lewis (GA) |
| Clyburn | Gordon | Linder |
| Coble | Goss | Lipinski |
| Coburn | Graham | LoBiondo |
| Collins | Granger | Lofgren |
| Combest | Green | Lowe |
| Condit | Greenwood | Lucas |
| Conyers | Gutierrez | Luther |
| Cook | Hall (OH) | Maloney (CT) |
| Cooksey | Hall (TX) | Maloney (NY) |
| Costello | Hamilton | Manton |
| Cox | Hansen | Manzullo |
| Coyne | Hastert | Markey |
| Cramer | Hastings (FL) | Martinez |
| Crapo | Hastings (WA) | Mascara |
| Cummings | Hayworth | Matsui |
| Cunningham | Hefley | McCarthy (MO) |
| Danner | Hefner | McCarthy (NY) |
| Davis (FL) | | McCollum |

| | | |
|---------------|---------------|-------------|
| McCrery | Pickett | Smith (TX) |
| McDade | Pitts | Smith, Adam |
| McDermott | Pomeroy | Snowbarger |
| McGovern | Porter | Snyder |
| McHale | Portman | Souder |
| McHugh | Poshard | Spratt |
| McInnis | Price (NC) | Stabenow |
| McIntyre | Pryce (OH) | Stark |
| McKeon | Quinn | Stenholm |
| McKinney | Radanovich | Stokes |
| McNulty | Rahall | Strickland |
| Meehan | Ramstad | Stupak |
| Meek (FL) | Rangel | Stununu |
| Meeks (NY) | Redmond | Talent |
| Menendez | Regula | Tanner |
| Metcalfe | Reyes | Tauscher |
| Miller- | Riley | Tauzin |
| McDonald | Rivers | Taylor (MS) |
| Miller (CA) | Rodriguez | Thomas |
| Minge | Roemer | Thompson |
| Moakley | Rogers | Thornberry |
| Mollohan | Ros-Lehtinen | Thune |
| Moran (KS) | Rothman | Thurman |
| Moran (VA) | Roukema | Tierney |
| Morella | Roybal-Allard | Torres |
| Murtha | Rush | Towns |
| Myrick | Ryun | Trafigant |
| Nadler | Sabo | Turner |
| Neal | Salmon | Upton |
| Nethercutt | Sanchez | Velazquez |
| Neumann | Sanders | Vento |
| Ney | Sandlin | Visclosky |
| Northup | Sanford | Walsh |
| Nussle | Sawyer | Wamp |
| Oberstar | Saxton | Waters |
| Obey | Scarborough | Watkins |
| Oliver | Schaefer, Dan | Watt (NC) |
| Ortiz | Schumer | Watts (OK) |
| Owens | Scott | Waxman |
| Oxley | Serrano | Weldon (FL) |
| Packard | Sessions | Weldon (PA) |
| Pallone | Shadegg | Weller |
| Pappas | Shaw | Wexler |
| Parker | Shays | Weygand |
| Pascarell | Sherman | White |
| Pastor | Shimkus | Whitfield |
| Paxon | Shuster | Wicker |
| Payne | Sisisky | Wolf |
| Pease | Skaggs | Woolsey |
| Pelosi | Skeen | Wynn |
| Peterson (MN) | Skelton | Yates |
| Peterson (PA) | Slaughter | Young (AK) |
| Petri | Smith (MI) | Young (FL) |
| Pickering | Smith (NJ) | |

NAYS—33

| | | |
|-----------|------------|---------------|
| Ballenger | Gutknecht | Pombo |
| Barr | Herger | Rogan |
| Bartlett | Hoefttler | Rohrabacher |
| Burton | Hunter | Royce |
| Calvert | Jones | Schaffer, Bob |
| Chabot | Kingston | Sensenbrenner |
| Chenoweth | Lewis (KY) | Spence |
| Crane | McIntosh | Stearns |
| Cubin | Mica | Stump |
| Doolittle | Norwood | Taylor (NC) |
| Gekas | Paul | Tiahrt |

NOT VOTING—19

| | | |
|----------|--------------|--------------|
| Buyer | Harman | Schiff |
| Callahan | Johnson (WI) | Smith (OR) |
| Clement | Lantos | Smith, Linda |
| Edwards | Livingston | Solomon |
| Eshoo | Miller (FL) | Wise |
| Furse | Mink | |
| Gonzalez | Riggs | |

□ 1252

Mr. WATTS of Oklahoma changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 355, the resolution just agreed to.

The SPEAKER pro tempore (Mr. GIBBONS). Is there objection to the request of the gentleman from California?

There was no objection.

VOTER ELIGIBILITY VERIFICATION PILOT PROGRAM ACT OF 1998

Mr. PEASE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1428) to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number, as amended.

The Clerk read as follows:

H.R. 1428

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voter Eligibility Verification Pilot Program Act of 1998".

SEC. 2. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they—

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation.

In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;