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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. TAYLOR of North Carolina].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 1996.

I hereby designate the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom has come all the gifts that make us whole and make us human, we pray that Your Spirit will so live in our spirits that our thoughts and vision, our words and deeds will be strengthened and made right by Your blessings to us. For all Your good gifts that come to us and grace our lives with cleansing and new life, that point us on the way and accompany us along the path, for these gifts and all the wonders of Your Spirit, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKEL-

TON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT

Mr. GOODLING. Mr. Speaker, pursuant to the order of the House of Thursday, July 11, 1996, I move to suspend the rules and pass the bill (H.R. 2428) to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Donation Act the full force and effect of law, as amended.

The Clerk read as follows:

H.R. 2428

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

SECTION 1. CONVERSION TO PERMANENT LAW OF MODEL GOOD SAMARITAN FOOD DONATION ACT AND TRANSFER OF THAT ACT TO CHILD NUTRITION ACT OF 1966.

(a) CONVERSION TO PERMANENT LAW.—Title IV of the National and Community Service Act of 1990 is amended—

(1) by striking sections 401 and 403 (42 U.S.C. 12671 and 12673); and

(2) in section 402 (42 U.S.C. 12672)—

(A) in the section heading, by striking "MODEL" and inserting "BILL EMERSON";

(B) in subsection (a), by striking "Good Samaritan" and inserting "Bill Emerson Good Samaritan"; and

(C) in subsection (c)—

(i) by striking "A person or gleaner" and inserting the following:

"(1) LIABILITY OF PERSON OR GLEANER.—A person or gleaner";

(ii) by striking "needy individuals," and inserting "needy individuals.";

(iii) by inserting after "needy individuals." (as added by clause (ii)) the following:

"(2) LIABILITY OF NONPROFIT ORGANIZATION.—A nonprofit organization shall not be

subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to needy individuals."; and (iv) by striking "except that this paragraph" and inserting the following:

"(3) EXCEPTION.—Paragraphs (1) and (2)".

(b) TRANSFER TO CHILD NUTRITION ACT OF 1966.—Section 402 of the National and Community Service Act of 1990 (42 U.S.C. 12672) (as amended by subsection (a))—

(1) is transferred from the National and Community Service Act of 1990 to the Child Nutrition Act of 1966;

(2) is redesignated as section 22 of the Child Nutrition Act of 1966; and

(3) is added at the end of such Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Missouri [Mr. CLAY] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

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

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

Mr. Speaker, today we are considering legislation which will have the effect of increasing the donation of food products to needy individuals and their families and paying tribute to one of the finest Members of this body, with whom I have had the privilege to serve, Bill Emerson.

Many times individuals and corporations are interested in donating food to feed the needy. However, the fear of liability prevents them from doing so. According to the executive director of the South Central Pennsylvania Food Bank, "We need to mitigate the risk and liability so this nutritious food can go to those in great need."

H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act, would encourage the donation of food products by freeing those who, in good faith, donate such products from the threat of

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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civil and criminal liability should such products cause harm to the recipients of their generosity. It does not, however, in any way free such individuals from liability in cases of gross negligence or intentional harm.

Mr. Speaker, I am a strong supporter of our Federal nutrition programs and believe they go a long way toward providing the nutritional needs to low-income families. This legislation encourages communities to get involved in efforts to feed the hungry and improves our ability to ensure that citizens of this country do not go to bed hungry.

Since this bill is all about bringing people together to promote the greater good for their communities, it is only fitting that we name it in honor of Bill Emerson. This is exactly what the career of our late beloved colleague Bill Emerson was all about. That is why we have named this legislation the Bill Emerson Good Samaritan Food Donation Act as a tribute to this fine man and his commitment to improving our Nation's nutrition programs.

Bill Emerson was a true patriot and great Member of Congress. He was a Member of the highest character, who devoted himself to the cause of reducing hunger and to making this country and this House a better place. I know I speak for all of the members of this committee in expressing our sadness over his loss and express our heartfelt sympathy to his family.

While we are renaming this bill for Bill Emerson, I would like to point out that the gentlewoman from Missouri, Ms. PAT DANNER, the key sponsor of H.R. 2428, deserves an enormous amount of credit for introducing this legislation and championing this cause. Despite all the time and effort she has personally invested in this effort, she has graciously given her support for our effort to rename this bill to recognize Bill Emerson.

In summary, I urge my colleagues to support this important piece of legislation, which will go a long way toward ensuring that our Nation's low-income families will receive the nutrition they require to lead healthy, productive lives.

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

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

Mr. Speaker, I rise to support H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act. The purpose of this bill is to encourage the donation of wholesome, surplus food to nonprofit organizations, who in turn, distribute the food to our Nation's poor and hungry.

Last year the Food Research and Action Center [FRAC] reported that 13.6 million children in America below the age of 12 go hungry each month. Similarly, the Administration on Aging estimates that hunger plagues hundreds of thousands of our elderly each year.

My late colleague, Bill Emerson, was alarmed by the prevalence of hunger in a nation that throws away 20 percent of

the food it produces each year. Bill Emerson considered it his mission to search for ways to combat hunger, and so he enthusiastically became a co-sponsor of the Good Samaritan Food Donation Act introduced by my colleague from Missouri, Congresswoman PAT DANNER. We all owe a great deal of gratitude to Representative DANNER for her vision and compassion in developing this legislation.

By establishing national liability standards, this bill will encourage and enable restaurants, grocers, and other donors to feed the hungry. In urging support for this bill, Congressman Emerson stated:

Private companies are too often faced with different State laws governing food donations. These differences can stand between a willing donor and a needy family.

Bill Emerson's efforts to fight hunger throughout his career in Congress make passage of this bill a fitting tribute to his legacy.

Mr. Speaker, I yield 8 minutes to the gentlewoman from the State of Missouri, Ms. PAT DANNER.

Ms. DANNER. Mr. Speaker, often, we hear about the importance of timeliness of legislation.

As we discuss today's bill, the Bill Emerson Good Samaritan Food Donation Act, I will be constantly mindful of the article that appeared only yesterday in the Kansas City Star—my hometown newspaper. The Star carried the article that I have had partially reproduced and which is behind me.

For the first time ever, Project Hunger, the annual summer food drive, ran out of supplies while people still waited in line to secure food. This year, the contributions were only one-third of the amount collected last year.

Mr. Speaker, this is but a single chapter in a much larger story. The U.S. Conference of Mayors has reported that 18 percent of all requests for food assistance went unmet last year in the Nation's cities.

And the Federal Government has estimated that some 14 billion pounds of food are discarded by businesses each year.

These incredible figures were troubling for Bill Emerson, they are troubling for me—and I'm confident that other Members of the House will agree that we must act now to address this issue.

Mr. Speaker, the Biblical passage from Leviticus reminds us that: "When you reap the harvest of your land, do not reap the corners of your field, and do not glean the fallen ears of your crop * * * you must leave them for the poor and the stranger."

Bill Emerson, as a student of the Scriptures and a tireless advocate in the war against hunger, brought both life and meaning to that verse.

Bill heard those words in Leviticus and at the same time he heard the voices of the hungry—not only in our Nation—but around the world.

He knew that the rich gift of fertile soil in his beloved Missouri carried

with it a great responsibility, a responsibility to produce, provide, and share. Bill embraced that challenge in the way he did so much else in life—with an unrelenting desire to help others.

Bill Emerson was an important voice for countless noble causes in Congress and this body is immeasurably better today because of his service.

As his funeral procession moved from Cape Girardeau to Hillsboro, a most heartfelt scene unfolded as men, women, and children, with American flags held high, lined the road—in honor of Bill's service to them—and to our Nation.

And it is a most impressive record of service, indeed.

Bill had moved through the ranks—from congressional page at the age of 15 to chief of staff for Congressman Bob Ellsworth of Kansas and later Senator Bob Mathias of Maryland. In 1980, Bill was elected to Congress from Missouri's 8th District, where he soon became one of the most influential Members of Congress.

But as Bill gained new, more significant responsibilities he always remained, first and foremost, true to himself. He was universally regarded as a man of the people who never strayed from public-minded service to our country.

Three of the most important interests in Bill Emerson's life were—family, religion, and feeding the hungry.

He was a devoted family man, the leader of a prayer breakfast group, and a giant on the Agriculture Committee when it came to hunger issues, whether at home or abroad.

In fact, he served as chair of the Select Committee on Hunger, and in that capacity he traveled worldwide in his effort to fight hunger and improve nutrition.

I know that all here will agree with me that there is no more fitting tribute to Bill's memory than the passage of this legislation that will provide, by some estimates, 50 million additional pounds of food annually to the hungry.

Today, as the House of Representatives considers the Bill Emerson Good Samaritan Food Donation Act, we are, in effect, saying: "Bill, your voice will not be forgotten, the course you charted will be followed and your legacy will endure."

I might also mention that although this legislation is first and foremost a fitting testament to a wonderful man, it is also a testament to another man who has made feeding the hungry his No. 1 priority.

May I, briefly, tell the story of how the Good Samaritan bill evolved from a local concern in St. Joseph, MO, to legislation in the U.S. Congress.

As an aside, I think if we had more such stories, it would restore the American people's faith that their concerns really can make a difference.

Last summer, Herald Martin—an active community volunteer who for 20 years has gleaned food for the Patee Park Baptist Church Pantry and others in St. Joseph—contacted me.

Mr. Martin had worked tirelessly—at his own expense, I might add—to pick up and distribute leftover food.

He was understandably frustrated because a major national corporation in St. Joseph, which had made food donations in the past, had changed its policy and decided to dispose of its day-old bread and other foods rather than donate them.

The corporation had explained to Mr. Martin, and others, that there were just too many different State laws governing food donations.

After speaking with Mr. Martin and doing some research, I learned that the current patchwork of State laws has been cited by many potential donors as the principal reason so much food is thrown away rather than given to food banks and food pantries for distribution to the hungry.

Quite literally, Mr. Martin proved that a single voice that is heard can make a difference for the millions of voices that are not heard.

It is, as a result of that research, that I decided to introduce the Good Samaritan Food Donation Act.

Recognizing Bill Emerson's long-standing support of issues relating to the hungry I sought and received his enthusiastic support for the legislation.

It was Bill's tireless effort in talking to members of the leadership, committee and subcommittee chairmen, and other members of the Republican Party that made this legislation a reality. Once again, as so often in the past, Bill Emerson would be responsible for seeing that additional food would be made available to the hungry.

What started with but a single voice almost a year ago has now grown into a chorus of support for the legislation—from organizations such as Second Harvest, Foodchain, and Forgotten Harvest.

Simply put, we need a reasonable nationwide law that eliminates confusion and forges a stronger alliance between the public and private sectors in this Nation. That is exactly what this bill delivers.

The Bill Emerson Good Samaritan Food Donation Act will establish a uniform national law to protect organizations and individuals when they donate food in good faith.

A business should not have to hire a legal team to interpret numerous State laws so that it feels comfortable in contributing food to the hungry.

In the final analysis, perhaps the ultimate tragedy of hunger is that it is preventable. There is simply no excuse for any man, woman, or child in our country to suffer the pangs of hunger.

Toward that end, this legislation will bring some long overdue common sense into the system of laws governing food donations.

I think we all agree, we can provide a better tribute to our dear, departed friend and colleague, Bill Emerson than to pass, in his memory, the Bill Emerson Good Samaritan Food Donation Act.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the committee.

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

Mr. GUNDERSON. Mr. Speaker, I rise in strong support of the Bill Emerson Good Samaritan Food Donation Act. I want to commend our chairman, the gentleman from Pennsylvania [Mr. GOODLING], and I want to commend our ranking member, the gentleman from Missouri [Mr. CLAY], and I certainly want to commend our colleague and Bill's colleague, the gentlewoman from Missouri [Ms. DANNER], for the leadership all three of them have shown in bringing this bill before us today.

This bill epitomizes the life and the service and the philosophy of Bill Emerson. This bill encourages charity with a touch of common sense. We too often in this House divide ourselves into deep political and ideological conflicts. On some things there cannot or at least there ought to be any partisan debate. The facts of poverty are one of those.

Some 38 million Americans lived in poverty in 1995. Half of those are children or senior citizens. One out of every four children in American society today lives in poverty. The United States ranks 24th among all nations in infant mortality.

Bill Emerson was a conservative, but Bill Emerson did not believe that conservatives ought to be insensitive to the pain, the reality, and the needs of the less fortunate among us. As a result, Bill Emerson has had a history during his 16-year service in the U.S. Congress of pushing programs to deal with hunger and to deal with poverty. Whether it be the oceanic shores of Africa or it be the river of Cape Girardeau, Bill Emerson pursued the fight to end hunger wherever he saw it.

Many of us will know him as one of the ardent warriors on behalf of commodity donation programs. As he sat next to me on the House Committee on Agriculture, he would often lean over to his left, because that is the side I sat on, and say, "GUNDERSON, can't you get the Education and Labor Committee to just agree with us Agies on this commodity issue?"

And of course when it came time to reauthorize the Emergency Food Assistance Program, Bill Emerson was the leader in seeing that it was there. When it came time to deal with food stamps, and many of us remember in the debate last year on welfare reform and on the budget reconciliation when we talked about sending everything back home, Bill Emerson said, "I am for sending it home, but there are certain places where there has to be a national safety net." Because of Bill Emerson, there is no partisan debate anymore about sending food stamps back home.

Now, one of Bill Emerson's last fights is the legislation in front of us that he

introduced with his colleague. The Food Donation Act, as all of us know and as we have heard, is intended to encourage the donation of food from grocery stores, catering companies, or food distributors to whatever food pantries, soup kitchens, or other food service community organizations that might be there.

□ 1020

Bill, because of his health, was unable to testify at that hearing we held on this legislation. That did not stop him from submitting testimony to the committee.

And so today, even in his death, the life and the legacy of Bill Emerson lives on as we pass this important piece of legislation. I commend it to all of my colleagues. I thank my colleagues here for their leadership, and I thank Bill Emerson for giving all of us a touch of sensitivity of the heart to those in America and around the world who are hungry.

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MCKEON], the subcommittee chairman.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

This is an important piece of legislation and so appropriately named for our dear friend, Bill Emerson.

H.R. 2428 is designed to encourage the donation of food and grocery products to nonprofit organizations engaged in distribution of such items to the needy. The bill will relieve concerns over liability that currently exist and that deter companies and individuals from donating as freely as they would like.

Bill Emerson had a keen interest in nutrition programs and spent a considerable amount of time focusing and working to improve nutrition programs during his congressional career. The Bill Emerson Good Samaritan Food Donation Act compliments the existing programs nicely by encouraging community involvement in the effort to feed those in need.

Again, this bill is a fitting tribute to Bill Emerson who is already greatly missed by this body. Enactment of this legislation will ensure that his work will continue to be recognized, especially by those involved in efforts to feed the needy, for many, many years to come.

Mr. Speaker, I urge support for H.R. 2428, the Bill Emerson Good Samaritan Act.

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

Mr. GOODLING. Mr. Speaker, again, I commend the gracious gentlewoman from Missouri [Mr. DANNER] not only for offering this legislation, but also for honoring Bill Emerson and for her very moving message this morning, not only in memory of Bill, but I think a very moving message for the American people. I ask all to support the legislation.

Mr. CONYERS. Mr. Speaker, I have a number of serious reservations concerning H.R. 2428. Although I am supportive of the impetus behind the legislation—encouraging private entities to donate food to nonprofit organizations who distribute food to the needy—I question whether preempting traditional State law prerogatives in this area is desirable.

For more than 200 years tort law has been considered to be a State law prerogative. The States are in the best position to weigh competing considerations and adopt negligence laws which best protect their citizens from harm. The area of food donations is a good illustration of this dynamic. According to the Congressional Research Service's American Law Division, all 50 States have enacted special statutory rights concerning food donations. Not surprisingly, the States have crafted a variety of liability rules—ranging from those who subject all negligent parties to liability, to those who limit liability only to grossly negligent or intentional acts.

Unfortunately, with adoption of this bill, the House will be seeking to impose a one-size-fits-all legal standard for food donors based on the Model Good Samaritan Food Donation Act, 42 U.S.C. Secs. 12671–12673, despite the fact that since its enactment in 1990, only one State has adopted the Model Act's language. This is exactly the type of reckless federalism so many in Congress purport to oppose. Worse yet, in federalizing this standard, Congress will be selecting the most lenient possible standard of negligence. In particular, I would note that the term "gross negligence" is so narrowly defined that it may not include a failure to act which one should have known would be harmful. I believe a standard so loosely drawn constitutes an open invitation to harm to our poorest citizens.

I would also note that Congress is acting on this measure at a time when there has been no demonstrated legal problem. There is no outbreak in frivolous litigation. The proponents arguments for a uniform Federal standard are more based on anecdote than fact.

I am also concerned that to date the legislative process has completely bypassed the Judiciary Committee, which traditionally has had primary jurisdiction for any tort law matters. We should not be in such a rush to pass legislation that we fail to consider the opinions of those Members with relevant expertise.

It is because of concerns such as these that the conference committee on H.R. 2854, the Federal Agriculture Improvement and Reform Act of 1996, determined to reject adopting legislation similar to that before us today. The managers' statement to that legislation wrote:

[t]he Managers declined to adopt a provision that would convert the Model Good Samaritan Food Donation Act (Pub. L. 101-610) to federal law. . . . While the Managers commend the philanthropic intent of such legislation, the Managers understand possible implications of preempting state laws and acknowledge jurisdictional complications. See House Report 104-94 at 405.

It is my hope that as the process moves forward these and other problems can be addressed.

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

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the

rules and pass the bill, H.R. 2428, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2428, the Bill Emerson Good Samaritan Food Donation Act.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess, subject to the call of the Chair.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess, subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina) at 11 o'clock and 12 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. LUNDREGAN, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2337. An act to amend the Internal Revenue Code of 1986 to provide for increased taxpayer protections.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3230. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3230) "An Act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. COHEN, Mr. MCCAIN, Mr. COATS, Mr. SMITH, Mr. KEMPTHORNE, Mrs.

HUTCHISON, Mr. INHOFE, Mr. SANTORUM, Mrs. FRAHM, Mr. NUNN, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. BRYAN, to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1004) "An Act to authorize appropriations for the United States Coast Guard, and for other purposes," agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. PRESSLER, Mr. STEVENS, Mr. GORTON, Mr. LOTT, Mrs. HUTCHISON, Ms. SNOWE, Mr. ASHCROFT, Mr. ABRAHAM, Mr. HOLLINGS, Mr. INOUE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, and Mr. WYDEN; and from the Committee on Environment and Public Works for consideration of Oil Pollution Act issues: Mr. CHAFEE, Mr. WARNER, Mr. SMITH, Mr. FAIRCLOTH, Mr. INHOFE, Mr. BAUCUS, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mrs. BOXER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 640. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes;

S. 1745. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1762. An act to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes;

S. 1763. An act to authorize appropriations for fiscal year 1997 for defense activities of the Department of Energy, and for other purposes; and

S. 1764. An act to authorize appropriations for fiscal year 1997 for military construction and for other purposes.

DEFENSE OF MARRIAGE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 474 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3396.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3396) to define and protect the institution of marriage, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative

day of Thursday, July 11, 1996, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3396 is as follows:

H.R. 3396

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 "Defense of Marriage Act".

SEC. 2. POWERS RESERVED TO THE STATES.

(a) IN GENERAL.—Chapter 115 of title 28, United States Code, is amended by adding after section 1738B the following:

"§ 1738C. Certain acts, records, and proceedings and the effect thereof

"No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 115 of title 28, United States Code, is amended by inserting after the item relating to section 1738B the following new item:

"1748C. Certain acts, records, and proceedings and the effect thereof."

SEC. 3. DEFINITION OF MARRIAGE.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 7. Definition of 'marriage' and 'spouse'

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by inserting after the item relating to section 6 the following new item:

"7. Definition of 'marriage' and 'spouse'."

The CHAIRMAN. No amendments shall be in order except those specified in House Report 140-666, which shall be considered in the order specified, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 104-666.

□ 1115

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts: Strike section 3 (page 3, line 9 and all that follows through the matter following line 24).

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from Massachusetts [Mr. FRANK] and the gentleman from Florida [Mr. CANADY] each shall control 37½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Hawaii [Mrs. MINK] because this amendment deals with the section of the bill which would have a particularly negative impact on the State of Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to state that I believe that the word marriage should be reserved to man and woman. But I rise to state my unequivocal opposition to H.R. 3396. It goes far beyond the defense of the institution of marriage. It attacks the U.S. Constitution by allowing States to ignore the "full faith and credit" clause. If same sex marriages are to be excluded from this protection it must be done by a constitutional amendment. It cannot be done by statute.

First, I would like to point out that marriage is not only a religious ceremony. A marriage is also a ceremony presided over by a judge or a justice of the peace. After the marriage ceremony in a church the minister has the married couple sign a marriage certificate in order to have it registered in the State Bureau of Registrations. A marriage therefore is a State recognized decree. A duly valid marriage in any State is a marriage that is duly recognized in every other State. And despite the minister's statement during the wedding that this union is "until death do us part," marriages are broken by the court, not by a church ceremony. Marriage is an instrument of the State. It may be ordained by the church, but it is a decree of the State, and it is dissolved by the State.

If in Hawaii the Hawaii Supreme Court decrees that the State of Hawaii Constitution requires that gays and lesbians be allowed to have a marriage recorded as a State decree, because to do otherwise constitutes discrimination, then same sex marriage will be the law of the State of Hawaii.

Under the U.S. Constitution, laws of one State must be given "full faith and credit" by every other State. Congress should not be enacting any bill to declare otherwise. If a State decides not to honor the Hawaii Supreme Court decision it must justify its decision before a court of law. This congressional bill can not answer questions as to whether this refusal by one State violates the "full faith and credit" of the U.S. Constitution. Congress can not pass a generic law to declare that every State may choose to ignore a duly decreed State court ordered decision.

We all know that Congress cannot amend the U.S. Constitution. It is a sham to pass a bill that purports to amend the Constitution. When we took our oath of office here in the well of the House, we swore to defend the Constitution from all enemies.

The full faith and credit clause of the U.S. Constitution was written by the framers of the Constitution explicitly to prevent the 50 States from acting as "independent sovereign States"

and instead require that they recognize each other's laws particularly as they set up contractual obligations and to act as a nation.

If the State of Hawaii Supreme Court decrees that same sex marriages must be registered in the State, then, notwithstanding my contrary view, I shall defend it as the law.

I would have preferred the enactment of a domestic partner law. It would have provided all the protections that gays and lesbians have been seeking over the years. Failure of the State to assure gays and lesbians all the protections under the law require that we pass a domestic partner law. Unfortunately the State of Hawaii Legislature chose not to pass a domestic partner law and in doing so left this matter for the courts to decide.

Under this bill, H.R. 3396, same sex marriages, if and when allowed in Hawaii, will be denied equal protection of the laws insofar as the Federal Government is concerned. Even though it is a valid marriage in Hawaii as decided by the Hawaii Supreme Court, these couples will not be allowed to be considered as "spouses" when deciding such things as Federal retirement benefits, health benefits under Federal programs, Federal housing benefits, burial rights, privilege against testifying against partner in Federal trials, visitation rights at hospitals by partners, rights to family and medical leave to care for a partner, and many more programs which allow special rights to spouses. This exclusion would be extremely destructive of the principle of States rights in determining status.

Mr. Chairman, it is my regret that this issue has had to be raised before this body. It seems to me quite apparent that our court system is going to yield a decision which will validate same-sex marriages. It may take several years. It may require several more legislative sessions in orders to define this issue. But the court, in its previous decisions, said to the Attorney General of my State unless there is a compelling State interest to rule otherwise, this is what they intended to do.

Now, this is not a debate about religion. It is a debate about a State process which has been in place in all of the 50 States, granting to the States the right to issue licenses. It is not a matter of invasion of the prerogatives of religion or the churches because long ago judges and justices of the peace were granted the power to also ordain a marriage.

What happens after the marriage ceremony is that all parties must sign a marriage certificate application which is then certified by the State. So it has become a matter which is implicitly and explicitly a matter of interpretation under our Constitution, and our Constitution accords the rights of civil rights to all parties. Under that interpretation, our State undoubtedly in several years will find itself having to issue a ruling which authenticates same-sex marriages.

What is an affront by this legislation is an effort to try to clarify and declare by edict what the other 49 States shall or shall not do under the full faith and credit clauses. I believe that that is an invasion of the Constitution, if not an

outright effort to amend the constitutional guarantees of full faith and credit, which was an effort by our Founding Fathers to do away with this idea of 50 sovereign States and try to develop a concept of a Nation.

Mr. Chairman, what we are doing today is to nullify that full faith and credit clause to allow the State in its own deliberations how it is to deal with this issue once it is determined by my State.

But the further gravity of this situation is that this body, is being asked, beyond that, this body is being asked to take away rights that are accorded every other citizen by Federal law in determining retirement benefits, health benefits, the rights to burial in a Federal cemetery, the rights to privilege in a Federal trial which is accorded married couples not to have to provide testimony against each other. It is defining in a way contrary to the citizens of my State rights that will be accorded to every other citizen in this country. It is a deprivation of the concept of equal protection.

We hear constantly in this body the need for States to be left alone to determine the rights of their citizens and the programs that they are to endure. Here we have legislation, before anything is done in my State, that will deliberately deny all of these rights that are characterized by Federal law by determining that what my courts have decided does not apply under Federal legislation, and that is an extreme travesty against the whole principle of equal protection.

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as Rome burned, Nero fiddled, and that is exactly what the gentlewoman and others on her side who spoke yesterday and last night would have us do. Mr. Chairman, we ain't going to be fooled.

The very foundations of our society are in danger of being burned. The flames of hedonism, the flames of narcissism, the flames of self-centered morality are licking at the very foundations of our society: the family unit.

The courts in Hawaii have rendered a decision loud and clear. They have told the lower court: You shall recognize same-sex marriages. What more does it take, America? What more does it take, my colleagues, to wake up and see that this is an issue being shouted at us by extremists intent, bent on forcing a tortured view of morality on the rest of the country?

Yet, I suppose only in the Congress would we have people take the well and say that a provision that guarantees by law that each State retains its right to decide this issue is taking something away from the States. I suppose only in the Congress would we have people take the well and say that a law that simply guarantees the status quo in terms of the definition of marriage for

Federal purposes is taking something away from somebody.

Yet here we have it. The red herrings are flying. Yet we must be resolute. This is an issue of fundamental importance to this country, to our families, to our children, and I would strongly urge all of our colleagues to reject this killer amendment which guts a very important piece of legislation.

We all must stand up and say we support this. Enough is enough. We must maintain a moral foundation, an ethical foundation for our families and ultimately for the United States of America.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first a word on this amendment. What this amendment aims at is the anti-States' rights portion of this bill. This bill has been grossly misadvertised in several ways. One, it says that it is a defense of marriage, and I will return to that. But it is a defense against a nonattack.

Nothing in what Hawaii is about to say, namely probably sometime late next year or early in 1998 allowing same-sex marriages, nothing in that by any rational explanation would impinge on marriages between men and women. Nothing whatsoever.

The factors that erode marriages, the factors that lead to divorce, the factors that lead to abandonment and spousal abuse, none of them have ever been attributed to, in any significant degree, same-sex marriage.

But there is another misadvertisement. Proponents of the bill say it is necessary to keep other States from having to do what Hawaii does. Now we should make clear that none of them think that is true. None of them believe that, absent this bill, any other State would be compelled to do what Hawaii does. I stress that again. Every single sponsor of this bill believes as I do that the States already have the right that this bill gives them.

Mr. Chairman, this is a bill which conveys on the press the right to write articles. This is a bill which conveys on individuals the right to go to synagogues on Saturday, church on Sunday, mosques on Friday. This is a bill to do what the people in charge of the bill think is already there. That is why we understand it to be purely political. That is why a Supreme Court decision in Hawaii from 1993 which will not be made final probably until 1998 comes up in 1996. It is a declaration that the States have the rights that they already have coming a few months before the Presidential election.

But there is another place of it. They say this is a States' rights bill and it is to prevent another State from having to do what Hawaii does. It has a second and only operative section, and that section says if Hawaii or any other State decides to allow same-sex marriage by whatever means, whether they do it by court decision or by popular

referendum or whether they do it by legislation, the Federal Government will say to the State: Wrong, you cannot do that as far as we are concerned. We, the Federal Government, will disallow that. While you can make a decision for your State's processes to allow same-sex marriage, we, the Federal Government, will substantially overrule that because we will say that is not a marriage as far as Federal law is concerned.

As people understand, given today's rule, Federal law has a lot to do with their lives, so as far as Federal income tax is concerned and Social Security and pensions and other things, they will not be covered.

Now, let me talk a little bit personally. We have had some personal talks. I would feel uncomfortable if I thought I was up here advocating something that I thought would be directly benefiting me.

I should say that Herb Moses, the man I live with, already has my pension rights. He has exactly the same pension rights I have. Zero. I do not pay into the pension. I am not a member of the congressional pension system, so Herb already has those pension rights.

That is not what I am talking about. I am talking about people less well favored in society than I and other Members. I am talking about working people, people who are working together, pooling their incomes as many Americans do that today in difficult situations and economic circumstances, trying to get back, and feeling a strong emotional bond to each other, deciding they would like to pool their resources in a binding legal way. Hawaii says: We allow you to do that. This bill says: We overrule Hawaii. This bill says there will be no States' rights here.

Mr. Chairman, what the other side of the aisle believes on the whole is the right of the States to follow what they think is correct. There is nothing new about this. When it comes to tort reform, they will tell the States what to do. When it comes to a whole range of areas, they will tell the States what to do.

I do not think there is any principle I have ever seen more frequently enunciated and less frequently followed than States' rights from the Republicans. What they mean is that the States will do whatever they tell them to do.

Mr. Chairman, I do not claim to be a States' rights advocate. I think there are times, given a national economy, when a national uniform solution is the only sensible one, but this is not one of them. I want to be particularly clear now. People talk about their marriages being threatened. I find it implausible that two men deciding to commit themselves to each other threatens the marriage of people a couple of blocks away. I find it bizarre, even by the standards that my Republican colleagues are using for this political argument here, to tell me that

two women falling in love in Hawaii, as far away as you can get and still be within the United States, threatens the marriage of people in other States.

That is what this bill says: Do not worry, you people in Massachusetts and Nebraska and Wyoming and Texas and California. The Federal Government is running to the rescue. You say your marriage is in trouble? You say there are problems with divorce?

It would seem to be clear that divorce does more to dissolve marriages than gay marriages. It is extraordinary to have people talking about how marriage is in peril. When the gentleman from Colorado [Mrs. SCHROEDER] wanted to offer amendments dealing with divorce, she was ruled out of order.

The gentleman from Oklahoma said the Bible speaks ill of homosexuality, and it does. There are also strong passages in the Bible that say if couples get a divorce and remarry, they have violated the rules. There are religions that do not allow people who have been divorced to remarry. There are religions that make divorce very, very difficult: Roman Catholics, Orthodox Jews, and others.

I believe that those religions have every right to say if couples get divorced, if they take this oath and say it is a lifetime solemn oath and then they dissolve, for whatever reason, they find someone else more attractive, they get tired of each other, we will make it difficult for them to dissolve those bonds as we put them on and we will not allow them to remarry.

That is a right we should fight for every religion to have, but there are clearly Members in this Chamber, supporters of this bill, who do not think that biblical injunction should be civil law. There are people who believe that that biblical injunction that says if couples divorce, they shall not remarry, should be disregarded by those who wish to disregard it; that the religion should not have the right to enforce them, but individuals should have the right under civil law to make alternate choices. That is all we are talking about here.

People say, well, we do not want to have State sanctions. Let me talk about that. I am very puzzled by the antilimited Government notion that brings out.

□ 1130

I have not had people come to me and say, I am in love with another woman, I want to get married because I really want to have State sanction. I want to know that the gentleman from Florida, the gentleman from Georgia, that they really like me. No one has come forward and said, can you please arrange so that the Republican Party and the House of Representatives will express their approval of my lifestyle. That is not a request I have ever gotten nor expect to get.

What people have said is, can I regularize this relationship so we are le-

gally responsible for each other. Can I get to the point where if one of us gets very ill we will be protected in our ability to undertake financial responsibilities? Can we buy property jointly? Can we do the other things that people do? Can we decide that one will work and one might be in child rearing, there are people who have children in these relationships. That is what they are asking for.

What kind of an almost totalitarian notion is it to say that whatever the Government permits, it sanctions and approves? That is what is clear. Yes, there is a role for morality in Government. Of course there is. The Government has an absolute overriding duty to enforce morality in interpersonal relations. We have a moral duty to protect innocent people from those who would impose on them. That is a very important moral duty.

But is it the Government's duty to say, divorce is wrong and there are strong biblical arguments that say if you are divorced, you should not remarry. And should the Government then put obstacles in the way? No. What we say in this society is, religion has its place. If you want a religious ceremony, if you want to be married as Roman Catholic, if you want to be married by orthodox Jewish rabbis, if you want to be married by other groups, you better abide by their rules. But if you as an individual say, I do not love that person anymore, I am walking out, I am tired, I want a new husband, I want a new wife and, therefore, I dissolve it, no fault divorce, leave me out, and I want to remarry, civil law allows you to do that.

Does civil law say that is a good thing? Does civil law, by allowing you to divorce and remarry, say, good, we approve of that, we sanction your walking out on that marriage and starting a new one? No, what civil law says is, in a free society that is a choice you can make. We will require, I hope, that you pay up any obligation you have to the children who were the product of the first marriage. We do not do that well enough.

But beyond that we leave that choice. And that is all we are talking about. No one is asking for sanctioning. In particular, what we are saying is, if the State of Hawaii and, by the way, if you were going to pick a State less likely to infect others, I am still trying to understand, I said, what is it about two men living together that threatens marriage? The people who denigrate marriage are the people who argue that marital bonds are so fragile between man and woman that knowing that two men can marry each other will somehow erode them. How could that be?

We heard one argument about it yesterday. He said, well, it might lead to polygamy. I am a student of legislative debate. Let me make one very clear point. When people get off the subject, allowing Hawaii to have gay marriages without penalizing them federally, and

on to something wholly unrelated, polygamy, and attack the unrelated one, it is because they cannot think of any arguments to attack the first one.

Yes, it is true polygamy as an option for heterosexuals would weaken the current option of monogamous heterosexual marriage. That is why I do not know anyone who is advocating polygamy. Why are they then debating polygamy? Because they are cannot argue over here.

There is a story about a guy who is on his hands and knees under the streetlight, and he is walking around, looking around. Somebody stops to help him, says, what is the matter. He said, I lost my watch. He said, I will help you. After 5 minutes, he said, gee, I do not think your watch is here. He said, I know, I did not lose it over here.

He said, why are we looking here under the streetlight. He said, well, the light is better. They want to debate polygamy because the argument is better. But there are no arguments about same-sex marriage.

I have asked Member after Member who is an advocate of this bill, how does the fact that two men live together in a loving relationship and commit themselves in Hawaii threaten your marriage in Florida or Georgia or wherever? And the answer is always, well, it does not threaten my marriage, it threatens the institution of marriage. That, of course, baffles me some. Institutions do not marry. They may merge, but they do not marry. People marry, human beings. Men and women who love each other marry. And no one who understands human nature thinks that allowing two other people who love each other interferes.

Is there some emanation that is given off that ruins it for you? Gee, Hawaii is pretty far away. Will not the ocean stop it? Are those waves that undercut your marriages? People who are divorced, I had one of my colleagues say to me, I have been divorced a couple of times. I was feeling guilty about it, but now I know it was your fault, he told me. He said, the Republicans have explained it to me. That is why I have been married three times. You did it to me.

He said, the next time I have an argument with my wife, I am going to blame you. And I guess that is what we do because it has got to be some mysterious emanation. And apparently it is such a powerful emanation that it crosses oceans.

Hawaii, let me ask my friend, how many miles, 3,000? How many miles is Hawaii from here? It is 5,000 from here, 5,000 miles away. My friend, the gentleman from Hawaii, my friend, the gentlewoman from Hawaii, what power they have. They allow same sex marriage in Hawaii and 5,000 miles away, marital bonds will crumble. That seems pretty silly, but that is what the bill says.

All I am saying here is, and by the way, I agree each State ought to be able to decide for itself. That is not

what this amendment is about. I believe the States already have that right. I am not even touching in this amendment the part of the bill that does it.

This amendment says, if the State of Hawaii by any reason whatsoever decides to allow gay marriage, we, the Federal Government, will treat marriages that Hawaii validates the same as we treat others. The answer is, that will be sanctioning gay marriage, as if the Federal Government sanctions, what, many divorces and remarriages. We have no-fault divorces. People walk out for no good reason. That is an unfortunate trend. We ought to try and change it. But scapegoating gay men and lesbians for the failure of marriages in this society is very good politics but very terrible social analysis. That is what we are talking about.

I am simply saying here, I do not know of another State that is even close to Hawaii in doing this. Hawaii will probably do it in about a year. No other State is doing it. Are you that desperate for a political issue that you reach out this far? We have in the law something called long-arm statutes. This is a real long-arm statute. This reaches from the politics of Washington, DC, 5,000 miles out to Hawaii, and says, how dare you let two women express the love they feel for each other in a legally binding way because that is all we are talking about. We are talking about nothing that undercuts heterosexual marriage. We are talking about nothing that promotes divorce, nothing that would encourage spousal abuse, nothing that would encourage neglect of children. None of that.

We are talking about an entirely unrelated subject. The arguments are, therefore, so weak that, as I said, we get into polygamy and other unrelated issues.

If Members are really telling me they do not understand the difference between a polygamous heterosexual relationship and a monogamous homosexual relationship, then they are confessing a degree of confusion that I guess I would be embarrassed to confess.

All this amendment says is, and let us be clear on this amendment, no argument about protecting one State from another State is relevant. To the extent that this bill has any role in protecting one State from another State, this amendment leaves it detached.

What this says is simply, if Hawaii does it, we will recognize what Hawaii does. And we will not falsely claim that multiple divorces and remarriages, spousal abuse, child neglect, all of those problems, and economic stress and others things that cause stress in marriages, nobody will argue that letting two women love each other in Hawaii in any way, shape, or form threatens that. That is the vote I will be asking Members to take.

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

Mr. CANADY of Florida. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts, [Mr. FRANK]. This is not a States rights amendment. This amendment would allow the will of Congress to be usurped by three justices on a divided Hawaii Supreme Court.

In rebuttal to the argument made by the gentlewoman from Hawaii [Mrs. MINK], the Justice Department, headed by Janet Reno, not one of ours but one of yours, has twice said that the Defense of Marriage Act is constitutional. It is time for the Congress to define the full faith and credit clause, what the Constitution allows us to do, and that is what this bill proposes.

As was stated several times during the debate yesterday, this act is necessary because of a concerted effort on the part of homosexual activities to win the Hawaii case and then to impose the decision on every other State by a lawsuit invoking the full faith and credit clause. My colleagues do not have to take my word for it. I would like to reiterate the words from a memo written by the director of the Marriage Project of the Lambda Legal Defense and Education fund, a gay rights group. This memo is entitled, "Winning and Keeping Equal Marriage Rights: What will Follow Victory in *Baehr v. Levin*," unquote. On page 2 of this memorandum it is written, "Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the country expecting full recognition of their unions."

It is important to remember that this gay activist scheme may not only affect every other State but the Federal Government as well. The Federal Government currently extends benefits, rights, obligations and privileges on the basis of marital status. These include Social Security survivor and Medicare benefits, veterans' benefits, Federal health, life insurance and pension benefits and immigration privileges.

In fact, the word marriage appears more than 800 times in Federal statutes and regulations, and the word spouse appears over 3,100 times. However, these terms are never defined in the statutes and regulations. This bill proposes to do so.

Because this United States Code does not contain a definition of marriage, a State's definition of marriage is regularly utilized in the implementation of Federal laws and regulations. Such deference is possible now because of the differences, because the difference in State marriage laws, although numerous, are relatively minor. Every State concurs in the most basic marital qual-

ification, that a valid marriage must be between one man and one woman. There never has been any reason to make this implicit understanding explicit until now. If Hawaii legalizes same-sex marriage, which the gentleman from Hawaii [Mrs. MINK], says is going to happen, then the basic qualification is altered.

Consequently, section 3 of the Defense of Marriage Act amends the United States Code to make it clear for purposes of Federal law marriage means what Congress intended it to mean, that is, a legal union between one man and one woman as husband and wife.

Congress certainly has the authority to define qualifications, conditions and obligations surrounding the application of Federal law and the disbursement of Federal benefits. Exercising such authority is not uncommon. When Congress voted on Federal laws that conferred benefits on married persons, I do not think that Congress ever contemplated their application to same-sex couples. I do not think the American people did either. Should we not let the American people and their elected Representatives, as opposed to a sharply divided Hawaii court, decide whether we should alter the fundamental definition of marriage recognized by civilizations for thousands of years and always presumed by the U.S. Congress?

Gay rights groups are scheming to manipulate the full faith and credit clause to achieve through the judicial system what they cannot obtain through the democratic process. I do not think that Congress should be forced by Hawaii's State court to recognize a marriage between two males or between two females. Congress did not pick that fight. The groups that filed suit in Hawaii did.

We are simply responding to an unprecedented overt effort to impose one State's marital rules on the rest of the Nation.

We have enough problems financing our Social Security trust funds. If the amendment of the gentleman from Massachusetts [Mr. FRANK] is adopted, there will be a huge expansion of the number of people eligible to receive Medicare survivor benefits. We should decide that by ourselves, not by Hawaii court.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to address one point on what the gentleman from Wisconsin said. He made a point a couple of times to the effect that this is a Hawaii Supreme Court decision. He said it should be elected representatives.

The second version of this amendment says that we will recognize marriages so declared by States if they are done democratically by legislation or by referenda.

I would yield to the gentleman. Would that make any difference in his argument?

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

Mr. FRANK of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, at least in terms of Federal benefits, to me, no.

Mr. FRANK of Massachusetts. Mr. Chairman, I thought so.

Mr. SENSENBRENNER. I think Congress should decide whether the domestic spouses of gays and lesbians should get Social Security survivor benefits.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, one point on legislative debate, when people use arguments they do not really mean, that is an indicator. The gentleman from Wisconsin made a big point of saying, we cannot do it if Hawaii does it by court, if they do not do it democratically.

□ 1145

When I mentioned an amendment that would allow that, it is, oh, never mind. Do not use arguments you do not mean. Do not make up arguments. That does not help the debate.

Mr. SENSENBRENNER. Mr. Chairman, I demand the gentleman's words be taken down. He has impugned my motives.

The CHAIRMAN. The gentleman from Massachusetts will be seated.

□ 1152

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, in a spirit of conciliation, even though my plane is not until Sunday, but I know others have quicker ones, I would make it clear that my point was that I believe when Members are debating, they should be careful to use arguments which are genuinely central to their point. And I was admonishing people about what I think is the tendency to use arguments that are not central, and particularly, I think it is a mistake for people to use an argument and then, when that argument is met by a change in the legislation, disregard it. That is what I was intending to imply.

I believe that the second amendment that I have offered meets part of the argument that was made, and I always find it frustrating when people make an argument and an amendment is then offered which meets that argument and that is disregarded.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. SENSENBRENNER] seek recognition?

Mr. SENSENBRENNER. With that explanation, Mr. Chairman, I withdraw my demand that the gentleman's words be taken down.

The CHAIRMAN. The gentleman withdraws his demand.

The gentleman from Massachusetts may proceed in order.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the

gentlewoman from California [Ms. HARMAN].

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

Ms. HARMAN. Mr. Chairman, I realize that my views are likely to be in the minority, as well as unpopular, but this is not the first time I have come to the well to stand up for what I believe in, and it will not be the last.

Mr. Chairman, our Nation faces many pressing and critical problems: The size of the Federal deficit and its effect on our international competitiveness; threats from rogue nations and terrorists armed with chemical, biological, and small nuclear weapons; a deteriorating public infrastructure; the decline in the quality of public education, to name just a few. Yet, this body is embarked today on an extended debate of a nonproblem, an issue which the States themselves are fully capable of handling without the interjection of the views of Congress.

In fact, this issue already has been carefully considered by the legislatures, the legislatures of 34 States. Today, we debate legislation of questionable constitutionality, legislation in which we "authorize" the States to ignore the dictates of the full faith and credit clause of the Constitution. Yet what is clear from the sparse history on the full faith and credit clause is that whatever powers the States have to have to reject the decision by another State are directly derived from the Constitution. Nothing Congress can do by statute either adds to or detracts from that power. Congress cannot grant a power to the States which, under the Constitution, the Congress itself does not have or control.

In addition, Mr. Chairman, today, we debate legislation designed to divide and ostracize individuals and to advance or protect interests which are hardly threatened. As some of my colleagues have already said, what is by far the weakest part of this bill is its title. But that is not accidental. This bill reflects a calculated political judgment that wedge issues can be used to paint individuals in our society, as well as Members of this Chamber. This bill's accelerated consideration in this House was, unfortunately, part of that political agenda. Whatever Hawaii finally decides will be years off, so what is the rush?

This is a sad day when partisan political considerations once again upstage careful deliberations designed to address the Nation's important challenges.

I urge my colleagues to stand up and reject this divisive, untimely, and possibly unconstitutional bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of the Defense of Marriage Act. As a cosponsor of this bill, I believe it reinforces the tradi-

tional definition of marriage without subjecting same-sex couples to bias or harassment. It is our duty in this Congress to affirm what is good in our society. We need this so much. As special interest pressure increasingly demands a tolerant and fluid definition of marriage, we progressively attempt to redefine marriage to fit social trends.

Traditional marriage, however, is a house built on a rock. As shifting sands of public opinion and prevailing winds of compromise damage other institutions, marriage endures, and so must its historically legal definition. This bill will fortify marriage against the storm of revisionism, so I urge all of my colleagues to support this very good bill, the defense of marriage act.

Mr. FRANK of Massachusetts. Mr. Chairman, I urge Members to batten down, because I yield 4 minutes and 30 seconds to the gentleman from Hawaii [Mr. ABERCROMBIE], and we all know what power Hawaii has, so get ready.

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

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

Mr. Chairman, as long as Hawaii has this incredible power to be able to mandate whatever it decides on the rest of the Nation, I was thinking that perhaps we could mandate the Hawaii health care system for the other 49 States, so that we would not have to worry about national health care, and we would mandate the weather, if we could, but I think that is even beyond our powers.

There is a serious note to be engaged in here, because the amendment offered by the gentleman from Massachusetts [Mr. FRANK] has to do with the definition. If Members are in fact intending to define marriage nationally in the terms that have been related in the debate so far, they have indicated it is an institution in which we have a secular, sacred duty to maintain the union between a man and a woman.

If that is the case, and Members really intend to do this, and we are sincere about covering this as a national definition of marriage, then why do Members not have a national divorce clause in here as well, forbidding it? Where are the criminal penalties associated with adultery? I have heard a continuous drumbeat from some Members here about this union of a man and a woman. If that is the case, I presume, then, Members are going to forbid divorce and most certainly impose penalties with adultery. But I do not see it in here.

There appear to be circumstances in which this union of a man and woman can take place in the context of marriage again and again and again. I am not quite sure how the transition is made in Members' definitions, but that is what takes place, all of this within the context that this definition has to be made in a national context, because of what may or may not happen in Hawaii.

But what is left out of this is that the Federal law over and over again, as stated as recently as 1992, and I am quoting the Supreme Court, "Without exceptions, domestic relations have been a matter of State, not Federal, concern and control since the founding of the Republic."

In this particular instance, it is the State constitution in Hawaii that is the grounds for the suit in Hawaii. The State constitution in Hawaii has particular references to the right of privacy and equal protection that are not found in other constitutions in other States. Therefore, it does not apply.

Members should vote for the amendment offered by the gentleman from Massachusetts [Mr. FRANK] because even if there is a ruling in Hawaii, it does not therefore follow that Pennsylvania or Florida or Illinois or any of the other States have to follow it at all, unless there are similar provisions, and there are judges that would make decisions based on similar interpretations of similar provisions in Members' own State constitutions.

The attorneys for the couples that came into court in Hawaii have stated again and again that it is the particular provisions of the Hawaii State Constitution that they are referring to, so it is disingenuous at best for those who want to maintain that this amendment is something that should be voted for to indicate that unless we have this bill today, and unless we defeat the amendment of the gentleman from Massachusetts [Mr. FRANK], Members are going to be forced to accept what was a result of a court decision in Hawaii, if it happens to go that way.

The State is disputing this at the present time, and may prevail. So unless someone who is in favor of the bill can tell me how the U.S. Constitution reflects the specific provisions in the Hawaii State Constitution, which extend beyond the Federal Constitution the right of privacy and the equal protection based on gender, unless they can explain that, I do not see how Members can deny the validity of the amendment offered by the gentleman from Massachusetts.

I would yield to anybody who can explain to me how the U.S. Constitution, which only deals by implication with the Hawaii State Constitution, will somebody please tell me how the U.S. Constitution and the Hawaii State Constitution are comparable in these two respects, which is the basis for the suit in Hawaii?

There are constitutional experts. Do not look puzzled. Members know perfectly well what I am talking about. There is a right to privacy in Hawaii, there is no discrimination based on gender in the Hawaii State Constitution, which does not appear in the U.S. Constitution except by implication, if Members make the argument. In other words, I get no response.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, permit me to be theological and philosophical, for a moment. I believe that as a people, as a people, as a God-fearing people, at times, that there are what are viewed, what I believe are called depraved judgments by people in our society. They come in all forms of sin. We learn that early on.

I believe that the first creature of God and the words of the first days was the light of sense. We refer to it as God-given common sense. The last, perhaps, was the light of reason. His Sabbath work ever since has been the illumination of his spirit, the Holy Spirit.

Above me it reads, "In God we trust." It says, "In God we trust." I believe that God breatheth light into the face of chaos and into the face of mankind to deliver his word to others who do not see the light of day, who do not follow the word of God.

Mr. Chairman, we are a nation of people, a society based upon very strong Biblical principles. To lead a Nation at moments of chaos through the storm, you rely on God-given principles for that. He shineth the light into our face.

We as legislators and leaders for the country are in the midst of a chaos, an attack upon God's principles. God laid down that one man and one woman is a legal union. That is marriage, known for thousands of years. That God-given principle is under attack. It is under attack. There are those in our society that try to shift us away from a society based on religious principles to humanistic principles; that the human being can do whatever they want, as long as it feels good and does not hurt others.

When one State wants to move towards the recognition of same-sex marriages, it is wrong. The full faith and credit of the Constitution would force States like Indiana to abide by it. We as a Federal Government have a responsibility to act, and we will act.

□ 1205

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

The CHAIRMAN. I might advise the Members, the gentleman from Massachusetts [Mr. FRANK] has 11 minutes remaining and the gentleman from Florida [Mr. CANADY] has 27 minutes remaining.

Mr. MEEHAN. Mr. Chairman, today we are debating a bill that purports to defend marriage. I have been thinking a lot about this legislation this week because tomorrow, I am getting married. My fiancée and I are going to vow to spend the rest of our lives together—no matter what lies ahead. For that commitment, we will enjoy all the rights and privileges the Government bestows on married couples—from tax breaks to Social Security benefits.

I can't imagine that my fiancée and I could make such a momentous decision to wed—and then have the Government step in and say no, you can't do that. I

can't imagine that two people who simply want to exercise a basic human right to marry, a right our society encourages could be denied. I can't imagine that two people could make a commitment to spend the rest of their lives together—and never be allowed to have that commitment recognized under the law.

Because, you see, for many years, gay couples have made a commitment to spend their lives together. They have spent years building a life together, through good times and bad. Yet, if a gay man becomes gravely ill, his partner is not allowed to visit him in the hospital. A gay couple can share houses, cars, bank accounts, yet one partner cannot inherit a single thing if the other dies without a will. Furthermore, no matter how long they are together, a gay couple cannot share medical and pension benefits.

This bill denies a group of Americans a basic right because they lead a different lifestyle. We must be careful when we make legislative determinations on who is different. If gay people are considered "different" today, who is to say your lifestyle or my lifestyle will not be considered different tomorrow?

This bill also challenges one of the most basic tenets of the Constitution: the "full faith and credit" clause. This country is great because people take for granted that the laws of one State are honored by the other States—regardless of whether or not one State likes another State's laws. We have not been able to pick and choose for the past two centuries and now is not the time to start.

Our society encourages and values a commitment to long-term monogamous relationships—and we honor those commitments by creating the legal institution of marriage.

If we then deny the right of marriage to a segment of our population, we devalue their commitment without compelling reasons but simply because we don't like their choice of partners. We can't have it both ways.

Protecting everyone's right to make a legal commitment to another is a defense of marriage. This bill denies certain persons that right. It is an attack on gay men and women. Therefore, I urge my colleagues to vote against it.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I want to offer my congratulations to the gentleman from Massachusetts on his upcoming wedding tomorrow. I did not know he was getting married tomorrow. I think that is wonderful. I wish him all the best and a wonderful future.

Mr. Chairman, I think this piece of legislation is very timely and very important, and I commend the gentleman from Florida [Mr. CANADY] and the gentleman from Georgia [Mr. BARR] for bringing it to the floor.

Many people are questioning why we are bringing it to the floor today but,

Mr. Chairman, to me the answer is very clear. Polls in Hawaii and across this country show that the majority of the people of this country do not support legalizing same-sex marriage. However, despite the will of the legislature in Hawaii, three judges are about to rule otherwise. Now the Lambda Legal Defense Fund, an organization that is pushing very hard for the legalization of gay and lesbian marriage, is advertising their intent to use the Hawaiian Supreme Court ruling to force other States to recognize gay and lesbian marriages.

I would just like to read the quote, and this is from a publication of Lambda Legal Defense Fund:

Many same-sex couples in and out of Hawaii are likely to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their home in the rest of the country expecting full legal recognition of their union.

This is not a partisan issue, Mr. Chairman. The threat posed by the ruling in Hawaii is recognized by Members of both sides of the aisle.

The bill before us is very simple. First it honors the State's right to decide its own position on the legalization of same-sex marriage. Second, it says that for Federal purposes, marriage is the legal union between one man and one woman. The Frank amendment strikes that. This bill does not tell people what they can or cannot do in the privacy of their own homes. It simply says it is not right to ask the American people to condone it.

As a father and an observer of this culture, I look ahead to the future of my daughter and wonder what building a family will be like for her. We saw startling statistics in 1992 that told us that Dan Quayle was right. Children do best in a family with a mom and a dad. We need to protect our social and moral foundations.

We should not be forced to send a message to our children that undermines the definition of marriage as the union between one man and one woman. Such attacks on the institution of marriage will only take us further down the road of social deterioration. Vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds. I do this with trepidation because I underestimated to some extent the sensitivity on the other side when I point this out, but the gentleman from Texas made a point of the fact that three judges did this in Hawaii, and not the legislature and not a referendum.

I have a subsequent amendment which would allow a State to get Federal recognition of marriages only when it is done by the legislature or by referendum or in other ways by the people, and it will probably make no difference. But I just want to say that that argument that this is only the judges in Hawaii does not appear to me to be one that the Members who make

it attach a great deal of weight to because when I offer an amendment which obviates it, it would not make any difference.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, there were times and there may still be times in this country today where there are States where you can get married if you are 14 or 15. In my State that is statutory rape. There were times in this country where in many States it took years to get a divorce, sometimes almost impossible. People could fly to I think Las Vegas and other places and get a divorce almost overnight. We did not rush to the floor to ban those actions, to make them not apply to the State where the individual is a resident.

What we face here is a challenge of the majority party, the Republicans, and the failure of their entire agenda, and they need a new scapegoat. To try to salvage their political tailspin, we are here on the floor today trying to pick on the powerless. The politics works very well. It is not popular out in the countryside. It is a difficult issue for most Americans to deal with.

But if we want to protect families, then we ought to give families health care. If we want to protect families, we need to protect their pensions. If we want to protect families, we ought not be raiding Medicare to give tax breaks to billionaires. If we want to protect families, we need to protect their pensions, not to come here today with a show-stopper that does very little to protect families and I doubt will get the political gain that many are seeking in this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman for yielding me this time.

Mr. Chairman, the overwhelming majority of my constituents favor the bill that we are presenting to the Congress today, and for concomitant reasons oppose the amendment offered by the gentleman from Massachusetts.

If I were not sure of a numerical count of my constituents to determine what I have just said, that the majority opposes the Frank amendment and supports the underlying bill, I would now have the action of the Pennsylvania House of Representatives to bolster that count on my part. Recently the Pennsylvania House, only about 2 weeks ago, supported a similar bill by a tune of 177-16. In it they endorsed and reendorsed, both in the speeches on the floor and the matters of record that were included finally in their legislative record, the notion that marriage has to be, for the sake of family values, marriage between members of the opposite sex.

So, with all of that, I am guided by the frank expression of the Pennsylvania legislature rather than the Frank

amendment. I oppose the amendment and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, people in my district in North Carolina are outraged by the possibility that our State might be forced to recognize same sex marriages performed in other States. They are outraged that their tax money could be spent paying veteran's benefits or Social Security based on the recognition of same-sex marriages. Homosexuals have been saying they only want tolerance—now it is clear they have been less than honest. They already have tolerance but are aiming for government and corporate mandated acceptance. The Boy Scouts of America are under legal attack in the States which have special rights for sexual orientation. The Scouts, a private group, are being told to abandon their moral code of 80 years and to place young boys under homosexual men on camping trips—or face financial ruin. If homosexuals achieve the power to pretend that their unions are marriages, then people of conscience will be told to ignore their God-given beliefs and support what they regard as immoral and destructive.

As the Family Research Council points out: Homosexuality has been discouraged in all cultures because it is inherently wrong and harmful to individuals, families, and societies. The only reason it has been able to gain such prominence in America today is the near blackout on information about homosexual behavior itself. We are being treated to a steady drumbeat of propaganda echoing the stolen rhetoric of the black civil rights movement and misrepresenting science. Now activists are demanding that society elevate homosexuality to the moral level of marriage. If you are a devout Christian or Jew, or merely someone who believes homosexuality is immoral and harmful, and the law declares homosexuality a protected status, then your personal beliefs are now outside civil law. This has very serious implications, for if the law declares opposition to homosexuality as bigotry, then the entire power of the civil rights apparatus can be brought against you. Businessmen would have to subsidize homosexuality or face legal sanctions; schoolchildren will have to be taught that homosexuality is the equivalent of marital love; and religious people will be told their beliefs are no longer valid.

Mr. Chairman, let's do what is right and good for America today. Let's pass the Defense of Marriage Act and turn down both Frank amendments.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just want to read the portion of the bill that is being stricken by this amendment. It is called definition of "marriage" and "spouse."

"In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife."

The proponents of the amendment before the House now want to strike that provision of the bill. They do not agree with that definition of marriage. That is what is at issue here. I think the Members need to focus on that. Is this House unwilling to take a stand in defining marriage in this way?

We are talking about for purposes of the Federal statute. We have a responsibility as the Congress to make a determination on this matter. We have a responsibility as the elected representatives of the various States to take a stand against what one State is attempting to do.

This bill does that, as has been discussed and debated at great length, and there is nothing offensive about this definition. It has been described in many ways, this bill has been described in many ways, I will talk about that somewhat later. But if the Members would focus on what is in this amendment, I think they will have to come to the conclusion that all we are doing in this amendment is reaffirming what everyone has always understood by marriage, what everyone has always understood by the term "spouse," and we are simply resisting a change which is being advanced by a small minority in this country.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman from Massachusetts for yielding me this time.

Mr. Chairman, I am not going to stand here and take up a minute to tell people on the floor how to vote. I think and I hope earnestly that this debate will result in a positive picture for the values of all Americans. But what I want to do is quote from two historical figures to show that none of us, none of us, have all the right answers to all the questions.

The first one is a figure that changed Catholicism and evolved it into the Protestant movement, Martin Luther, in which he said, "We are all weak and ignorant creatures trying to probe and understand the incomprehensible majesty of the unfathomable light of the wonder of God." He was saying each of us do not have all the answers.

The second historical figure gave a sermon on the side of a mountain. He said, and I cannot repeat all of that sermon because there is not enough time, but I encourage people in the room and my colleagues to read the Sermon on the Mount and especially

chapter 7 in Matthew which starts off, "Judge not lest ye be judged."

□ 1223

Mr. CANADY of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would like to address all of our colleagues here in the House, those listening as well as those that are on the floor, on both sides of the aisle, because this clearly is a non-partisan matter. One merely has to look at the long list of cosponsors from both sides of the aisle. One has to look no further than the thousands of communications to Members of Congress on this legislation and recognize it is very much bipartisan.

The issue is clear and not even remotely complex. With this amendment, with the Frank amendment, if Members believe that one State can now define "spouse" or "marriage" for all Federal purposes, if you believe that it is fiscally responsible to throw open the doors of the U.S. Treasury, and if you believe that the will of the vast majority of the American citizens has no meaning, no importance whatsoever, then vote for the Frank amendment because it represents and does all three of those things.

But if Members believe that the views of a vast majority of American citizens are important, do have meaning and ought to be listened to, and if Members believe that the Congress of the United States of America and not an individual State has the authority and the sole jurisdiction and responsibility to decide the use of Federal taxpayer benefits, and if you do not believe it is fiscally responsible to throw open the doors of the U.S. Treasury to be raided by the homosexual movement, then the choice is very clear, oppose the Frank amendment.

It is a gutting amendment. It is a killing amendment. That is why this opponent of the bill is proposing it. It is not complex. It is crystal clear. This amendment must be defeated so that the underlying bill can go forward, as we believe it will, through both Houses of Congress and get to the President's desk so that he, as he has said, will sign this important piece of legislation. Let us give him that opportunity and not deny him that opportunity by supporting the Frank amendment. I urge my colleagues to vote "no" on the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 6 minutes remaining, and the gentleman from Florida [Mr. CANADY] has 15½ minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Florida [Mr. STEARNS].

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

Mr. STEARNS. Mr. Chairman, I would like to say to my colleagues in the House, this is a defining issue. I believe it even goes further than what we have talked about. It is defining in terms of Republicans and Democrats. On this side of the aisle so many people have lined up to speak, so many people feel so passionately about this, we do not even have enough time.

But you know, one thing I would like to talk about just to be clear and not emotional about this, the gentleman from Massachusetts [Mr. FRANK] mentions the fact that, he mentions that the Defense of Marriage Act preempts States' rights. This is wrong. This is not correct. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State, nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States.

This legislation merely provides that States who do not sanction this distortion of marriage do not have to recognize it. Sixty-seven percent of the people in America agree with this legislation.

I would like to respond to what I think are Mr. FRANK'S main arguments against the Defense of Marriage Act.

Mr. FRANK says by abandoning the true definition of marriage, traditional marriages are not threatened. You are right Mr. FRANK you are not threatening my marriage. You do not threaten my marriage but you do threaten the moral fiber that keeps this Nation together. You threaten the future of families which have traditional marriage at their very heart. If traditional marriage is thrown by the wayside, brought down by your manipulation of the definition that has been accepted since the beginning of civilized society, children will suffer because family will lose its very essence. Instead of trying to ruin families we should be preserving them for future generations.

You say if we pass the Defense of Marriage Act we are preempting States rights. You are wrong Mr. FRANK. This legislation provides that no State shall be required to give effect to a same-sex marriage license if issued by another State; nor does it prevent other States from choosing to give effect to same-sex marriage licenses from other States. This legislation merely provides States who do not sanction this distortion of marriage do not have to recognize it. With at least 67 percent of people polled opposing the legalization of same-sex marriages, we are doing the right thing.

Mr. FRANK may not agree with this also but he is here today pushing a definition of marriage which the majority of Americans don't agree with. He may use debaters' techniques to divert our attention on this matter, but the facts remain.

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

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

Mr. DORNAN. Mr. Chairman, I wanted to point out to the Members that

the reason I have not asked for time during this debate is that I will be doing an hour this afternoon following an hour by Mr. FRANK, be plenty of time for me to discuss that midafternoon, morning in Hawaii.

This is a defining issue. I did not believe when I came here 20 years ago we would ever be discussing homosexuals have the same rights as the sacrament of holy matrimony, and I predict, that within 3 or 4 years we are going to be discussing pedophilia only for males and that will be the subject of my discussion this afternoon.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 45 seconds to say first, if people on the other side are content to have the last comment stand as representative of their viewpoint, so am I. I would say to the gentleman from Florida, he totally misstated this amendment. We are on an amendment that appears to have escaped him. He said I said it preempts States' rights and then talked about the section of the bill not relevant to the amendment. He just got it totally wrong. Yes, there is a section that purports to give the States rights that I believe the States already have. But there is another section which is what this amendment was about, and this second section says that if a State does allow such a marriage, the Federal Government would recognize it.

So he was talking about the first section, not about the second section. The second section is the subject of the amendment, and I did want to point out that he was, therefore, totally inaccurate in his representation of what I had said.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, 220 years of history in this Nation where we have not had to define what marriage is. It has been pretty common knowledge and it has been understood by most people. But now we have reached a period in our history when we are going to have to define what marriage actually is. We have to allow the States to define and Hawaii is going to be making that decision and I think in order to allow the other States to have that opportunity, then we must proceed with this Defense of Marriage Act to make sure that they are not bound by the full faith and credit clause to accept something that would not be acceptable to the majority of the people in those particular States, or in this Nation for that matter. But again, I think it is a sad day that we have to stand here in the Capitol of the United States and define what marriage actually is.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

I was looking for that long list of Republicans, which has apparently dwindled, that the gentleman was talking about.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. MORAN].

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] is recognized for 3 minutes.

Mr. MORAN. Mr. Chairman, I rise in support of this amendment because I support the U.S. Constitution and particularly the 10th amendment to the Constitution.

As you know, the 10th amendment was designed to prevent us from preempting States' right. Yet for this purpose, we are willing to federalize the one area of law that has been under State control for the last 200 years. What is worse is that it is the Subcommittee on the Constitution of our full Committee on the Judiciary that is willing to limit for the first time in history the full faith and credit clause of the Constitution. The term that the Subcommittee on the Constitution uses is that it wants "to free the States from a constitutional compulsion."

If we want "to free the States from a constitutional compulsion," we ought to do it with a constitutional amendment, not through this kind of a statute.

This bill in fact is both unnecessary and premature. The Hawaii appeals court is not expected to reach a final decision until 1997. There is no reason to act before that. But by rushing to judgment, Congress is preventing the States from free and open deliberation and failing to allow them to come to their own determinations.

States already have the power to refuse to honor same-sex marriages conducted in other States under the public policy exemption to the full faith and credit clause. This is the law right now. So why are we debating an unnecessary bill? I am afraid that the real answer is that it is political exploitation of prejudicial attitudes.

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

Mr. MORAN. I yield to the gentleman from Illinois.

Mr. HYDE. The Chairman, I would just like to ask the gentleman from Virginia [Mr. MORAN], what effect on your last statement that the States have the power to do this, what effect does the Romer versus Evans case, decided May 20 of this year, have on that power of the States, or are you aware of that case?

Mr. MORAN. Mr. Chairman, reclaiming my time, I would submit to the gentleman from Illinois [Mr. HYDE] that any State can pass a law now under the public policy exemption that makes it clear that whatever Hawaii's decision might be, they do not have to recognize it. They have that right.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, does the gentleman know the Romer case? Because the Romer case directly vitiates what the gentleman just said.

Mr. MORAN. The gentleman and I have a difference of opinion.

Mr. HYDE. Mr. Chairman, is the gentleman familiar with the case?

Mr. MORAN. Mr. Chairman, I do not perceive it in the same way the gentleman does. If the gentleman would like to explain why it does, then I would be happy to yield the time that I have. I do not interpret it as accomplishing what the gentleman said.

Mr. HYDE. Mr. Chairman, I will send the gentleman a copy of the opinion and dissent by Justice Scalia.

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard quite a bit about the full faith and credit Clause, I think it might be helpful to read it. It is contained in article IV, section 1 of the Constitution, and I will read it in its entirety.

Full faith and credit shall be given in each State to the public Acts, Records and judicial Proceedings of every other State, and the Congress may by general laws prescribe the manner in which such Act, Records and Proceedings shall be approved and the effect thereof.

The full faith and credit clause, which I have just read, recognizes a role for the Congress to play in circumstances just such as those that are now before us arising from the situation in Hawaii.

Now, that is one element of this bill. On the other hand, there is an element in this bill which deals with Federal law, Federal benefits, and the interpretation of the Federal statutes and regulations that use the terms "marriage" and "spouse."

We have a responsibility as the Congress to determine how Federal funds will be spent, and I believe that it is certainly within our prerogative to determine that those funds will not be used to support an institution which is rejected by the vast majority of the American people. We, as their representatives, can take that position. That is not in derogation of States' rights. That is simply in fulfillment of our responsibilities, and that is what we are doing through this bill.

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

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, I simply want to point out with respect to the constant allusions to other States being forced to do what may be decided in Hawaii that the case in Hawaii is based on the Hawaii State Constitution, which has an expansive provision for the right of privacy and a provision against sex discrimination, which by definition of the attorneys in the case is stated as only being implied at best in the Constitution of the United States. Therefore, they are not making any such claim.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman has made his point. With all due respect to the gentleman from Hawaii, the gentleman has not gotten the point here.

I would point out to the gentleman that there is available for him and all

the other Members a memorandum prepared by the Lambda Legal Defense Fund which indicates the clear strategy that is being pursued here. The idea of the gay rights legal advocacy community is that they will have same-sex marriages recognized in the State of Hawaii, and then folks will go there from around the country, be married under the laws of the State of Hawaii, and then go back to where they came from and attempt to use the full faith and credit clause to force those States to which they have returned to recognize the legality of that same-sex union contracted in the State of Hawaii.

That is what is at stake in that part of the bill. That is very clear. That is why we are here. How Hawaii happens to get to the point of deciding that is a subsidiary issue.

Now, do I think the courts around the country should be required to recognize those same-sex marriages that may be contracted in Hawaii? No, I do not think they should be required to. But I do believe that there is substantial doubt about that question, and I am concerned that there is uncertainty, and this bill is motivated by that uncertainty. We are trying to do what we can to put that uncertainty to rest, to bring more certainty to the issue. That is the motivation here. That is not hard to discern.

Mr. Chairman, I understand and I respect those people who say, "We think same-sex marriage is a good thing and we think that they should be able to go there and then have it recognized elsewhere." That is a principle position. I disagree with the principle. I vehemently disagree with it. We have heard that expressed. But you know, it is clear what is going on here. There is a real issue that we are trying to deal with.

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

Mr. CANADY of Florida. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Chairman, that is not the position of the State of Hawaii, that this is a good thing. What is trying to be determined now is what is imperative based on the Hawaii State Constitution. As for the recitation about the Lambda Defense Fund, the Lambda Defense Fund turned down the people in Hawaii. They did not want to participate in this.

Mr. CANADY of Florida. Mr. Chairman, reclaiming my time, the gentleman will have to continue that on his own time. I would suggest to the gentleman that the documents provided by the Lambda Legal Defense Fund are very clear, and I do not think there is much mistaking what the objective is behind this whole effort.

It may not turn out that way, even in the absence of this bill, but there is a risk that it would and we are trying to address that risk. That is very clear. There is no reason to be confused about it. We are trying to deal with that uncertainty.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. WAXMAN].

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

Mr. WAXMAN. Mr. Chairman, I rise in support of the Frank amendment and in opposition to this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

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

Mr. CONYERS. Mr. Chairman, I rise in support of the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, I rise in opposition to the bill and in support of this particular amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, 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. Chairman, I rise to support the Frank amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Georgia [Ms. MCKINNEY].

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

Ms. MCKINNEY. Mr. Chairman, I rise in support of the Frank amendment and oppose this bill.

Mr. Chairman, once again, the Republican leadership is seeking to divide the American people by appealing to our emotions and fears.

Rather than working to protect middle-class families in this changing economy, the GOP prefers to divert everyone's attention from Republican efforts to cripple Medicare and cut taxes for the rich.

Why, Mr. Chairman, are we targeting gays and lesbians, blacks, and immigrants this year, now, today? The answer, pure and simple, is politics—election year politics. The Republicans will stop at nothing to win the White House and the Congress. They will fan the flames of intolerance and bigotry right up to November. And if the result is an election won—at the expense of national unity—their attitude is, so be it.

By the time my Republican colleagues are done, this country will be a boiling cauldron. This bill doesn't prevent a single divorce, a single case of spousal abuse, or protect the institution of marriage.

Mr. Chairman, America was settled by people fleeing the intolerance and bigotry prevalent in Europe. Our Nation has always been a

haven for those seeking peace, tolerance, and justice.

The real issues are extremist Republican values versus American values. Health care for the elderly and needy versus tax breaks for the wealthy. Money for children and education versus money for corporate welfare. More police on the streets versus assault weapons in the hands of dope dealers.

In short, the real issue is the kind of America we want—one of hope and fairness, or one of division and hate.

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Mr. CANADY of Florida. Mr. Chairman, may I inquire of the Chair concerning the amount of time remaining on each side?

The CHAIRMAN. The gentleman from Massachusetts [Mr. FRANK] has 3¼ minutes remaining and the gentleman from Florida [Mr. CANADY] has 6 minutes remaining.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding me this time and I rise in support of this bill.

Obviously, as one of the original co-sponsors of this bill, I feel like it is a bill that we ought to pass and I would oppose, as such, any amendment to it.

I think it is very important that we remember much of our history lessons, that I am sure have already been discussed here before. Without our action, this would be the first time that any religious or civil marriage ceremony recognized this type of marriage. It would be against the traditional marriage of husband and wife. At some point I think this bill recognizes, the underlying bill recognizes the need to make this distinction, to draw this line, to clarify it, for it, unfortunately at this time, appears to be necessary in this country.

It is important we accomplish the two things that are contained in this bill. First of all, again for the purposes of Federal law, Social Security, tax and so forth, it clarifies what the definition of a marriage is. A marriage is between one man and one woman. Not more, not less, not anything else out there, but, clearly, for the first time, it defines for the purposes of Federal law only.

Certainly we should not allow one State, whether it be Hawaii or any other State, to, in effect, establish what the Federal law will be in regards to what a marriage is.

Second, as we discussed already today, it gives the States the right to recognize or not to recognize these types of marriages. It does not prohibit marriages of same sex but it gives the States those rights to do it. And once again it would not be appropriate and it would not be fair and it would not be right to those other States out there to have their laws controlled in this type of very nontraditional sense by one small State, whichever it might be.

Again I urge my colleagues to vote against this and support the underlying bill.

Mr. CANADY of Florida. Mr. Chairman, I reserve the balance of my time. Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Massachusetts [Mr. STUDDS].

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] is recognized for 3¼ minutes.

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

Mr. STUDDS. Mr. Chairman, earlier this morning, I think somewhere around a quarter of two, I observed with some sadness that there was an imbalance between the two aisles in this debate.

Words have been thrown around. Although they have not been taken down or requested to be taken down, today I wrote down so far promiscuity, perversion, hedonism, narcissism, well, that may be in this House, depravity and sin. All, I regret to say, from the same side of the aisle.

I also thought for a moment I was in some kind of a revival meeting and was about to be preached at from Leviticus. The particular chapter which was implicitly cited from Leviticus is not very popular in my district because the next verse forbids the eating of shellfish, and I would caution people in citing that.

Let me also just ask my Republican colleagues. One of them even boasted a moment ago and asked people to notice the partisan divisions here. If ever there was a nonpartisan issue here, this is it. Sexual orientation is the same in Republican families as in Democratic families, in Republican Members as in Democratic Members, as in the general population. It is a sad and tragic political mistake, never mind a moral mistake, for a party to do this. I think that lesson should have been learned 4 years ago.

I observed last night, Mr. Chairman, that it is a mistake sometimes to say this is the way things have always been and, therefore, that is good and they should always be that way. When this country was founded our revered Constitution was written in part by men who owned slaves. Women themselves were, in most of these States of ours, were virtually chattel. They did not have the right to own property. People of color were property for many years after this country was founded. And even thereafter, for many years, the different races were not allowed to marry.

I wish Members were here last night to hear our distinguished colleague from Georgia, Mr. LEWIS, because through him came the words and the spirit of a very great American, Dr. King. And this is, whether Members like to hear it or not, the last unfinished chapter of civil rights in this country.

Although I have no doubt, I do not think anybody in this room has any doubt, about the outcome of the vote today, I have equally no doubt about

the final resolution of this chapter. We are going to prevail, Mr. Chairman. And we are going to prevail just as every other component of the civil rights movement in this country has prevailed. In the words of the great Dr. King, as echoed so eloquently last night by the distinguished gentleman from Georgia, this country is going to rise up and live out the true meaning of its creed.

There is nothing any of us can do today to stop that. We can embrace it warmly, as some of us do; we can resist it bitterly, as some of us do; but there is no power on earth that can stop it.

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

In the course of the debate last evening and today we have heard many things from the opponents of the Defense of Marriage Act. They have said much about those who support this bill and those who oppose same-sex marriage. They have described opposition to same-sex marriage and support for this bill as laughable, prejudiced, mean spirited, cruel, bigoted, despicable, hateful, disgusting, and ignorant.

One of the leading opponents of the bill has described opposition to same-sex marriage as being based on the morality of the club. In the course of this debate those making these assertions have congratulated themselves on the quality of the debate they have engaged in.

In my view, all of this is an insult to the American people, 70 percent of whom oppose same-sex marriages. Seventy percent of the American people are not bigots, 70 percent of the American people are not prejudiced, 70 percent of the American people are not mean spirited, cruel, and hateful. It is a slander against the American people themselves to assert that opposition to same-sex marriage is immoral.

All of this rhetoric is simply designed to divert attention from what is really at stake here. It is designed to obscure the fundamental question that is raised by this bill. It is calculated as a distraction. It is an attempt to evade the basic question of whether the law of this country should treat homosexual relationships as morally equivalent to heterosexual relationships. That is what is at stake here.

Should the law express its neutrality between homosexual and heterosexual relationships? Should the law elevate homosexual unions to the same status as the heterosexual relationships on which the traditional family is based, a status which has been reserved from time immemorial for the union between a man and a woman?

Should this Congress tell the children of America that it is a matter of indifference whether they establish families with a partner of the opposite sex or cohabit with someone of the same sex? Should this Congress tell the children of America that we as a society believe there is no moral difference between homosexual relationships and

heterosexual relationships? Should this Congress tell the children of America that in the eyes of the law the parties to a homosexual union are entitled to all the rights and privileges that have always been reserved for a man and woman united in marriage?

To all these questions the opponents of this bill say yes. They say a resounding yes. They support homosexual marriage. They believe that it is a good thing. They believe that opposition to same-sex marriage is immoral. They want to tell the children of America that it makes no difference whether they choose a partner of the opposite sex or a partner of the same sex; that the law of this land is indifferent to such matters.

Those of us who support this bill reject the view that such choices are a matter of indifference. We reject the view that the law should be indifferent on such matters, and in doing so I think it is unquestionable that we have the overwhelming support of the American people.

I would urge my colleagues to listen to the American people, defeat this amendment and pass this bill.

Mr. SKAGGS. Mr. Chairman, first, let me say that this has been one of the toughest votes I've had to cast in Congress. I fully embrace the idea that marriage is an institution that historically, culturally, and morally is set aside to recognize and respect the union of a man and a woman. If this bill were a resolution affirming that proposition, I'd gladly have voted for it.

Unfortunately, this bill went far beyond that simple affirmation, entering uncharted and very troubling constitutional territory, as well as being motivated on the part of some of its advocates by a gratuitous hostility toward gays and lesbians. At best, it is unnecessary—for reasons I'll explain; at worst, it is dangerous—for reasons I'll explain.

Much has been made of the argument that Hawaii is about to legalize same-sex marriage. The truth is, nobody knows what decision the courts in Hawaii may make or when they will make it. The Hawaii Supreme Court has remanded to a trial court, for a trial on the merits, a case brought asserting the claim that the Hawaii State Constitution requires recognition of same-sex marriage because that Constitution prohibits gender discrimination. That trial is scheduled for later this year; with inevitable appeals, no final, appellate decision is likely before late 1997 or early 1998. In other words, there's no crisis; no imminent threat of same-sex couples from Hawaii presenting themselves as married in other States. And so, there's nothing that demands precipitous action by Congress on this question.

In addition to borrowing trouble in assuming the Hawaii case may turn out adversely with respect to the traditional view of marriage—a view I share—this legislation is most likely completely unnecessary insofar as it purports to grant States powers the States already possess to reject recognition of same-sex marriages. This point involves an examination of an obscure provision of the U.S. Constitution, article IV, section 1, known as the full faith and credit clause. That provision reads as follows:

Full Faith and Credit shall be given in each State to the public Acts, Records, and

judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effects thereof.

The Framers included this clause, borrowed from the Articles of Confederation and then expanded significantly, to make sure these States were truly united, and not a mere legal patchwork. The gist of the clause is that each State must honor the official acts and judicial proceedings of the others.

However, there soon grew up, in judicial interpretation of this clause, what's known as the public policy exception. Related primarily to the very question of the circumstances under which one State must recognize a marriage performed in another State, the courts have held that a State can assert its own overriding public policy in refusing to recognize an out-of-State marriage that runs counter to its public policy. The cases here have dealt with such factors as under-age marriages, incestuous marriages, and polygamous marriages. But the principle is well established and can certainly be extended by any State to the matter of same-sex marriages. In fact, some 14 States have already acted to assert such a public-policy position, in anticipation of the possibility that they'll face the question.

There is broad consensus among constitutional scholars that the full faith and credit clause already permits such State initiative in behalf of protecting the supremacy of one State's public policy as against another's attempt to legalize same-sex marriage. Therefore, no need exists for Congress to enact a law granting States the power or discretion they already enjoy under the public-policy exception to the full faith and credit clause. Or, put differently, this legislation is unnecessary. Certainly, we've got enough legitimate work to do around here without passing laws telling the States they have powers that they are already known to have.

But wait a minute. Perhaps, the States don't have quite all the powers this bill would give them, because it also apparently would grant States the power to ignore certain final judicial proceedings concluded in another State. The public-policy exception has not previously been construed to go that far.

What does that really mean? Where does it come from? I believe that dimension of this legislation can only be rationalized constitutionally as falling under the scope of the last three words of the full faith and credit clause, which provide that "Congress may by general Laws prescribe * * * the Effect thereof." (Emphasis added.)

We have no explicit Supreme Court interpretation of these words to rely on. One possibility is a fairly limited meaning, consistent with the notion that Congress can figure out how best to implement and give effect to the interstate rights and responsibilities already prescribed by the earlier words in the clause. If this is correct, "the effect thereof" can't be the basis for expanding the public-policy exception beyond the bounds that already exist. And, if that's the case, then again, this legislation is merely redundant and unnecessary.

The other possible reading of these words, and the one evidently asserted by the proponents of this legislation, is that they provide

back-door authority for Congress by law to greatly expand the now very-limited public-policy exception to full faith and credit. But think about that.

If you can believe it, we have here an allegedly State's-rights-minded Congress offering up new constitutional theory to justify a whole new basis on which to nationalize and centralize vast areas of law heretofore left to the States. If this rationale is sound in this instance as to same-sex marriages—and I don't believe it is—then what are the bounds of this new Congressional power to preempt State law under the guise of "by general Laws prescrib[ing] * * * the Effect thereof"? I this legislation permits State A to ignore the final judgment of the courts of State B as to any claim derived from a same-sex marriage, then there is no constitutional bar to our passing a law authorizing State A to ignore State B's no-fault divorce decrees, or anything else.

It should be self-evident that this is an extraordinarily dangerous constitutional precedent. It takes the objective of the full faith and credit clause in unifying the States and assuring interstate comity, and turns it on its head. The potential for mischief and invidious intrusion of the Federal Government into State affairs boggles the mind.

I wish to preserve the institution of marriage for the honorable and traditional relationship between a man and woman. But reserving that word for that institution means just that.

I also recognize that gay and lesbian couples seek legal recognition and permanence for their relationships and the rights and responsibilities that flow from those relationships. I hope this society, and its political and legal institutions, can move to accommodate the legitimate needs of gay and lesbian citizens in this respect. No one, I believe, would want, for example, to deny a claim of inheritance, or of participation in terminal health care decisions, for the life-long partner of a gay man or lesbian woman. Yet, by refusing as part of this legislation even to permit a formal study of disparate treatment of domestic partnerships in these areas, the proponents of this legislation may reveal their real motivation.

Because there is no imminent problem of same-sex marriage-being legalized, because, even if there were, the full faith and credit clause's public-policy exception already gives States the power not to recognize such a marriage, because this legislation is therefore unnecessary, because in its insinuation of new and constitutionally suspect congressional power under "the Effects thereof" phrase this legislation is unwise, and because so many advocates of the legislation, by their approach, seem primarily moved to demonstrate a gratuitous disrespect for some citizens based on their sexual orientation, I cannot support it and will vote against it.

My faith in the fair-mindedness of the American people is unshakable. This legislation is not true to that wonderful American virtue.

Mr. GUNDERSON. Mr. Chairman, I am a traditionalist. My entire life's environment and upbringing have created within me a respect for traditional values. Theology interprets marriage as a union between one man and one woman. Random House Dictionary defines marriage as a union between man and woman.

Accordingly, tho I am a gay man in a 13-year relationship, I was fully prepared to reach

out to my colleagues in reaffirming the institution of marriage as we know and understand it. Throughout these discussions, I have suggested to my gay and lesbian friends that we should not resort to some semantic debate about the word "marriage."

As this issue evolved, I went to Chairman HYDE and to Speaker GINGRICH. I said to them, "I am willing to join with you in reaffirming the definition of marriage, tho I am a gay man. All I ask in return is that you remove the 'meanness, prejudice, and hatred' surrounding this issue."

I went further.

The debate fails to recognize the painful reality thrown on many innocent people who happen to be in long-term relationships outside of marriage. For example, if I should get sick, should not my partner have automatic visitation rights? Should he not have automatic consultation rights with the attending physician? I think most would say "yes." But I have letters from many people in my office indicating that from cancer to AIDS, they have been denied this basic right.

Second, a close friend of ours recently lost his partner of 16 years to AIDS. While the hospital in Washington respected the relationship and gave him visitation—something worse happened after his partner's death. The funeral home would not allow him to sign any of the documents or arrangement forms.

Third, I have a 13-year relationship with my partner. Yet, while some of my congressional colleagues are in their second or third marriage—their spouse receives the benefits of their health insurance, and automatically receives their survivor benefits should that occur. Why should they be given these benefits, when my partner—in a relationship much longer than theirs—is denied the same?

Many corporations would like to extend such benefits to the domestic partners of their employees. The problem is that there is no agreement on a civil process to recognize legitimate long-term relationships from those who would simply seek to fraud the system.

These are just some of the basic questions that our society must and should ask. If we seek civility, mutual respect, and the promotion of long-term relationships—in marriage or otherwise—then we have no choice. Accordingly, I asked my leadership to accept an amendment I or others would offer creating a commission to look at such questions.

Chairman HYDE responded that while he could not support a commission, he would support a GAO study of such questions. Based upon this act of goodwill, I developed an amendment to accomplish this goal. We created an amendment which would call upon GAO to look at the question of the differences in benefits, rights, and privileges available to persons in marriage versus those in a domestic partnership. The study would look at State laws on these questions, Federal differences in benefits, and even how other nations responded to such relationships. The study would be complete by October 1997. It would not change any policy. Rather, it would simply provide the basis of information necessary for rational discussions in the future.

To their credit, both Mr. HYDE and Speaker GINGRICH told me personally they believed there was merit in my proposal. However, when this amendment was offered to the Rules Committee for consideration—it was denied recognition before the full House.

Unfortunately, this action exposes those who advance this legislation for their real goals. There is no sincere attempt to simply reaffirm marriage. There is certainly no attempt to respond to legitimate and real issues facing many Americans in 1996. There is, unfortunately, every attempt to pursue a mean, political-wedge issue at the expense of the gay and lesbian community in this country. And it hurts me deeply to say that about my own party.

This legislation will do nothing to defend marriage. May I suggest that no gay man is after your wives, and no lesbian is after your husbands. If marriage is at risk in this country, and it may be—there are other more real factors at the heart of this problem. May I suggest that alcohol abuse, spousal abuse, and even Sunday football are far more likely to destroy marriage. Perhaps if people really meant it when they said their marital vows, marriage would be more stable. Perhaps if people were more willing to pursue marriage counseling, when necessary, the institution of marriage would be better off. There may be a problem, but we ought to go after the legitimate cause of that problem, not some scapegoat for political gain.

Is this legislation necessary? No. There is not a single State in the Union today where gay and lesbian marriages are legal. There exists only one State in the Nation that even is debating such an issue in the courts—and that State's court will not decide the issue for at least 2 years.

Is this legislation constitutional? I am not a lawyer, but the constitutional scholars I have spoken with and whose opinions I have read say that, ultimately, it will be declared unconstitutional. Simply stated, the second sentence of the full faith and credit clause of the Constitution permits Congress only to specify the conditions under which one State must recognize the public acts and records of another State. Congress is not given the authority to override the mandate of the first sentence which requires one State to give full faith and credit to the laws of another State. Similarly, to the extent that the legislation creates a status-based classification of persons for its own sake, it violates the recently articulated principle in the landmark case of *Romer versus Evans* which was decided on May 20 of this year.

Is this legislation morally principled? Perhaps, more than anything else, my colleagues advancing this legislation believe they are advancing the basic Judeo-Christian ethics of our Nation. I would encourage them to pursue a closer analysis of the Bible. No where in the Bible does Jesus condemn homosexuality. There are many places where Jesus condemns divorce. How can people, who have been divorced, suggest that they can defend marriage by condemning hoe involved in single-sex relationships?

Mr. Chairman, this legislation before us is not a priority in the eyes of the American people. We are not responding to some public demand or crisis. Rather, this legislation was designed, pure and simple, to drive some political wedge for political gain. The first hope,

was that the President would veto this legislation—and it would be used against him. When the President announced that he would sign the bill, the focus then was directed on finding some Democrat in a marginal district that would vote against the bill on principle, only to then lose the political debate back home.

If there was a legitimate desire to reaffirm marriage in a civil, respectful, and realistic way that recognized the reality of long-term relationships in America today. I reached out to my leadership to find a common middle ground—achieving their goals, without the hatred, prejudice, meanness, and insensitivity directed to those who happen to be gay or lesbian. That good faith effort was intentionally rejected.

I am willing to reach out, listen to, and work with all elements of society to find common ground upon which we as a diverse nation might go forward. I am not willing, however, to participate in a blatant attempt to score political points at the expense of those in our society who might be gay or lesbian. Therefore, I must oppose this bill.

Mr. WELDON of Florida. Mr. Chairman, as a cosponsor of H.R. 3396, the Defense of Marriage Act, I rise in strong support of the bill. We must work to strengthen the American family, which is the bedrock of our society. And, marriage of a man and woman is the foundation of the family. The marriage relationship provides children with the best environment in which to grow and learn. We need to work to restore marriage, and it is vital that we protect marriage against attempts to redefine it in a way that causes the family to lose its special meaning. In the 1885 case of *Murphy v. Ramsey*, the U.S. Supreme Court defined marriage as the "union for life of one man and one woman in the holy estate of matrimony."

Unfortunately, the courts of Hawaii are in the process of deciding if the State is going to sanction marriages between people of the same sex despite the Hawaiian people's clear rejection of such a policy change. The repercussions could be felt by the Federal Government and the other 49 States almost immediately. The full faith and credit provisions of the Constitution, article IV, require recognition of the "public Acts, Records, and judicial Proceedings" of each State. However, Congress has the authority to prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Federal policies could be dramatically affected by the Hawaii decision since the Federal Government generally recognizes State documents in granting benefits and privileges to married individuals. Veterans' benefits, labor policies, Federal health and pension benefits, and Social Security benefits are just a few of the areas that would be subjected to substantive revision if Congress does not act soon. I think it would be wrong to take money out of the pockets of working families across America and use those tax dollars to give Federal acceptance and financial support to same sex-marriages. Without the passage of the Defense of Marriage Act, this would be the case.

The American people clearly recognize the importance of protecting the sanctity of marriage. We should not be forced to give public sanction to relationships that clearly fall outside the scope of our Nation's traditional understanding of marriage as the legal union be-

tween one man and one woman as husband and wife. This act will protect the institution of marriage which has been and will remain the foundation of Western civilization.

Mr. COYNE. Mr. Chairman, H.R. 3396, the Defense of Marriage Act, presently before the House is unnecessary, untimely, purports to solve a problem that does not exist, professes to defend an institution—marriage—that is not under attack in the manner suggested by the legislation, and violates the full faith and credit clause of the Constitution. This legislation is before us as part of a political agenda and for no other reason. It is a proposed solution looking for a problem.

This legislation is simply yet another attempt by the Republican majority to shift the Nation's attention away from their extreme agenda that hurts children, the elderly, and the poor. Under current law, States will continue to be free to decline to recognize same-sex marriages if they choose. To date, nearly 80 percent of the States—37—have already addressed the issue of same-sex marriages in their legislatures. Eighteen States thus far have had legislation banning same-sex marriages either fail or die in the legislative process and 13 States have passed legislation that would deny recognition to same-sex marriages. In fact, the House of Representatives in my State of Pennsylvania voted on June 28th of this year to prohibit same-sex marriages. These statistics hardly present a compelling mandate for the Federal Government to step in and rescue the States.

Unlike the future solvency of the Medicare Program or the problems associated with ensuring that all Americans have the opportunity to earn a living wage and enjoy a decent retirement, establishing a Federal definition of marriage, when every State has already addressed this issue, is not the most pressing item of business before Congress. There is no clear and compelling reason to address this issue at this time.

I oppose this legislation because I believe that States should continue to have the freedom to define their own policies toward marriage as they have had for the past 220 years.

Mr. ENSIGN. Mr. Chairman, I rise in support of H.R. 3396, the Defense of Marriage Act.

The need to enact legislation to preserve the fundamental definition of matrimony as a union between one man and one woman is pressing and necessary. This legislation is not about mean-spirited antics or election year politics. A pending ruling by a Hawaii court could legalize same-sex marriages in that State. According to the full faith and credit clause of the Constitution, unless Congress says otherwise, the other 49 States in the Union would be required to abide by the Hawaii decision. Requiring the entire Nation to discard the will of the clear majority of Americans undermines our democracy and would deny other States the opportunity to enforce laws banning the recognition of same-sex marriages.

The time-honored and unique institution of marriage between one man and one woman is a fundamental pillar of our society and its values. The Defense of Marriage Act does not deny citizens the opportunity—either through their elected representatives or ballot referendum—to enact legislation recognizing same-sex marriages or domestic partnerships within their own borders. The Defense of Marriage Act says that States should determine their

own policy and that the Federal Government has a right to define who is entitled to benefits as a spouse. This legislation is consistent with the need to return power and decisionmaking to the States where it rightfully belongs.

Mr. Chairman, I think it is important to carefully examine the issue of same-sex marriages and separate two fundamental issues. The first issue involves the question of whether individuals have a right to privacy and the choice to live as they see fit. I think most Americans, myself included, would agree that everyone should have the right to privacy. The second issue involves the question of whether all States must follow Hawaii's example, and has greater societal and constitutional implications than the issue of privacy. The Defense of Marriage Act addresses the second issue and does nothing to deny an individual his or her right to privacy.

During a time when the traditional two-parent family is becoming the exception, I believe it is important to reaffirm our commitment to ensuring that moms and dads are encouraged and strengthened in the task of raising their children.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of H.R. 3396, the "Defense of Marriage Act."

Many of my colleagues today will give eloquent legal arguments in favor of this legislation. Rather than focus on the legal need for this legislation, I would like to discuss some of the reasons why I feel it is morally necessary. Same-sex "marriages" demean the fundamental institution of marriage. They legitimize unnatural and immoral behavior. And they trivialize marriage as a mere "lifestyle choice."

The institution of marriage sets a necessary and high standard. Anything that lowers this standard, as same-sex "marriages" do, inevitably belittles marriage.

Traditional marriage has served across the majority of cultures as a foundation for a stable society. Undermining traditional marriage by forcing States to legalize same-sex "marriages" will have far-reaching social consequences. The attempt to legitimize same-sex "marriages" threatens our cultural values that have proved their worth down the centuries.

Those who seek to overturn our system of values are attempting to achieve not just toleration of their behavior, but full social acceptance as well. We should not undermine the standards that elevate civilization.

We must act now to preserve traditional marriage as the foundation of American society. I urge my colleagues to defend the institution of marriage by voting "yes" on H.R. 3396.

[From the National Review, June 3, 1996]

THE MISANTHROPE'S CORNER

(By Florence King)

Gay marriage is a consummation devoutly to be missed, but it's a dead cert. If you doubt it, try to remember the last time America turned down a vocal minority. In the Sixties we were the Girl Who Can't Say No, but she was a font of virtue compared to what we are now. Overcome by miasmatic gases of diversity and inclusion wafting from the Nineties swamp, we have turned into the Punchdrunk Kid, a twitching lummoX with cauliflower ears who mumbles "Sure, Jake, sure" to everybody.

The preliminary stage of brainwashing is already underway. "Husband" and "wife"

are yielding to "spouse," a vague usage that benefits no one but gays. Gov. Roy Romer recently vetoed Colorado's proposed anti-gay marriage law, calling it "mean-spirited," a word that functions in America like the bell in Pavlov's laboratory. And now Bill Clinton has announced, through his gay-liaison office, that he is "personally opposed" to homosexual marriage. This phraseology, a staple of the abortion debate, is a reminder not to let our premises stand in the way of our conclusions.

The major brainwashing, soon to begin, will proceed as follows.

Magazines will run cover stories that thinking Americans—all 17 of us—recognize as that brand of persuasion called "nibbled to death by a duck." Time does "Debating Same-Sex Marriage" and Newsweek does "Rethinking Gay Marriage." Lofty opinion journals weight in with "A Symposium on," "In Defense of," and "Voices from," while Parade does "If They Say I do' . . . Will We Say 'You Can't'" Cover art consists of a pair of wedding rings sporting identical biological signs: two arrow-shooting circles for men, two mirror-handle circles for women. We will start seeing these logos in our sleep.

Next, the pundits. Molly Ivins writes "Bubba, Hold Yore Peace." Ellen Goodman waxes earnest about tradition *versus* change in "Something Old, Something New," Ruth Shalit writes something borrowed, and Richard Cohen, Victim America's identifier-in-chief, does a column called "We're All Single."

Arianna Huffington will figure out a compassionate way to be against gay marriage, but most conservatives stand to fare badly in this debate. Will Durant wrote, "When religion submits to reason it begins to die." In a media-saturated society teeming with talk-show producers casting dragnets over think tanks, proponents of gay marriage, win merely by being scheduled. By contrast, the conservative instinctively recoils from analyzing eternal verities. He may know the words to legal arguments such as "the need to show a compelling state interest, etc.," but he doesn't know the tune. In the final analysis he believes in the sanctity of marriage "just because."

To liberals, the just-because mindset betokens racism. Therefore, anyone who opposes gay marriage must hate blacks. Anti-gay marriage laws will be equated with the old anti-miscegenation laws, producing tortured sophistry about "the difference between race and sex." The liberal will claim that all differences are the same, forcing the conservative to claim that some differences are more different than others. Caught in an Orwellian trap, terrified of being called a racist, he will seek safety in a soundbite of chortling folksiness.

"When a baby is born, people don't say 'it's white' or 'it's black,' they say 'it's boy' or 'it's girl.'"

Because this makes no sense, it becomes instantly popular. Repeated incessantly on talk shows, it starts running through our heads like the beat-beat-beat of the tomtoms in "Begin the Beguine," intensifying when Bob Dole soundbites it into a back-to-basics vision of blood and sex and whatever in a prime-time press conference.

Then Jesse Jackson and the feminists change the word order, ostentatiously placing "black" before "white" and "girl" before "boy". Remembering to say it the PC way becomes such an overriding obsession that we forget what it has to do with gay marriage, especially after Clarence Page points out that in slave days the color of a baby was indeed the first thing people noticed.

Soon, Republicans panicked by mounting accusations of racism suggest that gay couples be allowed to register their unions and

establish common-law marriages based on seven years of cohabitation. But gays reject these half measures, comparing them to the irregular marriages of slavery, when couples "jumped over the broom."

All attempts at compromise elicit cries of "Second-class marriage!" and lead to lawsuits under the Americans with Disabilities Act. Calling themselves "connubially challenged," gays will sue the Christian Coalition for forcing them to lead immoral lives. Arguing that marriage will keep them from promiscuity, which will keep them from getting AIDS, they will equate prohibition of same-sex marriage with capital punishment. A Clinton judicial appointee will find the "right" to gay marriage lurking under a constitutional penumbra, and CNN will give a 900 number so viewers can vote yes to prove they aren't racists.

I find it ironic that gays are now singing the praises of wedded bliss in terms that were the bane of my existence forty years ago, when "settling down" proved you were "mature and responsible." If they keep it up, they will corroborate the English prostitute who plied her trade in the States and wound up in a book about American sexual attitudes. A great many of her clients, she said, showed her photos of their wives and children. Clearly bemused, her sign almost audible on the page, she added: "Yanks are born married."

My personal opinion of marriage reflects my status as a pariah in the Fifties snuggerly of joined-at-the-hip Togetherness. "Rather a beggar woman and single be, than Queen and married," said Elizabeth I, and so say I. My objective opinion, however, conforms with Timothy Dwight: "It is incomparably better that individuals should suffer than that an institution, which is the basis of all human good, should be shaken or endangered.

[From the Washington Post, May 21, 1996]

NOT A VERY GOOD IDEA

(By William J. Bennett)

We are engaged in a debate which, in a less confused time, would be considered pointless and even oxymoronic: the question of same-sex marriage.

But we are where we are. The Hawaii Supreme Court has discovered a new state constitutional "right"—the legal union of same-sex couples. Unless a "compelling state interest" can be shown against them, Hawaii will become the first state to sanction such unions. And if Hawaii legalizes same-sex marriages, other states might well have to recognize them because of the Constitution's Full Faith and Credit Clause. Some in Congress recently introduced legislation to prevent this from happening.

Now, anyone who has known someone who has struggled with his homosexuality can appreciate the poignancy, human pain and sense of exclusion that are often involved. One can therefore understand the effort to achieve for homosexual unions both legal recognition and social acceptance. Advocates of homosexual marriages even make what appears to be a sound conservative argument: Allow marriage in order to promote faithfulness and monogamy. This is an intelligent and politically shrewd argument. One can even concede that it might benefit some people. But I believe that overall, allowing same-sex marriages would do significant, long-term social damage.

Recognizing the legal union of gay and lesbian couples would represent a profound change in the meaning and definition of marriage. Indeed, it would be the most radical step ever taken in the deconstruction of society's most important institution. It is not a step we ought to take.

The function of marriage is not elastic; the institution is already fragile enough. Broadening its definition to include same-sex marriages would stretch it almost beyond recognition—and new attempts to broaden the definition still further would surely follow. On what principled grounds could the advocates of same-sex marriage oppose the marriage of two consenting brothers? How could they explain why we ought to deny a marriage license to a bisexual who wants to marry two people? After all, doing so would be a denial of that person's sexuality. In our time, there are more (not fewer) reasons than ever to preserve the essence of marriage.

Marriage is not an arbitrary constrict; it is an "honorable estate" based on the different, complementary nature of men and women—and how they refine, support, encourage and complete one another. To insist that we maintain this traditional understanding of marriage is not an attempt to put others down. It is simply an acknowledgment and celebration of our most precious and important social act.

Nor is this view arbitrary or idiosyncratic. It mirrors the accumulated wisdom of millennia and the teaching of every major religion. Among worldwide cultures, where there are so few common threads, it is not a coincidence that marriage is almost universally recognized as an act meant to unite a man and a woman.

To say that same-sex unions are not comparable to heterosexual marriages is not an argument for intolerance, bigotry or lack of compassion (although I am fully aware that it will be considered so by some). But it is an argument for making distinctions in law about relationships that are themselves distinct. Even Andrew Sullivan, among the most intelligent advocates of same-sex marriage, has admitted that a homosexual marriage contract will entail a greater understanding of the need for "extramarital outlets." He argues that gay male relationships are served by the "openness of the contract," and he has written that homosexuals should resist allowing their "varied and complicated lives" to be flattened into a "single, moralistic model."

But this "single, moralistic model" is precisely the point. The marriage commitment between a man and a woman does not—it cannot—countenance extramarital outlets. By definition it is not an open contract; its essential idea is fidelity. Obviously that is not always honored in practice. But it is normative, the ideal to which we aspire precisely because we believe some things are right (faithfulness in marriage) and others are wrong (adultery). In insisting that marriage accommodate the less restrained sexual practices of homosexuals, Sullivan and his allies destroy the very thing that supposedly has drawn them to marriage in the first place.

There are other arguments to consider against same-sex marriage—for example, the signals it would send, and the impact of such signals on the shaping of human sexuality, particularly among the young. Former Harvard professor E.L. Pattullo has written that "a very substantial number of people are born with the potential to live either straight or gay lives." Societal indifference about heterosexuality and homosexuality would cause a lot of confusion. A remarkable 1993 article in *The Post* supports this point. Fifty teenagers and dozens of school counselors and parents from the local area were interviewed. According to the article, teenagers said it has become "cool" for students to proclaim they are gay or bisexual—even for some who are not. Not surprisingly, the caseload of teenagers in "sexual identity crisis" doubled in one year. "Everything is

front page, gay and homosexual," according to one psychologist who works with the schools. "Kids are jumping on it . . . [counselors] are saying, 'What are we going to do with all these kids proclaiming they are bisexual or homosexual when we know they are not?'"

If the law recognizes homosexual marriages as the legal equivalent of heterosexual marriages, it will have enormous repercussions in many areas. Consider just two: sex education in the school and adoption. The sex education curriculum of public schools would have to teach that heterosexual and homosexual marriage are equivalent. "Heather Has Two Mommies" would no longer be regarded as an anomaly; it would more likely become a staple of sex education curriculum. Parents who want their children to be taught (for both moral and utilitarian reasons) the privileged status of heterosexual marriage will be portrayed as intolerant bigots; they will necessarily be at odds with the new law of matrimony and its derivative curriculum.

Homosexual couples will also have equal claim with heterosexual couples in adopting children, forcing us (in law at least) to deny what we know to be true: that it is far better for a child to be raised by a mother and a father than by, say, two male homosexuals.

The institution of marriage is already reeling because of the effects of the sexual revolution, no-fault divorce and out-of-wedlock births. We have reaped the consequences of its devaluation. It is exceedingly imprudent to conduct a radical, untested and inherently flawed social experiment on an institution that is the keystone in the arch of civilization. That we have to debate this issue at all tells us that the arch has slipped. Getting it firmly back in place is, as the lawyers say, a "compelling state interest."

Mr. LIPINSKI. Mr. Chairman, I rise today to express my full support of the Defense of Marriage Act. The issue of homosexual marriage is a major concern to many Americans, and I feel that the time has come for Congress to take a stand. What we say today and how we vote on this bill have both legal and moral ramifications for years to come. We cannot sit by and do nothing.

Legally, the Defense of Marriage Act is what its title states. It will define the act of marriage for Federal purposes and preserve its sanctity. Currently, Federal law has no definition of the words "marriage" or "spouse," even though the Federal Government uses those terms frequently. Traditionally, it has relied upon the relevant State's law when applying those terms. However, today we are at a crossroads with this practice, and it is time to make a choice. Right now a lawsuit in Hawaii may lead to the legalization of homosexual marriages in that State. The repercussions of such a decision would legally affect us all. The full faith and credit clause of the Constitution requires that every State honor the "Public Acts, Records and Judicial Proceedings of [every other] State unless specified by Congress." By this clause, all 49 other States would then be required by law to recognize a marriage between members of the same sex as legal for all State purposes. Further, because we currently have no definition of marriage on the rule books, the Federal Government would be forced to recognize such homosexual marriages for Federal benefit purposes.

The Defense of Marriage Act would safeguard the rest of the country from the decision made by one State. The American people might be surprised to learn that this bill would not outlaw homosexual marriages; although I

believe it should—it would simply exempt a State from legally recognizing a marriage that did not fit its own definition of marriage. States would still be free to recognize gay marriages if they so choose. However, and most importantly, this act would define "marriage" as "only a legal union between one man and one woman as husband and wife" at the Federal level. This Federal definition would ensure that a State could not define a "marriage" that the Federal Government would have to recognize. If the Federal Government does not act now, and Hawaii legalizes homosexual marriage, the Federal Government would then be obliged to provide the same benefits that heterosexual marriages currently receive. Unless this bill is passed establishing a Federal definition of marriage, all Americans will then be paying for benefits for homosexual marriages.

Yes, we must put our foot down. Unless we pass the Defense of Marriage Act, we will putting our stamp of approval on gay marriages, forcing the rest of the Nation to follow the whim of one State. This bill simply preserves the sanctity of the act of marriage between a man and a woman. It is a bill which will ensure that each State will not have to follow the lead of another on this issue. This bill will give each State the leverage it deserves to decide for itself whether or not to legalize gay marriages.

However, as we all know, this is more than just a legal discussion. We are here because the issue of gay marriages is a moral one. Marriage, no matter what your religious belief, is a sacred act. It is the joining of a man and a woman in a unity that is officially recognized by the State. Marriage is the foundation of our society; families are built on it and values are passed on through it. In our current age, where the sanctity of marriage is constantly being compromised, I feel that we must seize this rare opportunity to strengthen it. Homosexual marriages are not necessary; gays can legally achieve the same legal ends as marriage through draft wills, medical powers of attorney, and contractual agreements in the event that the relationship should end. Therefore, asking the rest of the country to recognize such marriages does nothing that the law cannot currently do, it is simply asking for special privileges.

I feel that marriage is not an area where the law should bend. Our Nation's moral fabric is based on this sacred institution. Homosexual marriages would destroy thousands of years of tradition which has upheld our society. Marriage has already been undermined by no-fault divorce, pregnancies out of wedlock, and sexual promiscuity. Allowing for gay marriages would be the final straw, it would devalue the love between a man and a woman and weaken us as a Nation. I have received numerous letters and calls from constituents asking me to vote for this legislation. Literally thousands of churches across the country have asked us for our support. The American people have spoken, and now we have the responsibility to answer them. My fellow Congressmen and Congresswomen, I hope that you have the moral strength to vote with me for this bill so that it may be passed. Our country's moral future depends on it.

Mr. JACKSON of Illinois. Thank you, Mr. Chairman, for the opportunity to address what I fear to be the serious constitutional implications implicit in H.R. 3396, "Defense of Marriage Act." Specifically, I am concerned that

this bill poses serious constitutional questions on two grounds: First, the full faith and credit clause of the U.S. Constitution, and second, the equal protection clause of the U.S. Constitution.

Upon hearing proponents of this bill argue that this bill does not violate the full faith and credit clause of the U.S. Constitution, and after studying the analysis of constitutional experts, and in particular, Prof. Chai Feldblum of the Georgetown University Law Center, I feel compelled to express my serious concerns on this point.

IMPLICATIONS FOR THE FULL FAITH AND CREDIT CLAUSE

While the Supreme Court has not specifically applied the full faith and credit clause to the status of marriage, we do know that there is absolutely no legal precedent for Congress to invite some States to ignore the official acts of others. Mr. Chairman, section 2 of this bill adds a section to the Federal full faith and credit statute, which is no doubt an unconstitutional attempt to do just this.

The full faith and credit clause of the U.S. Constitution, article IV, clause 1, provides, and I quote:

Sentence One:

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.

Sentence Two:

And the Congress may by general Laws prescribe the manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

In other words, each State must give "full faith and credit" to other State laws, and must fully recognize the acts and proceedings of other States. For example, in the case of *Williams v. North Carolina*, 317 U.S. 287, 295 (1942), the Supreme Court interpreted the clause as serving the purpose of "alter[ing] the status of the several states as independent foreign sovereignties, each free to ignore the obligations created under the laws or by the judicial proceedings of the others, and to make them integral parts of a single nation."

Never once has Congress implemented laws allowing States not to recognize certain "Acts, Records, and judicial Proceedings" of another State. In fact, Congress has heightened each State's recognition responsibilities under the clause by enacting the following pieces of legislation:

First, the Parental Kidnapping Prevention Act of 1990 requires States to enforce, not ignore, other States' child custody determinations;

Second, the Full Faith and Credit for Child Support Orders of 1994 requires that other States enforce, not ignore, child support determinations of other States; and

Third, the Safe Homes of Women Act of 1994 requires that States recognize, not ignore, the protective orders of other States to protect victims of domestic violence.

Thus, Congress has only passed legislation strengthening, not weakening, requirements on States to recognize the "Acts, Records and judicial Proceedings" of another. Therefore, it is undoubtedly clear why many constitutional scholars have concluded that Congress would go beyond the scope of its legislative powers under the Constitution in passing H.R. 3396.

It is noteworthy that during the subcommittee consideration of this bill, Representative SENSENBRENNER stated that Utah's admission to the Union was delayed for several years

because of "the fear of the Congress over a hundred years ago was that polygamous marriages that were polemized in Utah would have to be recognized in the other States." This statement suggests that Congress contemplated over one hundred years ago that the drafters of the Constitution intended that all States, not only those which choose to, must give "full faith and credit" to the "Acts, Records and judicial Proceedings" of all other States, including the recognition of out-of-State marriage, and interpreted that requirement to its most literal meaning.

Proponents of this bill argue that allowing States to not recognize the public acts of another is a constitutional exercise of Congress' power under sentence two of the clause. Mr. Chairman, How can this be if this bill directly contravenes sentence one's mandate that every State is required to recognize the official public acts and judicial proceedings of other States?

If we are to follow the flawed logic of this argument, it would follow that sentence two of the clause must be read to say that States must recognize the official acts of other States except when Congress passes a law that says they don't have to. Mr. Chairman, this not only flies in the face of every States rights argument I have heard from the majority since I began serving in this body, but it also has the unconstitutional effect of amending the full faith and credit clause of the Constitution without actually going through the very cumbersome and challenging process of amending the Constitution through a two-thirds majority vote in both houses of Congress and ratification by the States.

IMPLICATIONS FOR THE EQUAL PROTECTION CLAUSE

Additionally, H.R. 3396 could engender equal protection challenges because the law may not survive the rational basis test adopted by the Supreme Court with respect to legislation establishing certain types of classifications. H.R. 3396 would allow a State not to recognize same-sex marriages legalized in other States if it so chooses. Therefore, it is necessary to determine whether there is rational connection between this law and the intended governmental purpose it seeks to further.

In the case of *Baehr v. Lewin*, 852 P. 2d 44 (Haw. 1993) the Hawaii State Supreme Court rejected the arguments made to deny the right of two individuals of the same sex to marry on the basis that Hawaii's State Constitution considers classifications on the basis of sex to be suspect in nature and subject to strict scrutiny analysis. However, for purposes of Federal constitutional challenge, legal experts have come to the conclusion that the rational basis test would probably be used to consider the constitutionality of the H.R. 3396.

The authors content that H.R. 3396 is necessary for the preservation of the institution of marriage, hence the title of the bill. However, would H.R. 3396 in fact allow the United States to further its interest in the preservation of the institution of marriage? Or put differently, I have not yet heard of any empirical data which may even mildly suggest the rational and logical connection between H.R. 3396 and its intended governmental purpose.

Considering that one in two marriages result in divorce in the U.S., and that many children of heterosexual marriages are suffering from family-unit-debacle, it is safe to conclude that H.R. 3396 is by far not the most appropriate

form of legislation with respect to achieving the perceived governmental purpose of "protect[ing] the institution of marriage" by defining a marriage only as "a legal union between one man and one woman as husband and wife." It thus follows that there does not seem to be a rational basis between H.R. 3396 and the intended governmental purpose.

Moreover, the Supreme Court this term in the case of *Romer v. Evans* 64 U.S.L.W. 4353 (1996) rejected amendment No. 2 of the Colorado State Constitution on the grounds that there was no rational basis between amendment No. 2's repudiation of special protection for homosexuals and the State's articulated governmental purpose.

Approximately 17 areas of federally enacted legislation and programs would be affected if this bill were to become law, specifically banking; bankruptcy; civil service; consumer credit; copyright; education; Federal lands and resources; housing; immigration; judiciary; labor; military; social security; taxation; veterans; the Soldiers' and Civil Relief Act; and, welfare.

In effect, this bill would deny gay men and women hospital visitation rights, health coverage, and other forms of insurance, inheritance and taxation rights, government benefits for spouses, immigration rights for spouses, and other rights. Just as the States should not interfere in any way with religious ceremonies, religious groups may not govern who receives a civil marriage license. This would in fact pose serious problems for the fundamental principle of the separation of church and state implicitly established in the first amendment of the U.S. Constitution.

Mr. Chairman, when I came to Congress, I placed my hand on the Bible and swore to uphold the Constitution; now, I am being asked to place my hand on the Constitution and uphold the Bible, the Koran, the Torah, and other religious doctrine. The U.S. Constitution must remain the supreme law of the land. This document protects the rights of all to believe and worship as they choose.

I swore to uphold the Constitution against enemies foreign and domestic, to protect minorities and minority viewpoints from the tyranny of the majority, to protect African-Americans from racism, Jews from anti-Semitism, Arabs from anti-Arabism, women from sexism, and gays and lesbians from homophobia and discrimination.

With this vote, I am sending a message to all coalitions that those who have sworn to protect the Constitution will do just that. We will protect their rights.

If defense of marriage meant a job in every household and adequate education for all children; if defense of marriage meant a single-family home for all Americans; if defense of marriage meant universal health care for all Americans, then we would be truly addressing the moral crisis confronting the institution of marriage.

We know, however, that the Defense of Marriage Act compels this Congress to exceed the boundaries of its constitutional authority. This bill offends the Constitution, by violating both the full faith and credit and equal protection clauses of this sacred document.

Whether churches choose to perform ceremonies is within the domain of the churches to decide. Under the Constitution, our national government must uphold the wall between church and state. We know that we cannot dictate the churches' activities.

It is also clear that the church cannot instruct the government to restrict the rights of the church, their followers, or their faith; nor can the church call upon Congress to contravene or undermine the Constitution.

Both the Bible and the Constitution have a role, but they are different roles. The Bible did not free African-Americans, it saved African-Americans and it saved me. The Emancipation Proclamation and the 13th amendment did not save me, but it did outlaw slavery. I am saved today because of the Bible, but I am in Congress today because of the 14th amendment and the Constitution as amended.

Mr. Chairman, in light of the foregoing, I caution my colleagues to look closely at these issues before supporting this bill.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to what I view as an unfair, unnecessary and unconstitutional bill. This measure will federally codify discrimination against a group of Americans striking a blow to justice and equal treatment for all people.

Mr. Chairman, less than 30 years ago many in this Nation believed that allowing interracial couples to marry would seriously denigrate American society, and many State laws reflected that. The U.S. Supreme Court invalidated these laws, recognizing the freedom to marry as "one of the vital personal rights essential to the orderly pursuit of happiness by free men." Should the Federal Government step in and dictate to States, it would be an abrogation of States' rights.

Currently, no State permits same-sex marriages. Hawaii is debating the issue, but the final decision is not expected for another 2 years. Furthermore, States already have the capacity to determine whether they will recognize marriages performed in other States. Most importantly, in the entire history of this Nation—for over 200 years—never has the Federal Government intervened in the State regulation of marriage. Never. The 10th amendment to our Constitution—which we are sworn to uphold—states that powers not enumerated to the Federal Government are reserved to the States. So, I ask my colleagues, why are we getting involved?

This brings me to my final point. This measure is unconstitutional. Article four, section one of the U.S. Constitution states that the "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State." We cannot alter the U.S. Constitution with a simple act of Congress. In addition, the 14th amendment provides for "equal protection of the laws" for all citizens. Clearly the rights of gay and lesbian citizens would be abridged by this bill. Just as the Supreme Court found in 1967 that racial distinctions between citizens are "odious to a free people whose institutions are founded upon the doctrine of equality," the Court would again, I believe, invalidate this bill. The Court most recently ruled that targeting a segment of society with animus must be unconstitutional.

Lastly, there is clearly a political agenda driving this legislation. Barely 30 legislative days remain before the election and we have yet to complete our constitutionally mandated responsibility of funding the government. Yet we are debating this election-year ploy by a party attempting to divide the Nation. We are not debating the granting of a sacrament of marriage: Congress can't do that. We are debating States' rights and the rights of privacy.

I recognize the general, pervasive discrimination gay men and lesbians face in society and in this House. I also recognize that many will disagree with me, but by advocating discrimination, we're breaking down the bonds which hold this Nation together when we should be strengthening them. I urge all my colleagues to oppose this unfair, unnecessary and unconstitutional legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the gentleman from Massachusetts' amendment that suspends the definition of marriage for any State that adopts a different definition through its normal democratic process.

Mr. Chairman, the so-called Defense of Marriage Act should really be called the Republican Offense on People Who are Different Act because it is nothing more than blatant homophobic gay-bashing.

The conservative elements of our American society have often discriminated against and tried to prevent whatever they didn't like or didn't understand. It hasn't been so long ago that blacks and whites weren't allowed to marry in any State. So, devoted couples pledged their commitment to caring for each other in private ceremonies, their children were considered illegitimate, and the spouses were not legally entitled to inherit from their partners, nor share in any public benefits.

And, not so long ago, 50 States and the District of Columbia had very different laws about who could marry, the age the partners had to be, the length of the waiting period between applying for a marriage license and the ceremony—and they still do. Even now there are different laws about divorce, about residency requirements to obtain a divorce, about the kind of alimony or support one spouse has to pay to another, and many other differences. The Federal Government sorts out who is eligible to benefit from public support from these spouses and former spouses, even as people move from one State to another; and the Federal Government can and will continue to sort these issues out as they become timely, which this Offense on Marriage Act is not.

The issue of who should marry within a State are the proper jurisdiction of the individual States. My grandmother probably couldn't envision a time when interracial marriages would be legal in America, but today they are. One kind of discrimination is just as onerous as another, and neither should be tolerated. For the Republican majority of this Congress to be taking up this bill, which attempts to usurp States' rights, makes a farce of their frequent rallying cry to limit Federal intrusion into the personal lives of America's citizens. However, when it concerns a woman's right to choose, or in this case the rights of adults to choose their life partners, the Republicans abandon their mantra of preserving States rights.

This bill should be defeated and I urge my colleagues to use their common sense and leave this issue up to the States. It is homophobic and discriminatory, and it attempts to address a situation that should be left up to the States. It is not the proper jurisdiction of the Congress or the Constitution.

As I walk past the Republican side of the aisle, I expect to hear something similar to an old joke from the civil rights era: "Some of my good friends are gay, I just wouldn't want my son or daughter to marry one."

My response is that: that's their own personal, private business.

Mrs. MALONEY. Mr. Chairman, I rise in strong support of the Frank amendments to H.R. 3396, the Defense of Marriage Act.

This has been a Congress that has repeatedly talked about sending power back to the States.

But now, all of a sudden, the Federal Government must step in on the issue of marriage, an issue which has always been decided by the States.

Hawaii is now examining this issue, but the court case is not expected to be settled for about 2 more years.

From a legal perspective, because same-sex marriage is not legal, this bill is not necessary except as a direct attack on gays and lesbians.

Constitutionally, this bill is also not necessary. According to the "full faith and credit" provision of the Constitution, States already have the power not to recognize same-sex marriages.

There is no clear, compelling reason for the Federal Government to step in now—except a purely political one.

But this issue is more than a legal one—it is about civil rights, it is about fairness, and it is about equal rights for all citizens.

Despite the rhetoric of the religious right, one can honor the relationship between a man and a woman without attacking lesbian and gay people or their relationships.

This issue is important to me because it is important to my constituents.

Over 1,000 of my constituents have contacted me to express their opposition to this blatant form of discrimination.

I agree with one writer who said—this legislation is "nothing more than an attempt to divide the country by beating up on gay men and lesbians."

Another constituent added, "Congress should be attending to the business of the country, not attacking American citizens."

I couldn't have said it better.

This bill is about discrimination, pure and simple.

I urge my colleagues to support the Frank amendments.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The amendment was rejected.

PREFERENTIAL MOTION

Mr. GUNDERSON. Mr. Chairman, I offer a preferential motion.

The CHAIRMAN. The Clerk will report the motion.

The Clerk read as follows:

Mr. GUNDERSON moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 5 minutes in support of his motion.

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

Mr. GUNDERSON. Mr. Chairman, I offer this motion today so that I might ask a question.

Why are we so mean? Why are we so motivated by prejudice, intolerance

and, unfortunately in some cases, bigotry? Why must we attack one element of our society for some cheap political gain? Why must we pursue the politics of division, of fear, and of hate?

Yes, marriage is under attack in our society today, but may I suggest to my colleagues it is not because of same-sex relationships. In all due respect, lesbians have no interest in making anyone their husband and gay men have no interest in pursuing anyone's wife. Rather, marriage might be under attack because of alcohol abuse, because of spousal abuse and, might I suggest, even Sunday afternoon football.

Like most of my colleagues, I too grew up with basic traditional values. My religion and my heritage also define marriage as a union between one man and one woman. So I went to my party's leadership and I went to the distinguished gentleman from Illinois, Chairman HYDE, and I went to Speaker GINGRICH, and I said I am willing, as a gay man, to support your efforts to reaffirm that the word marriage represents a union between a man and a woman. All I ask in return is that we take the meanness out of this legislative initiative.

I ask my leadership to recognize that those of us who happen to be in long-term loving relationships also might be considered or at least studied for the potential of legitimate benefits and privileges. For example, if I were to get sick, why should my partner not have automatic visitation rights and automatic consultation with the doctor?

I have letters in my office of people from cancer to AIDS who have been denied that basic privilege. When a friend of mine died last year of AIDS, his partner of 16 years could not sign the documents at the funeral home. Must we impose such indignities upon people even upon the death of their very best friend in life?

And frankly, I want to ask my colleagues, why should my partner of 13 years not be entitled to the same health insurance and survivor benefits that individuals around here, my colleagues with second and third wives, are able to give to them?

So I asked my leadership, can we at least put together a commission to compare the privileges, rights and benefits given to those in marriage but denied to those in long-term relationships? We will not change any policy, we will not change anything in the bill, rather we would seek simply to look at Federal, State and international law so that we might have a body of accurate information upon which to deliberate in the future.

□ 1256

In so doing, we would not only reaffirm the traditional definition of marriage, but we would also send the signal of our sensitivity and respect to those who happen to be gay or lesbian.

The gentleman from Illinois [Mr. HYDE] and I want to thank him for his decency and sensitivity in discussing

this with me, suggested that while he could not support a commission he could support a GAO study. So I drafted an amendment which calls for such a GAO study to be a part of this bill, and I shared it with the gentleman from Illinois and Chairman GINGRICH. Unfortunately, others in my party insisted that this small step of basic decency and respect not be included in this bill.

Unfortunately such action, I think, exposes this legislative initiative for the mean political game it is. And I am truly sorry about that.

I stand here today with respect and with love for each of you as fellow Members of the human race. All I ask in return is that you do not intentionally make me any less worthy than you.

Mr. Chairman, I ask unanimous consent that the motion be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin [Mr. GUNDERSON]?

There was no objection.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts: Page 3, after line 20, insert:

(b) APPLICATION.—

(1) Subsection (a) shall not apply if the State in which the persons affected by such application of subsection (a) has determined that the definition of "marriage" or "spouse", or both, shall be different than that in subsection (a), provided such State determination is in the form of—

(A) legislation; or

(B) citizen initiative or referendum.

(2) In the case where such a determination is made by judicial decision interpreting a State constitution, subsection (a) shall cease to apply if the minimum time necessary in that State for an amendment to the State constitution elapses and the State's determination remains in effect.

(3) In the case where such a determination is made by judicial decision interpreting a State statute, subsection (a) shall cease to apply with the adjournment of the next session of the State legislature.

Page 3, line 21, strike "(b)" and insert "(c)".

The CHAIRMAN. Pursuant to House Resolution 474, the gentleman from Massachusetts [Mr. FRANK] and a Member opposed each will control 7½ minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, let me reassure those Members with "rollcall envy" that they can have one on this one.

Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon [Mr. DEFAZIO].

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

Mr. DEFAZIO. Mr. Chairman, I rise in support of the amendment and in opposition to the bill.

Mr. Chairman, I rise in opposition to H.R. 3396, the Defense of Marriage Act. This bill is unnecessary, discriminatory and possibly unconstitutional. There is no question that we have real problems with family disintegration in this country, but this legislation is not intended to defend or improve the success of marriage, rather it is intended to further divide the country over the issue of gay rights.

I'm saddened that, at a time when so many important issues face this country we are taking up valuable time discussing a bill that truly is a solution in search of a problem.

Same sex marriage is not currently legal anywhere in the United States. And in over 200 years, the Federal Government has never attempted to develop a Federal definition of marriage. That right and responsibility has been left to the States.

The Federal Government recognizes any State sanctioned marriage. However, States do not have to give full faith and credit to marriages sanctioned in other States. For instance, my home State of Oregon does not recognize marriages of 12-year-olds, but the State of Massachusetts allows 12-year-old females to marry, and the State of Alabama allows 14-year-olds to marry. In fact, several States even allow first cousins to marry.

So if States can already refuse to recognize certain kinds of marriages performed in other States, what is the point of this legislation?

If, as the proponents of this legislation claim, States do not have the authority to claim exemption from the full faith and credit clause, then a simple statute is not adequate to circumvent the Constitution's full faith and credit clause—we would need to pass a constitutional amendment.

So, again, what is the point of this legislation?

And where would this type of legislation lead us? We risk setting a dangerous precedent by crossing the threshold of preempting States by establishing a Federal definition of marriage. Once we cross that threshold, what is to prevent the Federal Government from setting a national age of majority for marriage and preempting all States as in China where the legal marriage age has been set as high as 28 years old, and changes almost annually. Furthermore, what is to prevent the Federal Government from setting new and rigorous standards for divorces preempting all State laws?

I have long supported the ability of long-term committed domestic partners to receive some sort of legal recognition. There are a host of areas where family members need legal standing—hospital visitations when someone is critically ill or injured, to be at a loved one's side when they die, decisions about medical care and guardianship for someone who is ill or incapacitated, and the authority to carry out someone's last wishes, to name a few.

A number of local jurisdictions around the country have extended legal rights to domestic partners. That is exactly where these types of decisions should be made—by local communities and States, not by the Federal Government dictating and mandating these issues for them.

This is not serious legislation to address a real need in this country. It is a cynical political gesture, which has more to do with Presidential election year politics than addressing the needs of the American people.

I urge my colleagues to oppose this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the ranking Democrat on the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, I rise in support of this slimmed-down revision of section 3 to allow the States, which enact their own same-sex marriage laws, to have those marriages respected by the Federal Government. Surely, Members on the other side of the aisle can support this amendment. I hope they can.

Mr. Chairman, I hope that the excellent job of whipping up the populace into a frenzy will subside somewhat and we can consider what we are dealing with.

For my good friend, the gentleman from Florida [Mr. CANADY], the subcommittee chairman who keeps laying this 70-percent population figure on us, may I remind the gentleman that 70 percent of the population was against ending segregation when the civil rights laws passed in the United States of America in the sixties. The gentleman shakes his head negatively, but he is incorrect.

Now, I wish my good friend from Wisconsin who made his very impassioned remarks would have included in the reasons for marriage being in trouble in America, if it is, that it is because of joblessness. I do not know what is going on between all the spouses, but joblessness is a huge driving force.

And finally, for ex-Senator Bob Dole, who I give advice on occasion, why is he so angry that President Clinton agrees with him on this issue? What is the beef, Bob? I mean, after all, you forced him to do this.

Mr. Chairman, we are going to stick with the gentleman from Georgia [Mr. LEWIS]. Eventually we will all come around and realize where this is going. I thank the Members for their kind attention.

I rise in strong support of the gentleman's amendment revising section 3 of the bill to allow States, which enact their own same sex marriage laws, to have those marriages respected by the Federal Government.

Around this body we hear a lot of talk about States rights. Well this amendment gives all of the Members a chance to back up their rhetoric. For more than 200 years Congress has allowed determinations of marriage status to be a purely State matter. Yet, unless this amendment is adopted, we in the Congress will be telling the States how to run their business. We will be saying a marriage that they have blessed is not good enough for Federal recognition.

This amendment serves to illustrate the blatant hypocrisy which characterizes the entire legislation. The entire matter has very little to do with the Federal Government. It is black-letter law that the States are free to reject marriages approved by other States which violate public policy. It is pursuant to this authority that States have invalidated marriages consummated in other States which are incestuous, polygamous, based on common law, and

involve under-age minors. Ironically, by enacting this law, Congress will, by implication, be limiting the States authority to reject other types of marriage which may be contrary to public policy.

It seems clear to me that the only reason we are here even debating this issue is that Republicans are intent on creating a political issue completely out of thin air so they can demonize gay and lesbian individuals and further divide the American people. The Contract With America has been a flop, the Republican Party is behind in the polls, and their leadership is desperately trying to manufacture wide political issues. If there were any other reason, they would slow this bill down, wait for the courts and the State of Hawaii to act, and seriously analyze the legal implications of what they are doing.

Fortunately, I don't think the American people will be fooled by this legislative red herring. They want real solutions that improve their every day lives, not legislative placebos. We can begin doing so by voting for this amendment and returning power back to the States.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would note that remarks in debate should be addressed to the chair.

Mr. CANADY of Florida. Mr. Chairman, I rise to claim the time in opposition to the Frank amendment.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] is recognized for 7½ minutes.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I deeply regret that my colleague from Wisconsin, Mr. GUNDERSON, left before we could respond to his remarks. And I regret that he was not here when I made my remarks on why this legislation is in front of us.

Mr. Chairman, this legislation is not mean-spirited. It is not divisive. It is not cynical. It is a legitimate response to a well-publicized legal move to try to expand a decision in Hawaii to the rest of the country and to Federal law.

Now, the question is not whether or not we are compassionate. I think we all are compassionate because uncompassionate people do not get elected to Congress. But the question is how these issues should be debated and how the decision should be made.

I believe in the power of the people and the power of the Congress to make the right decisions and to do the right thing. And we ought to have an open debate on the issue of whether Federal benefits should be expanded to couples who get involved in gay marriages. The place for that debate, I would submit, is in the forum of public opinion, and the greatest deliberative legislative body in the world, the Congress of the United States, rather than having judges that are not elected and judges that are not responsible to the people bootstrap a decision in one State to national policy.

Mr. Chairman, I am sorry the gentleman from Wisconsin does not under-

stand that. I think the rest of the House does.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the consummate cleverness of the amendment's proponent is obvious once again. His first amendment was a killer amendment, pure and simple. It trained its cross hairs on the heart of the bill and made no bones about it. This one is a little bit different. It trains its cross hairs on the heart of the bill, but it kills it with a silencer. Yet the result would be the same.

The fact of the matter is, Mr. Chairman, it is the prerogative, the authority, the responsibility, and the sole jurisdictional power of the Congress of the United States to determine the reach of Federal laws, Federal benefits, Federal regulations.

I matters not whether that power is attempted to be usurped by a State court, a State legislature, or the citizens of a State by referendum. The fact of the matter is they cannot do so. They should not be allowed to do so. And for any Member of this body to stand up and say on behalf of my 20 constituents, I am going to abrogate that responsibility to the citizens of a State, is an absolute outrage and an irresponsibility. It is a derogation of their duty as a representative of the people to protect the integrity of Federal powers, Federal jurisdiction, Federal laws, benefits and responsibilities.

This amendment is a killer amendment. It may be sugar coated, it may have a silencer on it, but the effect is just as deadly. This amendment deserves to be defeated because if it is not, the underlying bill will not be enacted into law, and I urge my colleagues to defeat this second Frank amendment.

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

Mr. Chairman, so much for block grants. We heard the gentleman from Georgia. How dare we think that those State-elected officials ought to decide how to spend Federal money. Do not let them usurp and preempt. I could not have heard a better denunciation of block grants from the staunchest federalizing liberal around, because that is what is at issue.

Mr. Chairman, I do appreciate the reference of the gentleman from Georgia [Mr. BARR] to my consummate cleverness. There are circles in which I will have to explain away having received that compliment from him, but I am willing to take on that burden.

Mr. Chairman, the point is that the gentleman is upset because the amendment is not stupid. And I apologize. There is nothing in the rules that says our amendments have to be stupid. I anticipated some of their arguments.

They have been arguing, and let us be clear what this amendment says. This

amendment leaves alone that part of the bill that purports to protect other States from having to do what Hawaii does. I do not think they have to anyway, but this double protects them. That is not an issue.

This amendment says, and it says it clearly. Indeed, let me say immodestly, citing as authority the gentleman from Georgia, it says it "consummately cleverly" or "cleverly consummately," that if a State by democratic procedures, by involvement of its electorate, either directly in a referendum or through its legislature or by decision to allow a court decision to stand after the time has gone by, if a State makes a democratic decision that says if two men in this State are in love or two women in this State are in love and they are prepared to undertake the obligations of marriage, they are prepared to live together and commit to each other, they are prepared to make legal, binding representations to each other, the Federal Government will treat them in that State as it treats anybody else. The Federal Government will treat them as the beneficiaries of that democratic decision.

Mr. Chairman, what the bill says is if there is a referendum in a State, if there is a unanimous vote in the legislature to allow two people to love each other, we the Federal Government will say no. Why? We heard the gentleman from Georgia. Because we, the Federal Government, will decide.

Again, let us not have any of this block grant nonsense. Let us not talk about State autonomy. We will sit here in Washington and tell Hawaii who can love each other and who cannot. Of course, they can make a law in Hawaii, but it will not be a real marriage. It will not have Federal tax benefits; it will not have pension benefits; it will not have testimonial privilege.

Let us be very clear, Mr. Chairman. I appreciate the candor of the gentleman. Let us not have any of this nonsense about State autonomy. That is what this amendment says. It says if the Hawaii Supreme Court does it, it still would not take effect. But if the Hawaii Supreme Court makes a decision and enough time goes by under the Hawaii constitution, the legislature let it stand, there was a referendum in favor of it, we will then allow it.

So here is what we are being told. Do not let the democratic processes of a single State allow same-sex marriage in that State to be a federally valid marriage, even though it means it will have no effect on any other State. We are not attacking that point.

If my amendment passes, the bill will say what one State does has no effect on any other State. Another State does not have to have it. If a State makes a democratic decision to let two women love each other in a loving relationship, that cannot be because it will dissolve marriage, and we get back to that.

There are people in this society, heterosexuals who are married, who

have been accused of spousal abuse; who have been accused of and have acknowledged not supporting their children; who have had multiple divorces and remarriages. Those are serious problems. We need to help people with that.

But implicitly to blame those on the fact that two men love each other is extraordinarily unfair and that is why we heard the eloquent, passionate statement of the gentleman from Wisconsin who proceeded me. He and I and others are willing to take on the burden of working out the difficulties of two human beings becoming mutually committed.

Mr. Chairman, we are talking about two human beings. And for those who pretend not to know the difference between a monogamous relationship between two human beings and polygamy, I must say that I think they debate and debate when they use that kind of analogy. Everyone knows the real difference.

We are talking about mutuality; about two people loving each other and committing to each other. Do Members know what they are saying if they vote down this amendment? "No, you cannot do that. How dare you have a democratic vote in a State to allow two people to show love and commitment and affection. We cannot allow that, because it threatens our marriages."

Mr. Chairman, I do not believe anyone really thinks it threatens their marriages. I do not understand what motivates them. In one case someone said: Do not allow them the sacrament of matrimony. We have no power to give anyone any sacraments. We are not in the business of dispensing sacraments, and I hope we never get there.

Mr. Chairman, we are creating an institution called civil marriage. People in this Chamber have taken full advantage of their right legally to divorce. People have had several divorces. That is not a sacrament. We did not create the sacrament of "holy divorce." We allow this, in society, in a sensible society with personal freedom, individuals to make choices in a civil society. Those who find that religiously offensive are free to do nothing about it. They are free not to participate in it.

We are talking here about creating an institution of civil society. In fact we are not talking about creating it. We are saying if the Federal Government sees a State by democratic means in this amendment create an institution of civil society that allows two people to love each other, the Federal Government will do what it can to stop it. Why? My colleagues heard the gentleman from Georgia. Because how dare they preempt and usurp the State.

Who is preempting and usurping? The legislature. How dare the legislature of Hawaii preempt our imperial right to decide who is married and who is not married. How dare the people of Hawaii presume to think that they can define love in an effective way.

Mr. Chairman, I hope the amendment is adopted.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I thank the gentleman from Florida [Mr. CANADY] and my colleagues.

Mr. Chairman, I can tell you this is one of the most uncomfortable issues I can think of to debate. It is something I really shrink from because there is no gentle easy way, if we are to be honest and candid, to discuss the objections to same-sex marriage, the disapprobation of homosexual conduct, without offending and affronting an ever-widening group of people who have come to accept homosexual conduct.

But, Mr. Chairman, we are driven to this debate. We are driven to this debate by the courts. The Romer versus Evans case which was decided May 20 of this year is a fascinating case, and it provides really a preferred status for homosexual people, and may very well invalidate a State's heretofore unquestioned power to reject the conduct in another State on public policy grounds.

If a marriage was incestuous and it was celebrated in one State, another State did not have to accept that on public policy grounds. Now, there is a real question because of Romer versus Evans, a Supreme Court case.

The fascinating thing is that the Bowers versus Hardwick case was not even discussed in Romer versus Evans. Bowers versus Hardwick is a 1986 case which said a State may criminalize the act of sodomy. Twenty-five States have laws criminalizing homosexual conduct. The defining act of homosexuality is a crime in 25 States. It used to be in all the States, but many of the States have reversed their laws because they cannot enforce them. There is no way to enforce them.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. If the gentleman's interpretation, I mean this seriously, if the gentleman's interpretation of Romer versus Evans is correct, and we do not know whether it is or not, would that not also apply then to the section here? In other words, if the court were to hold under Romer versus Evans—

Mr. HYDE. Yes, it could.

Mr. FRANK of Massachusetts. So that this could also apply to this section equally.

Mr. HYDE. It could. But that is why we need this statute in my judgment, to give a little more leverage to the States.

Mr. FRANK of Massachusetts. If the gentleman would continue to yield for 10 seconds, if in fact it is unconstitutional because of an interpretation of

parts of the Constitution, no statute would hold against that.

□ 1315

Mr. HYDE. Well, maybe, maybe not. Maybe, maybe not is all. You cannot speculate about the court.

The gentleman from Massachusetts [Mr. STUDDS] said that the unfinished business of the civil rights movement is homosexual acceptability. There is no power on Earth to stop it. Maybe and maybe not. He has something, when I look around and see the entertainment stars in our country are Michael Johnson and Madonna, he could be right. The homosexual movement has been very successful in intimidating the psychiatric profession. Now people who object to sodomy, to two men penetrating each other are homophobic. They have the phobia, not the people doing this act. That is a magnificent accomplishment for public relations.

Let us talk about this bill. This is the most delicate and limited measure that Congress could possibly produce on this subject. First of all, as to defining marriage in the Federal code, who else should define it except this Congress, the Federal legislature. Not the courts, the courts are usurping legislative functions. It is appropriate that Congress define marriage. You may not like the definition the majority of us want, but most people do not approve of homosexual conduct. They do not approve of incest. They do not approve of polygamy, and they express their disapprobation through the law. It is that simple. It is not mean spirited. It is not bigoted. It is the way it is, the only way possible to express this disapprobation.

Now, two men loving each other does not hurt anybody else's marriage, but it demeans, it lowers the concept of marriage by making it something that it should not be and is not, celebrating conduct that is not approved by the majority of the people.

Defeat the amendment. Vote for the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 103, noes 311, not voting 19, as follows:

[Roll No. 314]

AYES—103

Abercrombie	Brown (CA)	Collins (IL)
Ackerman	Brown (FL)	Collins (MI)
Barrett (WI)	Brown (OH)	Conyers
Becerra	Campbell	Coyne
Beilenson	Clay	DeFazio
Berman	Clayton	Dellums
Blumenauer	Clyburn	Dingell
Bonior	Coleman	Dixon

Engel	Lewis (GA)
Eshoo	Lofgren
Farr	Lowe
Fattah	Maloney
Fazio	Markey
Filner	Martinez
Frank (MA)	Matsui
Furse	McCarthy
Gejdenson	McDermott
Gephardt	McKinney
Gonzalez	Meehan
Gunderson	Meek
Gutierrez	Millender-
Harman	McDonald
Hastings (FL)	Miller (CA)
Hilliard	Mink
Hinchee	Moakley
Horn	Moran
Jackson (IL)	Nadler
Jackson-Lee	Neal
(TX)	Olver
Jefferson	Owens
Johnson, E. B.	Pallone
Kennedy (MA)	Payne (NJ)
Kennedy (RI)	Pelosi
Kennelly	Rangel
Lantos	Reed

NOES—311

Allard	Danner
Andrews	Davis
Archer	de la Garza
Armey	Deal
Bachus	DeLauro
Baesler	DeLay
Baker (CA)	Deutsch
Baker (LA)	Diaz-Balart
Baldacci	Dickey
Balinger	Dicks
Barcia	Doggett
Barr	Dooley
Barrett (NE)	Doolittle
Bartlett	Dornan
Barton	Doyle
Bass	Dreier
Bateman	Duncan
Bentsen	Durbin
Bereuter	Edwards
Bevill	Ehlers
Bilbray	Ehrlich
Bilirakis	English
Bishop	Evans
Bliley	Everett
Blute	Ewing
Boehlert	Fawell
Boehner	Fields (TX)
Bonilla	Flake
Bono	Foglietta
Borski	Foley
Boucher	Forbes
Brewster	Fowler
Browder	Fox
Brownback	Franks (CT)
Bryant (TN)	Franks (NJ)
Bryant (TX)	Frelinghuysen
Bunn	Frisa
Bunning	Frost
Burr	Funderburk
Burton	Galleghy
Buyer	Ganske
Callahan	Gekas
Calvert	Geren
Camp	Gilchrest
Canady	Gillmor
Cardin	Gilman
Castle	Goodlatte
Chabot	Goodling
Chambliss	Gordon
Chapman	Goss
Chenoweth	Graham
Christensen	Green (TX)
Chrysler	Greene (UT)
Clement	Greenwood
Clinger	Gutknecht
Coble	Hall (TX)
Coburn	Hamilton
Collins (GA)	Hancock
Combest	Hansen
Condit	Hastert
Cooley	Hastings (WA)
Costello	Hayes
Cox	Hayworth
Cramer	Hefley
Crane	Hefner
Crapo	Heineman
Creameans	Herger
Cubin	Hilleary
Cummings	Hobson
Cunningham	Hoekstra

Richardson	Nethercutt
Rivers	Neumann
Rose	Ney
Roybal-Allard	Norwood
Rush	Nussle
Sabo	Oberstar
Sanders	Obey
Sawyer	Ortiz
Schroeder	Orton
Schumer	Oxley
Scott	Packard
Serrano	Parker
Skaggs	Pastor
Slaughter	Paxon
Stark	Payne (VA)
Stokes	Peterson (FL)
Studds	Peterson (MN)
Torres	Petri
Torricelli	Pickett
Towns	Pombo
Velazquez	Pomeroy
Vento	Porter
Ward	Portman
Waters	Poshard
Waxman	Pryce
Woolsey	Quillen
Yates	Quinn

Hoke	Johnson (CT)
Holden	Johnson (SD)
Hostettler	Johnson, Sam
Houghton	Jones
Hoyer	Kanjorski
Hunter	Kaptur
Hutchinson	Kasich
Hyde	Kelly
Inglis	Kildee
Istook	Kim
Jacobs	King
Johnson (CT)	Kingston
Johnson (SD)	Kleczka
Johnson, Sam	Klink
Jones	Klug
Kanjorski	Knollenberg
Kaptur	Kolbe
Kasich	LaHood
Kelly	Largent
Kildee	Latham
Kim	LaTourette
King	Laughlin
Kingston	Lazio
Kleczka	Leach
Klink	Levin
Klug	Lewis (CA)
Knollenberg	Lewis (KY)
Kolbe	Lightfoot
LaHood	Linder
Largent	Lipinski
Latham	Livingston
LaTourette	LoBiondo
Laughlin	Lucas
Lazio	Luther
Leach	Manton
Levin	Manzullo
Lewis (CA)	Martini
Lewis (KY)	Mascara
Lightfoot	McCormack
Linder	McCollum
Lipinski	McCrery
Livingston	McHale
LoBiondo	McHugh
Lucas	McInnis
Luther	McIntosh
Manton	McKeon
Manzullo	McNulty
Martini	Menendez
Mascara	Metcalf
McCormack	Meyers
McCollum	Mica
McCrery	Miller (FL)
McHale	Minge
McHugh	Molinari
McInnis	Mollohan
McIntosh	Montgomery
McKeon	Moorhead
McNulty	Murtha
Menendez	Myers
Metcalf	Myrick

NOT VOTING—19

Dunn	Johnston	Thompson
Ensign	LaFalce	Thornton
Fields (LA)	Lincoln	Watt (NC)
Flanagan	Longley	Wilson
Ford	McDade	Young (FL)
Gibbons	Morella	
Hall (OH)	Roberts	

□ 1335

The Clerk announced the following pair:

On this vote:

Mr. Johnston of Florida for, with Mr. Longley against.

Messrs. ALLARD, SMITH of New Jersey, and GENE GREEN of Texas changed their vote from "aye" to "no."

Mrs. KENNELLY and Mr. RUSH changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Ms. GREENE of Utah) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3396) to define and protect the institution of marriage, pursuant to House Resolution 474, he reported the bill back to the House.

The SPEAKER pro tempore (Ms. GREENE of Utah). Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS.

JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Speaker, I offer a motion to recommit.

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

Ms. JACKSON-LEE of Texas. Yes, I am, Madam Speaker, in its present form.

Mr. CANADY of Florida. Madam Speaker, I reserve a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. CANADY] reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new sections to the legislation:

SEC. 4. SHORT TITLE.

This Act may be cited as the "Employment Non-Discrimination Act of 1996".

SEC. 5. DISCRIMINATION PROHIBITED.

A covered entity, in connection with employment or employment opportunities, shall not—

(1) subject an individual to different standards or treatment on the basis of sexual orientation,

(2) discriminate against an individual based on the sexual orientation of persons with whom such individual is believed to associate or to have associated, or

(3) otherwise discriminate against an individual on the basis of sexual orientation.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of his or her partner.

SEC. 7. NO DISPARATE IMPACT.

The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(A) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to religious organizations.

(b) FOR-PROFIT ACTIVITIES.—This Act shall apply with respect to employment and employment opportunities that relate to any employment position that pertains solely to a religious organization's for-profit activities subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—(1) For purposes of this Act, the term "employment or employment opportunities" does not apply to the relationship between the United States and members of the Armed Forces.

(2) As used in paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating special rights or preferences for veterans.

SEC. 11. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204), in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively,

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104-1; 109 Stat. 3)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act,

(4) the Attorney General of the United States shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), or

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204),

in the case of a claim alleged by such individual for a violation of such title or of section 302(a)(1) of such Act, respectively, and

(5) the courts of the United States shall have the same jurisdiction and powers as such courts have to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(B) sections 302, 303, and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202, 1203, 1204) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act, and

(C) the Congressional Accountability Act of 1995 (Public Law 104-1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title,

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by such individual for a violation of such section, and

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of Congressional Accountability Act of 1995 (Public Law 104-1; 109 Stat. 3) in the case of a claim alleged by such individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to claims alleged by covered employees (as defined in section 101 of the Congressional Accountability Act of 1995 (Public Law 104-1; 109 Stat. 3)) for violations of this Act, title III of the Congressional Accountability Act of 1995 shall apply in the same manner as such title applies with respect to a claims alleged by such covered employees for violations of section 201(a)(1) of such Act.

SEC. 12. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the eleventh article of amendment to the Constitution of the United States from an action in a Federal court of competent jurisdiction for a violation of this

Act. In an action against a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies are available in an action against any public or private entity other than a State.

(b) LIABILITY OF THE UNITED STATES.—The United States shall be liable for all remedies (excluding punitive damages) under this Act to the same extent as a private person and shall be liable to the same extent as a non-public party for interest to compensate for delay in payment.

SEC. 13. ATTORNEYS' FEES.

In any action or administrative proceeding commenced pursuant to this Act, the court or the Commission, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including expert fees and other litigation expenses, and costs. The United States shall be liable for the foregoing the same as a private person.

SEC. 14. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because such individual opposed any act or practice prohibited by this Act or because such individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised, enjoyed, assisted, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members describing the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e—10).

SEC. 16. REGULATIONS.

The Commission shall have authority to issue regulations to carry out this Act.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 19. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act and shall not apply to conduct occurring before such effective date.

SEC. 20. DEFINITIONS.

As used in this Act:

(1) The term "Commission" means the Equal Employment Opportunity Commission.

(2) The term "covered entity" means an employer, employment agency, labor organization, joint labor management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing authority to which section 201(a) of the Congressional Accountability Act of 1995 (Public Law 104-1; 109 Stat.3) applies.

(3) The term "employer" has the meaning given such term in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)).

(4) The term "employment agency" has the meaning given such term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) The term "employment or employment opportunities" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment.

(6) The term "labor organization" has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) The term "person" has the meaning given such term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) The term "religious organization" means—

(A) a religious corporation, association, or society, or

(B) a college, school, university, or other educational institution, not otherwise a religious organization, if—

(i) it is in whole or substantial part controlled, managed, owned, or supported by a religious corporation, association, or society, or

(ii) its curriculum is directed toward the propagation of a particular religion.

(9) The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether such orientation is real or perceived.

(10) The term "State" has the meaning given such term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(ii)).

Ms. JACKSON-LEE of Texas (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes in support of her motion to recommit.

Ms. JACKSON-LEE of Texas. Madam Speaker, I ask for the attention of the House because, as many of us have entered houses of worship, this debate has been wrapped more in whether one's belief in the Scriptures and Bible will carry the day.

Let me say, Madam Speaker, that I am a Bible believer and a Bible reader, but all of God's children have rights. I believe that we have over these last 24 hours lifted up and increased discrimination as opposed to decreasing discrimination. The Employment Nondiscrimination Act is biblical in nature as well, for it gives human dignity to all of God's children.

I will speak to the issue of germaneness, and I appreciate the gentleman from Florida, but in fact this amendment and motion to recommit is germane. It increases the opportunity for all citizens to be treated equally. It takes away the sting of denying people their rights. This subject matter is, in fact, appropriate, for it seems that the legislation that is now on the floor deals with gays and lesbians and separates them out from the Constitution of the United States. This Employment

Nondiscrimination Act says that we will not be a gestapo, that we will respect and we will lift up the rights of all citizens.

□ 1345

Yes, the Committee on the Judiciary, from which this bill has come out, also has jurisdiction over the Employment Nondiscrimination Act of 1996. Therefore, Madam Speaker, I am not running away from germaneness, but I do understand that we have been discussing over these last 2 days legislation that is to respond and control perversion that characterizes many individuals.

I would simply say that this is the appropriate way for a nation like ours to go, one that embodies in this House the word "union," stick together; the word "justice," justice for all; the word "tolerance," to tolerate those citizens who have given their lives for this flag and this country; and yes, the word "liberty," liberty for all; and yes, the word "peace." We should go in peace and harmony.

So I believe that the subject matter that deals with gay and lesbian rights in the workplace is more than appropriate for a motion to recommit, for this body to stand equal with America in responding to the good aspects, to the goodness of what this country stands for; for the reason we have lost men and women overseas, for liberty and equality for all. How can we not today stand with America and the flag and acknowledge the human dignity of all of god's children? How can we not?

So I ask my colleagues if they would accept this motion to recommit so we do not leave this place this day; so we, like Esther, will acknowledge that if I perish, I perish, for I must stand for what is right.

It is important that we allow this legislation, the Employment Nondiscrimination Act of 1996, to give human dignity to all of our citizens. It is important, it is germane. It provides the criteria of germaneness, for it deals, as I said, with increasing the opportunities and decreasing discrimination.

Likewise, it deals with gays and lesbians, and yes, the subject matter is relevant. I would hope the subject matter of equality and the dignity of all and the respect for the words of this Chamber of justice and tolerance and peace and liberty is the way that we should go.

Madam Speaker, I would ask my colleagues, can we not, can we not, can we not acknowledge freedom in America goes to all of our citizens, all of our citizens?

POINT OF ORDER

The SPEAKER pro tempore. (Ms. GREENE of Utah). Does the gentleman from Florida [Mr. CANADY] insist on his point of order?

Mr. CANADY of Florida. Madam Speaker, I insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. CANADY of Florida. the motion to recommit is not germane to the bill.

The bill relates solely to the subject of marriage. The motion to recommit seeks to add language which relates to employment discrimination to a bill dealing with marriage. Clearly, this is a proposition on a subject different from that under consideration, in violation of clause 7 of rule XVI, and I ask the chair to rule the motion to recommit out of order.

Ms. JACKSON-LEE of Texas. Madam Speaker, with great pain in my heart, I would maintain that we are germane, and it is with deepest regrets and great pain that I hear that human dignity is not germane. But at this point, Madam Speaker, with this pain and this disappointment, I will not contest the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The motion to recommit is not in order.

MOTION TO RECOMMIT OFFERED BY MR. BERMAN

Mr. BERMAN. Madam Speaker, I offer a motion to recommit with instructions.

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

Mr. BERMAN. I am in its present form, Madam Speaker.

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

The Clerk read as follows:

Mr. BERMAN of California moves to recommit the bill, H.R. 3396, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Page 3, line 24, at the end of the bill, add the following new section to the legislation:

"SEC. 4. STUDY OF THE DIFFERENCES IN BENEFITS, RIGHTS AND PRIVILEGES AVAILABLE TO PERSONS IN A MARRIAGE AND TO PERSONS IN A DOMESTIC PARTNERSHIP.

"(a) GENERAL ACCOUNTING OFFICE STUDY.—The General Accounting Office shall undertake a study of the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in a domestic partnership resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

"(b) REQUIREMENTS OF STUDY.—The General Accounting Office shall—

"(1) conduct a comprehensive review of Federal statutes and administrative regulations, rulings, and determinations to compile an inventory of Federal benefits, rights and privileges available to persons in a marriage and to determine whether such Federal benefits, rights, and privileges are also available to persons in a domestic partnership;

"(2) analyze the impact of Federal statutes and administrative regulations, rulings, and determinations on the private sector to determine whether those statutes, rules, regulations, and determinations influence the private sector to make benefits, rights, and privileges available to persons in a marriage which are not available to persons in a domestic partnership;

"(3) survey State property, testamentary, probate, insurance, credit, and contract laws to determine whether a difference exists in their usefulness to address the legal needs of persons in a marriage and their usefulness to address the legal needs of persons in a domestic partnership;

"(4) survey the laws of other major industrialized countries to determine whether

there is a difference in those countries between the government benefits, rights and privileges available to persons in a marriage and the governmental benefits, rights and privileges available to persons in a domestic partnership; and

"(5) conduct such further investigation and analysis as it deems necessary to study the differences in the benefits, rights and privileges available to persons in a marriage and the benefits, rights and privileges available to persons in domestic partnerships resulting from the non-recognition of domestic partnerships as legal unions by State and Federal laws.

"(c) REPORT.—Not later than October 1, 1997, the General Accounting Office shall submit to the President and to the Congress a report of its findings pursuant to the study conducted under this section.

"(d) ASSISTANCE IN COMPLETING THE STUDY AND REPORT.—

"(1) ASSISTANCE FROM OTHER AGENCIES.—The General Accounting Office may secure directly from any Federal department or agency such information as may be necessary to complete the study and report required by this section.

"(2) DETAILED PERSONNEL.—On the request of the Comptroller General, the head of any Federal department or agency is authorized to detail, without reimbursement, any personnel of that department or agency to the General Accounting Office to assist it in carrying out its duties under this section. The detail of any individual may not result in the interruption or loss of civil services status or other privilege of the individual.

"(3) ASSISTANCE FROM ATTORNEY GENERAL.—The Attorney General of the United States shall provide the General Accounting Office with such administrative and support services as the Comptroller General may request to complete the study and report required by this section.

"(e) DEFINITION.—For the purposes of this section, the term 'domestic partnership' means two persons committed to an interpersonal relationship with each other, other than marriage, which has been acknowledged through a publicly established governmental procedure, through a privately enforceable written agreement, or through other documents executed by those persons which evidence their intention to commit to an interpersonal relationship with each other."

Mr. BERMAN (during the reading). Madam Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes in support of his motion to recommit.

Mr. BERMAN. Madam Speaker, this is a motion to recommit with instructions. This motion to recommit is simply adding an amendment to the bill and asking that the bill be reported back forthwith. If this motion to recommit passes, the body will still be voting on the bill immediately after the vote on the motion to recommit.

The motion to recommit is very simple: It simply asks for a GAO study to look at the differences in benefits, rights, and privileges available to persons in a marriage and to persons in a domestic partnership resulting from

the non-recognition of domestic partnerships as legal unions by State and Federal laws.

Once again, the passage of this motion to recommit will not send the bill to a committee, it will not bury this bill. The bill will come back immediately for a vote on final passage.

Mrs. JOHNSON of Connecticut. Madam Speaker, will the gentleman yield?

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

Mrs. JOHNSON of Connecticut. Madam Speaker, I rise in support of this motion to recommit. Clearly there is a need to understand how we enable people who are committed to one another to have appropriate legal rights and responsibilities with regard to each other. All this study does is to ask the GAO to look at the rights and responsibilities one has under a marriage contract and the rights and responsibilities that domestic partners have under current State and Federal law. We simply need to know this information.

Without question, marriage has been the pillar of social organization over time in every society, because marriage helps to sustain the development of love, loyalty, commitment, and responsibility. Domestic partner relationships are not marriage, and that is what this bill says. But domestic partner relationships do encourage commitment, responsibility, love, and loyalty, and I think it is important that our society rise to the challenge of finding what legal entitles we need to develop to allow people who want to take responsibility for one another, who want to, over time, legally share responsibilities for health care, share responsibilities for planning funerals and so on and so forth, how we help them do that. This is just a study to get the information. We are proposing it in a legal form because we want to acknowledge that this information is important to us as a society; that all relationships of commitment are important to a stable society. And in the passage of this bill, which I intend to support, we do not intend to denigrate other relationships of integrity.

Mr. UPTON. Madam Speaker, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. UPTON. Madam Speaker, I support the base bill, and I would say that I also support this motion to recommit, which does not delete, eliminate, or change anything in the present bill, as we will vote on final passage on this measure whether or not this motion to recommit passes or fails.

If Members are like me, a very happily married man with two wonderful kids, this issue does not come up a lot in my household. But what this motion to recommit does is it simply adds a section calling upon the GAO to conduct a study determining the benefits, rights, and privileges given to those in marriage but not those in long-term domestic partnerships. As part of the

study it will also look at how other countries have legally dealt with the long-term relationships outside of marriage.

It changes no law. It only asks the GAO to give us the information requested by October 1, 1997. Then we are free to use such information to decide what if any policy changes we want to make. Let us affirm our commitment to traditional marriage, but let us do so in a way that respects and is sensitive to those in long-term domestic partnerships.

For example, if our colleague, the gentleman from Wisconsin, STEVE GUNDERSON, were sick or injured, why should his partner not have automatic visitation privileges or automatic doctoral consultations, which many today have been denied?

Madam Speaker, when the former committee staff director, Matt Fletcher, of the gentleman from Pennsylvania, BILL CLINGER, lost his partner of 16 years to AIDS, Matt could not sign the documents at the funeral home. All this motion to recommit does is ask for a study, ask for a study, so when the study is completed in 1½ years from now or so, we can have better information with which to deal with this issue.

I ask Members to vote to recommit the bill, and I also ask that Members vote for final passage, whether or not the motion to recommit passes.

Mr. CANADY of Florida. Madam Speaker, I rise in opposition to the motion to recommit with instructions.

Madam Speaker, the purpose of the instruction is to require by statute that which the chairman of the Committee on the Judiciary has the authority to do by letter. The chairman of the committee, the gentleman from Illinois [Mr. HYDE], during the Committee on Rules meeting when this issue came up offered to write to the GAO for the study requested by the proposed instruction.

This motion represents a transparent attempt to give some statutory recognition to domestic partnerships. I do not think this is necessary to encumber the statute with language which is superfluous outside. Therefore, I oppose the motion to recommit with instructions.

Mr. HYDE. Madam Speaker, will the gentleman yield?

Mr. CANADY of Florida. I yield to the gentleman from Illinois.

Mr. HYDE. Madam Speaker, really, this request for a GAO study does not belong in the statute. I agreed a long time ago to request it as chairman of the Committee on the Judiciary. We should go forward with that. I pledge to do so. I have assured the gentleman that I will ask for a study of the instances in which the inability of domestic partners to form a legal union causes a disparity of entitlement to Federal benefits, rights, or privileges. So to amend this bill is not necessary.

The study mandated by the Gundersen amendment is overly broad. It includes all State laws, it includes other

majority industrialized countries, in addition to the Federal law. We think our interest should be limited to the benefits conferred under Federal law, and it should be tailored to that interest.

There are other objections to it, but suffice it to say putting it in the statute gives it an equivalence to the marriage institution that we do not think is appropriate now. I will write the letter, I will do it Monday, I will request the study, and that should suffice. I would ask that this motion to recommit be defeated.

The SPEAKER pro tempore. 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 Chair announced that the noes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair will reduce to a minimum of 5 minutes the period of time during which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—yeas 164, nays 249, not voting 20, as follows:

[Roll No. 315]

YEAS—164

Abercrombie	Forbes	Matsui
Ackerman	Fox	McCarthy
Andrews	Frank (MA)	McDermott
Baldacci	Frelinghuysen	McHale
Barrett (WI)	Frost	McKinney
Becerra	Furse	Meek
Beilenson	Gejdenson	Menendez
Bentsen	Gephardt	Millender-
Berman	Gilchrest	McDonald
Bilbray	Gilman	Miller (CA)
Blumenauer	Gonzalez	Mink
Blute	Green (TX)	Moakley
Bonior	Greenwood	Mollohan
Borski	Gunderson	Moran
Brown (CA)	Gutiérrez	Morella
Brown (FL)	Harman	Murtha
Brown (OH)	Hastings (FL)	Nadler
Bryant (TX)	Hefner	Neal
Campbell	Hilliard	Oberstar
Cardin	Hinchey	Obey
Castle	Hobson	Olver
Clay	Horn	Owens
Clayton	Hoyer	Pallone
Clinger	Jackson (IL)	Pastor
Clyburn	Jackson-Lee	Payne (NJ)
Coleman	(TX)	Pelosi
Collins (IL)	Jacobs	Pryce
Collins (MI)	Jefferson	Rangel
Conyers	Johnson (CT)	Reed
Coyne	Johnson, E. B.	Richardson
Cummings	Kanjorski	Rivers
Davis	Kennedy (MA)	Rose
DeFazio	Kennedy (RI)	Roybal-Allard
DeLauro	Kennelly	Rush
Dellums	Kildee	Sabo
Deutsch	Kleczka	Sanders
Dicks	Klug	Sawyer
Dixon	Kolbe	Schroeder
Doggett	Lantos	Schumer
Dooley	Lazio	Scott
Durbin	Leach	Serrano
Ehlers	Levin	Shays
Engel	Lewis (GA)	Skaggs
Eshoo	Lofgren	Slaughter
Farr	Lowey	Stark
Fattah	Luther	Stokes
Fazio	Maloney	Studds
Filner	Markey	Stupak
Foglietta	Martinez	Thomas
Foley	Martini	Thurman

Torkildsen
Torres
Torrice
Towns
Upton
Velazquez

Vento
Ward
Waters
Waxman
Williams
Wilson

Woolsey
Wynn
Yates
Zimmer

Meehan
Roberts

Thompson
Thornton

Watt (NC)
Young (FL)

□ 1414

NAYS—249

Allard	Galgely
Armey	Ganske
Bachus	Gekas
Baessler	Geren
Baker (CA)	Gillmor
Baker (LA)	Goodlatte
Ballenger	Goodling
Barcia	Gordon
Barr	Goss
Barrett (NE)	Graham
Bartlett	Greene (UT)
Barton	Gutknecht
Bass	Hall (TX)
Bateman	Hamilton
Bereuter	Hancock
Bevill	Hansen
Bilirakis	Hastert
Bishop	Hastings (WA)
Bliley	Hayes
Boehler	Hayworth
Boehner	Hefley
Bonilla	Heineman
Bono	Herger
Boucher	Hillery
Browder	Hoekstra
Brownback	Hoke
Bryant (TN)	Holden
Bunn	Hostettler
Bunning	Houghton
Burr	Hunter
Burton	Hutchinson
Buyer	Hyde
Callahan	Inglis
Calvert	Istook
Camp	Johnson (SD)
Canady	Johnson, Sam
Chabot	Jones
Chambliss	Kaptur
Chapman	Kasich
Chenoweth	Kelly
Christensen	Kim
Chrysler	King
Clement	Kingston
Coble	Klink
Coburn	Knollenberg
Collins (GA)	LaHood
Combest	Largent
Condit	Latham
Cooley	LaTourrette
Costello	Laughlin
Cox	Leahy (CA)
Cramer	Lewis (KY)
Crane	Lightfoot
Crapo	Linder
Creameans	Lipinski
Cunningham	Livingston
Danner	LoBiondo
de la Garza	Lucas
Deal	Manton
DeLay	Manzullo
McCollum	Mascara
McCrery	McCollum
McHugh	McCrery
McInnis	McHugh
McIntosh	McInnis
McKeon	McIntosh
McNulty	McKeon
Metcalf	McNulty
Meyers	Metcalf
Mica	Meyers
Miller (FL)	Mica
Everett	Miller (FL)
Rush	Minge
Sabo	Molinari
Sanders	Montgomery
Sawyer	Moorhead
Schroeder	Myers
Schumer	Myrick
Scott	Nethercutt
Serrano	Neumann
Shays	Ney
Skaggs	Norwood
Slaughter	Nussle
Stark	
Stokes	Archer
Studds	Brewster
Stupak	Dunn
Thomas	Ensign
Thurman	Fields (LA)

Ortiz	Portman
Orton	Poshard
Oxley	Quillen
Packard	Quinn
Parker	Radanovich
Paxon	Rahall
Payne (VA)	Ramstad
Peterson (FL)	Regula
Peterson (MN)	Riggs
Petri	Roemer
Pickett	Rogers
Pombo	Rohrabacher
Pomeroy	Ros-Lehtinen
Porter	Roth
Portman	Roukema
Poshard	Royce
Quillen	Salmon
Quinn	Sanford
Radanovich	Saxton
Rahall	Scarborough
Ramstad	Schaefer
Regula	Schiff
Riggs	Seastrand
Roemer	Sensenbrenner
Rogers	Shadegg
Rohrabacher	Shaw
Ros-Lehtinen	Shuster
Roth	Sisisky
Roukema	Skeen
Royce	Skelton
Salmon	Smith (MI)
Sanford	Smith (NJ)
Saxton	Smith (TX)
Scarborough	Smith (WA)
Schaefer	Solomon
Schiff	Souder
Seastrand	Spence
Sensenbrenner	Spratt
Shadegg	Stearns
Shaw	Stenholm
Shuster	Stockman
Sisisky	Stump
Skeen	Talent
Skelton	Tanner
Smith (MI)	Tate
Smith (NJ)	Tauzin
Smith (TX)	Taylor (MS)
Smith (WA)	Taylor (NC)
Solomon	Tejeda
Souder	Thornberry
Spence	Tiaht
Spratt	Traficant
Stearns	Visclosky
Stenholm	Volkmer
Stockman	Vucanovich
Stump	Walker
Talent	Walsh
Tanner	Wamp
Tate	Watts (OK)
Tauzin	Weldon (FL)
Taylor (MS)	Weldon (PA)
Taylor (NC)	Weller
Tejeda	White
Thornberry	Whitfield
Tiaht	Wicker
Traficant	Wise
Visclosky	Wolf
Volkmer	Young (AK)
Vucanovich	Zeliff
Walker	
Walsh	
Wamp	
Watts (OK)	
Weldon (FL)	
Weldon (PA)	
Weller	
White	
Whitfield	
Wicker	
Wise	
Wolf	
Young (AK)	
Zeliff	

The Clerk announced the following pair:

On this vote:
Mr. Johnston of Florida for, with Mr. Longley against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Ms. GREENE of Utah). The question is on the passage of the bill.

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

Mr. CANADY of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.
The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 342, nays 67, answered “present” 2, not voting 22, as follows:

[Roll No. 316]

YEAS—342

Allard	Clinger	Furse
Andrews	Clyburn	Galgely
Archer	Coble	Ganske
Armey	Coburn	Gekas
Bachus	Coleman	Gephardt
Baessler	Collins (GA)	Geren
Baker (CA)	Collins (IL)	Gilchrest
Baker (LA)	Combest	Gillmor
Baldacci	Condit	Gilman
Ballenger	Cooley	Gonzalez
Barcia	Costello	Goodlatte
Barr	Cox	Goodling
Barrett (NE)	Cramer	Gordon
Barrett (WI)	Crane	Goss
Bartlett	Crapo	Graham
Barton	Creameans	Green (TX)
Bass	Cubin	Greene (UT)
Bateman	Cummings	Gutknecht
Bentsen	Cunningham	Hall (TX)
Bereuter	Danner	Hamilton
Bevill	Davis	Hancock
Bilbray	de la Garza	Hansen
Bilirakis	Deal	Hastert
Bishop	DeLauro	Hastings (WA)
Bliley	DeLay	Hayes
Blumenauer	Deutsch	Hayworth
Blute	Diaz-Balart	Hefley
Boehler	Dicks	Hefner
Boehner	Dingell	Heineman
Bonilla	Taylor (MS)	Herger
Bonior	Dooley	Hillery
Bono	Doolittle	Hilliard
Borski	Dornan	Hobson
Boucher	Doyle	Hoekstra
Browder	Dreier	Hoke
Brown (FL)	Duncan	Holden
Brownback	Durbin	Horn
Bryant (TN)	Edwards	Hostettler
Bryant (TX)	Ehlers	Houghton
Bunn	Ehrlich	Hoyer
Bunning	English	Hunter
Burr	Evans	Hutchinson
Burton	Everett	Hyde
Buyer	Ewing	Inglis
Callahan	Fawell	Istook
Calvert	Fazio	Jacobs
Camp	Fields (TX)	Jefferson
Campbell	Filner	Johnson (CT)
Canady	Flake	Johnson (SD)
Cardin	Foley	Johnson, E. B.
Castle	Forbes	Johnson, Sam
Chabot	Fowler	Jones
Chambliss	Fox	Kanjorski
Chapman	Franks (CT)	Kaptur
Chenoweth	Franks (NJ)	Kasich
Christensen	Frelinghuysen	Kelly
Chrysler	Frisa	Kennelly
Clayton	Frost	Kildee
Clement	Funderburk	Kim

NOT VOTING—20

Flanagan	LaFalce
Ford	Lincoln
Gibbons	Longley
Hall (OH)	McDade
Johnston	

King	Neumann	Shuster
Kingston	Ney	Sisisky
Klecza	Norwood	Skeen
Klink	Nussle	Skelton
Klug	Oberstar	Smith (MI)
Knollenberg	Obey	Smith (NJ)
Kolbe	Ortiz	Smith (TX)
LaHood	Orton	Smith (WA)
Largent	Oxley	Solomon
Latham	Packard	Souder
LaTourette	Parker	Spence
Laughlin	Pastor	Spratt
Lazio	Paxon	Stearns
Leach	Payne (VA)	Stenholm
Levin	Peterson (FL)	Stockman
Lewis (CA)	Peterson (MN)	Stump
Lewis (KY)	Petri	Stupak
Lightfoot	Pickett	Talent
Linder	Pombo	Tanner
Lipinski	Pomeroy	Tate
Livingston	Porter	Tauzin
LoBiondo	Portman	Taylor (MS)
Lowey	Poshard	Taylor (NC)
Lucas	Pryce	Tejeda
Luther	Quillen	Thomas
Manton	Quinn	Thornberry
Manzullo	Radanovich	Thurman
Martini	Rahall	Tiahrt
Mascara	Ramstad	Torkildsen
McCarthy	Reed	Torricelli
McCollum	Regula	Trafficant
McCrary	Richardson	Upton
McHale	Riggs	Vento
McHugh	Roemer	Viscosky
McInnis	Rogers	Volkmer
McIntosh	Rohrabacher	Vucanovich
McKeon	Ros-Lehtinen	Walker
McNulty	Rose	Walsh
Menendez	Roth	Wamp
Metcalf	Roukema	Ward
Meyers	Royce	Watts (OK)
Mica	Rush	Weldon (FL)
Miller (FL)	Salmon	Weldon (PA)
Minge	Sanford	Weller
Moakley	Sawyer	White
Molinari	Saxton	Whitfield
Mollohan	Scarborough	Wicker
Montgomery	Schaefer	Wilson
Moorhead	Schiff	Wise
Morella	Schumer	Wolf
Murtha	Seastrand	Wynn
Myers	Sensenbrenner	Yates
Myrick	Shadegg	Young (AK)
Neal	Shaw	Zeliff
Nethercutt	Shays	Zimmer

NAYS—67

Abercrombie	Hastings (FL)	Payne (NJ)
Ackerman	Hinchev	Pelosi
Becerra	Jackson (IL)	Rangel
Beilenson	Kennedy (MA)	Rivers
Berman	Kennedy (RI)	Roybal-Allard
Brown (CA)	Lantos	Sabo
Brown (OH)	Lewis (GA)	Sanders
Collins (MI)	Lofgren	Schroeder
Conyers	Maloney	Scott
Coyne	Markey	Serrano
DeFazio	Martinez	Skaggs
Dellums	Matsui	Slaughter
Dixon	McDermott	Stark
Engel	McKinney	Stokes
Eshoo	Meek	Studds
Farr	Millender-	Torres
Fattah	McDonald	Towns
Foglietta	Miller (CA)	Velazquez
Frank (MA)	Mink	Waters
Gejdenson	Moran	Waxman
Gunderson	Nadler	Williams
Gutierrez	Olver	Woolsey
Harman	Pallone	

ANSWERED "PRESENT"—2

Jackson-Lee	Owens
(TX)	

NOT VOTING—22

Brewster	Gibbons	Meehan
Clay	Greenwood	Roberts
Dickey	Hall (OH)	Thompson
Dunn	Johnston	Thornton
Ensign	LaFalce	Watt (NC)
Fields (LA)	Lincoln	Young (FL)
Flanagan	Longley	
Ford	McDade	

□ 1421

The Clerk announced the following pairs:

On this vote:
Mr. Flanagan for, with Mr. Clay against.
Mr. Longley for, with Mr. Johnstn on Florida against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PERSONAL EXPLANATION

Mr. CLAY. Madam Speaker, I missed the last rollcall vote, rollcall 316, because I was trapped in the elevator. Had I been here I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Madam Speaker, I ask for this time for the purpose of asking the distinguished majority whip the schedule for the remainder of the week and next week.

Madam Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Madam Speaker, I thank the distinguished minority whip for yielding.

Madam Speaker, I am pleased to announce that the House has concluded its legislative business for the week. We will next meet on Tuesday, July 16, at 10:30 a.m. for morning hour and 12 noon for legislative business. Members should note that the House will postpone recorded votes until 5 p.m. in accordance with an agreement with the minority to voice vote the rule on Treasury, Postal appropriations bill.

On Tuesday, Madam Speaker, the House will consider the following seven bills under suspension of the rules: H.R. 3166, The Government Accountability Act of 1996; H.R. 3458, the Veterans' Compensation Cost-of-Living Adjustment Act of 1996; H.R. 3643, Extending Benefits to Veterans Exposed to Agent Orange; H.R. 3673, The Veterans' Compensation and Readjustment Benefits Amendments of 1996; H.R. 3674, The Veterans' Education and Compensation Benefits Amendments of 1996; H.R. 361, The Omnibus Export Administration Act of 1995; and H.R. 3161, Extending Most-Favored-Nation Status to Romania.

After suspensions, we will take up under an open rule H.R. 3756, the Treasury, Postal Service and General Government appropriations bill.

On Wednesday, July 17, the House will turn to the Commerce, Justice, State and Judiciary appropriations bill, also subject to a rule.

On Thursday, July 18, we will consider H.R. 3760, Campaign Finance Reform and H.R. 3734, the Balanced Budget Reconciliation Act. Both bills, of course, will be subject to rules.

Members should note that next week will be a very busy week. We have a lot of important business to cover and it

will probably be necessary to work very late on Tuesday and Wednesday evenings. However, we will finish legislative business by 6 p.m. on Thursday, July 18.

Mr. BONIOR. Madam Speaker, I thank my colleague for his information, and I would ask my friend a couple of questions here. Will the welfare reform proposal be considered separately from Medicaid or will they be considered together as my colleague previously had planned?

Mr. DELAY. Madam Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. DELAY. We anticipate bringing welfare reform to the floor as a free-standing bill separate from Medicaid.

Mr. BONIOR. Reclaiming my time, I thank the gentleman for that answer.

The second question I have is on the rule and on debate time. Can my colleague or the gentleman from New York [Mr. SOLOMON], if he is here, give us any indication on how long we will have for debate in this particular rule or any information about the rule itself?

Mr. DELAY. If the gentleman will continue to yield, the Committee on Rules has not met yet on the welfare reform bill. We certainly want to work with the minority to make sure ample amount of debate time on this very important piece of legislation will be held, plus the fact that we want to make sure that every opportunity for the minority to have a substitute will be available to the minority.

Mr. BONIOR. Well, I thank my colleague for that assurance, because as we know, there are Members, most of the Members on our side, in fact, all the Members on our side have been deeply interested in the principle of getting people off welfare and into work. We are very much interested in assurance from my colleague, which I would believe we have just received, that we will have the opportunity to present a Democratic alternative to this body when the bill comes to the floor.

Mr. DELAY. If the gentleman would yield, I appreciate it, and I concur with the distinguished whip. I do point out that under the budget resolution, though, any substitute that would be allowed on the floor must conform to the budget resolution and therefore have to conform to the savings outlined in the budget resolution in the underlying bill.

Mr. BONIOR. I would ask my colleague from Texas about the reform week that was announced earlier in the summer by the majority. Several press reports have outlined six or seven reform bills which would be considered, and I am wondering what happened to that list of reforms. Are we going to have just the campaign finance reform bill next week? Is the majority going to have some additional suspension bills that were not listed in those that he read to us just a few minutes ago?

What does the gentleman have in store beyond the campaign finance piece next week in terms of reform?

□ 1430

Mr. DELAY. If the gentleman will continue yielding, I appreciate the whip asking the question because it allows me the opportunity to point out that this is the reform Congress; that on the first day of this Congress we went until 1:30 the next day reforming this House, reforms that we are all very proud of and voted for, to open this House and give it back, and finished the day with the Congressional Accountability Act that is now law that makes all of us live under the same laws that we have passed. We have passed the gift ban and lobby reforms, and many reforms over the course of the year.

Because of the problem of floor time, what we are bringing next week is the campaign finance reform, and I believe one other on suspension. Well, just campaign finance reform next week, to continue the efforts and the accomplishments of this reform Congress, the 104th Congress.

Mr. BONIOR. Madam Speaker, I thank my colleague. I do not intend to debate, at 2:30 on Friday, how much reform this Congress has achieved. We will have a good go at that for I suspect about 3 hours next week, and we obviously have a different point of view than my friend from Texas on this issue.

But I thank him for his information and we wish him a good weekend.

Mr. DELAY. Madam Speaker, if the gentleman would yield further, I also wish everyone a good weekend and urge them to get rest, because of the short week and an intense week. And I wish my friend a good weekend also.

ADJOURNMENT TO TUESDAY,
JULY 16, 1996

Mr. DELAY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Tuesday, July 16, 1996, for morning hour debates.

The SPEAKER pro tempore (Ms. GREENE of Utah). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. DELAY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

AUTHORIZING USE OF CAPITOL
GROUNDS FOR FIRST ANNUAL
CONGRESSIONAL FAMILY PICNIC

Mr. GILCHREST. Madam Speaker, I ask unanimous consent that the House be considered to have agreed to the concurrent resolution (H. Con. Res. 198), authorizing the use of the Capitol Grounds for the first annual Congressional Family Picnic.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of House Concurrent Resolution 198 is as follows:

H. CON. RES. 198

Whereas as the Member's and Family Room is an official entity of the House of Representatives, administratively under the Office of the Clerk of the House;

Whereas the purpose of the Member's and Family Room is to facilitate family life in congressional families, and to promote collegial relationships among the sitting Members of Congress; and

Whereas a family picnic on the Capitol grounds would promote the purposes of the Member's and Family Room: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF FIRST ANNUAL CONGRESSIONAL FAMILY PICNIC ON CAPITOL GROUNDS.

The Advisory Board of the Member's and Family Room (in this resolution referred to as the "Advisory Board") shall be permitted to sponsor an event, the first annual Congressional Family Picnic, on the Capitol grounds on July 30, 1996, or on such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate.

SEC. 2. CONDITIONS.

The event to be carried out under this resolution shall be arranged under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

SEC. 3. STRUCTURES AND EQUIPMENT.

For the purposes of this resolution, the Advisory Board is authorized to erect upon the Capitol grounds, subject to the approval of the Architect of the Capitol, such structures and equipment (including cooking equipment) as may be required for the event to be carried out under this resolution.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements that may be required to carry out the event under this resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MINIMUM WAGE BILL HELD
HOSTAGE IN SENATE

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Madam Speaker, it is day 3 and the Republican Senate continues to hold the minimum wage hostage. Does this make any sense? The Senate passed an increase in the minimum wage by a vote of 74 to 24, and yet this legislation is not on its way to the President for signature.

Why? Because Senate Republicans are holding the minimum wage hostage to special interests. In exchange for releasing their hold on the minimum wage, Republican Senators want medical savings accounts added to health care reform as a ransom for its release.

MSAs, the Republican payoff to special interests and big donor insurance companies. The same MSAs that Consumers Union, Consumers Union is the group that puts out Consumer Report that tells you what kind of a car it makes sense to buy, what kind of an appliance so that you do not buy a lemon. The same MSAs Consumers Union called a time bomb that will make health insurance less accessible and less affordable for many Americans; the same MSAs that will make us take a step backward in our quest for health care coverage for the majority of Americans.

This is an outrage. Over 80 percent of the American people support a minimum wage increase. Let me repeat that. Over 80 percent of the American people support a minimum wage increase. The Republican leadership understands that figure. In fact, the Senate Republican aide told the New York Times that "Republicans do not believe in raising the minimum wage. We voted for it because it was killing us."

Talk about political expediency. And because they truly believe that they do not believe in raising that minimum wage and they do not believe in helping American families by increasing their economic earning power, and because they were forced to vote for it, they are now holding the minimum wage increase hostage.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that under the rules and precedence of the House it is not in order to cast reflections on the Senate or its Members, either individually or collectively.

Ms. DELAURO. Madam Speaker, a 90-cent increase is all that we are asking for, 90-cent increase. But the Republicans are firm in their opposition. The Republican whip, the gentleman from Texas, TOM DELAY, who was well compensated as a Member of Congress, as we all are, to the tune of \$133,600 a year, he has said that "Families trying to get by on \$4.25 an hour do not really exist."

He should get out of Washington more and meet the 12 million Americans, most of them, by the way, who are women, who would benefit from the wage increase.

This extra pay may seem small but would mean 7 months of groceries, a year of health care costs, 9 months of utility bills or 4 months of housing.

In the State of Connecticut, 87,158 hardworking people earn between \$4.25 and \$5.14 an hour. Each one of those people would benefit by passing a minimum wage increase.

In the Republican Whip TOM DELAY's State of Texas, 1.1 million people would benefit. That is 14.7 percent of the Texas work force, not an insignificant number.

But these hardworking Americans in Connecticut and Texas and their 12 million fellow Americans continue to wait for a boost in their wages because the Republican Party continues to find new ways to block the increase.

This is legislation that has passed both the House and the Senate and is now being held hostage by extremists, people who would rather protect special interests than to help ordinary working Americans. All the while, America's workers struggle and they scramble to pay their bills, to put food on their tables, to clothe their kids, to get them to school and to maintain their standard of living.

A minimum wage worker makes about \$8,500 a year. That is it. Two-thirds of these workers are adults and almost 60 percent are women. Over 40 percent are the sole breadwinners in their family. The Department of Health and Human Services estimates that the minimum wage increase could lift 300,000 families out of poverty, including 100,000 children.

A great American once said, and I quote:

No man can be a good citizen unless he has a living wage more than sufficient to cover the bare cost of living * * * so that after his day's work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.

Which great American said that? Theodore Roosevelt. A Republican President of the United States. Unlike the Republicans in the Senate, President Roosevelt understood that Americans deserve to be treated fairly and to be honored for their work.

Day 3 of the Republicans holding hostage the minimum wage. Day 3, and the American people continue to wait for something they support overwhelmingly. Day 3, and the special interests continue to control the Republican agenda. It is time to free the minimum wage.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mrs. SMITH] is recognized for 5 minutes.

[Mrs. SMITH of Washington addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

DOMESTIC VIOLENCE/WELFARE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, we are all aware of the fact that domestic violence is at epidemic levels and rising.

What was not known until recently however, is the relationship between domestic violence and welfare dependency: namely, that for victims of abuse, the welfare system is often the only hope they have for escape and survival.

A recent study by the Taylor Institute of Chicago offers insights as to why so many women become trapped in the cycle of violence and dependency. The study found that 50 percent to 80 percent of women on AFDC are current or past victims of domestic violence.

It also documents how abusers keep women financially and psychologically dependent by deliberately sabotaging their efforts to succeed in education and job training programs. For example, the study found that abusers have been known to destroy their victims' books and homework, hide their clothing, inflict visible and embarrassing injuries, and engage in abusive behavior before important events such as high school equivalency examinations and job interviews.

These findings underscore the importance of ensuring that any welfare reform legislation enacted by Congress maintains this critical safety net.

Toward this end, Senator WELLSTONE and I have introduced resolutions expressing the sense of Congress that any welfare reform proposals shall not further endanger women and children who are victims of domestic abuse by denying them access to their last source of support and means of escape.

I urge all of my colleagues to support this important resolution.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. GUTKNECHT. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana [Mr. MCINTOSH].

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

There was no objection.

MESSAGE FROM THE VOTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I am one of those Members of the freshman class in the 104th Congress, and I do believe that 2 years ago the American people sent a very clear message

and they sent 73 new Members to this Congress for a very important reason. In fact, I think there were three or four major things they wanted us to do.

First of all, I think they wanted us to put the Federal Government on a diet. Second, I think they really wanted us to pass term limits. Third, I think they want commonsense regulatory reform. And finally, and perhaps most importantly, I think the American people want us to change the way Washington does business.

Well, Madam Speaker, I think we have made real progress. As a matter of fact, we passed the balanced budget amendment out of this House. Unfortunately, it failed by one vote over in the Senate. We went on to pass the first balanced budget plan in over 25 years. We have eliminated over 270 programs and, as a matter of fact, we have saved the taxpayers, this Congress, over \$43 billion.

The budget is moving in the right direction, and we are moving towards balancing the people's books. On the very first day we began to change the way Washington does business, the way we work. We passed the Shays Act.

We said that Congress is going to have to live by the same laws as everybody else. That was a very important change. For many years Congress would pass new rules and new laws that everybody else had to live by, but at the bottom of that bill it would say something to the effect that nothing in this enactment requires the Congress or the Federal Government to live by the same rules.

□ 1445

Also, on the first day we opened the committee meetings to the public for the first time. We ended proxy voting, and this Congress passed the toughest gift ban in the history of the United States.

Madam Speaker, there was one area where this Congress failed, and that is on the very important issue of term limits. We can dress it any way we want, but I think that is one thing the American people want from this Congress, and that is to limit our own terms. They have been too long where Members who have served for years and years and years are no longer accountable to them and they begin to believe that all wisdom emanates from here in Washington, rather than from back in the districts which they are supposed to serve.

Madam Speaker, I have held over 75 town meet meetings in my district. Frankly, at virtually every one of them the issue of term limits has come up.

Another issue that people are concerned about is the whole concern about congressional pensions. As a matter of fact, almost monthly we read about some Member of Congress who is receiving a six-figure income after they retire from this body. We have read recently, just in the last year, that a former Speaker, and I will not mention

names, but a former Speaker is getting \$123,804 per year; that a former minority leader of this body is getting \$110,538 per year; and another gentleman who served as the Chair of one of the more powerful committees, who will soon become a constituent of mine, will receive a pension of \$96,462 per year.

The public is saying enough is enough. They did not get term limits. There is one way that we can perhaps kill two birds with one stone. That is by passing a bill that would limit pension accrual for Members to 12 years. If we cannot force Members to retire after 12 years, at least we can take some of the money out of it.

To that end, I have introduced H.R. 1618, and we have a companion bill which is much easier to remember in the Senate. It is Senate bill 1776. So Members watching on TV and those on C-SPAN, if they remember Senate bill 1776, they can remember the bill.

What this bill says is that Members would limit their pensions accrual. After they had served for 12 years, their pensions would stop adding up. What that would mean is that at the current level of salary for a Member of Congress, the maximum level of pension that a Member of Congress could get would be \$27,254.

Now, under this plan, if this bill were in law today, the total savings to the taxpayer per year would be \$7,892,140. But, more importantly, we would take some of the incentive away for Members staying years and years and literally beginning to grow roots here in Washington.

I think the American people are speaking loudly and clearly that they support this basic notion. There was some polling done recently by the Luntz Research Company, and what it demonstrates is this: Would you be more or less likely to vote for a Member who voted to reduce the growth in congressional pension? Sixty-five percent of the people in the United States said they would be more likely to vote for those candidates.

I think the American people are speaking loudly and clearly. They would like to see term limits and they would like to see limits on the amount of pensions that Members of Congress can collect.

I think the bill that we have introduced, and my sponsor over in the Senate is Senator JIM INHOFE from Oklahoma, I think we have introduced a bill that makes sense. It is fair. It is reasonable. It is responsible, and it is long overdue.

Madam Speaker, everywhere I go, and as I say, I have had 75 town meetings, people ask me, "GIL, why are you not doing more in terms of reform of Washington?" And they ask me, "GIL, are you going to pass term limits? When are you going to pass congressional pension limits, so that we do not see Members retiring with six-figure parachutes?"

We did not get term limits through, but saying "Sorry, we tried" is not

good enough. Working families in America want us to change the way Washington does business. They want Congressional reform. I hope we can get it in the next several weeks.

VETERANS ARE AT A CROSSROADS

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Madam Speaker, there are two issues I wish to talk about today. First of all is veterans.

Madam Speaker, I think it is important that we recognize that veterans are at a crossroads right now and this Congress is at a crossroads, and it is important to reestablish that commitment and to reaffirm commitment to our veterans.

The budget plan that was proposed in this House just last year would have cut veterans' programs, VA programs, by \$6.4 billion to the year 2002, and yet at the same time there would have been over \$2 billion in tax cuts, many of which went to the wealthiest individuals.

This proposal, had it gone through, would have meant the VA medical system would have had to reduce employment by 9,500 employees, denying care to 165,000 veterans that it was planning to take care of. This also means that they would have had to have reduced their workforce by the year 2002 by 61,000 workers or about 30 percent of their work force.

I am happy to say that we beat this back, Madam Speaker, but yet even under the appropriation bills veterans were going to be asked to increase prescription copayments, to double the copayment that veterans pay for prescription drugs, and to deny 150,000 veterans Medicaid coverage in 2002, most of whom could not afford private insurance and would have been ineligible for VA medical care.

We were able to beat that back, as well, and I am happy to say that I supported on the floor recently the Stump amendment, a bipartisan amendment to increase VA medical care by \$40 million over both the President's request and the committee bill. Indeed, there was almost \$1 billion of increased funding for veterans health care in that bill. I also supported permitting Medicare to reimburse for veterans' care, particularly in military hospitals. I am sorry that that was defeated, but we will be back again.

CAMPAIGN REFORM

Madam Speaker, I also want to talk about campaign reform, because next week is billed as reform week by the Republican leadership in this House. What kind of reform are we looking at for campaign reform? It is interesting. My constituents tell me, "BOB, the problem is there is too much money in politics, and you ought to get it out."

What does this campaign reform bill that the Speaker is bringing to the

floor do? It does not take money out. It puts more money into campaigns. In fact, the Speaker himself said in November, and I quote, "One of the greatest myths of modern politics is that campaigns are too expensive. The political process in fact is underfunded. It is not overfunded." That is not what my constituents are telling me.

First of all, this bill would reduce political action committees, what they can contribute, by one-half, perhaps worthwhile. But it would permit individual contributions to go up from \$1,000 to \$2,500, what an individual can give to a candidate. That does not sound like reform to me.

Whereas the bill that has been talked about for the Democratic side would limit political action committee contributions to one-third of what a candidate could receive, this would increase and take the limits off what PAC's could contribute. There would be no limitation in the Speaker's bill on soft money, which is one of the most egregious offenses that either party can commit, funneling large amounts of money into State parties without any accounting.

Also, this bill does nothing to take on the recent Supreme Court decision that in effect says a political party, Republican or Democrat, can make an unlimited independent expenditure in behalf of a candidate, one of the greatest loopholes going.

So what this bill does that they are going to bring to the floor does not begin to cut down to the flow of money going into campaigns. It only takes the limits off and makes the situation far worse than it is.

What we need, in order to deal with the Supreme Court decisions as well as other actions, we are going to have a constitutional amendment that says that free speech and expenditure of money are not the same thing; that simply because we can spend more money, that is not equated to free speech.

I am greatly concerned because I see the cost of campaigns going up, I see outside groups coming in, I see independent expenditures steadily rising, all of which is taking control farther and farther away from the everyday voter and constituent. Yet this bill, branded as reform, only takes us further in that direction. It does not take money out of the electoral system, it puts more money in, and it makes candidates more responsive to large individual contributors.

The interesting thing is, a family of four could contribute up to \$2.4 million. If they have got it, folks could contribute up to \$2.4 million under this bill. That is not campaign reform, and I do not think anybody in my district thinks that it is.

Another interesting provision in this bill is that it was suggested no money could be raised within 50 miles of Washington. I ought to be happy with that provision because the eastern Panhandle, which is just 50 to 60 miles

from West Virginia, could become the mecca. This could become a boon to the hotel and catering industries. But the reality is that this bill is not good for West Virginia and it is not good for voters across the country. This is not reform.

VACATION OF SPECIAL ORDER AND GRANTING OF SPECIAL ORDER

Mr. ROHRABACHER. Madam Speaker, I ask unanimous consent to claim the time of the gentleman from Virginia [Mr. WOLF].

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

There was no objection.

ATTACK ON THE AMERICAN PATENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, during election years we hear a lot of people who are steamed on this issue or that issue. They are very upset about it. The fact is that many times it is just because it is an election year, and we have to remember that.

For example, the other party did control both Houses of Congress and the Presidency for 2 years just prior to when Republicans took control of both Houses of Congress. During that 2-year time period, if indeed it had been important for the Democratic Party to pass an increase in the minimum wage, they would have passed that increase in the minimum wage because they had control of both Houses of Congress and the Presidency, but they did not.

If, indeed, there is something where Republicans in the Senate are holding back on an increase in minimum wage in order to get something else that they want, I think we have to remember that if we call that holding it hostage, the liberal Democrats who controlled both Houses of Congress and the Presidency must have held the minimum wage hostage for 2 years because they had all the power in the world to do what they wanted to do.

Also, when we hear about other aspects that seem to be important now to the people on the other side of the aisle, campaign reform, for example, it should not be any surprise to anyone who is really paying attention that they could have also passed any type of campaign reform they wanted. After all, they did control both Houses of Congress and the Presidency. But they did not do that. Maybe they are upset now because they are suggesting that they want to do something that they did not do when they had the power to do it. That is sort of confusion.

Well, I would like to talk about something that I talked about long before it was a political year, something

that really does cross political boundaries, because on this particular issue there is widespread bipartisan support from people who are sincerely concerned about an attack on a fundamental building block of American prosperity.

Both Democrats and Republicans have signed on to a bill that I have to restore the guaranteed patent term to Americans. I know this sounds like a yawner of an issue. I mean, patent law, after all. But what is happening right now, and most Americans do not understand it, is that there is an absolutely despicable underhanded attack on the American patent system. We have multinational corporations that are engaged in an effort to change the fundamental law that has permitted America to be the No. 1 technological power in the world.

Yes, patent law is such a yawn. Who is concerned about patent law? Well, long ago our economic adversaries and, yes, our military adversaries figured out what America's greatest strength is. It is not that our people work so hard, because our people do work hard, but people all over the world work hard.

But our people when they work, or our defenders when they defend our country, have superior technology. That gives us our edge. It always has. We have the technological edge. That is what has secured our country's security and has secured us a standard of living that has been admired and envied all over the world.

Is it any surprise, then, that our economic adversaries and countries that do not like the United States would look for our Achilles heel? What is it that gives us that power? What gave Samson that strength but his long locks? Our secret is the fact that we have had the best technology, and we have had the best technology because we have had the strongest patent system in the world.

Now, there is an underhanded effort, an effort that has been going on for about 2 years to try to change the fundamental patent law of this country so that it will undermine America's ability 10 years down the road to outcompete our economic adversaries.

Some people, of course, who are supporting the patent changes are doing so perfectly well-intentioned, and perhaps they bought into this or that argument. The fact is, what is the driving force behind those who want to change our patent law? The driving force is an idea that we should globalize all patent law, so all of the laws should be the same, and Americans who have had the strongest guaranteed patent rights of any people in the world will just have to live with fewer rights because we need a global harmonization of law.

□ 1500

Well, that concept may appeal to some people. It certainly appeals to multinational corporations and big businessmen. But that is a threat to

the American well-being. H.R. 3460 is about to be put to this floor, and it would steal America's technology. It should be defeated and the Rohrabacher amendment put in its place.

THE MINIMUM WAGE AND HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. GREENE of Utah). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I am here today to talk for 5 minutes about 2 issues that I think are really crucial to the American people and that have a real chance of passing in this House and in the Senate and be signed into law by the President, if only the Republican leadership would allow the legislation to be voted on in, to be brought to the floor and voted on in a fashion that most Members agree on, whether they happen to be Republican or Democrat.

One is the minimum wage increase and the other is health care reform legislation that was originally sponsored in the Senate by Senator KASSEBAUM and Senator KENNEDY, again on a bipartisan basis.

The minimum wage hike is long overdue. I know that my colleague from California on the other side said, well, why did not the Democrats do it 2 years ago or why did not such-and-such do it whenever. I am not really concerned about the past.

The reality is that we know there are an overwhelming majority in the House and in the Senate, both Democrats and Republicans, that would vote for this very simple minimum wage hike if they were given an opportunity to do so. And once again, this week in the other body, in fact, there was a vote, and efforts by the Republican leadership over there to try to put in what I would call poison-pill amendments that would have delayed implementation of the minimum wage hike or would have excluded small businesses so that half the people who now benefit from the minimum wage would not have gotten the increase. Those amendments were defeated overwhelmingly, again, on a bipartisan basis.

The only thing that is holding up this bill right now is because the Republican leadership in the other body has decided that they will not appoint conferees and links the appointment of conferees to conferees being appointed on the health care reform bill, the other bill I mentioned today.

Well, some of you may, my colleagues certainly know but I am not sure that the public knows what we mean when we talk about appointing conferees. This is when there is basically a meeting or negotiation between the two Houses on different bills. If you do not appoint the conferees and you do not bring the bill to the floor, the bill does not pass.

That is what we face now. A concerted effort on the part of the Republican leadership in the other body to not let these two bills come to the floor and be passed. It is a shame.

The American people, those who are on the minimum wage need a hike. They have not had one for a long time. Many people would benefit from the Kennedy-Kassebaum health insurance reform because it would provide portability, the ability to take your health insurance with you when you lose a job or when you transfer jobs.

It would also allow for people to buy health insurance who now cannot because they have a preexisting medical condition.

Now, it is time for this legislation to move and be passed and be sent to the President. We only have a short amount of time here. I do not know, there is maybe 25, 30, possibly fewer legislative days. If the Republican leadership continues to put a hold on these bills—

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must interrupt to repeat her earlier admonition concerning reflections on the Senate.

Mr. PALLONE. Madam Speaker, I just wanted to, if I could, in the time that remains to me, point out that the minimum wage right now is \$4.25 an hour, which adds up to about \$8,800 a year. It is a disgrace that someone in America can work a 40-hour week for 52 weeks a year and only earn \$8,800. How can we as a country that was founded on principles that we all have the same opportunity to improve our quality of life to pull ourselves up from bootstraps only to deny those dreams to our working poor.

Every day that the Republican majority delays the vote to increase the minimum wage, another American dream is essentially shattered. The Republican leadership has talked about family values for many years, but I think its mere rhetoric when it comes to minimum wage. Minimum wage workers are forced to leave their families far beyond the 8-hour day just to provide a balanced meal for their children.

If a minimum wage earner worked a 16-hour day, they would only earn \$68 for that day. Under the Democratic proposal, which again is really a bipartisan proposal, they would take home over \$82 a day for their efforts, an extra \$14. That means that maybe they can go out and buy a meal for their children or a healthier meal.

Right now many who live on the minimum wage do not have health insurance. They do not have the ability, basically, to provide for their family. My point is that if we increase the minimum wage, we make it possible for a lot of these people to not be so dependent upon government subsidies.

Again, there is going to be a bill coming to the floor next week on welfare

reform. I think most of us on a bipartisan basis would like to see some kind of welfare reform. How can you have welfare reform if you do not have an increase in the minimum wage? You have to provide an incentive for people to get off of welfare, for people to not need government assistance.

If they do not make a fair-share wage that will not be possible. I want to point out that in my own State, on a State level we passed a minimum wage increase a few years ago somewhat similar to the one proposed on the Federal level. The result was that more jobs were created.

There was a study done by two Princeton University economists recently for New Jersey and basically what it pointed out was the minimum wage workers take that extra money and they go out and buy things, whether it is food or whatever it is that they need as basic necessities of life. That creates more jobs. It actually helps the economy. I know some have suggested that raising the minimum wage is going to lose jobs, but that is not the case. It actually increases economic activity. I urge that this bill move in both Houses and go to the President.

TRAGEDY IN CHECHNYA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. WOLF] is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, yesterday's headline was "Russia pounds Chechens as election truce unravels." Today's headline tells us the "Chechen war escalates once more." Report after report details a growing number of casualties. Many people, both military and civilian, are being killed each day. No one seems to know exactly how many but the total is growing. So is the number of refugees trying to stay one step ahead of the fighting and destruction; moving like the tide, first here, then there. Fleeing, leaving the fighting and danger behind only to reencounter it up ahead.

The Russian military has taken off the gloves now that Boris Yeltsin has been safely reelected. With tough talking ex-General Alexander Lebed in his corner, President Yeltsin has unleashed an awesome array of brutal military might on tiny independent-minded Chechnya. The apparent goal is to crush the life out of any desire for independence, no matter what the price. The most recent down payment was the death of Russian Maj. Gen. Nikolai Skripnik and a number of other soldiers on one side and guerrilla fighters and innocent civilians on the other. The numbers grown each day now. And no one seems to have the will to stop this carnage.

Certainly no one in our White House. This administration continues to sit on its hands regarding Chechnya. It has not spoken out to condemn the brutality and the havoc. The Clinton policy on Chechnya has been to remain silent. Deathly silent. Webster's defines genocide as "the deliberate, systematic destruction of a group." Chechnya is a textbook example of genocide and we say nothing.

This administration—this President—has walked away from human rights at every turn.

China, for example, where President Clinton delinked human rights from MFN trading status. After resounding denunciations of President Bush's policy to elevate trade matters above concerns for human rights Bill Clinton advanced the identical notion to the point where there are no longer even discussions on human rights with the Chinese. National Security Adviser Anthony Lake just returned from a round of high level talks with China. The topic of human rights was conspicuous by its absence from the agenda.

In Russia itself, anti-Semitism is cropping up more and more. Anti-Jewish rhetoric, if not commonplace, is at least being voiced by some mainstream officials. Presidents Carter, Reagan, and Bush condemned anti-Semitism and antihuman rights policies to every turn. Today's White House remains silent—to offend no one and thereby offend us all.

I visited Chechnya last year, met the people, Russian and Chechen, soldier and civilian, and saw first hand the results of this horror. I saw the burned out school of Shamanski. Heard about the grotesque and unspeakable acts drug-crazed soldiers committed on old men and women. Since returning, I have urged the President time and again to speak out against this war. I have asked him to offer to help by making available a high level person experienced and wise in diplomacy and negotiation to help both sides search for common ground. To search for a more humane way out. But this administration did nothing. This administration does nothing to advance human rights or to condemn the horrors taking place in Chechnya.

Here are copies of my exchanges of ideas with the President; with the administration. I insert these in the RECORD at this time.

My point in standing here is to advance the notion that America stands for something important. Like it or not we are the sole nation of sufficient stature, strength, and compassion which can, in the world court of public opinion, speak on the side of those with no voice. If we do not, they will not be heard. More will die and suffering will intensify.

But we remain silent. Mr. Speaker, we call on the President to condemn Russian brutality in Chechnya. Condemn those who ignore the basic human rights of others. And urge Vice President GORE to carry this important word to his Russian counterparts during his visit there next week.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 1996.

Hon. ALBERT GORE, Jr.,
The Vice President, The White House, Washington, DC.

DEAR MR. VICE PRESIDENT: As you prepare for your meeting with Viktor Chernomyrdin this weekend in Moscow, I wanted to share with you the correspondence between the administration and myself on the brutal war in Chechnya. I also have enclosed an op-ed by Georgie Anne Geyer from the Washington Times with which I strongly agree.

It is time for the administration to publicly denounce the fighting in Chechnya and find a fair, honest mediator to help work out the differences between the two sides. The Russian people, the Chechens and, indeed, the world is waiting for a public statement of condemnation from the United States. While I believe it is way overdue, you now have the opportunity, at this, your first post-election meeting with your Russian counterpart, to make such a statement.

Mr. Vice President, this is your opportunity to publicly stand for human rights

and peace in Chechnya. Please use the upcoming meeting to publicly, forcefully and unabashedly condemn the fighting in Russia and urge the Russian government to seek a peaceful settlement.

I also hope, now that the elections are over, that the administration will take a fresh look at offering the use of a tested and proven statesman to help resolve the conflict between the two sides. It would be a sign that the U.S. has advanced beyond a policy of watching the killing to actually doing something about it.

Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

THE WHITE HOUSE,
Washington, DC, June 25, 1996.

Hon. FRANK WOLF,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WOLF: I am writing in response to your letters regarding the appointment of a special American envoy to facilitate peace in Chechnya.

As I wrote to you previously, my Administration was prepared to consider a special American envoy had either the Russians or Chechens expressed an interest in such an intermediary; neither side did. In April, the Russians considered possible Russian mediators and expressed interest in the good offices of King Hassan II of Morocco. I spoke to the King about what role he might play.

Appointment of an unsolicited American mediator under such circumstances would have accomplished little for peace in Chechnya. Indeed, it might well have hindered and undercut the OSCE mission's efforts, which led to the May 27 meeting in Moscow between President Yeltsin and Chechen rebel leader Yandarbiyev. That meeting produced a cease-fire agreement and restarted direct Russian-Chechen negotiations. While tenuous, these negotiations appear to be making some progress toward resolving the Chechen situation.

I fully agree on the need to help bring peace to Chechnya. My Administration has pursued various means to promote a settlement in Chechnya and will continue to do so through every available path that does not interfere with or undermine a negotiating process that is ongoing.

I appreciate your concern about this issue.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 1996.

Hon. WILLIAM J. CLINTON,

The PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a piece on Chechnya from today's Washington Times that I wanted you to see. With Russia's elections less than two weeks away, it may be too late to do anything about Chechnya. If it is not already midnight, we are dangerously close.

Mr. President, with all respect, I fear this country—your administration—has squandered a wonderful opportunity to cement tranquil relations with a Russia searching for peace and economic development. Rather we risk the emergence of a different Russia; a Russia not only disillusioned with unfulfilled promises of a more democratic form of government and a market based economy but now a Russia thoroughly embarrassed and angered by the inability of its military to quell the uprising of tiny Chechnya.

There is a saying about the devil you know being better than the devil you don't know. I sense the Russian people are approaching this point and a return to communism is

looking better and better to them each day. Perhaps it is not too late. Perhaps there is still time for you to offer the services of an American statesman to help the warring parties in the search for common ground. Perhaps there is time to end the killing.

I urge you to try. What more is there to lose in this matter? At least let's get the bat off our shoulder and go down swinging. Mr. President, I do not mean to be disrespectful but this opportunity will not come again. Please.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 23, 1996.

Hon. WILLIAM J. CLINTON,

The PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: Buried on page A-4 of this morning's New York Times was the enclosed article reporting 160 more killed in Chechnya. Dying there has, I suppose become so commonplace as to barely be newsworthy. Won't you at least consider appointing a special American envoy whose sole goal is to bring these two warring parties to the negotiating table to agree to stop shooting one another?

One can try to do good and fail or one can fail to try to do good. They are miles apart. I urge you, Mr. President, make this effort. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

160 REPORTEDLY KILLED IN CHECHNYA BATTLE

MOSCOW, May 22 (AP).—Up to 40 Russian troops and 120 separatists were killed today in a fierce battle near Bamut, in western Chechnya, the Itar-Tass news agency reported.

Up to 1,000 rebels have been defending the hills around the village, which lies in ruin, against Russian artillery, tanks and warplanes, a high-ranking Defense Ministry official said.

The Russians suspect that a large rebel weapons cache is hidden at Bamut, a former Soviet missile base 35 miles southwest of Grozny, the capital.

But Defense Minister Pavel S. Grachev still said today that Moscow would reduce the number of regular army troops in Chechnya as part of a peace plan offered recently by President Boris N. Yeltsin.

Speaking to army officers in Yekaterinburg, Mr. Grachev said the withdrawals would be finished by Aug. 1, but he did not say how many units would be pulled out. He has announced withdrawals before that turned out to be only troop rotations.

Tens of thousands of soldiers from the Interior Ministry and the regular Russian Army have been in Chechnya since December 1994 trying to defeat the outmanned separatists.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 7, 1996.

Hon. WILLIAM J. CLINTON,

The PRESIDENT,

The White House, Washington, DC.

DEAR MR. PRESIDENT: I am, once again, writing to point out that conditions for the men, women and children in Chechnya continue to deteriorate as hopelessness and hatred battle one another. Did you see the enclosed Washington Times piece reporting the views of Duma Member, Mr. Aoushev, who is also the deputy chairman of their parliament's national security committee? He makes several thoughtful points which should give us pause about a "see nothing—do nothing" policy.

He notes:

... military action could spread from Chechnya to next door neighbor Ingushetia. Not only would this bring senseless killing, destruction, and misery to a new region that is, today, relatively tranquil, it would deny an existing haven to many Chechens who have fled from the daily terrors of their homeland. When I recently visited that region, I went to an Ingushetian refugee camp for Chechens, mostly women, children and the aged. They do not need another turn in a war zone.

... the conflict in Chechnya will not continue at its present level. It cannot get better so it will only become worse. Not only will pain and suffering intensify with continued fighting but the opportunity for reconciliation or consensual peace will recede further into the realm of the improbable.

... the Clinton Administration (Mr. Aoushev's term) is ignoring human rights violations by Russian military and has not done enough to use its influence to end the conflict.

I hope you will consider what Mr. Aoushev has to say and I reiterate my earlier and often made suggestion that you should offer to both sides an American negotiator of principle and stature whose task is to urge and prod the parties to this senseless conflict to stop it. How could it hurt? It might help. Continuing to do nothing is to accept or even to encourage more inhumane acts on helpless people.

Please work to stop this senselessness. Thank you for your time.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. WILLIAM J. CLINTON,

The PRESIDENT

The White House, Washington, DC.

DEAR MR. PRESIDENT: Thank you for your response to my last letter expressing concern over Chechnya. I have been in Chechnya, seen the results of the war, met with the people there and have a sense of their resolve, their bitterness and their anger. They are a hearty, robust and proud people. Chechens are good fighters and will not yield in this situation, not as long as even a few have the means to resist.

I believe more must be done and time is running out. Time has already run out for too many Chechen men, women and children as well as for too many Russian soldiers and their families. Though not intended, each time you meet with President Yeltsin or visit Russia . . . with the purpose of propping him up or lending stature to his presidency . . . the opposite and undesired outcome results. Before your meetings, he tries, once again, to clean up events in Chechnya with a renewed and vigorous military onslaught causing more Chechens and more Russian soldiers to die, and the two sides become even more deeply mired in the conflict. President Yeltsin's attempt to make Chechnya disappear from the radar screen before you meet has the opposite and unwanted result of more killing, more conflict and a diminished way out of this mess. He has apparently even found it necessary to lie to you. According to the enclosed Reuters report, the Russian military attacks which resulted in Dzhokhar Dudayev's death were occurring even as President Yeltsin assured you that he was pursuing a peaceful resolution in Chechnya.

President Yeltsin's history here is one of reacting badly in Chechnya each time you

and he are to meet. The outcome inevitably is an even more difficult problem for him and may result in his downfall in the June elections. He may not win reelection without resolving this Chechnya situation.

I agree that our interests and Russia's as well are better served with Mr. Yeltsin as president when compared to other likely candidates. If he loses, Russia and their federation of states will take a giant stride backward. So I believe America must do all it can to bring resolution to the Chechen conflict, for them, certainly, but for us as well.

No one, least of all me, wants US involvement on the ground in that region. But America, as no other, is a respected and trusted force standing for freedom and justice. Our leadership alone can drive a peace solution. As I have asked before, and copies of all my earlier letters on this issue are enclosed to refresh your memory, please offer to President Yeltsin . . . and urge him to accept . . . the appointment of an American of considerable stature to negotiate and to search for a peaceful end to this tragedy in Chechnya. I know there are many good candidates, perhaps a retired flag or general officer or a statesman on the order of former Secretary Holbrooke.

Mr. President, when I first wrote on this issue, our interest was one of bringing a humanitarian end to a needless war in Chechnya. With the passing of time and evolving political fortunes in Russia, our own national interests could be also affected by fall-out from this matter, especially if it results in the return of communism to Russia. This would be bad for America and for the world.

I believe we must quickly do something here. I respectfully submit these recommendations and will do anything I can to help. If I can persuade you on this matter, I will come over on a moment's notice.

Please act, Mr. President. Thank you and best regards.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From Reuters NewMedia, Apr. 25, 1996]

REPORT: RUSSIAN 'COPTERS ATTACK CHECHEN TOWN

MOSCOW (Reuter).—Russian helicopter gunships attacked rebel positions in the Chechen town of Shali on Thursday, a day after slain separatist leader Dzhokhar Dudayev was buried. General Vyacheslav Tikhomirov, commander of Russian forces in Chechnya, told Interfax news agency that the gunships had made two "pinpoint strikes" on guerrilla positions in Shali, about 25 miles southeast of the regional capital Grozny. The attacks were in response to rebel fighters firing on Wednesday at Russian helicopters which flew over Shali on a reconnaissance mission, he said.

Interfax said civilians had been killed and wounded in the attacks, though it gave no casualty figure. It said seven people were killed when Russian ground forces opened fire on a civilian convoy trying to flee the town which had been sealed off by Russian troops for six days. A Shali police official, quoted by Interfax, said the Russian attacks had caused considerable destruction. "People have been killed and wounded," he said.

The renewed Russian air raids followed the death of Dudayev last Sunday in a rocket attack from the air at Gekhi-Chu, about 20 miles south-west of Grozny, as he stood in an open field speaking by satellite telephone. Dudayev, 52, unchallenged leader of the rebellion against Russian rule, was buried on Wednesday at a secret location in the south of the territory. Russian military involve-

ment in killing Dudayev, to whom President Boris Yeltsin had offered indirect talks to end the 16-month conflict, was mired in controversy.

Tikhomirov was quoted by Interfax as saying his troops had not conducted any special operation to assassinate Dudayev. But an Interior Ministry source said on Wednesday he had been killed in retribution for an ambush last week in which Chechen fighters killed up to 90 Russian soldiers.

In a more detailed report, Interfax quoted another source as saying Dudayev had been deliberately targeted by a rocket fired from the air which homed in on him by following the signal of his satellite telephone. This source said it was the fifth attempt in the past two or three months to destroy Dudayev by this means. The first four had failed, the source said, because the Chechen leader ended his telephone conversation before the rockets could target him.

Tikhomirov called the report of retribution "madness and an attempt to pass on to the federal troops the blame for a possible disruption of a peace settlement in Chechnya." He said his forces had stuck to Yeltsin's order to halt military operations and only responded to rebel attacks.

Yeltsin ordered troops into Chechnya in December 1994 to crush its independence drive. Over 30,000 people, mostly civilians, are believed to have died and Yeltsin is trying to end the conflict to boost his chances of winning a second term as president in a June poll. He unveiled a peace plan on March 31 which included a halt to Russia's military offensive, partial withdrawal of troops and indirect talks with Dudayev. But the plan allowed "special operations against terrorists."

It was not clear how the killing of Dudayev and his replacement by Zelimkhan Yandarbiyev, a hardline pro-independence ideologist, could affect peace efforts.

THE WHITE HOUSE,
Washington, May 11, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR FRANK WOLF: Thank you for sharing the article on Chechnya.

We have made our position on Chechnya clear to the Russians at the highest level. The President raised it with President Yeltsin in their April 21 bilateral in Moscow. He also addressed it in subsequent correspondence and in a May 7 phone conversation. In these exchanges, the President urged the Russians to seek a negotiated settlement and to restrain their military actions; he also made clear that we stand ready to do whatever we can to facilitate a settlement.

We have additionally approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution, and, in a demarche at the Russian Foreign Ministry, our Ambassador expressed in detail at the end of April our concern about ongoing Russian military actions.

President Yeltsin has indicated that he would like to get negotiations underway with the Chechens. Dudayev's death has changed the equation, but it is not yet clear whether this will facilitate or further complicate the search for peace.

I know you share our distress at the fighting. We will continue our strong advocacy for a peaceful end to this tragic conflict.

Sincerely,

ANTHONY LAKE,
Assistant to the President for
National Security Affairs.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter on Chechnya. I fully share your concern about the Chechnya conflict.

I discussed the conflict with President Yeltsin on April 21 and urged, as I have in the past, that he seek a peaceful settlement. We have had other high-level communications regarding Chechnya with the Russian government since my return from Moscow and have urged a halt to Russian military actions. We have also approached a number of third countries to ask that they press the Russian and Chechen sides to pursue a negotiated solution.

I have told President Yeltsin that the United States is prepared to do whatever it can to support a peaceful settlement. To date, neither side has asked for an American intermediary, but, if such a request were made, we would certainly consider it. As you know, the Organization on Security and Cooperation in Europe maintains a mission in Grozny, which has in the past facilitated Russian-Chechen talks. And several prominent Russians, as well as King Hassan II of Morocco, have been approached by the Russian government to provide good offices.

We will continue to urge the Russians to seek a peaceful end to this tragic conflict. Thank you for your continued interest.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, May 7, 1996.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on the conflict in Chechnya. I share your concern; the fighting there has been a tragedy—for Chechens, for Russians and for friends of Russian democracy.

We do not believe that use of force can resolve this issue. I therefore welcomed the March 31 announcement by President Yeltsin of steps to halt the conflict and intensify the search for a negotiated solution. Unfortunately, fighting has continued. We have urged both the Russian and Chechen sides to seize the opportunity they now have to reach a peaceful resolution.

I have raised Chechnya regularly in my exchanges with President Yeltsin. I will do so again during my upcoming visit to Moscow, where I will continue to underscore the need for a negotiated settlement.

Thank you for your interest on this issue.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, April 20, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter concerning the conflict in Chechnya and my meeting with President Yeltsin. I also understand you have discussed this with Strobe Talbott and Sandy Berger, and I appreciate your views.

I accepted the invitation to participate in V-E Day ceremonies in Moscow and scheduled a bilateral meeting with President Yeltsin based on my conviction that continued engagement with Russia is vital to our own self-interest in seeing Moscow continue along the difficult transitional course it has charted. That engagement takes numerous forms, including the respect we convey to

the Russian people by honoring their considerable sacrifices as our ally during the Second World War. As you have suggested, during my visit to Moscow, I plan to speak directly to the Russian people to underscore the long-term interest we share in building a stable and friendly relationship at all levels—and also to state what we expect from Russia if we are to achieve such a relationship. I also will meet with a range of Russian leaders.

Pragmatic engagement will be the theme of my meetings in Moscow with President Yeltsin and other Russian leaders. Russian and American interests coincide in a number of important areas: continuing the nuclear build-down, upgrading control and protection over fissile stockpiles, containing and resolving regional conflicts like the Middle East, and promoting Russia's integration into the global economic system. High-level meetings help advance our interests in these areas. It is equally important, at the same time, to remain engaged to work through areas where we and Moscow differ, such as European security, reactor sales to Iran, and Chechnya. I have stated my views on the Chechen conflict clearly, in public and in private contacts with Yeltsin: the humanitarian toll of the fighting is unacceptable and the search for a political solution must intensify, ideally through the good offices of the OSCE, with respect for Russia's territorial integrity. As you noted in your letter, continuation of the bloodshed threatens Russia's nascent democracy. However, it is my firm belief that rejecting dialogue with the Russian leadership to protest actions with which we disagree would minimize our chances of effecting a positive outcome, and would deal a serious blow to the forces of reform that find themselves increasingly challenged in Russia today.

I continue to view the maintenance of good relations with a stable, reforming Russia to be among my highest priorities as President. I genuinely value your perspectives on this question and thank you again for taking the time to share them with me and with my advisors.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, March 16, 1996.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your letter on Chechnya. I know you have followed this issue closely, and I fully share your frustration at watching this conflict drag on; it is a tragedy for both the Chechens and Russians alike.

We have consistently encouraged the Russian government to end the cycle of violence and seek a peaceful solution to the conflict, including in my own conversations with President Yeltsin. President Yeltsin has said that he needs to end the conflict, and we have followed with interest reports that Moscow is developing a new peace plan. We will certainly do what we can to support such an effort.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, July 5, 1995.

Representative FRANK WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the report of the House Subcommittee on Foreign Operations Appropriations suggesting that U.S. assistance to Chechnya be channeled through the OSCE and non-governmental organizations.

I understand from Tony Lake that you had a sobering visit to Chechnya several weeks ago. The conflict is a tragedy for all concerned. We hope the talks begun on June 19 under OSCE auspices succeed in bringing a political solution to the conflict and have urged all parties to take full advantage of the talks.

I also noted the report language on Fred Cuny. I raised our concern about him with President Yeltsin in Halifax; he assured me the Russians would do everything that they could.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, February 22, 1995.

Hon. FRANK R. WOLF,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WOLF: Thank you for your recent letter regarding the conflict in Chechnya. I agree that the violence in Chechnya is a tragedy for everyone involved. While we have publicly stated that Chechnya is part of Russia, we have criticized the toll of death and suffering the military action has inflicted on innocent civilians. In our private discussions and in our public statements, we have strongly urged an end to the violence. We have also supported the positive role international organizations, such as the OSCE, can play in helping to bring about a lasting end to the bloodshed and in providing humanitarian assistance. I have been in close touch with President Yeltsin and am certain he understands these concerns.

The events in Chechnya are a reminder that the processes of reform and democratization underway in Russia—and throughout the former Soviet Union—will encounter setbacks. While no one can predict the final outcome, it is far too early to write off reform in Russia. Indeed, our policy seeks to maximize the chance that reform will be sustained and will succeed. It is important during these periods of uncertainty to recall the profound stake the United States has in promoting Russia's further progress on the path to reform.

Our assistance to Russia serves important U.S. interests: building democratic institutions, contributing to the safe dismantlement of the former Soviet nuclear arsenal, encouraging privatization and private enterprise and vastly broadening the access of the Russian people to Western ideas and methods. I hope I can count on your leadership in the new Congress to continue bipartisan support of the important interests.

Sincerely,

BILL CLINTON.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 1996.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: I am writing to again raise the tragic situation in Chechnya. Some 40,000 civilians are dead, hundreds of thousands are homeless and, yet, this was not even a topic of discussion during your recent visit to Moscow. Why should the United States step in? Each time a high-level U.S. delegation has visited Moscow, President Yeltsin, seemingly in an attempt to put this issue aside, steps up the intensity of the military action and more Chechen civilians get pummeled.

President Yeltsin now seems to be making efforts to establish peace. He has called a cease-fire and the fighting has died down somewhat. We all hope his efforts are sincere, lasting and fruitful. But like a family trying to work out solutions to irreconcil-

able problems, sometimes the issues are too difficult to resolve alone. Feelings run too high and past wrongs have seared too vivid a memory to bring about resolution. Families often need to bring in outside help to provide counsel and objectivity, defuse tensions, arbitrate unresolvable differences and provide a fresh outlook. This is a mediation role only the United States can play in resolving this brutal conflict. I ask that you consider offering to both sides the use of a high-level negotiator of unquestionable stature: someone, perhaps, who has held at least a cabinet position in our government.

When I visited Grozny last May, there seemed little of the town left to destroy. Yet reports of death and destruction continue. What can we lose by offering to negotiate between the parties? Things could grow even worse after the June elections if the winner of the presidential race senses a mandate to end the conflict in Chechnya by any means.

I hope the U.S. will lend its weight to seek a speedy resolution. Please consider appointing a high-level negotiator to shuttle between the sides and push for peace. Our neutrality should cease to be indifference and we should use our voice, our experience and our economic power to stridently work for peace in Russia.

It's not too late. But too many have died. I urge you to take decisive action.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

It has been frustrating to see this conflict drag on for over a year and the fighting and hostage-taking flare up again in recent weeks. The Russians seem to be getting more militaristic, but I understand that President Yeltsin recently acknowledged the importance of dealing with the conflict before the elections. The U.S. should strongly support President Yeltsin in any of his efforts to bring peaceful resolution to the conflict and, if necessary, serve as the catalyst for peace in the region. Perhaps the U.S. could help bring the sides together or serve as a mediator.

The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 1996.

Hon. ANTHONY LAKE,
National Security Advisor, National Security Council, The White House, Washington, DC.

DEAR TONY: I received the President's most recent letter outlining some actions he has taken to resolve the crisis in Chechnya.

I wanted to share a copy of a Special Order I gave on the House floor last week. We are really not doing enough over there. I think more could and should be done.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, February 21, 1996.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, I traveled to Chechnya in May of last year to view the ravages of war in that part of the world. I have enclosed a copy of my trip report.

It has been frustrating to see this conflict drag on for over a year and the fighting and hostage-taking flare up again in recent weeks. The Russians seem to be getting more militaristic, but I understand that President Yeltsin recently acknowledge the importance of dealing with the conflict before the elections. The U.S. should strongly support President Yeltsin in any of his efforts to bring peaceful resolution to the conflict and, if necessary, serve as the catalyst for peace in the region. Perhaps the U.S. could help bring the sides together or serve as a mediator.

The U.S. should use every opportunity to strongly encourage the Russian government to end this conflict peacefully. It's in the best interest of Russia, and ultimately, the best interest of the United States.

Sincerely,

FRANK R. WOLF,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 1995.

Hon. WILLIAM J. CLINTON,
The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The brutal conflict in Chechnya is now in its second month. Gruesome images of the fighting emerge day after day. Thousands of Chechnyans have died in the fighting, including many innocent women and children.

While the U.S. position has been that this is an "internal Russian affair," the American people certainly have an interest in bringing an end to the fighting. Besides the obvious human tragedy occurring as men, women and children continue to die, Russia is a major recipient of U.S. foreign aid. This war is causing many in the Congress to consider whether Russia is deserving of such aid and whether the entire U.S.-Russian relationship should be re-examined, particularly our close ties to President Yeltsin. Continuation of this conflict will have major implications for the future of the Yeltsin government, the Russian economy and Russia's already fragile relationship with its neighbors. I believe our government should use its diplomatic leverage now to help bring peace to the region.

I am writing to propose that you appoint former President George Bush, or possibly former Secretary of State James Baker, as special emissary for this purpose: to go to Moscow, meet with President Yeltsin and other Russian leaders, and present your viewpoint on the importance of quickly ending the Chechnyan conflict. I believe President Bush could be very helpful in ending the fighting and stopping the killing.

Mr. President, I hope you will give careful consideration to this proposal and move quickly in sending an emissary to Russia. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CHECHNYA—TERROR IN PROGRESS

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 1996.

DEAR COLLEAGUE: There is a country song in which the singer pleads for one more last chance. Perhaps that is where civilized and compassionate people are with regard to

bringing to an end the killing and destruction that have rained down upon the Chechen people for the past several years. Please read David Hoffman's report for The Washington Post talking about the new direction and the new intensity this 19 month war is taking following Russian President Boris Yeltsin's re-election victory. It is printed on the reverse.

With leadership struggles behind them, there is little reason for the Russian government to pursue a lasting cease fire or even a peaceful end to the conflict. Rather, many would now predict an intensified effort to pound the Chechens into the ground and into total submission.

It didn't have to be this way. Our government has mostly sat on its diplomatic hands as this conflict has raged. At the outset, statements by our officials likening this clash to our own civil war and setting forth a "hands off" policy were ill advised, provided Russian hard-liners with more backbone and destroyed the hopes of Chechens.

Each time the President, Secretary of State or other high official scheduled a meeting with President Yeltsin or his leadership, the Russian military would renew the fighting in hopes of ending the war before the issue could be raised between our governments thereby having the unintended effect of killing more people and ratcheting up the pain and suffering of everyone in that terrible place. They were never successful in ending the war but levels of killing, destruction, pain and hatred soared.

We could have . . . we should have pressed Boris Yeltsin and his government to restore peace to Chechnya. We should have encouraged him to negotiate a resolution and offered to provide a high level person, experienced and wise in diplomacy and international affairs, to help the sides find a settlement and end the horrors of war. But we did not. And the hour grows late.

Now the killing and destruction have resumed. And President Yeltsin does not feel pressed to end it. If nothing is done, more will die. But we have one more last chance. Vice President Gore soon leaves for high level meetings in Moscow. He can speak out against the continuation of this senseless slaughter. He can label these acts for what they are: genocide. He can offer to help bring about a negotiated peace; provide a top level negotiator to help both sides search for common ground.

Congress should expect the administration to stand firm on ending this havoc. Please encourage President Clinton and Vice President Gore to put America on the just side of this matter. Thank you.

Sincerely,

FRANK R. WOLF,
Member of Congress.

[From the Washington Post]

RUSSIA POUNDS CHECHENS AS ELECTION TRUCE UNRAVELS

(By David Hoffman)

MOSCOW, July 10.—Russia's pre-election truce with Chechen separatists continued to unravel today as Russian helicopter gunships and ground troops pounded two Chechen villages in the heaviest fighting since cease-fire agreements were reached on May 28 and June 10.

The strikes came against rebel positions in the villages of Gekhi, 20 miles southwest of the capital, Grozny, and Mahkety, 22 miles south of Grozny. The Chechen rebel leader, Zelimkhan Yandarbiyev, reportedly has a headquarters in Mahkety, and several hundred of his fighters are in Gekhi, which was attacked Tuesday and today. Russian troops were reported pulling back from Gekhi tonight.

Casualties were reported among Chechen civilians and Russian soldiers. The Interfax news agency said 15 to 30 civilians were killed in the assault on Gekhi; the Russian military said 20 were killed. Hundreds of villagers fled the assault on foot. Russia lost eight servicemen, news agencies said, and television reports said another 20 had been captured by the rebels. There were no reports on rebel casualties.

Interfax quoted a Russian military spokesman, Maj. Igor Melnikov, as saying that Russian commanders have ordered the capture of Yandarbiyev, but the report was later denied. Melnikov said the strikes were in response to the rebels' ignoring an ultimatum by the Russian commander, Gen. Vyacheslav Tikhomirov, who threatened to wipe them out if they failed to release all soldiers held captive by Tuesday night.

The cease-fire agreement included a deadline for Russia to remove its checkpoints in Chechnya and for an exchange of prisoners. Each side has accused the other of failing to honor its commitment, and they have been in a war of words since late June. The Organization for Security and Cooperation in Europe (OSCE), which brokered the peace talks, issued a statement in Grozny today warning that fighting could spread.

According to Interfax, the OSCE statement said that despite the ceasefire agreements, the "political settlement in Chechnya has practically been suspended." However, the organization's chief representative in Chechnya, Tim Guldimmann, said a new meeting between Chechen and Russian negotiators is still possible.

The cease-fire was an important factor in Russian President Boris Yeltsin's victory, since it pointed toward an end to the 19-month-old war, which has claimed at least 30,000 lives, most of them civilians. The swift degeneration of the truce into another armed confrontation raised hackles in the lower house of parliament, the State Duma, which voted today to ask Prime Minister Viktor Chernomyrdin to explain the surge in fighting.

Sergei Yushenkov, a member of the Duma's defense committee, called on Chernomyrdin, who is head of a special government commission on Chechnya, to explain why the government was making improper use of the army to punish the rebels.

"I have to think it over," Chernomyrdin said of the Duma's request. Chernomyrdin told reporters while touring an art exhibit in Moscow that the situation is "under control" and that "there will be no war in Chechnya." Chernomyrdin said the Russian offensive was a response to "insolent" rebel commanders.

Alexander Lebed, Yeltsin's new security chief and a longtime critic of the war, blamed the rebels for the latest surge in fighting. Interfax quoted him as saying the responsibility is that of "Yandarbiyev and other leaders of armed gangs." Lebed is expected to visit Chechnya but said he would not do so until next week at the earliest.

Meanwhile, Yeltsin delivered a nationally televised speech from the Kremlin today after being certified as the official winner of the presidential contest. His inauguration has been set for Aug. 9 in the Kremlin's Cathedral Square.

Although his aides have predicted an imminent government shakeup, Yeltsin's address offered few clues to his second-term plans. He said "the reform course will continue," but he also said economic policy "requires serious correctives."

He added, "The main thing now is to impart a second wind to [industrial] production, to place orders with the enterprises and to give jobs to people." He also promised "full and timely payment of everything the

people have earned," a reference to months-overdue wages and pensions.

Yeltsin has not appeared in public since he became ill before the July 3 runoff election, but he spoke confidently and without any outward sign of illness.

In a separate address to ethnic Russians in former Soviet republics that are now independent, Yeltsin vowed to provide "permanent care and support from your homeland."

UNION MEMBERS DUES USED FOR POLITICAL PURPOSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Madam Speaker, I think it is interesting with respect to my good friend and colleague who just spoke that in addressing the question as to why when the Members of his party controlled the House, the Senate and the White House during the 103d Congress, which was 2 years ago, they did not, if this was such an important initiative, undertake to in fact raise the minimum wage at that time. He just dismisses it very quickly and briefly by saying: Well, I am not interested in the past; I am only interested in now. I think that is unfortunate and predictable.

I want to address my comments today to the very hard-working rank and file union members of America whose dues are being used for political purposes and activities that they are probably both not aware of an almost undoubtedly do not agree with. Those are dues that should be put to work for those Members in the negotiation of labor contracts, in getting better working conditions, in getting higher wages, in getting better benefits packages and vacation plans. But they are in fact being used to further the political agenda of their labor bosses who are located not, for example, in Cleveland, OH, which I have the privilege of representing, but in Washington, DC.

What is happening is that through a mandatory payroll deduction scheme, union members dues are being used to fund a defamatory and demagogic attack on Members who have one fundamental problem as far as the unions are concerned. That is, as far as the Washington-based union bosses are concerned, and that is that there is an R next to their name. In other words, what this is really about is partisan politics. It is not about principles and the principles which different people believe in.

Mr. Speaker, let me give an example. There was a poll that was taken of over 1,000 union members about 6 or 8 weeks ago. One of the questions that was asked was, do you believe that the budget of the United States should be balanced and that we should have an amendment to the Constitution requiring a balanced budget? About 80 percent of the union members responded positively that we should. That is not surprising.

About 80 percent of all Americans believe that we ought to have an amend-

ment to the Constitution requiring a balanced budget. And yet the AFL-CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution. It is funny, I had union reps from Cleveland in my office yesterday. They were talking about the union bylaws. And one of the fellows said very clearly that the bylaws prohibit the union from spending more than it takes in. That is a perfectly reasonable policy which is obviously practiced by American families as well. Yet his leadership in Washington opposes a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL-CIO bosses in Washington are opposed to a balanced budget amendment to the Constitution, clearly in contravention of what the rank and file members want as well.

Mr. Speaker, I will give another example. The AFL-CIO bosses in Washington are opposed to a \$500 per child tax credit, and that would fall primarily to the benefit of working families, union families. And yet they are opposed to that \$500 per child tax credit although in polling the AFL-CIO members, the rank and file members are clearly in favor of it.

So here we have got a very similar situation to what is happening right now in a larger sense in America. That is that what we are trying to do with this Congress is send power out of Washington and back to local communities, because the problem that we have got is this massive centralization, bureaucratic centralization of power in Washington.

So one of the primary efforts besides reducing the size and scope of government as well as reducing the tax burden on the American people of this Congress has been to get more decisionmaking back to the local communities and the conviction that you are going to get better decisionmaking process about government.

The same needs to be done with respect to the unions as well. We need to get that power, the unions need to take that power out of Washington and back to their locals.

UNIONS AND POLITICAL ACTIVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Madam Speaker, I wanted to follow up on the gentleman from Ohio's comments. I think he makes a very, very important point regarding the unbelievably misleading tactics that are being used by the big labor bosses back here in Washington, DC, in what I think is a desperate and transparent attempt to help the Democratic minority in the Congress regain control of this institution. I think it is very telling and very significant because it is a clear indication of just

how out of touch they are with average working Americans, the very people that they purport to represent.

Let me cite some basic statistical information at the beginning of my remarks. I think we know that the labor bosses here in Washington are opposed to fundamental reforms, the most significant changes that we have been trying to make back here in Washington over the last year and a half, since the Republican Party became the majority party in both the House of Representatives and in the Senate.

These labor bosses, again, I am not talking about rank and file working men and women, but the labor bosses back here in Washington who have become the core constituency of the national Democratic Party and almost the campaign arm of the national Democratic Party. These labor bosses here in Washington are opposed to cutting spending to balance the Federal budget. We all know that we need to put our fiscal house in order. We all know that we need to balance the Federal budget to really preserve the future of our kids and our grandkids and to give them a future with more hope and opportunity than we have enjoyed.

I think it is important to remember the legacy that we do not inherit the world from our parents. We borrow it from our children. We are obligated to create a more promising future for our children and future generations. Yet those labor bosses are opposed to cutting Federal spending to balance the Federal budget, something that would, by virtue of simply bringing Federal revenues and expenditures into line, lower interest rates in this country and produce long-term economic benefits for every single American family and business.

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Now, why are they opposed to cutting spending to balance the Federal budget? Well, because the only sector, the only segment, of the union activity that has been growing in recent years is Government employees. In fact, union membership in the public sector has been increasing while union membership in the private sector has been declining over the last several years. So they are opposed to cutting Federal spending to balance the budget because that means that we may have to eliminate a certain number of positions, governmental employee positions, as we go about the process of consolidating and streamlining the Federal Government and eliminating those agencies which are duplicative in nature or which duplicate a function better performed or currently performed by State or local government.

These labor bosses are also opposed to welfare reform. They are opposed to tax cuts for families with children. But what makes their opposition so, I think, significant is that they are opposing the very changes that their own members want.

A recent poll of union members in America indicated that 82 percent of

union members support a balanced budget, 87 percent support welfare reform, and 78 percent support tax cuts for families with children, and those percentages are higher than the general public.

So union members on average support the fundamental reforms we have been trying to enact back here in Washington over the last year at a greater percentage than the rest of the American public.

So why are the labor bosses attacking incumbent Republicans? Why have they targeted incumbent Republicans for defeat as part of a concerted effort by the National Democratic Party to regain control of the House and Senate? Well, it is very simple. They have a vested interest here. They do not want to see government downsized because that would mean the waning or the loss of power and influence for those very same labor union bosses.

So I think it is very important for the average American working men and women to realize that we are doing our utter best back here in Washington to protect their interests and to create a better future for America's families because we are not working for the labor bosses, we are working for those American families, for those working men and women, and they are the people who are the bosses.

So with that, Madam Speaker, I appreciate the opportunity to stress that point and follow up on the comments made by the gentleman from Ohio [Mr. HOKE].

U.S.S. "GARY GORDON"

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Well, Madam Speaker, I guess it is clear for the whole world to see there will not be an hour special order by the Member from Massachusetts followed by my special order. Mr. FRANK told me earlier in the week that he was going to critique my point of personal privilege from this well on June 27, and I said, "Well good I'll be there to critique your hour with my hour," because I said I would keep focused on the truth and I was not going to let go of this crude attempt which we saw again last night late and on the floor this morning and early afternoon to brand anybody who thinks there is something wrong with homosexual behavior as a bigot, as a hater, and, as Mr. CANADY of Florida pointed out, they added about 15 more sleazy words that we could have spent all day long taking peoples' words down to contest.

I would like to tell any people that came to visit us in the gallery today, through the Chair, that I will return to this subject after I do something very positive and upbeat to relate what I was privileged to behold on the Fourth of July, and I would hope that people

would reflect on the positives about the United States over this weekend, but spend a little time thinking about this amazing vote that we just had, our last vote today, on the 12th of July, defeating a phony recommit bill with instructions to study homosexual, quote, marriage, unquote, when that study is going ahead anyway. So 30 Republicans, kind of threw—well 29 threw a vote in this direction and joined Mr. GUNDERSON so that they will be able to have begging rights not to have Act Up and other radical homosexual groups try and wreck their town hall meetings with rude demonstrations, and the Democratic vote did not shift that much, 133 for the phony recommit and 118 to back up—or, excuse me, only 65—let me back up; 53 voted against Democrats, that phony motion to recommit, and that jumped up to 65 going the other way and saying that they will go out on a limb for homosexual marriage.

The final vote is, in this Chamber, 118 Democrats in spite of the 2-day debate going with Clinton, that they are not going to sign off on homosexuals getting married civilly, although a few renegade Christian denominations that are splitting in pieces will go ahead and go through a mock marriage ceremony, but 118 Democrats joined Clinton and say no way. The one Independent from Vermont, 65 Democrats and only one Republican, Mr. GUNDERSON, that is 67 people today and 2 voting present, approve of homosexual marriage. There were 23 not voting; that is not unusual for a get-away Friday, although I noticed in the Democratic list here at least 3 Democrats that were participating in the debate right up through recommit and the final passage vote, which was only a 5-minute vote followed immediately thereafter, and they ditched, I will give them the benefit of the doubt, jump in a car and speed off to National Airport or Dulles to get out of town. But it looks very suspicious.

So there is the vote: 23 absent, 2 present, 67 with only one Republican, the sole Independent who usually votes in caucuses on the other side of the aisle, and 65 Democrats saying homosexual marriage is OK. On our side 224 Republicans out of 225 voting, and 118 Democrats, for a total of 342, say no way to homosexual marriage.

So, it looks like my opening remarks in the well June 27, when, as I recall, I said:

Mr. Speaker, I now move out into the evil mind fields of political correctness alone, but I pray and hope not alone on this uncomfortable issue of homosexuality. Well, it looks like I am not alone. Fifteen days later, on the 12th of July, 1996, 342 souls have joined me with varying degrees of commitment to principle and Judeo-Christian ethics.

Now to that positive note: On July 4, I had the honor of being invited by the families of Americans who lost their fighting men in the alleys of Mogadishu on October 3 and 4, 1993, not quite 3 years ago. It was the second

ceremony, unprecedented, where a naval ship, a big naval ship, 956 feet of naval cargo ship, was being named after an army sergeant. The first one took place in San Diego where the U.S. Naval Ship *Randall Sugart* was named, with his mother and father and his wife presiding, and that was on May 13—excuse me, Jefferson's birthday, April 13—and then on July 4, the second commissioning of the U.S. Naval Ship *Gary Ivan Gordon*. Both of these army sergeants won the Medal of Honor, fulfilling to the letter of the scripture St. John 15:13, greater love than this no one has that he give his life for his friends. A biblical translation: that they lay down their life for another. They begged to have their helicopter crew get the authority to put them down at the crash site of CWO Michael Durant that ended up saving his life and giving up their own lives. On the night of October 3 the film was so brutal, a videotape on CNN, that they stopped running it by midnight because of people crying and calling in. The film, the videotape, was so brutal. These two Medal of Honor winners, the copilot and I got to meet his widow, Willie Frank, down there at Newport News at the commissioning of the *Gary Gordon*, the two door gunners, Tommy Fields and William David Cleveland. We saw their bodies being hacked apart by the crowds, desecrated, dragged through the streets, objects stuck in their gaping dead mouths. It was a pretty rough scene, the roughest Americans have seen since Vietnam, Korea, World War II, and now we have these 2 beautiful days, Jefferson's birthday and fourth of July, when as long as these ships are at sea and they have invited the families, the skippers of the two ships, they will be crewed by civilians, to come on board at any time.

I saw them invite Gary Gordon's two beautiful children, 8-year-old Ian and 5-year-old Brittany, to come on board any time to see this massive ship sitting next to our newest supercarrier, the U.S.S. *Stennis*, named after a U.S. Senator who was alive when the ship was commissioned, got to see a ship with his name on it when he is alive, the biggest moving object on the planet Earth.

These two big ships sat there, the *Stennis* and the *Gary Gordon*, and Golden Knight or Special Forces paratroopers came in, one from each service with American flags flying off their parachute gear, and landed. There was a small parade of World War II vehicles that went up the ramp onto the *Gary Gordon*, which will be a prepositioned ship with enough armored vehicles, backup vehicles, Humvees, trucks, tankers, supplies, ammunition to support a third of the division.

A full Army brigade will be ready to go at sea anywhere in the world to protect Americans or American interests, and M. Sgt. Gary Gordon's name; I visited his grave last November 5 or November 4, remember as the day Rabin was assassinated, and I stood at his

grave with my son, Mark, and told Mark, beneath us are the remains torn apart of this handsome, tough, dedicated 33-year-old Army Delta Force sergeant, and I said, "And like Jesus at 33, he was torn apart giving his life for the literal life of Michael Durant and others."

Well, he has a wife about as beautiful as they come, reminded me of my own beautiful wife when she was a young Air Force wife, and I punched out of two jets, and she wondered if she was going to have a father for our five young kids.

But Carmen had such dignity. Before she broke the champagne bottle on this almost-thousand-foot ship named after her Gary, she said these words, and if she got through it, I get through it. July 4, Newport News, shipbuilding Newport News, Va, the naming ceremony for U.S. Naval Ship *Gordon*, T-A-K-R, 296; that is its formal number.

For you Navy buffs out there I found out what it means. Nobody knew. It took me all day. T means crewed by civilians, A means auxiliary, K means cargo because the C is used for cruisers, and R means rapid response.

□ 1530

Here are Carmen's beautiful words:

"Thank you for that kind introduction, and the opportunity to be with you today. I would like to tell you about Gary. Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him: The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the world, they are all there; the boots that took his dad through so many deserts, jungles, so many parachute jumps now lace up around Ian's small ankles. All these things are piled neatly together by a little boy's hands and sought out during quiet times.

"My daughter Brittany," and keep in mind they are both sitting in the front row, "My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of Gary smiling straight through to her. It is the first thing she packs whenever we leave home, and the first thing she unpacks when she arrives anywhere."

By the way, Gary Gordon's dad, who felt very uncomfortable receiving the Medal of Honor from Clinton, both he and Randy Shugert's father did not feel that Clinton had done right by these Medal of Honor-winning sons, that he did not understand the operation, did not back them up with armor to rescue the downed helicopters, did not back them up with enough wherewithal to capture the warlord that they were pursuing; warlords.

I have spoken to Gary's father, as I have spoken to Herb and Lois Shugert many times. Gary's dad died on the job the last day of June, 5 days before the naming ceremony for his son's ship. He died at the naming ceremony for his son's ship. He died at the mill where he had worked all his life, in Lincoln,

Maine, unloading his truck, probably so proudly talking about how he was looking forward to going to Virginia to watch his daughter-in-law christen the Gary Gordon.

I looked up at the ship. I told this to Carmen later. I told her it was probably the Irish in me, but I looked up at the ship, its massive side, and at the railing, and I pictured Gary and his dad, with his armor, on it, the two of them looking down at Carmen so proudly, watching her deliver these stirring words.

Carmen says, "My daughter Brittany speaks of the photograph." Then she says, "These treasures are a comfort to my children and a source of pride, but more important, Gary's children can see and feel these reminders of their father to keep him close. In much the same way, the ship that we christen here today, the USNS *Gordon*, gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him, and the life he so willingly gave."

By the way, both the Medal of Honor winners were born in Lincoln; Lincoln, Nebraska, a little town, the very soul of America, that is Randy Shugert's birthplace; and Lincoln, Maine, where Gary's dad died a few days ago.

"The very first time I laid eyes on Gary Gordon was the second month of my 13th summer. I was staying with my grandparents in rural Maine, Lincoln. Every week we made a trip into town for supplies. One hot afternoon, in front of Newbury's department store," it is still there, and I saw it, madam Speaker, just in November when I went up to look at Gary's grave. By the way, there is a big monument at the end of the street, filled with dozens of names, I counted them all and recorded it for my record, from the Civil War, the War Between the States; a big memorial for World War I, my father's war; an even more massive memorial and placards in front of the little veterans' building for World War II.

Unlike a lot of wealthy American cities, my hometown of Beverly Hills has not one that I know of, certainly not a memorial; but killed in action fighting for freedom for strangers in Laos and Cambodia and Vietnam, dozens of names from this tiny little town, Lincoln, Maine. I will bet it is the same in Lincoln, Nebraska, which I will visit some day. There is that same Newbury store Carmen speaks of so movingly.

She says, "there, in front of Newbury's department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked up at me, and I knew this was no ordinary boy. This boy could win my heart. When he called my grandparents for permission to take me out, he was turned down flat. 'She is too young,' they told him. And so in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters

about his new life in the Army arrived regularly.

"On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress."

You will recall when I read her beautiful letter to the editor of Newsweek magazine, she mentioned another vehicle of Gary's, how he was so proud of his red pickup down at Fort Bragg, where the Delta Force is headquartered; and when he would come home after a hard day of training he would pull into the driveway, and he and Ian, then 5, and Brittany, then 3, would run out to hug their handsome daddy.

Here he is on a motorcycle in Carmen's driveway. "A few hours of talk, a quick first kiss in the rec room, and Gary left to go back to his base many miles away. So began our slow dance of love, one that would give us so much in so short a time. We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time.

"On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee, folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups."

I watched my wife do that with our grandkids. She calls it "coffee talk."

"Gary's love for Brittany was just as strong. Every day when he arrived home from work Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice, and a timetable for leaving."

By the way, Madam Speaker, we never hear about the Delta Force successes, or how many tragedies have been averted over the years, terrorist tragedies, hostage takings that were thwarted before they took place. All that must remain secret in Gary's unit in Fort Bragg until some day, far in the future, 30, 40 years from now, when his grandchildren will probably learn of his courage.

Carmen continues: "I never worried when Gary left on a mission. As I cheerfully kissed him good-bye and waved confidently from my front porch, it never occurred to me to be afraid, because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of the fighting. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back safely. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, 'Carmen, don't worry about things we can't change.'

"I know that death often leaves us with the haunting question: Why? I know why Gary died. He died because he was true to his own code for living, trying to help someone else. Fear would not have kept Gary from doing what he needed to do, what he wanted to do, what he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: I shall not fail those with whom I serve."

Greater love than this no man has, Carmen.

"Gary lies buried a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather, bordered by woods that change with the seasons. He is not alone now is that corner of the cemetery. His father, Dwayne, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the papermill where Dwayne gave so many years of hard work. A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there by Gary's military headstone," American Legion, Veterans of Foreign Wars, "below the chiseled words 'Beloved Husband and Father,' and the coin of his unit, the Delta Force coin, and his beret etched into the 39-inch beautiful alabaster marble.

"I hope that some gentle wind will always guide this ship to sea, and keep her on a safe, steady course. And when that wind strokes, the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS *Gordon* is striking under the stars, I can tell them, she is on the same course their father chose, headed for distant shores, answering the call of those in need."

Madam Speaker, a few years ago, September 1992 to be exact, when I was explaining why America should never elect a draft-dodger to be the Commander-in-Chief, I read a letter on this House floor of a young college professor from a sister New England State of Maine, the State of Rhode Island. His name was Sullivan Ballou. He was a major. He died just a few miles from here, due west out toward Dulles Airport, at the first Battle of Manassas, what the North called First Bull Run, or just Bull Run, then.

The letter was to his wife, Sarah. It was so beautiful I could hardly read it through. All of America became aware of it with the beautiful National Institutes of Heritage, the NIH TV series of the Civil War. When it was promoted on public broadcasting they would send to people the onionskin reprint of Major Sullivan Ballou's last letter to his wife, Sarah, and his two young boys. While Carmen was delivering here beautiful christening eulogy to Sergeant Gary Gordon, I thought of Sullivan Ballou's letter to his wife.

He died at First Manassas, and that was the last treasure his wife had of him. He talked about how dearly he wanted to see his two young sons rise

up to manhood. He said, "But Sarah, I feel as though bound by chains to those who fought for our independence," referring to the Revolutionary War. "I cannot break faith with them and the lives and fortunes they gave up for our freedom, but I also feel so drawn to you."

And I do not know if Carmen Gordon has ever seen the exquisite letter from Sullivan Ballou, or how he talked about "some summer day, a cool breeze will touch your cheek, and oh, Sarah, Sarah, know that as I."

□ 1545

I meant to have Sullivan Ballou's letter here today and put them both in. So what I will do is put this again in the RECORD next week with Sullivan Ballou's letter next to it so young Americans like Ian and Brittany, and those a little older now, trying to decide what to do with their lives, will learn that in this big, wealthy, exuberant, wonderful country of ours, there are men—and now a lot of women—who put on a blue uniform, a khaki uniform, a firefighter's rugged clothing and give up their lives for us, and that there are people in the Transportation Department, called the U.S. Coast Guard under the Defense in wartime, they will die trying to rescue us in a hurricane like Hurricane Bertha, working her way up the coast, and that in my beloved Air Force, my dad's beloved Army—and he did love it—our incomparable Navy and their soldiers at sea, our unparalleled in the department of esprit and faithfulness, our U.S. Marine Corps, that there are young men—and now women—all around this world, from Arctic and Antarctic snows to still jungles, trying to feed people in oppressive heat of God-forsaken nations in Africa. God does not forsake anything. Forgive me that cliché term. And the 19 young men that died in the Khobar Barracks bombing or the 19 that died with Gary Gordon, if you include Sgt. Matt Rearson who was hit at the headquarters 3 days after Gary died, had been flying rescue missions in for hours. I met a helicopter pilot at the christening of the *Gordon* who flew 17½ hours nonstop. His wife came up to me proudly. She had seen me read the Sullivan Ballou. I had flown a flag for everyone in their unit who had been killed or injured on the roof of the Capitol. As a matter of fact, on July 4, 1994, and Veterans Day, November 11, 1993, I flew over 200 flags for everybody wounded or killed in Somalia. I will probably do the same next week for the 19 that died in Saudi Arabia.

Interesting. Nineteen killed in Khobar Barracks, 19 killed under Urgent Fury trying to rescue Grenada, and 19 killed on October 3 and 4 and October 6 in the filthy alleys of Mogadishu.

So young Americans do not have to be dispirited by tragic votes like the one that took place today, that cause a wonderful religious man like Rev. Billy Graham to say, in that rotunda, on

May 2, just a few days before the commissioning of Medal of Honor winner Randy Shugart's ship in San Diego, in that rotunda, and I bet there is not one-fifth, one-tenth, one-twentieth of the people visiting with us in the gallery that know Billy Graham said this, Madam Speaker, because the major dominant liberal media culture blocked out his words. I happened to be watching ABC that night. A silent clip of him. Did not project his words across America. He said in this rotunda that this Nation is on the brink of self-destruction. The United States of America, that we love, is on the brink of self-destruction. No future for Ian or Brittany Gordon, because of discussions like this one today on sanctioning marriage for homosexuals. Unbelievable.

I hate to follow something so positive with something so negative, but I had a hard time getting time to speak this week, Madam Speaker. There are still mysteries around here in both parties that I am trying to figure out. But here is a column from a man whom God put in a wheelchair for the rest of his life with a civilian accident, brilliant psychiatrist, sorry he does not agree with me on people serving in the military with HIV, but you cannot get somebody to agree on everything and I still have not written to him and made my case. But Charles Krauthammer, handsome, vibrant, brilliant young student, I think at Yale, when he jumped in a swimming pool, which cost my brother his two front teeth and has cost a lot of people the rest of their lives in a wheelchair, a tragic accident all too common. In that wheelchair, most people who hear his brilliance, sitting in on Washington Week in Review and guesting sometimes on Nightline and other Sunday shows, unless a camera shot is very clear, you do not realize that his chair is a metal chair for life.

Charles Krauthammer gave up the practice of psychiatry, I guess temporarily, to be one of the better writers, one of the better sages, or what we sometimes say, disdainfully, pundits or talking heads in this country, and I want you to listen to this column.

Rush Limbaugh made reference to it the very same night that I told my wife that afternoon, or she told me, read this on the House floor, and unfortunately Rush Limbaugh only quoted a line from it. I think America should hear this July 5, Washington Post column. I think everyone should hear it.

Charles Krauthammer. A President for our time. The subheadline is a quote from the article. "A large number of Americans think their President crooked and yet ethically fit for the office."

"When the Gallup poll of June 18-19 asked whether the words 'honest and trustworthy' apply to Bill Clinton, Clinton lost 49 percent to 46. Two weeks later in another national poll, same question, Clinton was losing 54 to 40. And when Gallup asked whether Clinton had the honesty and integrity

to serve as President, Clinton won 62 to 36, a landslide bigger than Lyndon Johnson's 61" or, I might add, Nixon's 60, with even more people, a bigger plurality, more people voted in 1972 than in 1964.

"A milestone of sorts," Krauthammer says.

"A quarter century after Nixon, we have achieved the normalization of Nixonian ethics. A large number of Americans think their President crooked and yet ethically fit for the office.

"Whitewater gets worse. 49 to 42 think Clinton is not telling the truth about it. 46 to 44 percent think he did something illegal. Filegate grows. 50 to 36 percent think Clinton knew about it all along, something he has explicitly denied. All the while Clinton rides high in the polls with a strong 56 percent approval rating."

Is that not his highest ever, Madam Speaker?

"This is no Teflon presidency. This is Velcro. Everything sticks to this man. Gennifer Flowers, Paula Corbin Jones, Whitewater, Filegate, et cetera, et cetera, but it does not matter. Expectations of presidential character have fallen so low with Clinton that the people believe the worst about him and still want him right where he is."

"Republicans are at wits' end"—I admit it—"with frustration that as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle, 24 percent in California, claim it is a principle—they want clean government, but they obviously don't mean it."

"They don't mean it about character, either. And the ultimate Republican frustration is they don't mean it about policy, either."

Again, I tell my fellow Americans, you bet I am frustrated. I thought we were doing what you wanted us to do for a year and a half. I was not in on the decisions to close down the government. I knew that would backfire. Because I come out of the media. I won Emmys in my mid 30s. I know more about broadcasting, radio and television, than any member of my party and probably anybody on the other side. I knew how the media would spin this, with Smokey the Bear camp guards at Yellowstone and Yosemite, I predicted it, going to the little shops that sell beautiful little redwood and sequoia curios and saying to them, "What do you think about this?"

The whole Medicare thing, I could smell it coming, how this would be spun. You bet I am a frustrated Republican at the current polling. But I am an optimist. It is not going to last for long.

"On policy with few expectations, abortion being the most notable." This is one where I disagree with Mr. Krauthammer. He looks at the wrong polling. He is too smart, he should realize dirty-in/dirty-out. You ask phony

polling questions: "Do you think a woman should have her choice to her own reproductive freedom in a free country?" Yeah, yeah, yeah.

Do you think a baby should be three-quarters delivered, its entire body out of the birth canal and scissors stuck into the base of its skull and its little brain sucked out, do you think we should have that? Clinton just signed off on that. They say, "Oh no. That's up in the air."

The SPEAKER pro tempore (Ms. GREENE of Utah). The gentleman will suspend. The Chair needs to remind the gentleman that he must refrain from referring to the President's personal character.

Mr. DORNAN. Well, let us see how rough Mr. Krauthammer gets here.

I want the Chair to be advised, I am against rule XVIII applying to the executive branch. I am against Clinton and GORE getting the protection and violating the separation of powers, but I will respect it because we passed it here. But we did not know what we were passing on. It was not debated. That is for the decorum of this Chamber or so that this House naturally in combat, particularly in this current conference period, do not say disparaging things about the U.S. Senators in here, but I can tear the face off any Supreme Court Justice, or Mrs. Clinton, which I have chosen not to do, or any of the cabinet people who are running up \$150,000 on travel cards flying all around the world with huge staff and getting massages in exotic hotels, I can tear up anybody except under rule XVIII in some strange flush of generosity, we added those two offices. It was never respected with George Bush, certainly Nixon was savaged in this well for most of his career, Barry Goldwater as a U.S. Senator received some rough moments here. But I will try and work my way through it and next year in January try and take that out. Even if my friend Bob Dole is elected President, I will try and take out that rule.

The SPEAKER pro tempore. The Chair recognizes the gentleman's difference of opinion. However, both the Chair and the Speaker are constrained to follow the rules of the House as they have traditionally been and are currently interpreted.

Mr. DORNAN. You bet we are. And I will begin to redact this statement, because I think it does get tougher.

"On policy, with few exceptions, abortion being the most notable, the country is conservative." Is that not a given? Even Ross Perot agrees with that.

"The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails."

That is what you all want up there in the gallery. We know that, Madam Speaker. Anybody who visits in the gallery. Let me phrase that correctly. I am not allowed to refer to you directly in the gallery. Anybody who comes and joins us in the gallery, Madam Speak-

er, they know that that is what they want.

I will say it again: Smaller government. Clinton said that standing right up there at that beautiful lectern in front of you.

"Balanced budgets, less welfare, more jails. It is no accident that no one campaigns for national office as a liberal."

Not quite true, Charles. A lot of people over here, you can see it in the vote today, 65 of them and the 1 independent. Well, the Republican is a lame duck and about 5 of the Democrats are lame ducks, maybe 10. So about 50 people are willing to go home and campaign that they are a flaming liberal who wants homosexuals to have full marriage rights.

"Anyone who can get away with it campaigns as a conservative. Clinton is campaigning as a conservative. Clinton is proving that anyone with high intelligence—and blank blank—can get away with it."

"Clinton, whose major presidential initiatives were gays in the military"—Charles, that is an adjective. Homosexuals is a fine word to use, Mr. Krauthammer—"homosexuals in the military, a stimulus package of more Federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative."

"In one of the most cynical and successful acts of election year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and for victims' rights. He's for the constitutional amendment on victims' rights. He's for Megan's law, 'to not have sexual predators, way more than 50 percent of them homosexual, being turned loose in a neighborhood.'"

"He's against homosexual marriage. Having slashed the staff of the White House Office of Drug Abuse by 80 percent"—this is all policy, so this is OK, Madam Speaker—"by 80 percent, he's now talking tough on crime. Having submitted a fiscal year 1997 budget with \$200 billion worth of deficits as far as the eye can see"—that is a Clintonian quote—"he's now for a balanced budget."

"Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical Republican welfare plan." I do not think it is so radical.

"Clinton aides have since been hard at work watering down what he said to co-opt Dole. No matter. That's for page 38, probably the B section. The Saturday speech of Clinton's was page 1. Of course everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that doesn't matter."

□ 1600

The polls show that with these deliberate rhetorical moves to the center, Clinton has risen significantly in the polls, 13 points on the question of whether he reflects the values of the American people. Reflect he does, like a mirror.

Now remember, these are Krauthammer's words. They are kind of cynical. I do not know if I go along with this, but he sure made me think. He says, "He reflects you like a mirror. The Republicans are confounded," yes. "They were elected in 1994 on a detailed conservative agenda that they then tried to enact an era of sincerity and zeal for which they have been ever paying in the polls."

Liberal networks taking these polls. Dirty in, dirty out.

Krauthammer continues, "Clinton's political genius," that is a compliment, "is discerning and then becoming whatever the American people want him to."

"They want tough welfare reform, but they do not want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget but will crucify the politician who tampers with Medicare," which is busting the budget.

In other words, Americans are not serious and neither is Clinton. On every great issue they say yes and no, Clinton, the man that smoked but did not inhale, lives and breathes, yes and no. He talks right and governs when he can to the left. He talks tough and governs soft. He is, in short, the perfect President for our time, and if he cuts a few blank-blank ethical corners, so what?

Well, Madam Speaker, how much time do I have left on this rainy hurricane Bertha Friday afternoon?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. DORNAN. First I would like to put in the RECORD as a follow-up to my June 27 point of personal privilege letters from conservative groups across this country. I have been around long enough that they are all close friends. The incomparable, steady as she goes, Dr. James C. Dobson, founder and president of Focus on the Family, on the homosexual battle in our country.

I am not alone any longer, Madam Speaker, for my long-time friend of 20 years, Phyllis Schlafly, speaking for her great Eagle Forum, and she is also the director of a coalition group to keep our pro-life values in the Republican platform, she sends a beautiful letter.

Beverly LaHaye, great husband Tim LaHaye, good friend of mine. Beverly LaHaye for the largest woman's organization in America, Concerned Women for America, sends a letter of support.

The conscience on Capitol Hill from a small building over in the northeast by Union Station. What a fighter, what a brave heart he has, Paul M. Weyrich. He sends me a letter.

All five of these letters I want to put in, as there are about 10 more, and they

are still coming in, that I want to put in next week.

One from Marc Morano of Electronic News Gathering, the reporter thanking me for doing the expose on Jefferson's birthday, interestingly, the same day we were commissioning one of those big ships for Medal of Honor winner Randy Shugart, 2,000 wild partying homosexuals, hundreds of them almost naked down here in our biggest, most beautiful taxpayer-owned and operated auditorium, the Andrew Mellon Auditorium, directly across the street from the actual star-spangled banner. The 30 by 40 foot flag that flew up at Fort McHenry up at Baltimore is on the north wall of the National Museum of American History, and directly across the street is this homosexual Cherry Jubilee. Unbelievable. He says I want to thank you for being the only Member of Congress with the courage to come forward.

No, no, no, I am not the only one now, Mr. Morano. Marc Morano says America needs new BOB DORNANS. Well, at least on the vote today there is 342 of us, including, that is, 118 Democrats. I am not alone on this any longer.

This marriage thing was a defining moment, as my pal CLIFF STEARNS from Florida called it today. He said my full uncensored report of the Cherry Jubilee weekend will appear, I did not know this, in the July 1996 issue of Chronicles Magazine, Madam Speaker, a solid mainstream Christian magazine under the title "Sex, Drugs and the Republican Party." Uh-oh. It will be available mid-month at newsstands or people can call their 800-number.

In my reply to Representative GUNDERSON I left out one point, and I did put Mr. Morano's reply in, I hope. Mr. GUNDERSON alleged that the security guards were stationed in the bathroom throughout the night. While it is true that guards periodically checked the bathrooms, they were not there until the lights kept repeatedly going out. Just made a correction.

I want to point out that I made my whole account of the Cherry Jubilee available to every major news outlet immediately following the so-called dance in April. I faxed CBS news, ABC news, UPI, the Washington Post, USA Today and many others, but no one even looked into it. If it were not for your efforts, courageous Armstrong Williams' efforts and talk show hosts and all the media, that is Rush and all the rest, this story would have faded away. Thank you for your efforts on this issue. Thank you. God bless you.

Put that in the RECORD, too.

ELECTRONIC NEWS GATHERING,
McLean, VA, June 11, 1996.
Memorandum for Congressman Robert K. Dornan.

From: Marc Morano.

I want to personally thank you for being the only member of Congress with the courage to come forth on the "Cherry Jubilee" events. America needs more Bob Dornans! Thank you for your eloquent defense of me and my reporting of the event.

My full, uncensored report of the "Cherry Jubilee" weekend will appear in the July 96

issue of Chronicles Magazine, under the title "Sex, Drugs, & A Republican Party." It will be available June 15 at newsstands or people can call 800-877-5459 for a copy.

In my reply to Rep. Gunderson, I left out one point. Rep. Gunderson alleged the security guards were stationed in the bathroom throughout the night. While it is true that the guards checked the bathrooms periodically, they were not permanently stationed in there until the lights kept repeatedly going out.

I also want to point out that I made my whole account of the "Cherry Jubilee" available to every major news outlet immediately following dance in April. I faxed CBS News, ABC News, UPI, Washington Post, Wall Street Journal, USA Today and many others, but not one outlet even looked into it. If it weren't for your efforts, Armstrong Williams, and the talk radio medium, this whole story would have faded away.

Once again, thank you for your crusade on this issue. May God bless you!

Sincerely,

MARC P. MORANO.

STATEMENT BY JAMES C. DOBSON, PH.D.,
FOUNDER AND PRESIDENT, FOCUS ON THE
FAMILY

We feel strongly that as Christians, we are mandated to love and care for people from all walks of life, even those with whom we disagree or whose lifestyles we believe to be immoral. Thus, Focus on the Family has no interest in promoting "hatred" toward homosexuals or any other group of our fellow human beings. We have not supported, and will never support, legislation aimed at depriving gays and lesbians of their constitutional rights—rights they share with every citizen. More than that, we want to reach out to homosexuals whenever and wherever we can.

However, we do strongly disagree with the efforts of homosexual activists to redefine marriage and the family, qualify for adoption, and promote homosexual practices in the schools. We also oppose any attempts to equate a sexual lifestyle with immutable characteristics such as race in determining who is deserving of special legal protection.

We see no evidence that homosexuals as a class are oppressed and powerless today. According to recent surveys, the average homosexual earns \$55,430 per year, compared to \$32,144 for heterosexuals. Homosexuals are not only well-paid, but also highly educated: 59 percent of homosexuals hold college degrees, compared to just 18 percent among all Americans. If discrimination exists, it certainly doesn't appear to operate in education or employment.

And when it comes to political clout, how can homosexuals claim to be underrepresented? Virtually every political and cultural objective of the gay and lesbian community is being achieved today. Federal funding for AIDS research and treatment is only one example: The Department of Health and Human Services allocates 37 times more dollars per AIDS death than it does per heart-disease death. This is true despite the fact that heart disease kills more Americans than cancer, tuberculosis, strokes, diabetes and AIDS combined.

Even more illustrative, homosexual activists have distorted public-health law so that a woman who's been raped is not permitted to know the HIV status of the man who raped her.

My point is that the homosexual community is hardly a disadvantaged, powerless minority in need of special rights. Instead, it is rapidly becoming a privileged class that bitterly attacks those who dare criticize its political objectives. Our opposition to that

community's political agenda is not an expression of hate toward homosexual individuals, but one of social justice and common sense.

Finally, homosexual promiscuity is a deadly practice, shortening life and creating painful psychological problems. We regret the political influences that would result in vulnerable children being taught to perceive this deviant behavior as just another equally healthy choice about one's sexuality. The Bible teaches us that all sin leads to death, and homosexuality, like heterosexual promiscuity, is an abomination in the eyes of God.

EAGLE FORUM,
Washington, DC.

DEAR BOB: As you prepare to respond to Representative Steve Gunderson's remarks through a point of personal privilege, I want to share with you several verses from the book of Ezekiel that I hope will give you encouragement and peace.

"The word of the Lord came to me: 'Son of man, speak to your countrymen and say to them. When I bring the sword against a land, and the people of the land choose one of their men and make him their watchman, and he sees the sword coming against the land and blows the trumpet to warn the people, then if anyone hears the trumpet but does not take warning and the sword comes and takes his life, his blood will be on his own head * * * If he had taken warning, he should have saved himself. But if the watchman sees the sword coming and does not blow the trumpet to warn the people and the sword comes and takes the life of one of them, that man will be taken away because of his sin, but I will hold the watchman accountable for his blood.'

'Son of man, I have made you a watchman for the house of Israel; so hear the word I speak and give them warning from me. When I say to the wicked, 'O wicked man, you will surely die,' and you do not speak out to dissuade him from his ways, that wicked man will die for his sin, and I will hold you accountable for his blood. But if you do warn the wicked man to turn from his ways and he does not do so, he will die for his sin, but you will have saved yourself.

"Say to them, 'As surely as I live, declares the Sovereign Lord, I take no pleasure in the death of the wicked, but rather than they turn from their ways and live.'"—Ezekiel 33:1-11.

Bob, thank you for your commitment to the truth and your willingness to stand up for what is right. You are a real American hero!

Faithfully,

PHYLLIS SCHLAFLY.

CONCERNED WOMEN FOR AMERICA,
Washington, DC, May 29, 1996.

Hon. ROBERT DORNAN,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN DORNAN: The 600,000 members of Concerned Women for America want to thank you for your unfailing determination and leadership in protecting the traditional family against the assault of the homosexual agenda.

Over the last decade, we have seen homosexual activism flood into mainstream society. No longer are homosexuals satisfied with a "live and let live" philosophy. They want society to endorse and encourage their behavior—a behavior most Americans deem immoral.

A recent Wirthlin poll, commissioned by CWA, found that 66 percent of American women believe it's important for government officials to promote traditional family values over tolerance for "alternative lifestyles."

Ignoring what America wants, homosexual activists have pushed their agenda into our schools, our media, and our public policy. Sanctioned by the National Education Association, now many sex education classes include segments that portray homosexuality as a perfectly healthy, normal lifestyle. And mainstream TV sitcoms reinforce this view.

Gay activists call this "progress." But such "progress" takes a heavy toll on America's youth. One former homosexual, Michael Johnson, explained the effect it had on him. "One of the things that had an impact on me is those in our society who would tell me it's okay to be [homosexual]," he said. And what that did to me as a young person struggling with the issue was not only to confuse me, but also to ultimately lead me to pursue the desires that God would have me reject." Although Mr. Johnson has left the gay lifestyle and now runs an ex-gay ministry in Alaska, his years living as a homosexual have quite literally cost him his life. He has been diagnosed HIV positive.

America's youth deserve better than this, and they certainly deserve a better model than a congressional defense of the outrageous behavior that took place at the Cherry Jubilee. I urge you to keep fighting the good fight for the sake of the next generation.

Sincerely,

BEVERLY LAHAYE,
Chairman.

PAUL M. WEYRICH,
Washington, DC, May 23, 1996.

Congressman BOB DORNAN,
Longworth House Office Building,
Washington, DC.

DEAR BOB: I want to commend you for having the courage to stand to answer Congressman Steve Gunderson.

It has never been my view that it is our business what lifestyles people privately choose. That is between themselves and God.

But when individuals, especially elected officials, insist that their lifestyles be validated by society that is where I draw the line.

That Rep. Gunderson, who openly flaunts his homosexuality, would lend his name and office to any event where there is immoral behavior is outrageous. That Gunderson would be supported in this endeavor by elements of the Republican party is reprehensible.

When any society through its leadership gives its stamp of approval to actions which are biblically condemned, it has started down the road to perdition.

No so called good intentions (i.e. raising money for AIDS) can mask the blatant attempt by those in leadership positions who seek an imprimatur for their immoral behavior.

I stand with you as you call the nation's attention to actions which are self destructive.

You know well you will be condemned by those who condone immorality for what you do. So much the greater your eternal reward will be for standing with the truth.

Sincerely,

PAUL WEYRICH.

REMARKS BY MRS. CARMEN GORDON AT THE NAMING CEREMONY FOR USNS "GORDON", JULY 4, 1996

Thank you for that kind introduction and the opportunity to be here with you today.

I'd like to tell you about Gary.

Just behind a small door in his bedroom closet, my son Ian has stored the treasures dearest to him. The uniforms his father wore, the canteens he drank from, the hammock he slung in so many corners of the

world, are there. The boots that took his dad through desert and jungle now lace up around Ian's small ankles. They are all piled neatly together by a little boy's hands and sought out during quiet times.

My daughter Brittany keeps a photograph of her daddy next to her small white bed, the big 8 by 10 of him smiling straight through to her. It is the first thing she packs when leaving home, and the first thing she unpacks when she arrives anywhere.

There are comfort to my children. And a source of pride. But most important, Gary's children can see and feel these reminders of their father to keep him close.

In much the same way, the ship that we christen here today—the USNS Gordon—gives us faith that Gary's spirit will go forward, his ideals and his beliefs honored by those who know of him and the life he so willingly gave.

The very first time I laid eyes on Gary Gordon was the second month of my thirteenth summer. I was staying with my grandparents in rural Maine. Every week we made a trip into town for supplies. One hot afternoon in front of Newberry's Department store, I saw a boy washing windows. You never forget the first time that you see your first love. I watched him as he worked, calm and purposeful and quiet. Then he looked at me, and I knew this was no ordinary boy. This boy could win my heart.

When he called my grandparents for permission to take me out, he was turned down flat. She's too young, they told him. And so, in the way that I was to find out was uniquely Gary, he set out to wait three years. Faithful and sparsely emotional letters about his new life in the Army arrived regularly. On the day I turned 16, I sat in my grandparents' living room and watched as his motorcycle pulled into the driveway, my palms sweaty on my freshly ironed dress. A few hours of talk, a quick first kiss in the rec room, and Gary left to be back at his base, miles away. So began our slow dance of love, one that would give us so much in so short a time.

We had five summers and winters together, the births of a son and daughter setting a rhythm to such sweet time. On Sunday mornings when Ian was still so small, Gary would fill a baby mug with watered down coffee. Folding a section of the newspaper to fit Ian's chubby hands, the two of them would sit together quietly, turning the pages and sipping from their cups. Gary's love for Brittany was just as strong. Every day when he arrived home from work, Brittany would run to meet him, his big hands scooping her up and rubbing her bald head where baby hair had yet to grow. We never knew when these times would be interrupted by a day that brought Gary home with his head shaved, anticipation in his voice and a timetable for leaving.

I never worried when Gary left on a mission. As I cheerfully kissed him goodbye and waved confidently from our front porch, it never occurred to me to be afraid. Because Gary was never afraid. My safe world was shaken in December of 1989 with the invasion of Panama and the realization that my husband was in the middle of it. Along with other young mothers clutching infants, I sat in a darkened living room and watched television news around the clock. Gary came back, safe. One night when I told him of my fears, he laid a gentle hand on my cheek and said quietly, "Carmen don't worry about things we can't change."

I know that death often leaves us with the haunting question "Why?" I know why Gary died. He died because he was true to his own code for living—trying to help someone else. Fear would have kept Gary from doing what he needed to do, what he wanted to do, what

he had prepared all his life to do. There is rare strength in the creed he shared with his comrades: "I shall not fail those with whom I serve."

Gary lies buried only a few miles from where I first saw him on that sunny Maine morning. It is a spare and simple place, open to the weather and bordered by woods that change with the seasons. He is not alone now in that corner of the cemetery. His father Duane, who died suddenly of a heart attack last week, was laid to rest alongside his son, not far from the paper mill where he gave so many years of hard work.

A gentle, sometimes restless wind bends the flowers and stirs the flags that are always there on Gary's military headstone, below the chiseled words "Beloved Husband and Father," and the coin of his unit pressed into white stone. I hope that same gentle wind will always guide this ship to sea and keep her on a safe and steady course.

And when that wind strokes the cheeks of my children lying in their beds at night, and Ian and Brittany ask me to tell them what course the USNS Gordon is striking under the stars, I can tell them that she is on the same course their father chose: Headed for distant shores, answering the call of those in need.

[From the Washington Post, July 5, 1996]

A PRESIDENT FOR OUR TIME

(By Charles Krauthammer)

When the Gallup Poll (June 18-19) asked whether the words "honest and trustworthy" apply to Bill Clinton, Clinton lost 49 percent to 46 percent. (Two weeks later in another poll, same question, Clinton was losing 54-40.) And when Gallup asked whether Clinton has the honesty and integrity to serve as president, Clinton won 62-36, a landslide bigger than Lyndon Johnson's.

Expectations of presidential character have fallen so low with Clinton that the people can believe the worst about him and still want him where he is.

Republicans are at wits' end with frustration that, as the sordidness of this administration is progressively exposed, Clinton suffers little political damage. The American people say—and Perot's 19 percent claim it is a principle—they want clean government, but they obviously don't mean it.

They don't mean it about character. And—the ultimate Republican frustration—they don't mean it about policy either.

On policy, with few exceptions (abortion being the most notable), the country is conservative. The American people say they want smaller government, lower taxes, balanced budgets, less welfare, more jails, etc. It is no accident that no one campaigns for national office as a liberal. Anyone who can get away with it campaigns as a conservative. And Clinton is proving that anyone with high intelligence and no scruples can get away with it.

Clinton, whose major presidential initiatives were gays in the military, a stimulus package of federal spending, a tax increase and the nationalization of health care, now is running for reelection as a moderate conservative.

In one of the most cynical—and successful—acts of election-year repositioning in recent American history, Clinton has moved to the right on a dozen issues. He's for school uniforms and curfews for minors. He's for the V-chip and the "victims rights" constitutional amendment. He's for Megan's Law; He's against gay marriage.

Having slashed the staff of the White House Office of Drug Abuse by 80 percent, he's now talking tough on drugs. Having submitted a FY '97 budget with \$200 billion deficits as far as the eye can see, he's now for a balanced budget.

Most brazen of all, having twice vetoed welfare reform bills, he's now the champion of welfare reform. Three days before Bob Dole was to give a major speech on welfare, Clinton suddenly announced in a Saturday radio address his endorsement of Wisconsin's radical (Republican) welfare plan.

Clinton's aides have since been hard at work watering it down. No matter. That's for page 38. The Saturday speech was page 1.

Of course, everyone knows that Clinton, under the guidance of Dick Morris, is merely positioning. But that too doesn't matter. The polls show that with these deliberate rhetorical moves to the center, Clinton has risen significantly in the polls—13 points—on the question of whether he reflects the values of the American people.

Reflect he does. Like a mirror. The Republicans are confounded. They were elected in 1994 on a detailed conservative agenda that they then tried to enact—an error of sincerity and zeal for which they have ever been paying in the polls.

Clinton's political genius is discerning and then becoming whatever the American people want. They want tough welfare reform, but they don't want to hurt anyone. They want to abolish racial preferences, but they want to save affirmative action. They want to balance the budget, but will crucify the politician who tamper with Medicare—which is busting the budget.

In other words, they are not serious and neither is Clinton. On every great issue, they say yes and no. Clinton, the man who smoked but didn't inhale, lives and breathes yes and no.

He talks right and governs (when he can) left. He talks tough and governs soft. He is, in short, the perfect president for our time. And if he cuts a few ethical corners too, so what?

Mr. DORNAN. Now, what I did not have time to get to—I feel like taking my coat off and throwing it across the table—what we did get to take, thanks to a former U.S. attorney from Georgia, BOB BARR bringing this on the floor, is this letter from Lambda Legal Defense. I would recommend Lambda Report, which is a Judeo-Christian ethical report on Lambda stuff. I want to read again to set the scene here. The key line highlighted in red on why we debated so long Hawaii's attempt and Hawaii is not far, thousands of miles away. That is only physically. I guess if Virginia across the Potomac were doing what Hawaii is doing or Maryland surrounding the district on three sides, then it would have been a different debate. But oh, let Hawaii do their vacation things and have all these homosexual marriages.

But listen to this again from the Lambda Legal Defense Fund, and I have debated them on Crossfire: "Many same-sex couples in and out of Hawaii are going to take advantage of what would be a landmark victory. The great majority of those who travel to Hawaii to marry will return to their homes in the rest of the 50 States expecting full legal recognition of their unions," and they will darn well try and get legal services, tax dollars, your tax dollars through a corporation we should have shut down, to make you pay for their battles back in these States to make the other 49 recognize their so-called Hawaiian marriage.

Now, remember, it only passed 342 to 67, 2 present, 23 absent. But what is it

going to do in the other Chamber, in the other body? That is anybody's guess, given the difference in our defense authorization bill.

I am for ethically asking young recruits, "Are you a homosexual?" They will not hear of it. I am for taking the almost 1,000 people, that is a regiment, who have the AIDS virus and are on, we hope, a slow, not a fast path to death, that are lucky to be Americans and have access to the greatest medical system in the world that has not been destroyed yet, and I want to give them over to the VA so that other people do not have to deploy over and over unfairly because these people broke the UCMJ, with the exception of two cases that are wives, military wives, who her philandering husband contaminated like they would bring TB home.

They want to restore abortion to military hospitals. That is a contested item between the conferences. Lots of issues. We do not know what is going to happen over there for sure.

Let me tell Members what I did not get to in my point of personal privilege. I entered in the RECORD, but I did not show it. Madam Speaker, you see this thick magazine as big as a Reader's Digest, as large in pages and billing bigger in size? Hard core pornography in it, too. I did not realize that. All I looked at was the camera, the thickness. It is called Steam.

It is available around this country to tell homosexuals where to have sex with strangers in public parks. Where to go in our national parks, where to go in your city parks, and there is a European version. Steam did not come up in the debate today, nor did this from the Advocate magazine, which used to be a newspaper. It is now the main homosexual magazine in America. It is all pornographic classified ads to get people to go to leather bars and engage in bondage, discipline, things that I cannot mention on the House floor, sadism, sodomy, masochism, things involving craziness, I mean real craziness. This is their classifieds that they have now spun off from the main magazine, so they can do their first interview with President Clinton. Of course, he lets them down. He does not interview with them face-to-face. He mailed in his answers.

But the current Advocate magazine has a Clinton interview, the President of the United States, bragging about he has done more for homosexuality than all of the 41 preceding Presidents, from Washington to George Bush, all wrapped together. Nobody is arguing that, but he is going to back up the vote of the Republicans and 118 Democrats today who voted, if the Senate goes along with it, for no homosexual marriages having to be recognized in the other 49 States if Hawaii goes ballistic.

In the classifieds here, which they spun off so they could do these mainstream interviews—I am sorry, I am just sorry. This is like a visit to Dante's Inferno. I would recommend

kids in high school read his *Inferno*, read Milton's *Paradise Lost* and avoid this defilement that is mentioned both in Romans and the New Testament and in Leviticus, which was ridiculed and attacked today in the face of Moses up here. I hope guests when they come here always recognize the 23 lawgivers here, some of them without such sterling characters, like Napoleon, but he was a good lawmaker, that they are all profiled except one, Moses' direct face looking right down on us, the man of Exodus.

When you attack Leviticus, you attack the Torah. The Torah is the first five books. It is Genesis, Exodus, Leviticus, Numbers, Deuteronomy. That is the basic thing that so many people died to hide at the height of the terror of Nazi Germany, was to protect and hide the Torah.

Now look at this. I predicted on the floor today, Madam Speaker, that we would be arguing about pedophilia on this floor in 2 or 3 years. Here is a book, a new book with an in-your-face title. Look at this, Mr. Speaker. Corruption. It is all about youth, teenagers, pedophilia. That is what it is all about. Sickening stuff.

I have got a 14-year-old grandson. He is tough. He watches television. He is a good student, an "A" student, gateway program student, as is his younger sister. She just flew out alone to L.A. and had great adult conversations on the plane going out to Los Angeles, her first big trip on her own, 14, a soccer star, also an A plus student as is the younger sister. It looks like hopefully I have raised good kids that are such conscientious parents. All my grandkids are just working so hard, the television is monitored, they understand and love history, a lot, thank heavens, their grandfather has been able to pass on some of my love for this country. I would not show these bright oldest of my 10 grandkids. I am counting one before it has arrived around Christmastime. But of my five granddaughters and grandsons, this is not for their eyes, but it is out there and that is why we are going to discuss pedophilia and I am going to amend what I said during the debate today. It is not going to be in 3 years. We are going to be debating pedophilia, Mr. Speaker, on this floor in the spring and do you know why? Because the Internet and that Supreme Court is in our face saying that child molesters can make contact and, get this, fine tuning, make contact with young males. If a child molester is on the Internet making contact with a young girl, 10, 11, 12, 13, 15, 16, and he is found out, does anybody suggest the young girl who is a heterosexual is going to commit suicide if she continues her dialogue with this guy or if it is broken off? I mean she will commit suicide? Of course not. This guy should be busted and the young girl should be told to go back to her homework and, if she has abusive or neglectful parents, make it some way the States, not the Federal Government, can address that problem.

But get this, and I am going to ask unanimous consent to put it in the RECORD, here in my—at the beginning of my point of personal privilege, here is the excellent new conservative magazine that I held up called the *Weekly Standard*, started by a good conservative Fred Barnes and Bill Crystal, Irving Crystal's great son. Here is the cover issue, *Pedophilia Chic*. I held it up on the floor. Unfortunately, the camera, I held it out so far it cut my arm off and no one ever did see the title. By the time I brought it back to the lectern, it was down. *Pedophilia Chic* is a terrifying article. Get the RECORD of today, not through my office, please, through your own Congressman, I would ask people watching us today, Madam Speaker, and read this article by a lady, Mary Everstat. She brings out that the *New Republic* and then the *New York Times* have been running articles inching toward pedophilia.

Here is a guy with an unusual name, sounds like a contract player at MGM in the bad old days. Trip Gabriel, T-r-i-p. Trip Gabriel writes in a front-page report in the *New York Times* that "Some on-live discoveries give gay youths a path to themselves."

□ 1615

They are on the verge of suicide. So if a child molester is making contact with a male child in a homosexual way, if we break that connection and bust the molester, the young male child threatens to commit suicides.

I will say it again. The heterosexual young lady, and there is no heterosexual young men being contacted by women. There are no women predators to speak of. The number is infinitesimally small or nonexistent. There is no lesbian, no heterosexual woman who prays on children. We cannot even find statistical data.

This is basically a male homosexual problem, and the child molesters of the heterosexual variety are usually drunken disgusting stepfathers who are dismissing their wife and going after her daughter from another marriage. Take out that chunk and take out the numbers and prorate these cohorts, since there is only about three-quarters of a percent of lesbians in the country and 1 percent male homosexuals, and the rate of male pedophilia, homosexual pedophilia on makes is 11 to 1 over heterosexual pedophiles.

This article is terrifying because it says it is chic, it is in vogue to slowly inch our way toward saying, well, what are we going to do, we have to teach homosexuality in a positive way for our high schools or these young emerging people will commit suicide.

I received a letter today from a Member's male significant other, who has a spouse pin and a wife I.D. card. There are three of them in this House, two on that side and one on this side. In this debate today, if we won, and we won big, 342 to 67, the leadership promised

me, and that is the Republican leadership, that they are going to ask back for the wife pin.

This is the First Armored Division. That is not a wife pin, folks. The wife pin, the spouse pin and their I.D. card, since this bill is passed, I will make sure that happens.

Pedophilia is going to be debated in the spring, and it is sad, just like everybody was shocked today.

Mr. Speaker, I ask unanimous consent to include for the RECORD the full article from the *Weekly Standard*. And these other letters I already have permission. Thank you, and have a great weekend.

The SPEAKER pro tempore. Without objection, the gentleman may submit those materials and extraneous other documents for the RECORD which are consistent with House rules and procedures.

There was no objection.

The material referred to is as follows:

PEDOPHILIA CHIC
(By Mary Eberstadt)

When most Americans hear the word "pedophile," they usually think of men like the self-described "child-molesting demon" Larry Don McQuay, who was released from a prison in East Texas in April and driven to San Antonio to begin a closely supervised, but nonetheless semi-free, new life. And when most Americans think of men like McQuay roaming the streets, they react much as did the outraged, screaming-in-the-streets, placard-carrying citizens of San Antonio. About the mildest thing said by one of them was "I sure hope there will be more indictments" to send McQuay back to jail—this, from the chairman of the State Board of Pardons and Paroles, under whose auspices McQuay was released. The local victims-rights groups were less restrained. As the president of one such group put it, in a straddle between threat and hope, "In this city, he's not going to be safe"—thus summarizing neatly the vigilante desire that most parents, when contemplating a figure like McQuay, would doubtless second.

In addition to a spate of high-profile cases like McQuay's, the past few years have also witnessed an ongoing public obsession with child abuse in any form; a Congress that, at the urging of the White House and Justice Department, has toughened the penalties for child-pornography trafficking; and Bill Clinton's signing of the constitutionally complicated Megan's Law, which makes it impossible for those once convicted of child-sex offenses to move anonymously into an unsuspecting neighborhood.

And yet a funny thing happened on the way to today's intense fear and loathing of Chester the Molester. For even as citizens around the country have sought new ways of keeping the McQuays of the world cordoned off from the rest of us, and even as the public rhetoric about protecting America's children has reached deafening levels, a number of enlightened voices have been raised in defense of giving pedophilia itself a second look.

After all—or so some of these voices have suggested—what if pedophilia is in fact a victim-less crime? What if teenagers, and even children, are more in control of their emotions, their bodies, their sexuality, than the rest of us think? What if sexual relations with adults are actually "empowering" to the young? What if pedophiles and would-be pedophiles are in fact victims themselves—exploited by the cunning young people they befriend?

There are also the matters of civil liberty. Is it fair to send people to jail for owning, trading, and obsessively consuming child pornography when no one is really injured by such practices? And what about the notion of an "age of consent"—isn't it an anchormanism, in this age of adolescent sexual precocity? Shouldn't it be lowered to a more realistic standard? Say, to fourteen? Thirteen? Twelve?

Once upon a time, the reader losing sleep over questions like these would have had to travel to Times Square, or the local porn shop, or perhaps the nearest branch of the North American Man-Boy Love Association (NAMBLA). But no longer. Now he need only subscribe to the right stylish magazines, the right cutting-edge publishers, and be familiar with the work of the right celebrated authors. It is hard to know what to make of these piecemeal attempts—which amount to nothing so elevated as a movement—to rewrite what most of the rest of us persist in thinking about adults whose sexual interests run to kids. Call it the last gasp of a nihilism that has exhausted itself by chasing down every other avenue of liberation, only to find one last roadblock still manned by the bourgeoisie. Call it pedophilia chic.

CALVIN KLEIN'S LEATHER DADDY

For laymen, the best-known example of this phenomenon was last summer's much-reviled and ultimately abandoned ad campaign for Calvin Klein jeans. In fact, as the record will show, when measured against other recent soundings on the subject of adult-child sex, that ad campaign itself appears—pun intended—mere child's play. But first, a review of the facts.

Just about a year ago, the company launched a series of print and television ads that were, according to almost every critic who reviewed them, bizarrely and upsettingly reminiscent of child pornography. Even for a public made blasé by exposure to Calvin Klein's many other provocative images, the seediness of this latest effort proved just too much. There were, first, the images themselves: teenage models—most looking bored, with legs spread apart and underwear revealed—lounging around semi-dressed. There was also the matter of setting. The cheap wood paneling and shag carpets were supposed to suggest a suburban rec room—another visual convention, it seems, of the child-porn genre.

By common consent, the scripts for the TV ads—which ran only in New York before being withdrawn—were even more compelling evidence of the campaign's indebtedness to the pornographic canon. In those ads, an offstage male voice seemed to goad the young models into responding through a combination of wiles and special pleading. "You take direction well—do you like to take direction?" the voice asked a girl. The lines to boys were smuttier still. "You got a real nice look. How old are you? Are you strong? You think you could rip that shirt off of you? That's a real nice body. You work out? I can tell." And so on.

Though girls and boys alike appeared in the ads, it was clear to any savvy viewer that the boys, rather than the girls, were the main event. For one thing, there was nothing really new about the girls. As a critic for *Adweek* remarked at the time, "Girls have been objectified forever. It's not shocking, sad to say." (It is particularly unshocking in a Calvin Klein jeans campaign; after all, it is now fifteen years since an underage Brooke Shields was used to suggestive effect.)

No, what was new in this latest effort was the question of who those boys were posing for. As James Kaplan noted acidly in *New York* magazine, "What especially got to many people was the images of the boys,

scrawny and white-chested, posing like pin-ups, their cK Calvin Klein jeans partially undone. . . . That was really groundbreaking advertising."

The talent, too, was cutting edge. The ad campaign was shot by the well-known photographer Steven Meisel (who is credited, among other work, with the photos in Madonna's *Sex* book). Meisel in turn made another personnel choice of celebrity interest. As the *Washington Post* reported later in September.

When President Clinton railed against those notorious Calvin Klein ads . . . he probably didn't know that the off-camera voice in the television versions belonged to a gentleman named Lou Maletta—aka the Leather Daddy. Since Calvin Klein proclaimed loudly in his defense that there was no pornographic intent to the ads, Maletta was certainly an interesting casting choice. . . .

Lou Maletta, 58, is founder and president of the New York-based Gay Cable Network, which produces "Gay USA," a news show; "In the Dungeon," "about the New York leather scene"; and "Men & Films," which features excerpts from gay porn videos, and for which Maletta's Leather Daddy character was created.

The next day, the *Post* was forced to publish a correction: At the last minute, and for reasons unclear, Klein himself decided to replace "Leather Daddy" with a professional voice-over actor. Interesting though that decision may be—at the very least, it does seem to imply an awareness on someone's part that there was such a thing as going too far—it is not nearly as significant a choice as that of commissioning Maletta in the first place. What that choice signified was what any sophisticated viewer would already have discerned—that the ads had an obvious man-boy sexual subtext.

The second interesting fact about the outcome of the Klein affair was the inadvertently revealing rationale put forth by company officials. The main idea seemed to be that teenagers are more sexually sophisticated than many adults want to believe. "The message of the cK Calvin Klein jeans current advertising campaign," as a full-page ad in the *New York Times* and elsewhere informed the public, was that "young people today, the most media savvy generation yet, have a real strength of character and independence. They have very strongly defined lines of what they will and will not do . . ." It was this very strength, officials reiterated, that proved discomfiting to the public at large. "The world," as Klein himself told an interviewer shortly after the ads were pulled, "is seeing a reflection of what's really going on."

In a sense, Calvin Klein got it exactly right. All that groundbreaking advertising was indeed reflecting something real, albeit something very different from what the ex-post-facto explanations claimed. What those ads did mirror was something else: the idea that non-adults (particularly if they are boys) are appropriate sex objects for adults (particularly if they are men).

Contrary to what some critics implied at the time, Calvin Klein and his team did not invent the idea of using man-boy sex to grab public attention; they merely submitted it to a commercial plebiscite. Middle America, to the surprise of the fashion moguls, voted the campaign down. But Middle America has only been one testing ground for revisionist suggestions about pedophilia. Other, more sophisticated venues have proved more willing to give the subject a second look.

'A STEP IN THE RIGHT DIRECTION'

Consider an example from the *New York Times*, which, in an eerie conjunction, ap-

peared within weeks of the Calvin Klein ad blitz. At the time, as readers may recall, the public fear of pedophile predators was being fanned by the discovery of yet another form of outreach: the home computer. In the preceding months, one 16-year-old boy had run away with bus tickets provided by a chat-line "friend"; similar cases of solicitation had become the subjects of FBI investigations; and Congress, heavily pressured by interest groups, had turned its hand to devising legislation that would prevent the exploitation of minors via cyberspace. All in all, it seemed an unlikely moment to suggest that those selfsame chat rooms and bulletin boards had their bright side. But that is exactly what the *N.Y. Times* managed to do in a front-page report by Trip Gabriel called "Some On-Line Discoveries Give Gay Youths a Path to Themselves."

Though "a handful of high-profile cases" had "dramatized the threat of on-line predators," wrote Gabriel, kids themselves shared no such fears of the screen. In fact, "all the young users interviewed" for the *Times* piece "said the threat was exaggerated, adding that they would not be likely to meet blindly with an on-line acquaintance." In fact, if the kids had any fear at all, it seemed to be quite the opposite—that their lines of communication would be shut down by party-pooping parents and legislators. Recent legislation, in particular, this reporter discovered, "has made some 'gay youths' fearful about the future of on-line discussions."

And fearful they should be, if cyberspace is really the lifeline the *Times* made it out to be. A "distracted youth" in California was "on the verge of suicide" until reaching one "Daniel Cox, 19, a regular on an Internet chat channel dedicated to gay teenagers" at 3 a.m. Cox ministered to the California youth, and the next day "the young man was back on line and doing O.K., Mr. Cox said [emphasis added]." This apparently happens all the time. As another of these selfless do-gooders put it—one Michael Handler, "17, a moderator of the Usenet news group for gay youth"—"We want everybody to be who they are and be happy and not kill themselves because they feel they're some sort of abomination."

Another teenager, Ryan Matsuno, "typed out a plaint of loneliness" one night, only to receive "more than 100 supportive E-mail letters" within the next few days—letters that "gave me courage" and "the initiative to go through with telling my mother," according to Master Matsuno. Still another teenager, we are told, used his computer skills to outwit that rarest of things in cyberspace, an actual predator: "Dan Martin, a gay 17-year-old in Fresno, Calif., said he talked for a year on line to a man claiming to be 21. Occasionally the conversation turned to sex. When Mr. Martin suggested a meeting, the man refused and confirmed Mr. Martin's suspicions that he was really middle-aged. 'After I confronted him, I never heard from him again,' Mr. Martin said."

In sum, according to Gabriel, "sites for gay and lesbian youth are the source of some of the most stirring stories in cyberspace."

These touching dramas, the *Times* report continued, are social-worker approved—certainly by one Frances Kunreuther, director of "a social service agency for gay teenagers in Manhattan," who says, "I think the Internet is a step in the right direction." At the same time, though, the social workers also "cautioned that cyberspace could not substitute for face-to-face contacts." But wait: Aren't face-to-face contracts exactly what most people fear when they think of kids in sex-saturated "chat rooms"? Well, no matter. And no matter too, apparently, that anyone logging on as a teenager could be 17, or 70—or 7. The only thing that matters, or

so it appears from reporter Gabriel, is that "the electronic curtain is not a closet"—this, from one Reid Fishler, founder of an Internet site called the "Youth Assistance Organization," who is said to be 19.

"A danger to his students, or only to himself?"

Another place willing to ask some hard-nosed questions about grownups who are sexually interested in kids is *Vanity Fair* magazine. For the most part, its glossy pages seem an unlikely territory on which to argue in earnest about anything—much less about anything as obscure as whether a high school teacher obsessed with child pornography was in fact a misunderstood victim himself. Nonetheless, it was in a 1992 issue of *Vanity Fair* that veteran reporter Jesse Kornbluth published what is probably the most heartfelt and sympathetic portrayal of a convicted child-pornography trafficker yet to appear in expensive print.

"Exeter's Passion Play," as the piece was called, concerned the fate of Larry Lane (or "Lane") Bateman, a tenured teacher at the elite Phillips Exeter Academy who was convicted in October 1992 of possessing and transporting child pornography. The preceding summer, a police raid on his apartment had turned up 33 videotapes of child pornography. The police also found hundreds of pornographic tapes featuring adults—that is to say, men—and still other tapes made by Exeter students on assignment from Bateman that their teacher had spliced and doctored to his liking (for example, zeroing in on genital areas). Finally, the police also found sophisticated videotaping equipment, some of which belonged to Exeter, later valued at between \$200,000 and \$250,000.

As Bateman would later admit to the authorities, he had been involved with child pornography for twenty years—buying it, lending it, going out of his way to get it, and above all, viewing it obsessively. Moreover, at least some of the people in his life were aware that he was deeply involved in pornography of some sort; the *Vanity Fair* piece itself cites at least two. But the question of who knew what, and when, was mostly irrelevant to Bateman's criminal trial, which centered on four specific counts relating to child pornography. That case rested largely on a single witness named Michael Caven (born Michael Pappas), a one-time student of Bateman's from a high school on Long Island who had now turned chief accuser and informant.

Bateman denied Caven's most damning charges—that he had molested Caven from the age of 16, and that he had taken pornographic pictures of him as a legal minor. But what Bateman could not deny was that in the course of 1990 alone he had sent or given Caven more than 100 pornographic video tapes, and that at least some of these tapes were child pornography. Bateman, for his part, never denied having given Caven child pornography; he only denied having sent those particular tapes through the mail. ("I'm not totally stupid," he explained at his trial.)

And there was more. According to a presentencing memorandum submitted by the U.S. Attorney's office, boys at Exeter had been filmed in the showers and bedrooms without their knowledge, thanks to one of Bateman's hidden cameras. "The boys," the memo noted, "are either wearing undershorts, towels or nothing." Also in the memo, according to the *New York Times*, was the fact that Bateman spliced pieces of the students' tapes into pornographic films. "Mr. Bateman," the *Times* reported, "duplicated tapes made by about 20 students for class onto a master tape, giving each segment a name like 'Blonde Zen Lad' and 'Belt Spanked.'"

Surreptitious filming of students, pornographic tape-making, pornographic tape-editing, pornographic tape-swapping with a former student, pornographic reconstruction of homework videos: Not everyone prizes hobbies like these in a boarding school teacher, with or without that library of kiddie porn on the side. Certainly that was the view adopted at last by Exeter itself, which fired Bateman within 24 hours of his arrest. Something of that view seems also to have been shared by federal district court judge Jose A. Fuste, who in January 1993 sentenced Bateman to five years in prison without parole for one count of possession and two counts of interstate shipment of child pornography—a sentence that, though hardly the maximum allowed by law, was a far cry from leniency. (Under a fourth count, forfeiture, Bateman was also forced to surrender his video equipment.) There was also the influential fact that Bateman showed no remorse whatever for his behavior. As a report in the *New York Times* put it when the sentence was announced: "He said he still did not understand what was 'so wrong' about what he had done. 'If I strangled a child, if somebody had been hurt, if somebody's property had been destroyed, then there certainly would be a victim,' Mr. Bateman said 'Where are the victims?'"

Where, indeed? It is that question that reporter Jesse Kornbluth sets out to answer, and the way he answers it will likely take some readers by surprise. For the chief victim of the Bateman affair, as it turns out, was not, say, Michael Caven, or the Exeter students filmed in the showers, or even all those little boys who were somehow made to perform in all those movies with titles like *Ballin' Boys Duo*, *Young Mouthful*, and *Now, Boys?* No, the chief victim of it all—perhaps even the only victim, if the story told in *Vanity Fair* is correct—appears to have been Bateman himself.

In the first place, or so at least Kornbluth's essay makes clear, Bateman was a victim of his accuser, Michael Caven (alias Pappas). Caven, the reporter tells us, was a hustler, an alcoholic, a druggie. He exploited rich, older men (including, we are told, Frank Caven, the successful owner of several gay bars who legally adopted his young sex partner in a moment of drunken inspiration).

In fact, throughout Kornbluth's essay, not a kind or empathetic word appears for the man who claimed to have been abused by Bateman as a teenager. But there are, interestingly enough, many, many words from the Pappas/Caven detractors, and Caven is described by a former colleague in the bar business as "a jerk and an egotist. He was media crazy . . . he loved to get his face in any rag in town." Bateman's friends, he reports, "loathe" Michael Caven. "If he wanted to do Lane a favor, he could have said, 'Get help,'" one snaps, "Lane doesn't deserve to have his life ruined."

Second, or so it appears on this telling, Bateman was the victim of the "brutality" and "frosty environment" of Exeter itself. (This turn looks ironic, for under Kendra O'Donnell, who was appointed principal in 1987, the school would seem to have entered a progressive warming phase; it was under O'Donnell, for example, that Exeter—which now boasts a Gay/Straight Alliance—invited gay alumni to come and speak to the students about their sexuality.) Surely Bateman's firing was hypocritical; after all, we are talking about Exonians, who in Kornbluth's telling at least are a worldly-wise and sexually sophisticated bunch. "The idea that single male teachers might be homosexual and 'appreciate' young men," (he writes of these preppies), "would not be a soul-shattering revelation to Exeter students."

And, of course, the hapless Bateman was also a victim of a society that forces homosexuals to act furtively. When faced with the conservation of Exeter, where "only one instructor has come out," Lane Bateman stayed in the closet. And it was all that time in the closet, it is argued here, that led to his taste for child pornography. "It's not healthy to be so secretive, but Lane never felt secure enough at Exeter to come out," explains a friend who has long known of Bateman's interest in pornography. . . . "He's heavy into fantasy. These sex movies are the legacy of the closet."

In case the reader misses the point, Bateman is also provided an opportunity to expound on it himself.

Bateman says he purchased the material that ultimately brought him down several years before he started teaching at Exeter, when he was coming out of the closet and wanted to make up for lost time. "For a few years, you could buy anything, and I bought some films and books that featured young boys," he says. "For me, these pictures were aesthetic, not pornographic. I know people say, these images are despicable—how can you think that? But the key point is that I identified with the boys, not the men. If someone young had grabbed me when I was that age and said, 'Let me teach you something,' I would have said, 'Sure.'"

And here, as with the example of Calvin Klein, we come to the real heart of pedophilia chic: It's about boys. It is boys and boys alone who are seen as fair sexual game. For if Bateman's cache of child pornography had featured little girls, rather than little boys, it is unthinkable that he would have become the object of a sympathetic profile in the likes of *Vanity Fair*. That a teacher whose sexual tastes run to boys rather than girls could come to command a cultural dispensation for that preference—this, rather than the "legacy of the closet," would seem to be the "deeper meaning" of the scandal at Exeter.

Biased though it was in favor of Lane Bateman, and much as it seemed to suggest that child pornography may be a victimless crime, the *Vanity Fair* piece at least stopped short of endorsing either child pornography or pedophilia per se. It is an amazing fact that these omissions would come to seem positively retrograde in light of an essay appearing two and a half years later in yet another stylish, widely circulated magazine, the *New Republic*.

A GOOD WORD FOR NAMBLA

The most overt attempt by a hip journal to give pedophiles a place at the table came in the form of a May 8, 1995, "Washington Diarist" in the *New Republic* by Hanna Rosin entitled "Chickenhawk." Ostensibly inspired by a "riveting" documentary of the same name about the North American Man-Boy Love Association, "Chickenhawk" opens with the following quote from the film's star, a real-life pedophile named Leyland Stevenson: "He's just like a flower in bloom. He's at that perfect stage, in which he is hermaphroditic. . . . He's in that wonderful limbo between being a child and an adolescent—he's certainly an adolescent, but he has that weird feminine grace about him."

Stevenson, of course, is talking about a little boy. It is a quote intended to jolt the reader, and no doubt for most readers it still does. Having already invited the reader to imagine a child as seen through the eyes of a pedophile, Rosin then proceeds to something more avant-garde still: a chatty review of man-boy love and of the North American Man-Boy Love Association (whose informal motto, as some readers may know, is "Eight is too late").

"Chickenhawk," the author explains, "is worth seeing" because it "succeeds, at least

partially, in making monsters human." Though it may be true that Leyland Stevenson is "every mother's worst nightmare," it is also true—at least true according to Hanna Rosin—that Stevenson and his fellow NAMBLA members have gotten an unnecessarily bad rap. "There are no steamy orgies" in the documentary, she notes dryly, "or bound-up boys languishing in NAMBLA's basement." NAMBLA itself, she casually explains, "functions mainly as a support group for fantasizers, with the requisite forums for victim-bonding." Like members of any other group united by common interests, its rank and file have their humdrum clubby moments; they hold roundtables (where they "hug and share persecution stories"), solicit subscriptions, exchange "bulletins." Not only are these activities benign, it seems, but their propriety is enforced by the club itself. "Group policy," we are assured, "strictly forbids contact with live boys or even illicit pictures on the premises."

Next, Rosin praises NAMBLA's "bravery." "After all," she writes, "it is still heresy even to consider the possibility of the legitimacy of their feelings." Today's pedophiles, she reminds us, live in especially unfriendly times. Politically, things could hardly be worse; witness the tough language on child pornography in the Contract with America. Even President Clinton, she notes sarcastically, "was cowed into taking a courageous stand against 'softness on child pornography.'" Yet NAMBLA, despite it all, continues pluckily on: "keeping all their activities above board"—even publishing their New York phone number.

Just as the grownups of NAMBLA turn out to be more innocent than one might expect, the boys, for their part, seem to be far more sophisticated. As Rosin reasons, "it might even be that a budding young stud had the upper hand over the aging, overweight loner." And how old does a boy have to be, in the Rosin/NAMBLA view, to qualify for "budding young stud" status? Sixteen? Fourteen? Twelve? No? Well, how about ten?

One NAMBLA member in his 20s, an enticing blond with slits for blue eyes, describes a sexual experience he had with a karate instructor when he was 10. "I came on to him. I knew what I was doing. I felt very empowered. I felt I controlled the relationship, which is a good thing for a kid. It dispels the belief that adults are always in power in such relationships. You know, I led him around. I was the one in power."

Well, boys just want to have fun—or, as the New Republic seems to have it, just boys want to have fun. It is "plausible," Rosin muses, that "a teenage boy [emphasis added] might agree to sex with an older man." Similarly, though she notes approvingly that, for example, the age of consent in the Netherlands is twelve, she nowhere advocates changing the age-of-consent laws for girls. And she certainly shies away from suggesting that the figure of the "budding young stud" might be interchangeable with that of a "budding young slut"—a phrase whose appearance would surely have incurred the wrath of a good many New Republic readers. "Chickenhawk" itself, interestingly enough, passed almost without comment from those same subscribers.

KIDS WANT TO PLEASE YOU

Actually, these latest attempts to manage a good word for pedophilia are not quite as au courant as they first appear. Similar themes have been floated for years by a number of self-described, self-consciously gay writers—and not only by those on the cultural fringe, but by several who have crossed over to the mainstream literary market.

Perhaps the most prominent of these writers is the acclaimed novelist and essayist Ed-

mund White. The author of a number of enthusiastically received novels—*Forgetting Elena*, *A Boy's Own Story*, and *The Beautiful Room is Empty*—White has also had a brilliant career as an editor and essayist. He has worked at *Saturday Review* and *Horizon*, been a contributing editor to *Vogue* and *House and Garden*, and written for publications ranging from the *New York Times Magazine* to *Christopher Street*. In 1980, a number of his pieces reflecting on post-liberation gay life were collected into yet another critically acclaimed book called *States of Desire: Travels in Gay America*.

On account of its historical timing alone—the book amounts to a city-by-city celebration of gay life published on the very eve of the identification of AIDS—*States of Desire* remains a fascinating and retrospectively poignant sociological document. But it is a work that deserves to be remembered for something else as well: It is probably the most critically acclaimed piece of reportage in which the taboo against pedophilia has been examined at considerable length and judged archaic—a judgment that moreover passed virtually without comment from White's admiring critics. Throughout most of this reflection, White studiously keeps to an Olympian "on the one hand this, on the other hand that" rhetorical monologue—in which one hand, as in most such monologues, consistently manages to get the better of the other.

Pedophilia, White asserts at the outset of this discussion, is "the most controversial issue" in the lives of many in the gay movement. It is also, the reader is led to understand, a terribly complicated subject. As one gay man—ostensibly not himself a pedophile—puts it in words that the author quotes approvingly, "There's no way to answer it [the issue of pedophilia] without exploring it. We need information and time for deliberation. There are no clear answers—who would provide them?"

White is willing to try. "Those who oppose pedophilia," he posits, "argues that the 'consent' or seeming cooperation of an eight-year-old is meaningless." On the other hand, "those who defend pedophilia reply that children are capable, from infancy on, of showing reluctance." Similarly, "critics of pedophilia contend that children are easily manipulated by adults—through threats, through actual force, through verbal coercion, through money." Here again, the other side is allowed the last—and longest—word:

"Champions of pedophilia (and many other people) argue that children are already exploited by adults in our society—they are bullied by their parents, kept in financial and legal subjugation, frequently battered. And they have little legal recourse in attempting to escape punitive adults. . . . They can't vote, they can't drink, they can't run away, they can't enter certain movie theaters, they can't refuse to go to school, they can't disobey curfew laws—and they can't determine their own sexual needs and preferences. Pedophiles find it ironic that our society should be so worked up over the issue of sexual exploitation of children and so unconcerned with all other (and possibly more damaging) forms of exploitation. *If anything, the pedophiles argue, sex may be the one way in which children can win serious consideration from adults and function with them on an equal plane; if a child is your lover, you will treat him with respect.*" [emphasis added]

And where does our narrator locate himself between these camps? "I am not in the business of recommending guidelines for sex with youngsters," he writes coyly, for "I simply haven't gathered enough information about the various issues involved." At the same time, though—or so the author insists—"the question of sex with children remains"; and

White makes a final attempt to get to the bottom of it by interviewing an actual pedophile in a bar in Boston.

This man, the author coolly reports, "has a lover of twelve (he met him when the boy was six)." Far from the voracious predator so feared by the general public, however, our pedophile could scarcely appear more ethereal. He is "thirty-six, dressed in faded denims, his face as innocent and mournful as Petrouchka's. His voice was breathy and light, his manner anxious and almost humble." Lest there be any last doubt of this man's suitability for polite company, White erases it with the ultimate compliment. "I was," he writes candidly, "strongly attracted to him."

There follows a conversation in which the amorous adventures of White's pedophile are fondly recounted. White asks how the man met his present "lover," and the pedophile replies: "At the beach. He was there with his mother. He came over to me and started talking. You see, the kids must make all the moves." In case that point has been missed, White reiterates it a few lines later, this time asking explicitly: "Did your friend take the sexual initiative with you?" "Absolutely," Petrouchka affirms, adding, "I've been into kids since I was twenty-two and in every case the kids were the aggressors."

"What do you two do in bed?" White next inquires. There follows a graphic description, which the pedophile concludes on a mournful note. For there is, as it turns out here, at least one problem with man-boy love that most readers may not have anticipated: namely, that the kids are too loving.

A second writer who has explicitly addressed the matter of men and boys, this time adolescents, is Larry Kramer, author of the hugely celebrated AIDS play "The Normal Heart" and of an earlier novel called "Faggots (1978)," one of the classics of the post-liberation gay genre. The comparison between Kramer and White is particularly useful insofar as the two authors differ markedly in a number of important ways. Kramer's authorial perspective, as well as his political persona (he is a well-known activist and co-founder of the New York Gay Men's Health Crisis), have made him something of an anomaly in his chosen circles. Between the 1970s and the dawn of AIDS, at a time when most gay figures were proclaiming the joys of post-Stonewall "liberation," Kramer, for his part, was nearly alone in emphasizing its dark side. "Faggots," for example—a controversial book then and now—concerns the plight of a man looking for homosexual love in the hedonistic heyday of Manhattan and Fire Island. Kramer includes a number of scenes in which older men drug, flatter, and seduce teenage boys. Most prominent among these is a 16-year-old named Timmy, who is initiated into the high life at a party by a series of experienced men and finally "devoured" by ten at one time. In the course of this brutal description—one of several in the book involving adolescent boys—Kramer repeatedly invokes the appeal of Timmy's "beauty," his "teenage skin," his status as "forbidden fruit." One by one, the men at the party succumb to Timmy's charms, including even the most macho of them all ("the Winston Man"), who finds himself "excited in a way that he has not been since" high school.

Timmy's fate in the course of the book, it should be added, is not a happy one. Is Kramer implying that such is the price paid for decadence, or is there tacit empathy in his depictions of Timmy's many would-be "fathers"? It is left to the reader to guess. Much less ambiguous, at any rate, is the role played by Timmy and other "youngsters" in the world that Faggots portrays.

Another celebrated gay author who broached the subject of sex with minors is

the late Paul Monette. Monette's 1988 book *Borrowed Time: An AIDS Memoir* garnered a National Book Critics Circle Award nomination and was acclaimed by many as "one of the most eloquent works to come out of the AIDS epidemic" (USA Today). His 1992 book *Becoming a Man: Half a Life Story* won the National Book Award. It is in this volume that Paul Monette, like Edmund White before him, puts forth what would once have been a controversial thesis about the sexual wants of prepubescent boys. "Nine is not too young to feel the tribal call," he notes early on while recollecting his own childhood adventures with a boy his age. "Nine and a half is old enough," he repeats later, adding the by-now familiar note that "for me at least, it was a victory of innocence over a world of oppression."

Several chapters later, while reminiscing about an aborted affair he had with a high-school student while teaching at a boarding school, Monette sounds another theme that once would have been guaranteed to shock: that of the predatory, empowered adolescent. "Behind the gritted teeth of passion," writes the author of his first sexual encounter with a particular boy, "I heard the ripple of laughter, so one of us must have been having fun. Must've been Greg, for I was too busy feeding on sin and death to play."

"It was Greg who always chose the time," he continues, adding dramatically, "I stood ready to drop whatever I was doing. . . . I lived in thrall to Greg's unpredictable needs."

That is not to say that Paul Monette, at the time, felt himself relieved of responsibility for the affair—far from it. "If I am particular about the fact of being seduced—putting it all on him, the will and the dare and then the control—it doesn't mean I didn't feel the guilt. . . . I had become the thing the heteros secretly believe about everyone gay—a predator, a recruiter, an indoctrinator of boys into acts of darkness." But this self-recrimination, he goes on to reveal, was simply false consciousness. For finally, "I don't think that now. Twenty years of listening to gay men recount their own adolescent seductions of older guys has put it all in a different light."

Have all these trial balloons just passed without comment over the public head? One of the few critics to have taken notice is Bruce Bawer, who in his 1993 book, *A Place at the Table* castigates Edmund White in particular for his advocacy of man-boy sex. Such radicalism, Bawer argues, is part of the twisted legacy of the closet—a legacy that has forced "subculture" writers like White to evermore in-your-face positions on account of their oppression by the rest of society.

But writers have from time immemorial endured oppression—including jail time and execution—without leaping to the defense of pedophilia. And what kind of "oppression" is it, exactly, that confers fame, fortune, critical raves, national awards, and—in the case of Edmund White—a Guggenheim fellowship and anointment as a Chevalier de l'Ordre des Arts et Lettres?

PEDOPHILE SCIENCE

Actually, even the likes of White were being more derivative than they would ever like to believe. Hands down, if you'll pardon the expression, the real big daddy of pedophilia chic could only be the long-dead Alfred C. Kinsey. As Judith A. Reisman and Edward W. Eichel point out in their 1990 exposé *Kinsey, Sex and Fraud*, "It is Kinsey's work which established the notion of 'normal' childhood sexual desire"—a notion that, as their book documents, was field-tested on the bodies of hundreds of children, most of them boys, in ways that might today be considered imprisonable offenses.

How did Kinsey and his team get away with it? "As we can see now," wrote Tom Bethell in his excellent review of the Kinsey facts for the May 1996 *American Spectator*, "science had vast prestige at the time and Kinsey exploited it. Any perversion could be concealed beneath the scientist's smock and the posture of detached observation."

Yet if Kinsey is now suffering a public disrobing, his intellectual heirs display their researches still. For a final model of pedophilia chic—this one tricked out with all requisite charts, tables, models, and talk of methodology—consider a volume published in 1993 by Prometheus Books. As its name seems to suggest, Prometheus is a publishing house of cutting-edge aspiration, whose backlist reveals its focus on issues like paranormal psychology, freethinking, and humanism. And, oh yes, a trans-Atlantic exploration of the virtues of pederasty called *Children's Sexual Encounters with Adults: A Scientific Study*, by a trio identified as C.K. Li ("a clinical psychologist in Paisley, Scotland"), D.J. West ("Emeritus Professor of Clinical Criminology at Cambridge University"), and T.P. Woodhouse ("a criminological research worker in Ealing, England").

Like our other pioneering looks at sex with kiddies, *Children's Sexual Encounters with Adults* is sexually biased, concentrating as it does on the "startling contrast" between boys and girls when it comes to sex with grownups. ("Surveys," as the authors explain at some length, "find that on the whole boys are less likely than girls to experience bad effects attributable to sexual incidents with adults.") It is not sexual contacts per se that pose problems for children, the authors argue, but rather the cultural prejudices by which most members of society judge such acts. "The damaging effects on children of intimate but non-penetrative contacts with adults," note the authors in a section on "cultural relativity," "are clearly psychological rather than physical and to a considerable extent dependent upon how such situations are viewed in the society in which the child has been brought up."

Again, and as Hanna Rosin and NAMBLA fans everywhere will appreciate, the study also emphasize the positive side of man-boy love for the boy in question. As one typical paragraph has it:

"There is a considerable amount of evidence that some boys are quite happy in relationships with adult homosexual men so long as the affair does not come to light and cause scandal or police action. . . . The great majority [of boys in a 1987 study] came from apparently normal homes, but were pleased to have additional attention and patronage from a devoted adult and willingly went along with his sexual requirements."

Parents everywhere will be relieved to learn that pedophiles themselves are not the predators of popular imaginings, but congenial well-wishers much like Edmund White's alluring Petrouchka. "Men who approach boys," the social scientists write in conclusion, "are generally looking for what amounts to a love relationship." Thus, "they employ gradual and gentle persuasion. The average pederast is no more seeking a rape-style confrontation than is the average heterosexual when looking for a congenial adult partner. . . ."

At a time when almost every kind of advocacy comes equipped with statistical batteries, it should come as no surprise that pedophiles and their allies, too, have acquired their own pseudo-scientific apparatus. Only the unsophisticated would be surprised to find such a numerological polemic put forward by a reputable publishing house and advertised in the Barnes and Noble book catalog. But then, only the unsophisticated stand in need of the reeducation its pages offer.

And there, to return to the figure of Larry Don McQuay, is where the matter of pedophilia chic would seem to stand. In one corner, enraged parents from across the country screaming for help in protecting their children; in the other, desiccated salonistes who have taken to wondering languidly whether a taste for children's flesh is really so indefensible after all. And they wonder why there's a culture war.

EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized for 30 minutes.

Mr. NORWOOD. Mr. Speaker, I come before the House today to speak on the future of our Nation—and that future is our children, and whether they will have the same opportunity to live the American dream that all the members of this House have enjoyed in our lifetimes.

Since the 104th Congress was sworn into office a year and a half ago, we have debated the issue of how best to provide for our children's education. That is good. We need discourse and hotly contested ideas from both side of the aisle if we are to forge a bipartisan, hopefully even a nonpartisan plan for ensuring that every American has the education necessary to not just survive, but to succeed in a global economy.

But, Mr. Speaker, we cannot have that needed discourse while the debate is fraught with distortions and political rhetoric, and that is where we find ourselves today. So I would like to begin by reviewing exactly what educational reforms have been passed by this House over the last 18 months.

Under the Balanced Budget Act, total student loan volume was scheduled to grow from last year's \$24 to \$36 billion in 2002. That's a 50-percent growth in spending. The school lunch program was approved for a 36-percent increase over the same period, with the States allowed to run their lunchrooms without Federal interference for the first time in decades.

The maximum annual Pell grant amount for low-income college students was raised to the highest level in history at \$2,400 per student.

The House approved sweeping, and long-needed reforms in the way interest is calculated on some of the loans. Under the proposed changes, no student would have paid any interest on their loans while they were still in school. But graduate students would have been required to pay back the interest that accrued on their loans while they were getting their graduate degrees, after they graduated and got jobs.

At present, working-class Americans are forced to subsidize that accrued interest for doctors, lawyers, and Ph.D. recipients. It is just not right for someone earning minimum wage to be paying the loan cost for someone earning six-figures. The budget we passed last

year would have put an end to the practice, and saved our children \$10 billion they would not have had to pay back with interest. The demagogues in Congress call this cutting.

As to the Direct Loan Program, the budget would have brought that to a halt. Since the very inception of Federal student aid, loans have successfully been processed through private lenders. It is amazing that while the Federal Government is doing everything possible to downsize and privatize, and the President himself tells us that the era of big Government is over in his State of the Union Address, the Clinton administration continues to launch new big government programs, seeking to federalize what is now in the private sector.

The education plan that passed this House last year would have made the same student loans available from the same sources as they have been for the past 30 years.

For those who love to cry out against mean-spirited Republican cuts, I'm proud to say that although there was absolutely not one nickle of cuts in overall spending, there were, indeed cuts in areas that badly needed cutting. The Head Start Program was slated for a true 4-percent reduction in funding, which is well warranted, according to Head Start Founder Edward Zeigler, who I quote:

If 30 percent of the programs closed down, there would be no great loss * * * Until the program has reached a certain level of quality, they shouldn't put one more kid in it.

Indeed, over the last 6 years, Head Start enrollment has grown by 39 percent, while spending has increased 186 percent. That kind of out-of-control spending has to stop, and the plan we passed would have brought it to a screeching halt.

There were also real cuts in spending for the U.S. Department of Education, which would have taken an 11 percent reduction in funding. Since it was created in 1979, the Department of Education has spent \$342 billion without any evidence the money has improved education in any way. Even the liberal Washington Post wrote in a December editorial: "America's schools are not noticeably better because a Department of Education was created."

Why hasn't the Department of Education helped improve our children's education? Because of simple economics—you cannot take money from taxpayers across the country, send it to Washington, DC, then send it back to the States, and not lose most of the original money in the process. According to the Congressional Research Service, of every dollar we send to the Department of Education here in Washington, only 23 cents ever finds its way back to our local schools. That's not efficient, and that's not how to compete in a global economy.

Now, there is one program that is eliminated entirely under the balanced budget plan—Goals 2000. That program has skyrocketed in cost from \$87 to

\$372 million in just 1 year. It duplicates other Federal efforts, creates a multitude of new bureaucracies, but has no real impact on day-to-day learning. And the attempts of the program to revise American history to reflect the new politically correct themes of the far-left have been so inflammatory they were voted down in the Senate by a 99-to-1 vote. So the new plan contained not one penny for Goals 2000.

The defenders of the failed status-quo in education have tried to convince the American people that Republicans would undermine education by holding down the massive spending increases that the Clinton administration had planned. But maybe they should instead answer the question of why we should spend more taxpayer money when our Federal dollars have failed to achieve positive results, year after year after year.

This plan to bring our educational efforts into line with our ability to fund them, and with the level of achievement of our programs, now sits in limbo, vetoed by the President.

But the educational reforms in the Balanced Budget Act are not the only efforts undertaken by this Congress to improve the way our children learn.

A major battle in the effort took place just this spring here in Washington, and most of the Nation missed it. It was the latest round in the fight over who has the ultimate authority over a child's education and future—the parent or the Federal Government.

This House provided funds for Washington's public schools to offer a small pilot school choice program, that would allow about 2 percent of all Washington, DC, school children to attend better schools, and then only if local school board members choose to use the plan.

For those students locked into attendance at the worst public schools in the District, vouchers would be provided to pay for transportation to alternate public schools, or for transportation and tuition at private schools.

The program, similar to one in Milwaukee and nearly two dozen other communities, was designed to give poor parents the same power and freedom of education that rich parents have. It would have improved public schools by making them compete for students, and most importantly, by giving students the opportunity for a better quality education.

Unfortunately, there are those here inside-the-beltway who are adamantly opposed to fairness and equality of opportunity. After stalling the D.C. budget for months over this single issue, liberal Senate Democrats under pressure from President Bill Clinton voted to filibuster the bill, which prevented it from even coming to the floor for a vote. The White House announced it would have vetoed the entire bill over this tiny pilot project, even though the District's local political leaders begged for passage. The White House, liberal Senate Democrats, and the NEA won, and Washington's schoolchildren lost.

Why the extraordinary fight over a program that could at most impact only 2 percent of students in a single school district? Because the National Education Association decided to make this a litmus test. Their chief lobbyist told the Washington Post on February 28 that "It is much bigger than D.C." And when Washington's NEA office says "jump," the Washington bureaucracy says "how high?"

The reason, as U.S. News and World Report recently explained, is that—and I quote:

The NEA has wedded itself to the Democratic Party . . . teacher unions have used their resources to fight reform—and their resources are vast. The union's palatial Washington, D.C. headquarters, renovated in 1991 at a cost of \$52 million, is a testament to its power in national politics. The union handed out \$8.9 million to congressional candidates between 1989 and 1995, only a fraction of it to Republicans. And the Clinton White House is banking on the NEA playing a big role in this year's presidential campaign.

According to the Education Policy Institute, NEA and its related educational PAC's spend \$40 million a year on the national level lobbying for their agenda, 98 percent of which goes to Democrats. And with a total budget of \$1.2 billion a year, the amount of overall political impact this special interest exerts on our children's education is beyond measure.

What these objections are really over is not the education of children. It is over the billions spent every year on Federal allocations for education programs at dozens of Federal agencies. And billions ultimately find their way, directly and indirectly, into the coffers of the NEA and their members. The greatest fear of the NEA is that granting freedom to families to choose where their child is educated will cut off the flow of those funds, and their ability to control the educational agenda of the Nation.

As long as the liberal trend towards federalization of our local schools continue, the NEA's feast on largesse at the Federal trough will continue. Any increase in parental or local control of those funds stands diametrically opposed to their goal of dominating the educational industry.

However, a clarification of how this debate is currently framed is badly needed. Those on both sides of the issue of school choice often make the same mistake. It is not an issue of public versus private education. It is a question of how to provide the best education possible for every child in this country.

As we face the educational challenges facing us in an era of global competition, we can no longer afford the illusion that we have competing school systems. We have one educational system in America, and it includes public, private, and home schooling, and we have to maintain the openmindedness to rethink our approach on a child-by-child level.

For most of our Nation's children, public education provides a quality

learning experience with a multitude of resources often not found in smaller private schools or a home schooling environment. Those children will likely, and should, continue in their current schools even if vouchers are available.

But for many disadvantaged youth trapped in inner-city schools overrun with drugs and violence, the ability to have a choice would, with absolute certainty, greatly improve their ability to learn.

And for children with special needs or talents, the ability to choose both public and private alternate schools, or home schooling, would allow them to progress far beyond the level of our "one-size-fits-all" current policy.

All this is representative of just how distorted the debate over education has become. Instead of focusing on improving our children's learning levels, success is measured by programs and dollars spent, and by squashing reforms that threaten the monopoly held by powerful special interest groups. It's a debate that I hope changes this year.

Mr. Speaker, we need to shift the focus of Federal education policy back to parents, communities, and States—in that order. We need to encourage reform efforts like school choice. And most importantly, we hope that when our efforts are done, children will begin to learn again in even the poorest and most disadvantaged school districts.

Meanwhile, both the President and the Vice President continue to send their children to private schools instead of the District of Columbia public school system, in spite of denying that same choice for thousands of poor children in the same city.

But Mr. Speaker, we need to be willing to look beyond the issue of just school choice, and into what our States and communities can accomplish if we return real educational freedom to this land. For the last 30 years, we have seen our educational system decline, to a point that many Americans are losing hope that their children will have a future. But if we are just willing to cast aside the political blinders, we will find that we have an unlimited opportunity to bring real improvement to our Nation's schools.

For the last year the House Economic and Educational Opportunities Committee has been trying to determine just how much, and where, the Federal government has been spending on education. What we have discovered is beyond belief.

Last year, 39 separate agencies of the Federal Government were allocated over \$120 billion for at least 763 education programs. And the nonpartisan Congressional Research Service told us they believe there are probably several hundred more programs that they have yet to find.

And what are some of the things that we are spending this educational money on today?

\$3 million for the Intergovernmental Climate Program.

\$1 billion for the Labor Department's Job Corps Training Programs.

\$204 million for Clinton's Americorps volunteer program that is costing us nearly \$30,000 a year per volunteer.

Another \$42 million for Volunteers in Service in America.

\$71 million for the Foster Grandparent Program.

\$10 million for the Inexpensive Book Distribution Program—which is an oxymoron if one ever existed.

\$48 million for the National Center of Education Statistics.

\$8 million for the National Education Dissemination System.

\$311 million for bilingual and immigrant education.

\$86 million for Educational Research and Development.

\$1 million for the Institute of International Public Policy.

\$16 million for National AIDS Education and Training Centers.

\$180 million for Family Planning Services.

\$18 million for overseas schools and colleges.

And this is just the tip of the iceberg. Now, to be sure, there are some very worthwhile expenditures included in the totals, such as funding for our Nation's military academies, along with research grants to colleges and universities from which we derive direct benefits in many areas of our lives.

But imagine what we could do to improve our children's education if we returned this fortune to our local schools.

If my home State of Georgia's share is calculated on the same percentage as the formula agreed on for Medicaid funding by the Nation's 50 governors, including Georgia's Democratic Governor Zell Miller for my friends on the other side of the aisle, this comes to an astounding \$3.16 billion a year in education money for Georgia. And I believe my colleagues from both parties will find the following amazing scenario would ring true for their States as well as Georgia.

Bill Alred, statistical analyst for the Georgia Department of Education in Atlanta, says Georgia school systems spend a grand total of \$5.3 billion on grades Pre-K through 12 in fiscal year 1994, the last year for which full statistics are available. If we kept the money at home instead of sending it to Washington, we could cover nearly 60 percent of the total cost of elementary and secondary education in Georgia.

Even more astounding is the impact the Federal spending could have on our Georgia colleges and universities. Roger Mosshard, assistant vice chancellor of budgets with the Georgia State Board of Regents, says Georgia's university system took in around \$2.5 billion last year from all sources, including tuition fees; payments for room and books; Federal, State, and private grants; and direct funding.

If we kept the Federal spending at home, Georgia could fund its entire university system with over \$500 million to spare, and I think that many of you would find the same true in your State.

That would mean free college for every child who can pass the courses, not just as undergraduates, but through the doctoral level including medical and law school. And not just tuition, but dormitories and meals, rooms, books, lab fees, research, field trips, everything. And this absolutely revolutionary, quantum leap forward, could be funded with what we are already spending.

Now take a long hard look at that list of where that money goes now. Comparing the options, which do you think will help our children best prepare for a global, high technology economy in the 21st century?

I implore my friends on both sides of the aisle to stand up against the special interests, face the future with courage and an open mind instead of fear, and join the fight to bring our schools out of the failed ways of the past, and into a future that is limited only by our ability to see it.

Mr. Speaker, it's time to make education be about our children again—instead of just about supporting bureaucracy.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FIELDS of Louisiana (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. HALL of Ohio (at the request of Mr. GEPHARDT) for today, on account of a death in the family.

Mr. ENSIGN (at the request of Mr. ARMEY) for today, on account of personal reasons.

Mr. FLANAGAN (at the request of Mr. ARMEY) for today, on account of attending funerals.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRBACHER) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, today.

Mr. BURTON, for 5 minutes, today.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. RIGGS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) and to include extraneous matter:)

Mr. SERRANO.
Mr. JACKSON of Illinois.
Mrs. MALONEY.
Mr. ORTIZ.
Mr. STARK.
Mr. SCHUMER.
Mr. JACOBS.
Mr. MENENDEZ.
Mr. HINCHEY.
Mr. MATSUI.
Mr. BENTSEN.

(The following Members (at the request of Mr. ROHRBACHER) and to include extraneous matter:)

Mr. DIAZ-BALART.
Mr. ENGLISH of Pennsylvania.
Mr. QUINN.
Mr. ENSIGN.
Mr. GUNDERSON.
Mr. COLLINS of Georgia.
Mr. ALLARD.
Mr. SCARBOROUGH, in three instances.
Mr. SHAW.
Mr. BILIRAKIS.
Mr. HASTERT.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 419. An act for the relief of Benchmark Rail Group, Inc, and

H.R. 701. An act to authorize the Secretary of Agriculture to convey lands to the city of Rolls, Missouri.

(The following Members (at the request of Mr. NORWOOD) and to include extraneous matter:)

Mr. MCINTOSH, in two instances.
Mr. TATE.
Mr. BLUTE.
Mr. MCDERMOTT.
Mr. FARR in California.
Mr. PASTOR.
Mr. TORRES.
Mr. MURTHA.
Mrs. CLAYTON.
Mr. HOKE.
Mr. VENTO.
Mr. FIELDS of Texas.
Mr. SCHUMER.
Mr. KOLBE.
Ms. JACKSON-LEE of Texas.

OMISSION FROM THE RECORD

The following was inadvertently omitted from the RECORD of Thursday, July 11, 1996, at Page H7447.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in strong opposition to the so-called Defense of Marriage Act.

As I listen to the dire predictions, the "sky is falling" rhetoric and hateful pronouncements, I am reminded of one of the greatest declarations in our Nation's history: We have nothing to fear but fear itself. We have nothing to fear, Mr. Chairman. Same-sex marriage is legal in no jurisdiction in the United States. We have nothing to fear.

The Hawaii case, *Bare versus Lewin* decided 3 years ago and making its way through the appeals process, will not be finally resolved for some time. There is no crisis. We have nothing to fear. Eleven States have already invoked their unquestioned power and enacted laws, objected to same-sex marriage. There is no need for new laws. We really have nothing to fear.

Loving, long-term relationships between men and women or between same-sex couples do not threaten our children, our families or our communities. On the contrary, stable relationships enhance society's ability to raise healthy, engaged, and productive citizens. There is no problem. We have nothing to fear but fear itself.

Many Members of this Chamber are simply afraid to face the changes that are taking place in our society. We cannot run away from change, Mr. Chairman. We cannot embrace fear and scare tactics as society advances and evolves. We have a responsibility to represent all Americans, as Members of the House of Representatives. Let us not be guided by prejudice, ignorance, and fear. Let us not use a segment of our population to employ a political strategy for this election year. Let us act with compassion, strengthen vision.

We have nothing to fear but fear, Mr. Chairman. Oppose this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, to close for our side, I yield my remaining time to the gentleman from Massachusetts [Mr. STUDDS], my friend and colleague.

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

Mr. STUDDS. Mr. Chairman, somebody may wonder why I or my colleague from Massachusetts [Mr. FRANK] have not taken greater personal umbrage at some of the remarks here. I was thinking a moment ago that there might even be grounds to request that someone's words be taken down because my relationship, that of the gentleman from Massachusetts and, I suspect, others in the House, was referred to, among other things, I believe, as perverse. Surely if we had used those terms in talking about anyone else around here, we would have been sat down in one heck of a hurry.

I am not taking this personally, because I happen to be able, I hope, to put this in some context. I would ask those, anyone listening to this debate this hour of the morning, to listen carefully to the quality and the tone of the words over here and the quality of the tone of the words over here. I would also ask people to wonder how in

God's name could a question like this be divided along partisan lines. There is nothing inherently partisan that I know of about sexual orientation. I do not believe that there is some kind of a misdivision of this question between the aisles, and yet there is a strange imbalance here in the debate and the tone and quality of the debate.

I want to salute some of the folks who have spoken over here, the distinguished gentleman from Georgia. We have talked about this before. I marched, although he did not know it at the time, with him in 1963 in the city with Dr. King. I was about as far from Dr. King as I am from the gentleman from Georgia when he delivered that extraordinary speech.

Two years later I marched, although the gentleman did not know it, behind him from Selma to Montgomery. A few years after that, when it was the first march for gay and lesbian rights in Washington in 1979, I was a Member of Congress too damn frightened to march for my own civil rights. Actually, I changed my jogging path so that I could come within view of the march. I thought that was very brave of me at the time.

But what I know is, because I had heard people like the gentleman from Georgia and because I am of the generation, and there were many, who were inspired by Dr. King is that this is, as someone has said, the last unfinished chapter in the history of civil rights in this country, and I know how it is going to come out. I do not know if I am going to live to see the ending, but I know what the ending is going to be. There is, as the gentleman said before me change, there has always been change.

As I observed earlier, the men who wrote the Constitution, to which we all swear our oath here, many of them owned slaves. Slavery was referred to specifically in the Constitution. People of color were property when this country was founded.

ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 47 minutes p.m.) under its previous order, the House adjourned until Tuesday, July 16, 1996, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Board's final rule—Management Official Interlocks Docket Number R-0907—received July 11, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4119. A letter from the Assistant Secretary, Department of Education, transmitting notice of final priority for school-to-work

urban/rural grants using fiscal year [FY] 1995 funds, pursuant to 20 U.S.C. 1232(f); to the Committee on Economic and Educational Opportunities.

4120. A letter from the Administrator, Energy Information Administration, transmitting the Administration's report entitled "Uranium Purchases Report 1995," pursuant to 42 U.S.C. 2296b-5; to the Committee on Commerce.

4121. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District, Placer County Air Pollution Control District, and Ventura County Air Pollution Control District (FRL-5464-6) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4122. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois: Motor Vehicle Inspection and Maintenance (FRL-5532-3) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4123. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Tennessee SIP Regarding Construction Permits and Volatile Organic Compounds (FRL-5533-5) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4124. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington: Revision to the State Implementation Plan Vehicle Inspection and Maintenance Programs (FRL-5514-4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4125. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Correction of Classification; Approval of the Maintenance Plan; Redesignation of Pointe Coupee Parish to Attainment for Ozone (FRL-5531-4) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4126. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Japan for defense articles and services (Transmittal No. 96-55), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4127. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Spain for defense articles and services (Transmittal No. 96-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4128. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96-58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4129. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of a cooperative agreement between the United States and Israel for technology research and development projects [TRDP] (Transmittal No. 14-96) received July 12, 1996, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4130. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Greece for defense articles and services (Transmittal No. 96-57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4131. A letter from the Comptroller General of the United States, transmitting a report entitled, "Financial Audit: Examination of IRS' Fiscal Year 1995 Financial Statements" (GAO/AIMD-96-101) July 1996, pursuant to 31 U.S.C. 9106(a); to the Committee on Government Reform and Oversight.

4132. A letter from the Chair, Federal Subsistence Board, transmitting the Board's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—1996-1997 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AD42) received July 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4133. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's annual report on the Asset Forfeiture Program fiscal year 1994, pursuant to 28 U.S.C. 524(c)(6)(A); to the Committee on the Judiciary.

4134. A letter from the Assistant Secretary of Defense for Force Management Policy, Department of Defense, transmitting the Department's report on the Civilian Separation Pay Program, pursuant to 5 U.S.C. 5597 note; jointly, to the Committees on National Security and Government Reform and Oversight.

4135. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on the research program on Quiet Aircraft Technology for Propeller-Driven Airplanes and Rotorcraft, pursuant to Public Law 103-305 section 308(a) (108 Stat. 1593); jointly, to the Committees on Transportation and Infrastructure and Science.

4136. A letter from the Railroad Retirement Board, transmitting a report on the actuarial status of the Railroad Retirement System, including any recommendations for financing changes, pursuant to 45 U.S.C. 321f-1; jointly, to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1997 (Rept. 104-672). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3249. A bill to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the Nation's seabed, and for other purposes; with amendments (Rept. 104-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1459. An act to provide for uni-

form management of livestock grazing on Federal land, and for other purposes; with an amendment (Rept. 104-674, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3586. A bill to amend title 5, United States Code, to strengthen veterans' preference, to increase employment opportunities for veterans, and for other purposes; with an amendment (Rept. 104-675). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUYER:

H.R. 3799. A bill to amend title 49, United States Code, to exclude not-for-hire transportation of agriculture production materials from regulation under the Hazardous Materials Transportation Act; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 3800. A bill to amend the Federal Election Campaign Act of 1971 to prohibit political action committees from making contributions or expenditures for the purpose of influencing elections for Federal office, and for other purposes; to the Committee on House Oversight.

By Mr. KLECZKA (for himself and Mr. SENSENBRENNER):

H.R. 3801. A bill to amend the Internal Revenue Code of 1986 to provide that the furnishing of recreational fitness services by tax-exempt hospitals shall be treated as an unrelated trade or business and that tax-exempt bonds may not be used to provide facilities for such services; to the Committee on Ways and Means.

By Mr. TATE (for himself, Mr. HORN, Mrs. MALONEY, and Mr. PETERSON of Minnesota):

H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. BARTON of Texas (for himself,

Mr. GOODLING, Mr. CLAY, Mr. EDWARDS, Mr. LAUGHLIN, Mr. BONILLA, Mr. BERUTER, Mr. FIELDS of Texas, Mr. MONTGOMERY, Mr. ACKERMAN, Mr. PETE GEREN of Texas, Mr. WILSON, Mr. WATTS of Oklahoma, Mr. GREENWOOD, Mr. BOEHLERT, Mr. EHRlich, Mr. GONZALEZ, Mr. WELLER, Mr. FROST, Mr. BENTSEN, Mr. DE LA GARZA, Mr. SAM JOHNSON, Mr. SKEEN, Mr. STENHOLM, Mr. TEJEDA, Mr. BATEMAN, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. HALL of Texas, Mr. KING, Mr. THORNBERRY, Mrs. VUCANOVICH, Mr. SMITH of Texas, Mr. COMBEST, Mr. CHAPMAN, Mr. BREWSTER, Mr. PORTMAN, Mr. BRYANT of Texas, Mr. SISISKY, Mr. BARRETT of Nebraska, Mr. COLEMAN, Mr. PACKARD, Mrs. KELLY, Mr. STOKES, Mr. LINDER, and Mr. LIPINSKI):

H.R. 3803. A bill to authorize funds for the George Bush School of Government and Public Service; to the Committee on Economic and Educational Opportunities.

By Mr. BONO:

H.R. 3804. A bill to remove the restriction on the distribution of certain revenues from

the Mineral Springs parcel to certain members of the Agua Caliente Band of Cahuilla Indians; to the Committee on Resources.

By Mr. BRYANT of Tennessee (for himself, Mr. CONYERS, Mr. WHITFIELD, Mr. MANTON, and Mr. LARGENT):

H.R. 3805. A bill to establish procedures and remedies governing the relocation of certain professional sports teams, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARTINEZ (for himself, Mr. KILDEE, and Mr. SCOTT):

H.R. 3806. A bill to extend and amend the programs under the Runaway and Homeless Youth Act, to consolidate authorities for programs for runaway and homeless youth, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. McDERMOTT (for himself, Mr. GIBBONS, Mr. RANGEL, Mr. STARK, Mr. MATSUI, Mrs. KENNELLY, Mr. COYNE, Mr. LEWIS of Georgia, and Mr. NEAL of Massachusetts):

H.R. 3807. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free withdrawals from certain retirement plans during periods of unemployment; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. CONYERS):

H.R. 3808. A bill to establish the Intellectual Property Assembly of the Americas and to provide for participation in the assembly by the U.S. Delegation; to the Committee on International Relations.

By Mr. PALLONE (for himself, Mr. WYNN, Mr. KLUG, Mr. CANADY, and Mr. PORTER):

H.R. 3809. A bill to improve the ability of the U.S. Government to collect debts owed to it, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSE:

H.R. 3810. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. SHADEGG:

H.R. 3811. A bill to provide incentives for the conservation and recovery of endangered species; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. MORAN, Mr. KENNEDY of Massachusetts, and Ms. ROS-LEHTINEN):

H.R. 3812. A bill to impose certain sanctions on countries that do not prohibit child labor; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE:

H. Res. 477. Resolution amending the Rules of the House of Representatives regarding trust relationships; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JEFFERSON:

H.R. 3813. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sea Sister*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 188: Mr. JOHNSTON of Florida.
 H.R. 721: Mr. PALLONE.
 H.R. 773: Mr. GILCHREST.
 H.R. 820: Mr. PORTER, Mr. HAYES, Mrs. KENNELLY, Mr. LIVINGSTON, and Mrs. COLLINS of Illinois.
 H.R. 1100: Mr. LIPINSKI and Mr. HINCHEY.
 H.R. 1127: Mrs. MYRICK.
 H.R. 1591: Mr. VISCLOSKEY, Mr. MENENDEZ, and Mr. COYNE.
 H.R. 2011: Ms. PRYCE, Mr. FLAKE, Mr. HASTINGS of Florida, and Mr. GUTIERREZ.
 H.R. 2065: Ms. DELAURO.
 H.R. 2209: Mr. VOLKMER and Mrs. COLLINS of Illinois.
 H.R. 2472: Mr. TOWNS and Ms. MCCARTHY.
 H.R. 2697: Mrs. LOWEY.
 H.R. 2748: Mr. FILNER, Mr. CARDIN, Mr. COYNE, Mr. BREWSTER, Ms. DANNER, Mr. YATES, and Mr. KENNEDY of Massachusetts.
 H.R. 2807: Mr. JEFFERSON, Mr. BACHUS, and Mr. ANDREWS.
 H.R. 2900: Mr. YOUNG of Alaska, Mrs. MEYERS of Kansas, and Mr. FROST.
 H.R. 2911: Mr. FAWELL.
 H.R. 2960: Mrs. JOHNSON of Connecticut.
 H.R. 2976: Mrs. MYRICK and Mr. WELLER.
 H.R. 3000: Mr. PARKER, Mr. DE LA GARZA, Mr. LARGENT, Mr. BROWN of Ohio, Mr. EVANS, and Ms. GREENE of Utah.
 H.R. 3077: Mr. FATTAH and Mr. BARRETT of Wisconsin.
 H.R. 3142: Mr. PAYNE of Virginia, Mr. FRELINGHUYSEN, and Mr. NEAL of Massachusetts.
 H.R. 3187: Mr. ACKERMAN, Mr. ANDREWS, Ms. DANNER, Mr. LIPINSKI, Mr. POSHARD, Mr. FATTAH, and Mrs. COLLINS of Illinois.
 H.R. 3201: Mr. MEEHAN, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. NORTON, Mr. SALMON, Mr. HUNTER, Mr. KIM, and Mr. DUNCAN.
 H.R. 3246: Mr. CUMMINGS.
 H.R. 3250: Mr. LAHOOD.
 H.R. 3351: Mr. BROWN of Ohio.
 H.R. 3393: Mr. MORAN.
 H.R. 3401: Mr. LOBIONDO, Mr. WATT of North Carolina, Mr. HAYWORTH, Mr. CALVERT, Mr. JEFFERSON, and Ms. MOLINARI.
 H.R. 3462: Mr. PALLONE and Mr. SENSENBRENNER.
 H.R. 3467: Ms. DANNER, Mr. MARTINI, Mr. HAYWORTH, and Mr. BACHUS.
 H.R. 3480: Mr. MYERS of Indiana.
 H.R. 3482: Mr. OWENS and Ms. JACKSON-LEE.
 H.R. 3505: Mr. DINGELL and Mr. MARKEY.
 H.R. 3510: Mr. JOHNSTON of Florida, Mrs. CLAYTON, Mrs. MALONEY, Ms. SLAUGHTER, Ms. DELAURO, Mr. HINCHEY, Mr. OLVER, Ms. WATERS, Mr. HASTINGS of Florida, Mr. MANTON, Mr. HOYER, Ms. WOOLSEY, and Mrs. MINK of Hawaii.
 H.R. 3518: Mr. TORRES.
 H.R. 3522: Mr. LIPINSKI, Mr. EVANS, and Mr. JACKSON.
 H.R. 3571: Mr. SENSENBRENNER.
 H.R. 3601: Mr. WICKER, Mr. LARGENT, Mrs. FOWLER, Mr. RADANOVICH, Mr. MCCOLLUM, and Mr. MICA.
 H.R. 3654: Mr. WAMP, Mr. SHUSTER, Mr. BOEHLERT, Mrs. THURMAN, and Mr. BAKER of Louisiana.
 H.R. 3700: Mr. BAKER of Louisiana, Mr. CALVERT, Mrs. KELLY, Mr. BARRETT of Wisconsin, and Mr. COLLINS of Georgia.

H.R. 3706: Mr. SANDERS.

H.R. 3714: Mrs. JOHNSON of Connecticut, Mr. BALDACCI, and Mr. NEAL of Massachusetts.

H.R. 3732: Mr. EHLERS.

H.R. 3745: Mr. HOSTETTLER and Mr. ACKERMAN.

H.R. 3753: Mr. DURBIN and Mr. POMEROY.

H.R. 3757: Ms. SLAUGHTER.

H.R. 3760: Ms. GREENE of Utah, Mr. BALLENGER, Mr. RIGGS, Mr. LIVINGSTON, Mr. FOX, Mr. KOLBE, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. ENGLISH of Pennsylvania, and Mr. CAMP.

H.R. 3766: Mr. BEREUTER and Mr. PALLONE.

H.R. 3775: Mr. SOUDER, Mr. COMBEST, Mr. DAVIS, Mr. BRYANT of Tennessee, Mr. QUILLEN, Mr. WOLF, Mr. GREEN of Texas, Mr. FUNDERBURK, and Mr. COBLE.

H.R. 3783: Mr. WELLER, Mr. FOLEY, Mr. MOORHEAD, Mr. BROWNBACK, Mr. DUNCAN, Mr. MANZULLO, Mr. VOLKMER, Mr. HERGER, Mr. SOLOMON, and Mr. SKEEN.

H.R. 3798: Mr. FLAKE, Mr. RAHALL, and Mr. CLAY.

H.J. Res. 26: Mr. TIAHRT.

H. Con. Res. 83: Ms. FURSE.

H. Con. Res. 180: Mr. SKELTON, Mr. GRAHAM, Mr. WATTS of Oklahoma, Mr. SOLOMON, Mr. McNULTY, Mr. KING, Mr. HORN, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. KELLY.

H. Res. 399: Ms. FURSE.

H. Res. 464: Mr. GILMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: Tom Johnson, and Thomas C. Sawyer.

Petition 13 by Mr. CONDIT on House Resolution 443: Wally Herger, Phil English, John N. Hostettler and Richard W. Pombo.

Petition 14 by Mr. TANNER on House Resolution 425: Charles W. Stenholm, Bart Gordon, Glen Browder, Gene Taylor, Collin C. Peterson, Scotty Baesler, James A. Hayes, Vic Fazio, George Miller, Martin Olav Sabo, and Barbara B. Kennelly.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3756

OFFERED BY: Mr. SANDERS

AMENDMENT No. 5: Page 119, after line 8, insert the following new title:

TITLE VIII—ADDITIONAL GENERAL PROVISIONS

SEC. 801. None of the funds made available in this Act may be used to make any payment to any health plan under the Federal employees health benefit program when it is made known to the Federal official having authority to obligate or expend such funds that such health plan operates a health care provider incentive plan that does not meet the requirements of section 1876(i)(8)(A) of the Social Security Act (42 U.S.C. 1395mm(i)(8)(A)) for physician incentive plans in contracts with eligible organizations under section 1876 of such Act.